

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: **RULE TITLE:**
61-35.013 Employee Leasing Companies Departmental Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to adopt new and existing forms relating to application for licensure of employee leasing companies.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the adoption of the new forms.

RULEMAKING AUTHORITY: 455.203, 455.213, 455.2179 FS.

LAW IMPLEMENTED: 468.524, 468.525, 468.526, 468.527, 468.5275 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: Mandie Wynn, Rules Coordinator, Division of Professions, 2601 Blair Stone Road, Tallahassee, Florida 32399-0760, (850)717-1496. **THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

DEPARTMENT OF HEALTH

RULE NO.: **RULE TITLE:**
64-4.015 Dosing for Low-THC Cannabis and Medical Marijuana

PURPOSE AND EFFECT: This rule implements s. 381.986(4)(c), Florida Statutes, to establish a daily dose amount and equivalent dose amounts for each allowable form of marijuana dispensed by a medical marijuana treatment center.

SUBJECT AREA: Dosing of low-THC cannabis and medical marijuana products.

RULEMAKING AUTHORITY: 381.986(4)(h), FS.

LAW IMPLEMENTED: 381.986(4)(c), 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: Courtney Coppola (850)245-4274 or Courtney.Coppola@flhealth.gov **THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: NOT AVAILABLE**

DEPARTMENT OF HEALTH

RULE NO.: **RULE TITLE:**
64-4.016 Medical Marijuana Testing Laboratories and Testing Standards

PURPOSE AND EFFECT: This rule will establish a procedure for laboratory certification, establish the standards for certification of marijuana testing laboratories and minimum laboratory standards.

SUBJECT AREA: Procedures for medical marijuana testing laboratory certification and testing standards

RULEMAKING AUTHORITY: 381.988(2), (3), (9), F.S.

LAW IMPLEMENTED: 381.988, FS

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DEPARTMENT OF HEALTH

RULE NO.: **RULE TITLE:**
64-4.017 Medical Marijuana Treatment Center Dispensing Facility Allocation

PURPOSE AND EFFECT: This rule implements s. 381.986(8)(a)5., Florida Statutes, by setting the number of regional dispensing facilities each medical marijuana treatment center may establish and operate.

SUBJECT AREA: Regional allocation of medical marijuana treatment center dispensing facilities.

RULEMAKING AUTHORITY: 381.986(8)(k), FS.

LAW IMPLEMENTED: 381.986(8)(a)5., FS.

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DEPARTMENT OF HEALTH

RULE NO.: 64-4.018
 RULE TITLE: Medical Marijuana Treatment Center Change of Ownership Applications

PURPOSE AND EFFECT: This rule implements s. 381.986(8)(e)1., Florida Statutes, to establish the procedure for which approved medical marijuana treatment centers may transfer ownership.

SUBJECT AREA TO BE ADDRESSED: Medical marijuana treatment center change of ownership

RULEMAKING AUTHORITY: 381.986(8)(k), FS.

LAW IMPLEMENTED: 381.986(8)(e)1., FS.

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

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DEPARTMENT OF HEALTH

RULE NO.: 64-4.019
 RULE TITLE: Medical Marijuana Treatment Center Personnel and Caregiver Background Screenings

PURPOSE AND EFFECT: This rule will establish the procedure for background screenings for medical marijuana treatment center owners, officers, board members, managers, employees, and for patient caregivers.

SUBJECT AREA: Medical marijuana treatment center personnel and patient caregiver background screenings

RULEMAKING AUTHORITY: 381.986(6)(h), 381.986(8)(k), FS.

LAW IMPLEMENTED: 381.986(6)(a)6., 381.986(8)(b)8., (8)(e)4., 381.986(9), FS.

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DEPARTMENT OF HEALTH

RULE NO.: 64-4.020
 RULE TITLE: Low-THC and Medical Marijuana Packaging and Labeling

PURPOSE AND EFFECT: This rule will establish the packaging and labeling requirements for low-THC cannabis and medical marijuana products.

SUBJECT AREA: Low-THC and medical marijuana product packaging and labeling

RULEMAKING AUTHORITY: 381.986(8)(k), FS.

LAW IMPLEMENTED: 381.986(8)(e)10.e.-f., (8)(e)11., (8)(e)12., 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.

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DEPARTMENT OF HEALTH

RULE NO.: 64-4.021
 RULE TITLE: Low-THC and Medical Marijuana Solvent Based Extraction and Related Products

PURPOSE AND EFFECT: This rule implements s. 381.986(8)(e)10.b., Florida Statutes, to establish the criteria under which medical marijuana treatment centers may process low-THC cannabis and medical marijuana using hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans

SUBJECT AREA: Low-THC and medical marijuana solvent based extraction and related products

RULEMAKING AUTHORITY: 381.986(8)(e)10.b., 381.986(8)(k), FS.

LAW IMPLEMENTED: 381.986(8)(e)10.b., FS.

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DEPARTMENT OF HEALTH

RULE NO.: 64-4.022
 RULE TITLE: Medical Marijuana Treatment Center Advertising and Signage

PURPOSE AND EFFECT: This rule implements s. 381.986(8)(h), Florida Statutes, to establish the criteria under which medical marijuana treatment centers may engage in advertising and marketing

SUBJECT AREA: Medical marijuana treatment center advertising, marketing and signage

RULEMAKING AUTHORITY: 381.986(8)(k), F.S.

LAW IMPLEMENTED: 381.986(8)(h), 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.

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DEPARTMENT OF HEALTH

RULE NO.: 64-4.023
 RULE TITLE: Medical Marijuana Treatment Center Variance Procedure

PURPOSE AND EFFECT: This rule implements sections 381.986(8)(a)1. and 381.986(8)(e)1., Florida Statutes, to establish the procedure by which approved medical marijuana treatment centers may request variances from the representations made in its original application for approval.

SUBJECT AREA: Variance procedure for medical marijuana treatments centers

RULEMAKING AUTHORITY: 381.986(8)(k), FS.

LAW IMPLEMENTED: 381.986(8)(a)1., 381.986(8)(e)1., FS.

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DEPARTMENT OF HEALTH

RULE NO.: 64-4.024
 RULE TITLE: Medical Marijuana Treatment Center Waste Management

PURPOSE AND EFFECT: This rule implements s. 381.986(8)(e)10.c., Florida Statutes, to establish procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during low-THC and medical marijuana production and processing.

SUBJECT AREA: The storage, handling, transportation, management, and disposal of solid and liquid waste generated during low-THC and medical marijuana production and processing.

RULEMAKING AUTHORITY: 381.986(8)(e)10.c., 381.986(8)(k), FS.

LAW IMPLEMENTED: 381.986(8)(e)10.c., 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.

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 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: 64E-6.009, 64E-6.012
 RULE TITLES: Alternative Systems Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes, incorporate modifications proposed through the Technical Review and Advisory Panel, and implement statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Areas to be considered include but are not limited to: modifications to drip emitter line installation requirements; incorporation of ANSI/NSF International Standard Number 245, revised April 2013, and onsite residential and commercial water reuse treatment systems as defined by ANSI/NSF International Standard Number 350, revised December 2012; and revisions to required minimum treatment capacities for aerobic treatment units.

RULEMAKING AUTHORITY: 381.0065(3)(a) FS.

- 62-330.485 General Permit to the Department and Water Management Districts for Environmental Restoration or Enhancement.
- 62-330.493 General Permit to Perform Prospecting Activities for Phosphate Minerals.
- 62-330.496 General Permit for Dry Borrow Pits of Less than Five Acres. (proposed for repeal)
- 62-330.550 General Permit for Construction, Operation and Maintenance of Nonproduction-related Agricultural Facilities.
- 62-330.630 General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities.
- 62-330.631 General Permit to Governmental Entities for Limited Environmental Restoration or Enhancement Activities.
- 62-330.632 General Permit for the Restoration, Establishment and Enhancement of Low Profile Oyster Habitat.
- 62-330.635 General Permit for Soil Remediation.

PURPOSE AND EFFECT: The Department of Environmental Protection (Department) proposes to amend Chapter 62-330, F.A.C., the Applicant’s Handbook Volume I, the Applicant’s Handbook Volume II within the Northwest Florida Water Management District, and incorporate by reference updates to Applicant’s Handbook Volume II made by the other water management districts (WMDs). These amendments make minor revisions and provide clarification. In addition, the rule provides additional exemptions, reduces submittal requirements, revises rule to remove the U.S. Army Corps of Engineers (Corps) from the joint application process, and revises the application and notice forms.

SUMMARY: Minor revisions to the rule and Applicant Handbooks are proposed to provide technical corrections, clarifications, and updates to forms and notices. More substantive proposed amendments are summarized as follows.

Rule 62-330.010, F.A.C., is amended to incorporate by reference the updated and revised Applicant’s Handbook (AH) Volume I and AH Volume II for each WMD to address any changes that are being proposed during this rulemaking to WMD-specific exemptions, water quantity, and water quality criteria.

Paragraph 62-330.020(1)(b), F.A.C., is amended to add a reference for the exemption already adopted in Rule 62-330.0511, F.A.C.; Deleting the unnecessary word “new” in (2); and changing the project area from 1 acre to 5 acres.

Subsection 62-330.050(2), F.A.C., is amended to add a reference to the exemption in Rule 62-330.0511, F.A.C., and incorporates by reference an amended “Request for Verification of Exemption” form.

Amendments to Rule 62-330.051, F.A.C., establish new exemptions for mechanical shredding of aquatic plants by the Florida Fish and Wildlife Conservation Commission (FWC);

repair of concrete bridge pilings; boat lifts in existing slips; seagrass and coral restoration activities undertaken by the National Oceanic and Atmospheric Administration (NOAA) in the Florida Keys National Marine Sanctuary; construction of cellular communications towers in uplands; electrical distribution substations in uplands; and small intakes for residential irrigation and cooling purposes. Certain geotechnical investigations and upland, dry borrow pits of less than five acres in size are converted from requiring a general permit to exemptions. Paragraph 62-330.051(14)(f), F.A.C., is amended to limit activity to a project that can be completed within 24 hours.

Rule 62-330.055, F.A.C., is amended to make the duration and renewal provisions consistent with Section 373.4131(1)(b), F.S., as well as to authorize urban infill and redevelopment projects that necessitate activities within wetlands or other surface waters.

Rule 62-330.060, F.A.C., is amended to incorporate by reference a revised Application form which removes the Corps from the joint application process. The amendment also modifies Part 4 of Section E of the Application to clarify the existing requirement for an applicant to provide associated land use agreements. It also modifies Section H of the Joint Application to clarify information needed for mining applications processed by the Department.

Rule 62-330.062, F.A.C., corrects the time frame set for the Department, WMDs, and delegated local programs (Agencies) to provide a water quality certification and revises language to conform to an existing Agreement executed with the U.S. Army Corps of Engineers.

Rule 62-330.071, F.A.C., is amended to clarify that the reduced fee for resubmittal of a withdrawn application applies only once. It also updates incorporations by reference of fee rules of the WMDs.

Rule 62-330.075, F.A.C., is amended to streamline issuance of a consolidated permit and sovereignty submerged lands authorization when there is no heightened public concern.

Rule 62-330.090, F.A.C., is amended to add utilities to the category of activities that do not require recording of a notice of permit in the public records.

Rule 62-330.201, F.A.C., is amended to incorporate a revised form for petitions for formal determinations, which includes minor revisions to allow petitioner to specify the type of formal determination requested.

Rule 62-330.310, F.A.C., is amended to delete redundant language and incorporate forms by reference.

Updated and new application, noticing, conservation, and financial responsibility forms are proposed to be incorporated by reference in Rule 62-330.301, F.A.C.

Rule 62-330.311, F.A.C., is amended to revise two forms incorporated by reference.

Rule 62-330.315, F.A.C., is amended to clarify additional categories of pre-Statewide Environmental Resource Permits (SWERP) subject to grandfathering and the effective dates applicable to those and the current rules.

Rule 62-330.320, F.A.C., is amended to allow for individual permit durations of less than five years to apply in certain circumstances.

A revised Request for Transfer form is incorporated in Rule 62-330.340, F.A.C. The rule also clarifies the procedures for transferring new or additional permittees and that projects constructed in accordance with general permits automatically transfer to subsequent property owners.

Paragraph 62-330.350(1)(d), F.A.C., is amended to enable submittal of a National Pollution Discharge Elimination System (NPDES) Notice of Intent to Use a Generic Permit form to also serve as an ERP Construction Commencement Notice for activities requiring both permits. 62-330.350(1)(n), F.A.C., is amended to incorporate clarifications requested by the Department of State, Division of Historical Resources.

Rule 62-330.351, F.A.C., is created to standardize general conditions for conceptual approval permits that will be based on existing conditions of permit issuance and analogous administrative procedures used for individual permits.

Rule 62-330.405, F.A.C., is amended to provide clarifying language and to delete redundant language.

Rule 62-330.407, F.A.C., is repealed as a general permit and converted to an exemption as paragraph 62-330.051(11)(d), F.A.C.

The term “mean annual low water level”, which has no known definition, is removed from Rule 62-330.417, F.A.C. The rule also clarifies manatee protection criteria.

Rule 62-330.427, F.A.C., is amended to correct the title, eliminate redundant text, and allow roofs over mooring areas. It also clarifies the limitation on numbers of “vessels”, referring to concurrent requirements for structures on state-owned submerged lands, removing the undefined term “mean annual low water level”. The amendment of the rule also specifies that this general permit cannot be used for revenue generating docks and piers, and clarifies manatee protection requirements.

Rule 62-330.431, F.A.C., is amended to clarify conditions for installation of riprap at an individual, private residential single-family property.

Rule 62-330.437, F.A.C., is amended to clarify prohibition of fences on state-owned submerged lands and to ensure that fences do not prevent navigation, except within isolated waters that are wholly owned or controlled by the permittee.

Rule 62-330.443, F.A.C., is amended to clarify that the limitation of dredging and filling also limits new overwater structure, allows the creation of new travel lanes for non-motorized vehicles, expands the use of general permits to

existing causeways, and prohibits any expansion of structure within designated critical habitat of Johnson’s seagrass.

Rule 62-330.449, F.A.C., is amended to clarify the applicability of the general permit to military airbases.

Rule 62-330.450, F.A.C., is amended to add a provision to clarify that the general permit can only be used after the issuance of an individual permit, if such individual permit is required in accordance with proposed subsection 62-330.055(6), F.A.C.

Rules 62-330.453 and 62-330.457, F.A.C., are amended to increase the maximum diameter for utility conduits and pipelines and to create paragraph 62-330.453(3)(i) and subsection 62-330.457(3), F.A.C., to address current federal requirements.

The general permit in Rule 62-330.475, F.A.C., has been split into two separate general permits for clarification, creating Rule 62-330.474, F.A.C. “General Permit for Certain Minor Activities” and amending Rule 62-330.475, F.A.C. to contain “General Permit for Single-family Residential Activities in Isolated Wetlands”. Rule 62-330.475, F.A.C. is amended to consolidate text, while Rule 62-330.474, F.A.C., is created to clarify that piling supported structures may not have enclosed or habitable structures, and to specify that this general permit is not intended to allow construction or modification of docks or piers. The creation of Rule 62-330.474, F.A.C., also restores text prohibiting structures over certain benthic resources that was inadvertently omitted when Rule 62-330.475, F.A.C., was last amended on October 1, 2013.

Rule 62-330.631, F.A.C., is amended to improve clarity, and revise construction criteria for oyster reef breakwaters to prevent manatee entrapment. Paragraph 62-330.631(1)(h), F.A.C., is created to enable the use of the general permit to restore impacted seagrasses.

Substantive proposed amendments to the Applicant’s Handbook Volume I (General and Environmental) include the following: sections 1.3.1.1 through 1.3.2.2 are amended to reflect the Corps decision to withdraw from the joint application process and clarify and add information about related federal permitting programs under the Clean Water Act for construction-related stormwater and dewatering discharges and for dredging and filling; sections 1.3.2 through 1.3.2.2 are amended to better inform applicants of NPDES stormwater construction general permit and dewatering permit requirements; section 2.0 is amended to revise 11 existing definitions and to add the definition of “vessel” to assist in implementing provisions of the rule and handbook that use these terms; section 3.1.4(f) is amended to clarify that new activities that are not regulated under subsection 62-330.020(2), F.A.C., cannot, when combined with existing systems, cause adverse secondary or cumulative impacts to water resources; section 3.2.3(b)7. and 9. are amended to clarify applicability of

the maintenance dredge exemption in situations when a permit was not issued for the canal prior to October 26, 1975, and specifying the date of amendment to include the terms “previously dredged” and “within recorded drainage rights-of-way”; sections 4.2.3(d) and (e) are amended to add clarification regarding ownership responsibilities for mitigation sites and corporate registration requirements; section 5.4 is amended to clarify that the agencies will not provide notice of receipt of requests to verify exemptions, which do not appear subject to the statutory requirement of Section 373.413(3), F.S.; section 5.5.2.1 is amended to remove the Corps from the joint application process; section 6.1.5 is amended to explain that the phrase “authorized construction or alteration has begun,” as it is used in subsection 62-330.056(9), F.A.C., applies to substantive work to implement the permitted activities and not to superficial activities conducted only to keep the conceptual approval permit active; section 6.2.1 is amended to clarify the factors that apply in determining whether a permit modification shall be considered “minor” or “major”; section 6.3.2.1 is amended to clarify permit transfer requirements; section 7.2.5 is added to provide for a reduced fee to renew a formal determination, extend the duration for requesting such a renewal, and allow for issuance of a new formal determination on a site with an expired determination; section 8.2.7 is added to reflect the addition of criteria for discharges of stormwater into mine pits, including incorporating by reference proposed Appendix I; section 10.2.7(a) is amended to recognize that certain buffers may require planting or removal of exotic and nuisance vegetation; section 10.2.7(b) is amended to reflect changes in Rule 68A-16.002, F.A.C. which now only requires an applicant to get a bald eagle take permit from the US Fish and Wildlife Service; section 12.3.2 is added to specify that when an applicant proposes that particular utility and governmental entities will assume operation and maintenance (O&M) responsibility for a permitted system, that the applicant must provide documentation showing that the entity agrees to assume said responsibilities; section 12.3.4 is renumbered (from 12.3.3) to reflect that the required documentation must show that the association, rather than the permittee, will exist and possess the legal authority to assume O&M responsibility for a permitted system; and Appendix I is created to provide criteria for treatment of stormwater discharges into mine pits. Minor technical corrections are proposed to Applicant’s Handbook, Volume II (Water Quality and Quantity) applicable within the Northwest Florida Water Management District. However, the remaining WMDs are considering minor revisions to their Volume II’s, which requires that the updated volumes be incorporated by reference in Chapter 62-330, F.A.C.

OTHER RULES INCORPORATING THIS RULE: The following rules contain references to the subject chapter: 62-

4.001, 62-4.050, 62-4.200, 62-17.665, 62-312.440, 62-342.200, 62-342.750, 62-342.800, 62-340.700, 62-345.300, 62-348.100, 62-348.300, 62-348.500, 62-348.600, 62-348.700, 62-624.100, 62-709.300, 62-709.500, 62-711.540, 62-713.300, 62B-49.001, 62B-49.005, and 62B-49.010, F.A.C.

EFFECT ON THOSE OTHER RULES: All references in Chapter 62-330, Applicant’s Handbook Volume I, and Volume II (for the Northwest Florida Water Management District) to each other and to other rules and statutes will be corrected or amended through this rulemaking. The outside chapters that reference this subject chapter do not require any corrections or amendments.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs, or if no SERC is required, the information expressly relied upon and described herein: Based upon the Department’s economic review, neither a SERC nor legislative ratification is required because updating and correcting the rules and forms does not increase costs to the regulated public. There will be cost savings and reduced burdens for applicants and permittees described in the summary above using the new exemptions and amendments.

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

RULEMAKING AUTHORITY: 161.055, 253.03(7), 253.77, 258.43, 373.026, 373.043, 373.044, 373.109, 373.113, 373.118, 373.171, 373.406, 373.413, 373.4131, 373.414, 373.4145, 373.415, 373.416, 373.418, 373.421(2), 373.427, 380.06, 380.23, 403.0877, 403.805(1), FS.

LAW IMPLEMENTED: 120.54(5)(a), 120.569(2), 120.60, 161.041, 161.055, 253.03, 253.034(1), 253.04, 253.77, 258.43, 373.026, 373.042, 373.043, 373.044, 373.046, 373.086, 373.109, 373.116, 373.117, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.409, 373.413, 373.4131, 373.4136, 373.414, 373.4141, 373.4142, 373.4145, 373.415, 373.416, 373.418, 373.419, 373.421, 373.422, 373.423, 373.426, 373.427, 373.428, 373.429, 373.439, 380.06, 380.23, 403.0877, 403.201, 403.813(1), 403.814, FS.

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

DATE AND TIME: March 5, 2018, 1:00 p.m., ET

PLACE: This hearing will be broadcast via webinar. Parties can register to attend the webinar via their personal computers with audio by telephone (regular long distance telephone charges will apply) or by speakers connected to their computer (no telephone charges will apply). Webinar registration is via <https://attendee.gotowebinar.com/register/7550281865098273539>. Alternatively, persons may view the webinar at the following location where staff will be present to accept comments: Florida Department of Environmental Protection, Bob Martinez Building, Room 609, 2600 Blair Stone Road, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Heather Mason by phone at (850)245-8480 or by email at heather.mason@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency by 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: Heather Mason, Florida Department of Environmental Protection, Submerged Lands and Environmental Resources Coordination, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, telephone (850)245-8480, e-mail: heather.mason@dep.state.fl.us, or facsimile (850)245-8499. (OGC NO. 14-0376)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-330.010 Purpose and Implementation.

(1) This chapter, together with the rules and all documents it incorporates by reference, implements the comprehensive, statewide environmental resource permit (ERP) program under Section 373.4131, F.S.

(2) The ERP program governs the following: construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and works (including docks, piers, structures, dredging, and filling located in, on or over wetlands or other surface waters, as defined and delineated in Chapter 62-340, F.A.C.) (any one or a combination of these may be collectively referred to throughout this chapter as “projects” or “systems”).

(3) The responsibilities for implementing this chapter are described in Operating and Delegation Agreements between the Department of Environmental Protection (“Department”), the water management districts (“Districts”), and local governments (“delegated local governments”). The Agreements are incorporated by reference in Rule 62-113.100, F.A.C. The term “Agency” applies to the Department, a District, or a delegated local government, as applicable, throughout this chapter.

(4) This chapter is used in conjunction with an Applicant’s Handbook, in two volumes, as follows:

(a) Applicant’s Handbook Volume I, “General and Environmental” (hereinafter “Volume I”), applies statewide to all activities regulated under Chapter 62-330, F.A.C. It includes explanations, procedures, guidance, standards, and criteria on what is regulated by this chapter, the types of permits available, how to submit an application or notice for a regulated activity to the Agencies, how applications and notices are reviewed, the standards and criteria for issuance, and permit duration and modification. Volume I, including ~~all the Appendices G, H, and I only, except A, B, D and E, is~~ incorporated by reference herein ~~by the Department, (June 1, 2018)~~ ~~{October 1, 2013}~~ ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-03174> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-03175>).~~

(b) An Applicant’s Handbook Volume II (hereinafter “Volume II”), has been adopted for use within each District. Each District’s Volume II is incorporated by reference herein and in the rules listed below, which also are incorporated by reference herein. These rules and Handbook Volumes are available as provided in subsection (5), below.

1. Northwest Florida Water Management District – “Department of Environmental Protection and Northwest Florida Water Management District Environmental Resource Permit Applicant’s Handbook – Volume II (Design and Performance Standards Including Basin Design and Criteria),” including all appendices, is incorporated by reference herein ~~(June 1, 2018)~~ ~~{October 1, 2013}~~ ~~and available at: (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03172> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-03173>)~~ or from the Agency as provided in subsection (5).

2. Suwannee River Water Management District, Applicant’s Handbook Volume II, is incorporated by reference herein, ~~(October 1, 2013)~~ ~~{October 1, 2013}~~ ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-03182>), and in subsection 40B-400.091(3), F.A.C., (October 14, 2013)~~ ~~{October 1, 2013}~~ ~~(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02523>).~~

3. St. Johns River Water Management District, Applicant’s Handbook Volume II, is incorporated by reference herein, ~~(June 1, 2018)~~ ~~{October 1, 2013}~~ ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-03181>), and in subsections 40C-4.091(1) (June 1, 2018)~~ ~~{October 1, 2013}~~ ~~(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02524>), 40C-42.091(1)~~ ~~{October 1, 2013}~~ ~~(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02525>), and 40C-44.091(1), F.A.C., (June 1, 2018)~~ ~~{October 1, 2013}~~ ~~(<https://www.flrules.org/Gateway/reference.asp?No=Ref-02526>).~~

4. Southwest Florida Water Management District, Applicant’s Handbook Volume II, is incorporated by reference herein, ~~(June 1, 2018)~~ ~~{October 1, 2013}~~ ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-03176>), and~~

in Rule 40D-4.091, F.A.C., (June 1, 2018) ~~{October 1, 2013}~~ (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02527>).

5. South Florida Water Management District, Applicant's Applicants Handbook Volume II, including Appendices A through D, is incorporated by reference herein, (June 1, 2018) ~~{October 1, 2013}~~ (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02528>) and in paragraph 40E-4.091(1)(a), F.A.C., (May 22, 2016) ~~{October 1, 2013}~~ (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02529>).

A copy of the incorporated material identified above may be obtained from the Agency Internet site, <https://floridadep.gov/water/content/water-resource-management-rules#ERP> ~~<http://www.dep.state.fl.us/water/rulesprog#erp>~~, or as described in subsection 62-330.010(5), F.A.C.

(5) A copy of Volumes I and II and the other Agreements, rules, forms, ~~Applicant's Handbook~~, and other documents incorporated by reference in this chapter also may be obtained from the Agency Internet site or by contacting staff in an Agency office identified in Appendix A of Volume I.

(6) This chapter explains how to submit notices and applications for activities regulated under Part IV of Chapter 373, F.S., and provides the standards for Agency review and action, which must not be harmful to the water resources and not be inconsistent with the overall objectives of the Agency. This chapter also includes procedures for petitions for a formal determination of the landward extent of wetlands and surface waters under Chapter 62-340, F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.418, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.409, 373.413, 373.4131, 373.414(9), 373.4141, 373.4142, 373.4145, 373.416, 373.423, 373.426, 373.428, 373.429, 373.441 FS. History—New 10-1-13, Amended 6-1-18.

62-330.020 Regulated Activities.

(1) A permit under this chapter is not required for activities that qualify for:

(a) Operation and routine custodial maintenance of projects legally in existence under Chapter 403 or Part IV of Chapter 373, F.S., provided the terms and conditions of the permit, exemption, or other authorization for such projects continue to be met, and provided the activity is conducted in a manner that does not cause violations of state water quality standards. However, this exemption shall not apply to any project that is altered, modified, expanded, abandoned, or removed;

(b) An exemption listed in Rules 62-330.051 or 62-330.0511, F.A.C., or in section 1.3 (District-specific exemptions) of the applicable Volume II;

(c) The “grandfathering” provisions of Sections 373.4131(4), 373.414(11), (12)(a), (13), (14), (15), or (16), F.S.; or

(d) The “10/2” general permit for upland stormwater systems authorized in Section 403.814(12), F.S.

(2) Unless the activity qualifies under subsection (1), above, a permit is required prior to the construction, alteration, operation,

maintenance, removal, or abandonment of any ~~new~~ project that, by itself or in combination with an activity conducted after ~~{October 1, 2013}~~, cumulatively results in any of the following:

- (a) Any project in, on, or over wetlands or other surface waters;
- (b) A total of more than 4,000 square feet of impervious and semi-impervious surface areas subject to vehicular traffic;
- (c) A total of more than 9,000 square feet of impervious and semi-impervious surface area;
- (d) A total project area of more than five acres ~~one acre~~;
- (e) A capability of impounding more than 40 acre-feet of water;
- (f) Any dam having a height of more than 10 feet, as measured from the lowest elevation of the downstream toe to the dam crest;
- (g) Any project that is part of a larger common plan of development or sale;
- (h) Any dry storage facility storing 10 or more vessels that is functionally associated with a boat launching area;
- (i) Any project exceeding the thresholds in section 1.2 (District-specific thresholds) of the applicable Volume II; or
- (j) Any modification or alteration of a project previously permitted under Part IV of Chapter 373, F.S.

(3) Construction and operation of the above projects under (2), above, are subject to the additional limitations in paragraph 3.1.4(f) of Volume I.

(4)(3) The following types of permits are available:

(a) A general permit, as provided in Rule 62-330.052, F.A.C., and Rules 62-330.410 62-330.407 through 62-330.635, F.A.C.;

(b) An individual permit, as provided in Rule 62-330.054, F.A.C.; and

(c) A conceptual approval permit, as provided in Rule 62-330.055 or 62-330.056, F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.117, 373.118, 373.409, 373.413, 373.4131, 373.4132, 373.4145, 373.416, 373.426, 403.0877 FS. History—New 10-1-13, Amended 6-1-18.

62-330.050 Procedures for Review and Agency Action on Exemption Requests.

(1) A notice to the Agency is not required to conduct an activity that is exempt under Rule 62-330.051, F.A.C., except where required in a specific exemption. Persons are encouraged, but not required, to use any available electronic self-certification service of the Agency to confirm that the activity meets the exemption.

(2) If a person desires Agency verification of qualification to conduct an exempt activity (other than for silviculture, for which the procedures in Rule 62-330.0511, F.A.C., apply), and a self-certification is not available or the person chooses not to use a self-certification, they may submit a written or electronic Form 62-330.050(1) – “Request for Verification of an Exemption,” (June 1, 2018 ~~October 1, 2013~~), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02468>), or a letter that clearly requests an exemption verification. A copy of the

form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. Such request must include:

(a) The processing fee prescribed in Rule 62-330.071, F.A.C. Only one exemption verification processing fee shall be assessed if the request contains multiple exempt activity types on a single parcel;-

(b) A location map(s) of sufficient detail to allow someone who is unfamiliar with the area to locate the site of the activity;

(c) Drawings, calculations, and other supporting information to clearly depict and describe the proposed activities;

(d) The tax parcel identification number from the local government tax rolls;

(e) Contact information for the person requesting the verification; and

(f) Authorization signed by the property owner allowing Agency staff to inspect the location of the proposed activities.

(3) Additional information on completing and submitting a request for verification of an exemption is contained in ~~Rule 62-330.061, F.A.C., and~~ sections 3.2, 4.2, ~~and~~ 4.2.1, 4.3, and 4.4 of Volume I.

(4) The Agency shall take reasonable efforts to determine within 30 days of receipt of a request whether the submitted materials demonstrate the activity qualifies for an exemption or, if they do not, what information would enable the Agency to make such a ~~determination~~ verification. If those materials are not received within 60 days of the Agency's request, the Agency shall advise the person that it cannot verify that the activity qualifies for an exemption. The materials submitted and responses received shall not be considered an application for a general, conceptual approval, or individual permit unless requested in writing.

(5) If, after receipt of an application for a permit, the Agency determines the proposed activity qualifies in whole for an exemption under this chapter, the Agency shall make such ~~determination~~ verification within 30 days of receipt of the application and refund any processing fees received in excess of those required under Rule 62-330.071, F.A.C.

(6) The Agency will consider exempt activities included in an application to conduct other activities as part of an entire application requiring a permit, and will review and act upon the entire application at one time. However, an applicant may request the Agency separately determine whether specific activities that are part of the application qualify for an exemption. In such a case, the applicant shall pay an additional processing fee for the exemption verification, but only one additional exemption verification processing fee will be required even if more than one kind of exempt activity is included. In accordance with section 10.2.7(d) of Volume I, the Agency will consider the secondary impacts arising from activities described in Section 403.813(1), F.S., that are very closely linked and causally related to the activities proposed in the application.

(7) The Agency's determination of qualification for an exemption is subject to Chapter 120, F.S. Self-certification is not an Agency action subject to Chapter 120, F.S., unless the Agency determines the

self-certification does not meet all of its applicable terms and conditions.

(8) Activities conducted in accordance with an exemption under this chapter remain subject to other applicable permitting, authorization, and performance requirements (including, but not limited to, those governing the "take" of listed species) of the Agencies, the Board of Trustees, and other federal, state, and local governments entities.

(9) The following apply when specified in an exemption in Rule 62-330.051, F.A.C.:

(a) Activities shall not exceed a permitting threshold in section 1.2 of the applicable Volume II;

(b) Construction, alteration, and operation shall not:

1. Adversely impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

2. Cause an adverse impact to the minimum flows and levels established pursuant to Section 373.042, F.S.

3. Cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.;

4. Adversely impede navigation or create a navigational hazard;

5. Cause or contribute to a violation of state water quality standards. Turbidity, sedimentation, and erosion shall be controlled during and after construction to prevent violations of state water quality standards, including any antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), subsections 62-4.242(2) and (3) and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters due to construction-related activities. Erosion and sediment control best management practices shall be installed and maintained in accordance with the guidelines and specifications described in the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Transportation and Florida Department of Environmental Protection and Florida Department of Transportation, June 2007), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02530>), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02531>); nor-

6. Allow excavated or dredged material to be placed in a location other than a self-contained upland disposal site, except as expressly allowed in an exemption in Rule 62-330.051, F.A.C.

(c) When performed in waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon, all in-water work shall comply with the following:-

1. All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft

of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

2. All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

3. All in-water activities, including vessel operation, must be shut down ~~shutdown~~ if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

4. Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

Copies of incorporated materials identified above may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.109, 373.406, 373.4131, 373.4145, 403.813(1), 668.003, 668.004, 668.50 FS. History—New 10-1-13, Amended 6-1-18.

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under Chapters 253 and 258, F.S., ~~and Chapters 18-18, 18-20, and 18-21, F.A.C.,~~ as applicable.

(1) Activities conducted in conformance with the District-specific exemptions in section 1.3 of Volume II applicable to the location of the activity.

(2) Activities conducted in conformance with the exemptions in Section 373.406, ~~373.4145(3),~~ or 403.813(1), F.S.

(3) Aquatic Plant and Organic Detrital Control and Removal –

(a) Disking and tilling of exposed lake bottoms in accordance with a permit issued by the Florida Fish and Wildlife Conservation Commission or an exemption under Chapter 369, F.S.

(b) Organic detrital material removal in accordance with Section 403.813(1)(r) or (u), F.S.

(c) Aquatic plant control where the activity qualifies for an exemption authorized under Section 369.20, F.S., or in a permit from the Florida Fish and Wildlife Conservation Commission under Section 369.20 or 369.22, F.S.; and the harvested plant material is not disposed of in wetlands or other surface waters, or in a manner that adversely affects water quality or flood control.

(d) The mechanical harvesting or shredding of aquatic plants and incidentally associated sediments, including subsequent side casting of the harvested or shredded material, provided:

1. The activity is authorized and conducted by the Florida Fish and Wildlife Conservation Commission, under Section 369.20 or 369.22, F.S.;

2. The work involves no dredging and is the minimum amount necessary for maintaining existing navigation corridors and preventing flooding, and in no case shall exceed five total acres of harvesting, shredding, and sidcasting;

3. The work is performed in a manner that does not adversely affect water quality or flood control; and

4. Notice of intent to use this exemption is provided to the Agency five days before performing any work.

(4) Bridges, Driveways, and Roadways –

(a) The replacement and repair of existing open-trestle foot bridges and vehicular bridges in accordance with Section 403.813(1)(l), F.S.

(b) Construction, alteration, or maintenance, and operation, of culverted driveway or roadway crossings and bridges of wholly artificial, non-navigable drainage conveyances, provided:

1. The construction project area does not exceed one acre and is for a discrete project that is not part of a larger plan of development that requires permitting under this chapter. However, these limitations shall not preclude use of this exemption to provide access to activities that qualify for the general permit in Section 403.814(12), F.S.;

2. The culvert or bridge shall be sized and installed to pass normal high water stages without causing adverse impacts to upstream or downstream property;

3. Culverts shall not be larger than one, 24-inch diameter pipe, or its hydraulic equivalent, and must not reduce the upstream hydraulic discharge capacity;

4. The crossing shall not:

a. Be longer than 30 feet from top-of-bank to top-of-bank;

b. Have a top width of more than 20 feet or a toe-to-toe width of more than 40 feet; and

c. Have side slopes steeper than three ~~3~~ feet horizontal to one ~~1~~ foot vertical;

5. There are no more than two crossings on any total land area, with a minimum distance of 500 feet between crossings;

6. If dewatering is performed, all temporary work and discharges must not cause flooding or impoundment, downstream siltation, erosion, or turbid discharges that violate state water quality standards;

7. Any temporary work shall be completely removed and all upstream and downstream areas that were disturbed shall be restored to pre-work grades, elevations and conditions; and

8. All work shall comply with subsection 62-330.050(9), F.A.C.

(c) Minor roadway safety construction, alteration, ~~or~~ maintenance, and operation, provided:

1. There is no work in, on, or over wetlands other than those in drainage ditches constructed in uplands;

2. There is no reduction in the capacity of existing swales, ditches, or other systems legally in existence ~~alteration to a project previously permitted~~ under Chapter 403 or Part IV of Chapter 373, F.S.; and

3. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.; and

4. The work is limited to:

a. Sidewalks having a width of six feet or less;

b. Turn lanes less than 0.25 mile in length, roundabouts and other safety-related intersection improvements; and

c. Road widening and shoulder paving that does not create additional traffic lanes and is necessary to meet current, generally accepted roadway design and safety standards.

(d) Resurfacing and repair of existing paved roads, and grading of existing unpaved roads, provided

1. Travel lanes are not paved that are not already paved;

2. No substantive changes occur to existing road surface elevations, grades, or profiles; and

3. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(e) Repair, stabilization, ~~or paving~~, or repaving of existing ~~unpaved~~ roads, and the repair or replacement of vehicular bridges that are part of the ~~unpaved~~ road, where:

1. They were in existence on or before January 1, 2002, and have:

a. Been publicly-used and under county or municipal ownership and maintenance thereafter, including when they have been presumed to be dedicated in accordance with Section 95.361, F.S.;

b. Subsequently become county or municipally-owned and maintained; or

c. Subsequently become perpetually maintained by the county or municipality through such means as being accepted by the county or municipality as part of a Municipal Service Taxing Unit or Municipal Service Benefit Unit; and

2. The work does not realign the road or expand the number of traffic lanes of the existing road, but may include safety shoulders, clearing vegetation, and other work reasonably necessary to repair, stabilize, pave, or repave the road, provided that the work is constructed using generally accepted roadway design standards;

3. Existing bridges are not widened more than is reasonably necessary to properly connect the bridge with the road to match the width of the roadway travel lanes and safely accommodate the traffic expected; and

4. No debris from the original bridge shall be allowed to remain in wetlands or other surface waters;

5. Roadside swales or other effective means of stormwater treatment are incorporated as part of the work;

6. No more dredging or filling of wetlands or water of the state is performed than is reasonably necessary to perform the work in accordance with generally accepted roadway design standards; ~~and~~

7. Notice of intent to use this exemption is provided to the Agency 30 days before performing any work; and-

8. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(f) The repair of existing concrete bridge pilings by the Florida Department of Transportation, counties, and municipalities, through

the construction of pile jackets, provided the permanent outer form is composed of inert materials and the quantity of material shall not exceed 300 cubic yards of dredging or 300 cubic yards of filling per project. The following conditions shall also apply:

1. Although the bottom sediments within the forms may be removed by jetting or pumping, and may not be recoverable, erosion and sediment control best management practices, including turbidity curtains or similar devices, shall be used in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual to prevent violations of state water quality standards.

2. Immediately following completion of any work that involves disturbance of the shoreline or banks of wetlands or other surface waters, the shoreline and banks shall be stabilized with native vegetation or riprap to prevent erosion; in areas where native wetland vegetation was disturbed, the stabilization shall consist of the same species planted in a manner to achieve stability and coverage of a similar wetland community as previously existed. Temporary erosion controls for all exposed soils within wetlands and other surface waters shall be completed within seven calendar days of the most recent construction activity. Prevention of erosion of exposed earth into wetlands and other surface waters is a construction priority and completed slopes shall not remain unstabilized while other construction continues.

3. Pilings shall not be installed or replaced to add additional traffic lanes.

4. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(a) Installation or repair of pilings and dolphins associated with private docking facilities or piers that are exempt under Section 403.813(1)(b), F.S.;

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with Section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in Section 403.813(1)(b), F.S.;

2. No structure is enclosed on more than three sides with walls and doors;

3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and

4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

(c) Construction of private docks or piers of 1,000 square feet or less of over-water surface area in artificial waters ~~and residential canal~~

~~systems~~ in accordance with Section 403.813(1)(i), F.S., and within residential canal systems legally in existence under Chapter 403 or Part IV of Chapter 373, F.S. This includes associated structures such as roofs and boat lifts, provided the cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed 1,000 square feet.

(d) Replacement or repair of existing docks and piers, including mooring piles, in accordance with Section 403.813(1)(d), F.S., provided the existing structure is still functional or has been rendered non-functional within the last year by a discrete event, such as a storm, flood, accident, or fire.

(e) The construction and maintenance to design specifications of boat ramps in accordance with Section 403.813(1)(c), F.S., where navigational access to the proposed ramp currently exists:

1. In artificial waters and residential canal systems; or
2. In any wetland or other surface waters when the ramps are open to the public; and
3. The installation of docks associated with and adjoining boat ramps constructed as part of the above ramps is limited to an area of 500 square feet or less over wetlands and other surface waters.

(f) The construction, installation, operation, or maintenance of floating vessel platforms or floating boat lifts in accordance with Section 403.813(1)(s), F.S.

(g) The removal of derelict vessels, as defined in Section 823.11(1), F.S., by federal, state, and local agencies, provided:

1. The derelict vessel case has been completed as specified in Section 705.103, F.S., and has been entered into the Statewide Derelict Vessel Database maintained by the Florida Fish and Wildlife Conservation Commission;

2. All work is done in a manner that, to the greatest extent practicable ~~extent~~, avoids additional dredging or filling, grounding or dragging of vessels, and damage to submerged resources such as seagrass beds, oyster beds, coral communities, mangroves, other wetlands, and live bottom; and

3. An absorbent blanket or boom shall be immediately deployed on the surface of the water around the derelict vessel if fuel, oil, or other free-floating pollutants are observed during the work.

(h) The installation of a pile-supported boat lift within an existing mooring area at a docking facility that is legally in existence, provided:

1. Such installation does not conflict with a condition of a permit issued thereunder;

2. The boat lift does not include additional structures, such as platforms, cat walks, and roofs.

(6) Construction, alteration, maintenance, operation, and removal of freshwater fish attractors by the Florida Fish and Wildlife Conservation Commission, U.S. Forest Service, and county and municipal governments, provided:

(a) The material is limited to clean concrete, rock, brush, logs, or trees;

(b) The material is firmly anchored to the bottom of the waterbody;

(c) The size of an individual fish attractor shall be limited to one quarter of an acre in area;

(d) The top of the fish attractor shall be at least three feet below the water surface at expected average low water depth, as determined based on best available information for the waterbody at the specific location of the attractor ~~mean annual low water~~;

(e) The attractor shall be outside any posted navigational channels and shall not cause a navigational hazard;

(f) No material is placed on or in areas vegetated by native aquatic vegetation; and

~~(g) The site shall be marked with a buoy or buoys to ensure that no material is deposited outside of the site; and~~

~~(h) The provisions of paragraph 62-330.050(9)(c), F.A.C., also shall apply to protect listed species during the work.~~

(7) Maintenance and Restoration –

(a) Maintenance dredging under Section 403.813(1)(f), F.S.

(b) Maintenance of insect control structures, dikes, and irrigation and drainage ditches under Section 403.813(1)(g), F.S.

(c) The restoration of existing insect control impoundment dikes, and the connection of such impoundments to tidally influenced waters under Section 403.813(1)(p), F.S., provided:

1. The restored section of dike is limited to 100 feet in length;
2. The connection shall provide sufficient cross-sectional area to allow beneficial tidal influence;
3. Dredging and filling are limited to that needed to restore the dike to original design specifications; and
4. The final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations.

(d) Alteration and maintenance of treatment or disposal systems under Rule 62-340.700, F.A.C.

(e) Construction and maintenance of swales in accordance with Section 403.813(1)(j), F.S.

(f) Placement of wooden, composite, metal, or other non-earthen construction mats to provide temporary access to maintain or repair projects within wetlands, provided:

1. There is no cutting or clearing of wetland trees having a diameter four4 inches (circumference of 12 inches) or greater at breast height;
2. The maximum width of the construction access area shall be 15 feet;
3. Mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed at, each location along the alignment of the project, but in no case longer more than seven days ~~72 hours~~ after equipment has completed work or passage through that location ~~they are placed~~; and

4. Areas disturbed for access shall be restored to natural grades immediately after the work is complete.

(g) Port dredging under Section 403.813(3), F.S.

(h) The following activities undertaken by the National Oceanic and Atmospheric Administration's (NOAA) Florida Keys National Marine Sanctuary:

1. Seagrass restoration following the procedures of the Final Programmatic Environmental Impact Statement for Seagrass Restoration in the Florida Keys National Marine Sanctuary (NOAA 2004), which is incorporated by reference herein (June 1, 2018) (DOS hyperlink) and available as provided in subsection 62-330.010(5), F.A.C.; and

2. Coral restoration following the procedures of the Final Programmatic Environmental Impact Statement for Coral Restoration in the Florida Keys and Flower Garden Banks National Marine Sanctuaries (NOAA 2010), which is incorporated by reference herein (June 1, 2018) (DOS hyperlink) and available as provided in subsection 62-330.010(5), F.A.C.

(8) The installation of aids to navigation, including bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, in accordance with Section 403.813(1)(k), F.S.

(9) Pipes or Culverts –

(a) Repair or replacement, provided:

1. The pipes or culverts have equivalent hydraulic capacity to those being repaired or replaced;

2. The invert elevation shall not be changed; and

~~3~~ 2. The pipes or culverts function to discharge or convey stormwater, and are not associated with the repair, replacement, or alteration of a dam, spillway, or appurtenant works; ~~and~~

~~3. Work is done in accordance with Section 403.813(1)(h), F.S.~~

(b) Construction, alteration, operation, maintenance, and removal of outfall pipes, together with associated headwalls, and energy dissipation baffles, rocks, and other scour-reduction devices at the outfall locations, provided:

1. The pipes extend less than 20 feet in, on, or over wetlands or other surface waters;

2. The outfall is part of an activity that is exempt under Part IV of Chapter 373, F.S., or qualifies for the general permit in Section 403.814(12), F.S.;

3. The outfall is designed to prevent erosion and scour;

4. Work in natural waterbodies, wetlands, and Outstanding Florida Waters is limited to 0.03 acre;

5. No activities occur in seagrasses;

6. Within waters accessible to manatees, submerged or partially submerged outfall pipes having a diameter larger than eight 8 inches shall have grating such that no opening is larger than eight 8-inches; and

7. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(c) The extension of existing culverts and crossing approaches, and the installation of scour protection structures at such locations, when done to accommodate an activity that does not require a permit under this chapter, provided when:

1. Work in wetlands or other surface waters is limited to a total of 100 cubic yards of ~~filling, excavation, dredging,~~ and filling, and no more than 0.10 acre at any culvert extension or crossing approach location; and

2. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(10) The construction, alteration, maintenance, removal, or abandonment of recreational paths for pedestrians, bicycles, and golf carts, provided ~~the paths:~~

(a) There is no work ~~Are not located~~ in, on, or over wetlands or other surface waters other than those in drainage ditches constructed in uplands;

(b) There is no reduction in the capacity of existing swales, ditches, or other stormwater management systems legally in existence under Chapter 403 or Part IV of Chapter 373, F.S.;

~~(c)(b)~~ The paths ~~h~~Have a width of eight feet or less for pedestrian paths, and 14 feet or less for multi-use recreational paths;

~~(d)(e)~~ The paths ~~a~~Are not intended for use by motorized vehicles powered by internal combustion engines or electric-powered roadway vehicles, except when needed for maintenance or emergency purposes; and

~~(e)(d)~~ The paths ~~c~~Comply with the limitations and restrictions in subsection 62-330.050(9) ~~paragraph 62-330.050(9)(a),~~ F.A.C.

(11) Sampling and Testing –

(a) Collection of seagrass, macroalgae, and macrobenthos in accordance with the terms and conditions of a permit or license issued by the Florida Fish and Wildlife Conservation Commission.

(b) Construction, operation, maintenance, and removal of scientific sampling, measurement, and monitoring devices, provided:

1. The device's purpose is solely to collect ~~measure and record~~ scientific or technical data, such as staff gages, tide and current gages, meteorological stations, water recording, biological observation and sampling, and water quality testing and improvement. Parshall flumes and other small weirs installed primarily to record water quantity and velocity are authorized, provided the amount of fill is limited to 25 cubic yards;

2. The device and any associated structures or fill, such as foundations, anchors, buoys, and lines, is removed to the maximum extent practicable at the end of the data collection or sampling;

3. The site is restored to pre-construction conditions within 48 hours of completion of ~~complete~~ use of the device; and-

4. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(c) An exemption for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities as is provided in Section 403.813(1)(v), F.S.

(d) Geotechnical investigations, including soil test borings, standard penetration tests, and other work involving boring, auguring, or drilling for the purposes of collecting geotechnical data, together with clearing for temporary access corridors to perform these investigations, subject to the following:

1. Excavation at each soil boring, auguring, or coring location is limited to no more than one foot in diameter. The total area of work

authorized in wetlands and other surface waters is limited to 0.5 acre, including all excavations and clearing for temporary access corridors.

2. No drilling fluid or dredged material shall be left above grade in a wetland or other surface water.

3. Boreholes suspected to have penetrated a confining layer shall be grouted from the bottom up by means of a tremie pipe and the severed materials shall be removed from the wetland or other surface waters.

4. This exemption shall not apply to borings used to place seismographic charges for oil and gas exploration.

5. This exemption does not supersede the exemption in Section 403.813(1)(v), F.S., for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities.

6. Turbidity, sedimentation, and erosion shall be controlled during and after investigations to prevent violations of state water quality standards due to construction related activities.

7. Drilling activities associated with construction of wells must comply with Chapter 62-532, F.A.C.

8. Temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

a. Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;

b. The maximum width of the construction access area shall be limited to 15 feet;

c. All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and

d. Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(a) Construction, replacement, and repair of seawalls or riprap in artificially created waterways, artificial waters and residential canal systems that are exempt under Section 403.813(1)(i), F.S., and within residential canal systems legally in existence under Chapter 403 or Part IV of Chapter 373, F.S., including only that backfilling needed to level the land behind seawalls or riprap.

(b) The restoration of a seawall or riprap under Section 403.813(1)(e), F.S., where:

1. The seawall or riprap has been damaged or destroyed within the last year by a discrete event, such as a storm, flood, accident, or fire or where the seawall or ~~riprap~~ ~~riprap~~ restoration or repair involves only minimal backfilling to level the land directly associated with the restoration or repair and does not involve land reclamation as the primary project purpose.; See ~~as further explained in~~ section 3.2.4 of Volume I for factors used to determine qualification under this provision;

2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap; and

3. Applicable permits under Chapter 161, F.S., are obtained.

(c) The construction of seawalls or riprap in wetlands or other surface waters between and adjoining existing seawalls or riprap at both ends in accordance with Section 403.813(1)(o), F.S. For purposes of this exemption, riprap is subject to the same length and orientation limitations as a seawall.

(d) Installation of batter piles, or king piles, or a seawall cap, used exclusively to stabilize and repair seawalls, provided they do not impede navigation.

(e) Restoration of an eroding shoreline with native wetland vegetative enhancement plantings, provided:

1. The length of shoreline is 500 linear feet or less;

2. Plantings are native wetland plants appropriate for the site obtained from commercially-grown stock;

3. Plantings extend no farther than 10 feet waterward of the approximate mean high water line (MHWL) or ordinary high water line (OHWL);

4. All invasive and exotic vegetative species along the shoreline is removed in conjunction with the planting to the extent practicable;

5. Biodegradable natural fiber logs or mats that are secured in place, such as with the use of wooden stakes, may be used if necessary to support the vegetative plantings. If temporary wave attenuation is needed, turbidity curtains shall be installed and maintained in place parallel to the shoreline for a full growing season; and

6. No fill is placed other than that needed to support the vegetative plantings, except that a “breakwater” is authorized to be installed established concurrent with the planting if permanent wave attenuation is required to maintain the shoreline vegetation, provided:

a. The waterward inner toe of the “breakwater” extends no more than 10 feet waterward of the approximate MHWL or OHWL, with a top height of no more than the mean or ordinary high water elevation MHWL;

b. The “breakwater” is composed predominantly of natural oyster shell culch (clean and fossilized oyster shell) or other stable, non-degradable materials such as oyster reef, reef balls, ~~unconsolidated~~ boulders, clean concrete rubble, ~~riprap~~ ~~riprap~~, rock sills, or triangular concrete forms. Oyster shell culch, if used, shall be enclosed in mesh bags having openings of no more than three 3 inches, or securely fixed

to matting prior to placement in the water. Oyster bags and mats must be anchored to prevent movement of shell from the project area;

c. The “breakwater” shall not be placed over, or within three 3 feet (in any direction) of any submerged grassbed or existing emergent marsh vegetation;

d. The “breakwater” shall be placed in units so that there is at least one a tidal channel opening measuring of at least five three feet in width wide located a minimum of every 75 linear 20 feet along the “breakwater”, with a minimum of one opening, so as to allow not substantially impede the flow of water and the passage of fish and aquatic wildlife;

e. All equipment used during construction shall be operated from, and be stored in uplands; and

f. All work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(13) Single-Family Residences and Associated Residential Improvements –

(a) The construction, alteration, maintenance, removal, and abandonment of one; individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements, that:

1. Do not involve any work in wetlands or other surface waters;

2. Are not part of a larger common plan of development or sale requiring a permit or modification of a permit under Part IV of Chapter 373, F.S.; and

3. Comply with the limitations and restrictions in subsection 62-330.050(9) paragraph 62-330.050(9)(a), F.A.C.

(b) The construction, alteration, maintenance, removal, and abandonment of one; individual single-family dwelling unit, duplex, triplex, or quadruplex, and associated residential improvements if it will be located:

1. Within the boundaries of a valid permit issued under Part IV of Chapter 373, F.S., and it was accounted for under the permit; or

2. Within the boundaries of a development that predates the applicable effective date for the permitting program established under Part IV of Chapter 373, F.S., provided the activity does not involve any work in wetlands or other surface waters.

(c) Construction, operation, or maintenance of a stormwater management facility facilities designed to serve single-family residential projects in conformance with Section 403.813(1)(q), F.S.

(14) Utilities –

(a) Installation of overhead transmission lines in accordance with Section 403.813(1)(a), F.S.

(b) Installation of subaqueous transmission and distribution lines in accordance with Section 403.813(1)(m), F.S.

(c) Replacement or repair of subaqueous transmission and distribution lines in accordance with Section 403.813(1)(n), F.S.

(d) Activities necessary to preserve, restore, repair, remove, or replace an existing communication or utility pole or aerial transmission or distribution line, provided there is no dredging or filling in wetlands or other surface waters except to remove poles and replace them with new poles, and temporary mats needed to access the site in accordance

with paragraph 62-330.051(7)(f), F.A.C. The activity must not increase the voltage of existing power lines or relocate existing poles or lines more than 10 feet in any direction from their original location.

(e) Installation, removal, and replacement of utility poles that support telecommunication lines or cables, or electric distribution lines of 35kV or less, together with the bases and anchoring devices to support those poles. “Anchoring device” shall mean steel guy wires fastened to the ground, without the need for dredging, and “base” shall mean a concrete or steel foundation not exceeding four feet in radius, used to support a utility pole. Work must comply with the following:

1. No more than 15 utility poles shall be installed, removed, or replaced in wetlands;

2. There shall be no permanent placement of fill other than utility poles and anchoring devices;

3. Work shall not occur in forested wetlands located within 550 feet from the mean or ordinary high water line of an Aquatic Preserve or a named waterbody designated as an Outstanding Florida Water or an Outstanding National Resource Water; or

4. Vehicle usage in wetlands shall be conducted so as to minimize tire rutting and erosion impacts;

5. There shall be no dredging or filling to create fill pads or access roads, except to place temporary mats for access within the utility right-of-way in wetlands. All temporary mats shall be removed as soon as practicable, but in no case longer than seven days after equipment has completed passage through, or work has been completed, at any location along the alignment of the project; within 30 days after completion of the work.

6. Temporary disturbance to wetlands shall be limited to a length of 0.5 mile, a width of 30 feet, and a total area of 0.5 acre;

7. Maintenance of the utility right-of-way in wetlands shall be limited to a cleared corridor of up to 15 feet wide and a total area of 0.25 acre;

8. Except for the authorized permanent structures, pre-work ground elevations and contours shall be restored within 30 days of completion of the work;

9. Water jets shall not be used unless they are a pre-engineered part of the pole and the water for the jets is either recirculated on site or is discharged in a self-contained upland disposal site;

10. The installation of the utility poles and associated bases and anchoring devices shall not interfere with navigation or impede water flow in wetlands; and

11. Work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(f) Excavation or dredging of temporary trenches to install utilities such as communication cables, water lines, and electrical lines, provided:

1. Material is not deposited within wetlands or other surface waters other than that needed to backfill the trench to restore ground to pre-work grades;

2. Backfilling is performed to restore pre-work grades is completed within 24 hours of disturbance; and

3. Work is conducted in compliance with subsection 62-330.050(9), F.A.C.

(g) Construction, alteration, maintenance, removal, or abandonment of communication tower sites with 0.5 acre or less of impervious or semi-impervious surface such as access roads, buildings, and equipment pads. The design of above-grade access roads shall not adversely affect the conveyance of surface water flows. No activities, including access to the site, shall be located in wetlands or other surface waters or within a 100-year floodplain.

(h) Construction, alteration, maintenance, removal, or abandonment of electrical distribution substation and electrical switching station sites with one acre or less of impervious or semi-impervious surface such as access roads, buildings, and equipment pads. The design of above-grade access roads shall not adversely affect the conveyance of surface water flows. The site must be surrounded by swales, as defined in Section 403.803(14), F.S., or other type of equivalent treatment, and must not have a direct discharge to an Outstanding Florida Water. No activities, including access to the site, may be located in wetlands or other surface waters, or within a 100-year floodplain.

(i) Installation and repair of water intake lawn irrigation waterlines and closed-loop air conditioning cooling lines laid on the bottoms of waters of the state for an individual private single-family or multi-family residence, provided that the intake diameter is less than six inches, or its hydraulic equivalent.

(15) Modification or reconstruction of an existing conveyance system constructed prior to the need to obtain a permit under Part IV of Chapter 373, F.S., provided:

(a) The work is conducted by a city, county, state agency, or District;

(b) The system alteration is not intended to serve new development; and

(c) The system does not:

1. Discharge directly to Outstanding Florida Waters;

2. Increase pollution loading;

3. Change points of discharge in a manner that would adversely affect the designated uses of wetlands or other surface waters;

4. Result in new adverse water quantity impacts to receiving waters and adjacent lands;

5. Pipe and fill wetlands and other surface waters, including irrigation or drainage ditches; and

6. Replace a functional treatment swale that was authorized under Chapter 62-25, F.A.C., or Part IV of Chapter 373, F.S.

(16) The construction, alteration, maintenance, or filling removal of wholly-owned, artificial surface waters that:

(a) Were or are created entirely from uplands;

(b) Are isolated such that they do not connect to any other wetlands or other surface waters;

(c) Are not excavated within three feet above any aquitard or karst materials;

(d) Involve no more than a total of 0.5 acre of work in wetlands or other surface waters within the artificial waterbody;

(e)(d) Do not impound water above any surrounding natural grade elevation, or have the capability of impounding; more than 40 acre-feet of water;

(e) Do not involve of a dam or appurtenant work that has a height of more than 10 feet, as measured from the lowest elevation of the downstream toe to the dam crest;

(f) Were or are not created to provide mitigation under Part IV of Chapter 373, F.S.;

(g) Excavated materials shall not be used off-site for commercial, industrial, or construction use; ~~and~~

(h)(g)—Were not permitted for stormwater treatment or management under Chapter 62-25, F.A.C., or Part IV of Chapter 373, F.S.;

(i) All excavated material shall be deposited and fully contained within uplands;

(j) Are not a farm pond as defined in Section 403.927, F.S.; and

(k) Work is conducted in accordance with paragraph 62-330.050(9)(b), F.A.C.;

(17) The construction, alteration, operation, maintenance, repair, reclamation, or abandonment of a dry borrow pit for excavation of sand and other soil materials, provided that all of the following conditions are met:

(a) Notice of intent to use this exemption is provided to the Agency 30 days before performing any work.

(b) The area of excavation for the borrow pit shall be less than five acres, when measured at the natural land surface grade of the pit.

(c) The borrow pit shall be constructed entirely in uplands for the purpose of using the borrow materials as appropriately permitted, authorized, or as exempted. If excavated materials will be used off-site for commercial, industrial, or construction use, the borrow pit is subject to the mine reclamation requirements under Part III of Chapter 378, F.S.

(d) Borrow pits under this exemption must meet the following conditions:

1. Does not include construction or maintainance of any embankment above the natural land surface grade as a part of the work to construct the pit and remove the soil materials.

2. No above-grade roads are constructed as access to the pit area.

3. Shall not impact wetlands.

4. Shall not be excavated deeper than three feet above seasonal high water level, any surficial aquifer, aquitard, or karst materials.

5. The pit area shall be protected at all times by adequate fencing and gating structures to limit access and provide for safety.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

62-330.0511 No-fee Noticed Exemptions for Construction, Operation, Maintenance, Alteration, Abandonment, or

Removal of Minor Silvicultural Surface Water Management Systems.

(1) Silviculture activities conducted and noticed in conformance with the best management practices and procedures below shall qualify for this no-fee noticed exemption. The Agencies shall not be compelled to verify qualification for these exemptions following receipt of the notice required in subsection (2), below. However, if a person desires written Agency verification of compliance with this rule, they shall follow the noticing and fee requirements of Rule 62-330.050, F.A.C. These exemptions apply to:

(a) Any person constructing, operating, maintaining (including repairing or replacing), altering, abandoning, or removing silvicultural roads, and other minor activities designed to place the property into silvicultural use or to perpetuate the maintenance of the property in silvicultural use; and-

(b) The U.S. Forest Service to construct, operate, maintain, alter, abandon, or remove surface water management systems.

(2) The construction, operation, maintenance, alteration, abandonment, or removal of the minor silvicultural surface water management system described below shall be initiated only after a completed "Notice of Intent to Construct a Minor Silvicultural System," Form 62-330.0511(1), (November 16, 2016) [~~October 1, 2013~~], incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02510>), is received by the Agency, or is properly addressed and stamped and deposited in the United States mail, in which case the postmark date shall be the date of receipt. Persons may also submit annual schedules of proposed silvicultural surface water management systems that meet the requirements of this section, including completed notices for each activity. A copy of the above form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(3) Activities required to implement the following projects qualify for the exemption under this rule:

(a) A permanent culverted fill road with a road surface of 28 feet or less in width placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than 10 square miles. The design of the work must allow for conveyance of normal flows and for overtopping during large storm events, and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. Under this paragraph, the fill material shall be no more than 24 inches above culvert structures. The fill material on the road approaches shall be no more than 24 inches above grade except within an area of 100 feet of either side of a culvert. The road must be designed with culvert inlets positioned at or below natural grade of the bed of the stream or other watercourse to prevent the permanent impoundment of water, and to provide an overflow area or areas which will prevent erosion and adverse effects to water levels upstream and downstream of the road.

(b) A temporary culverted fill road or a temporary bridge up to 50 feet long, with a road surface of 28 feet or less in width placed in or

crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or a drainage area upstream of the work of less than 10 square miles. The design of the work must allow for conveyance of existing flow during the period of installation and use and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The work must be designed only to facilitate the temporary movement of equipment and must be removed immediately after the operation for which the crossing was needed is complete or within 30 months of the filing of the notice in subsection (2), above, whichever is sooner.

(c) A permanent bridge up to 100 feet in length and 28 feet or less in width supported on pilings or trestles, placed in or crossing a stream or other watercourse of less than 10 cubic feet per second average discharge at the location of the work or with a drainage area upstream of the work of less than 10 square miles. The design of the work and associated approach roads, if any, must allow for conveyance of normal flows and for overtopping during large storm events and any fill placed in wetlands associated with the stream or other watercourse must be less than 0.5 acre in area. The height limitation for fill on the bridge approach roads shall be a maximum of 24 inches above natural grade.

(d) A permanent culverted fill road or bridge with a road surface of 28 feet or less in width, placed in or crossing a wetland or other impoundment, excluding reservoirs created by dams, where the road surface area over the wetland or other impoundment is less than 0.5 acre. Such crossings must be located in a manner which minimizes the area of wetlands being filled. Fill material for crossings of isolated wetlands or other isolated impoundments may be excavated from the wetland being crossed, provided that all excavation takes place immediately adjacent to the road surface and that the excavated area consists only of narrow trenches which are not connected to ditches constructed or maintained for drainage purposes. In addition, such excavations shall not result in drainage from the wetland.

(e) Temporary stream channel diversions necessary to complete the works described in paragraph (3)(a), (b), or (c), above, provided that the area used for the temporary diversion is restored to its previous contours and elevations.

(f) Clearing and snagging in a stream or other watercourse within 50 feet of the center line of a culverted fill road or a bridge described in paragraph (3)(a), (b), or (c), above, necessary to construct said work.

(g) A permanent low water, hard surfaced crossing in a stream, other watercourse, wetland or other impoundment consisting of the placement of rock or similar material no more than 12 inches higher than the bed of the stream, other watercourse or impoundment. Such crossings must be designed only to facilitate the movement of equipment by creating a stable foundation in shallow streams, other watercourse, wetlands or other impoundments. Temporary low water, hard surfaced crossings may be constructed using logs, but must be removed immediately following the completion of the silvicultural operation or within 30 months of the filing of the Notice of Intent in subsection (2), whichever is sooner.

(h) Upland field ditches of a temporary nature to facilitate only harvesting, site preparation, and planting, with a maximum cross-sectional area of 18 square feet spaced no closer than 660 feet from any other parallel ditch. After seedling establishment, the ditches shall be allowed to revegetate naturally. The person will not be required to fill field ditches after seedling establishment.

(i) Above grade, unpaved, upland silvicultural roads with an average road surface width of 28 feet within a construction corridor up to 50 feet in width. These roads must also incorporate sufficient culverts at grade to prevent alteration of natural sheet flow and may have associated borrow ditches. Road ditches shall be constructed only to obtain road material for the associated road and to provide only enough storage to maintain a dry road surface. Such road ditches must not provide drainage to the tract adjoining the road, other than to provide drainage of the road surface and minor, incidental drainage of abutting lands. These road ditches may be connected to other roadside ditches that were constructed pursuant to an Agency permit or that were exempt from permitting under Part IV of Chapter 373, F.S., but must not connect directly or indirectly to any works onsite or off-site which are designed or constructed to provide drainage or conveyance or which would result in drainage or conveyance. Road ditches must be separated from wetlands and other surface waters by a buffer strip of indigenous ground cover and a water turnout prior to said buffer strip. However, road ditches may discharge directly to a wetland when the slope of the uplands within 1,000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands. The width of the buffer strip shall be no less than 35 feet, or 50 feet when located adjacent to an Outstanding Florida Water, an Outstanding National Resource Water, or Class I waters.

(j) Upland borrow areas needed to obtain fill material for crossings of streams, other watercourses, wetlands, and other impoundments authorized by this exemption. These upland borrow areas must not provide drainage and must not be hydrologically connected to roadside ditches or field ditches.

(4) The systems identified in subsection (3), above, must meet the following performance standards:

(a) Except for those areas to be filled for crossings as provided in this section, the activities must not convert wetlands or other surface waters to uplands.

(b) A road or bridge must be designed to convey normal water flow while being adequately stabilized to allow for overtopping during storm events without washing out.

(c) A permanent road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 0.5 mile from any traversing work which traverses the same stream, other watercourse, wetland or impoundment. A low water crossing or temporary road or bridge placed in or crossing a stream, other watercourse, wetland or other impoundment may be placed no closer than 0.25 (1/4) mile from any traversing work which traverses

the same stream, other watercourse, wetland, or other impoundment. The spacing limitation shall be measured along the stream, other water course, wetland or other impoundment. Notwithstanding the spacing limitation in this paragraph, at least one low water crossing, road or bridge crossing of any stream, other watercourse, wetland or other impoundment may be constructed to each upland area being managed for silviculture that would not otherwise be accessible if these spacing limitations were met.

(d) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased velocities downstream of the work that would cause scour outside of the area of clearing and snagging described in paragraph (3)(f), above.

(e) A low water crossing, road, or bridge placed in or crossing a stream, other watercourse or impoundment must not cause increased flooding on property not owned by the person.

(f) Erosion control measures must be undertaken to limit the transfer of suspended solids into the receiving waterbody during and after construction of the proposed work. After removing any temporary crossing, disturbed portions of the stream bank and stream channel shall be restored to approximate their original shape and flow capacity. Erodible ground area associated with the crossing shall be stabilized with riprap, mulch or seeded for appropriate ground cover vegetation within 72 hours after removal.

(g) Upland field ditches may connect only to works that are permitted by the Agency, or exempt from permitting under Part IV of Chapter 373, F.S., and only if the connection will not cause the work to exceed its conveyance capacity or to increase flooding on property not owned by the person; however, this section does not authorize connection to works without the consent of the owner of the work. Field ditches will be presumed to meet the erosion control requirements of paragraph (4)(f), above, when they are separated from streams, other watercourses, wetlands or other impoundments by a buffer strip of undisturbed vegetation and provided the integrity of this buffer is maintained. The width of the buffer strip shall be the width of the total Special Management Zone (primary zone and secondary zone) as described in the “*Silviculture Best Management Practices Manual*”² (2008), published by the Division of Forestry, Florida Department of Agriculture and Consumer Services, incorporated by reference herein (#1 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03131>,

#2 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03132>,

#3 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03133>,

#4 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03134>,

#5 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03135>,

#6 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03136>,

#7 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03137>.

#8 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03138>,

#9 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03139>,

#10 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03140>, and

#11 <http://www.flrules.org/Gateway/reference.asp?No=Ref-03141>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. However, field ditches may discharge directly to a wetland when the slope of the uplands within 1,000 feet of the edge of the wetland is equal to or less than two percent, provided the ditch does not result in drainage of the wetland and provided that the ditch does not create a hydrologic connection between two or more wetlands.

(h) In addition to the performance standards in paragraphs (4)(a) through (g), above, the person undertaking the activities must use the best management practices set forth in the “*Silviculture Best Management Practices Manual*”²² referenced in paragraph (4)(g), above.

(i) If climatic or flow conditions prevent the removal of a temporary crossing within the time frame specified in this section, the applicant may re-submit the application identified in subsection (2), above, to extend the time period for removal and restoration of the temporary crossing. The person must provide a written explanation and evidence supporting the need to reauthorize the crossing and must specify the additional time needed to remove the crossing, which may not exceed one year.

(5) Activities are authorized by the exemptions above for the following durations:

(a) One year to complete construction, alteration, abandonment, or removal of the silvicultural surface water management system; and

(b) Permanent for operation and maintenance of the silvicultural surface water management system.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406(2), 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

62-330.054 Individual Permits.

(1) An individual permit is required for activities that require a permit if they:

(a) Do not qualify for a general permit in Rules 62-330.410 ~~62-330.407~~ through 62-330.635, F.A.C.; and

(b) Are not proposed for conceptual approval under Rules 62-330.055 or 62-330.056, F.A.C.

(2) Except as otherwise provided in subsection (4), below, an application for an individual permit shall be:

(a) Prepared using the form and procedures in Rule 62-330.060, F.A.C.;

(b) Submitted in accordance with sections 4.2.3, 4.3, and 4.4 of Volume I Rule 62-330.061, F.A.C.; and

(c) Reviewed and acted on in accordance with Rules 62-330.062, 62-330.071, 62-330.075, 62-330.090, 62-330.301, and 62-330.302, F.A.C, and the Applicants Handbook.

(3) An application for a mitigation bank permit shall be processed as a type of individual permit, but also is subject to the requirements in Chapter 62-342, F.A.C. If there is a conflict between this chapter and Chapter 62-342, F.A.C., Chapter 62-342, F.A.C., will control. ~~All references to the “Department” in Chapter 62-342, F.A.C., shall also constitute a reference to the applicable District or delegated local government in accordance with the operating agreements identified in subsection 62-330.010(3), F.A.C.~~

(4) An individual permit required solely pursuant to both paragraph 62-330.020(2)(i), F.A.C., and Chapter 40C-44, F.A.C., shall be reviewed and acted upon in accordance with Chapter 40C-44, F.A.C., (October 1, 2013), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02533>), and application for such permit shall be made in accordance with that chapter. A copy of Chapter 40C-44, F.A.C., may be obtained as provided in subsection 62-330.010(5), F.A.C.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.4136, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New 10-1-13, Amended 6-1-18.

62-330.055 Conceptual Approval Permits for Urban Infill or Redevelopment.

A county or municipality may request a conceptual approval permit for activities occurring within urban infill and redevelopment areas or community redevelopment areas created under Chapter 163, F.S. Following approval of the conceptual permit, any construction, alteration, operation, maintenance or removal consistent with the conceptual permit may be authorized under a notice of intent to use the general permit for urban infill and redevelopment in Rule 62-330.450, F.A.C.

(1) An urban infill or redevelopment conceptual approval permit shall be reviewed as provided below and in Rule 62-330.056, F.A.C., but does not have to meet all of the stormwater quality and quantity design and performance criteria of Volume II, provided the county or municipality submits a stormwater management master plan for the urban infill or redevelopment area that includes the following:

(a) Identification of the proposed urban infill or redevelopment area and the total contributing drainage area, including any major drainage basins and sub-basins;

(b) Identification of the receiving waters associated with the proposed urban infill or redevelopment area; and

(c) Calculation and assignment of the predevelopment annual loading of pollutants of concern as determined during the permit application review, on a drainage basin or sub-basin basis, for all areas to be included within the conceptual approval permit. Loadings must be specific to the types of land use and must be expressed as a “mass per area” basis. The basin or sub-basin loading assignments will serve as the pollutant goal for future urban infill or redevelopment in each of

those areas (target pollutant load). Future development that meets the predevelopment pollutant load assignment will be presumed to meet the net improvement requirements of paragraph (2)(a), below.

(2) An application for a conceptual approval permit for urban redevelopment and infill activities shall also include the following:

(a) A demonstration that the redevelopment will achieve a net improvement of the quality of stormwater in accordance with Section 373.4131(1)(b)2., F.S.

(b) Documentation of the rate and volume of stormwater discharges existing as of the date of the application, and information sufficient to estimate the maximum rate and volume of stormwater discharges that will exist as of the date of issuance of the conceptual approval permit.

(c) A commitment that activities within the redevelopment area will use stormwater best management practices (BMPs) to the maximum extent practicable.

(d) Provisions demonstrating that the individual or regional stormwater management systems within the urban infill or redevelopment area will be operated and maintained in perpetuity, consistent with the terms and conditions of the conceptual approval permit.

(e) An identification of proposed construction and non-construction areas.

(f) An estimate of the maximum extent of impacts to wetlands and other surface waters and details of any proposed mitigation for those impacts.

(g) An estimate of the maximum amount of anticipated impervious surface and description of the stormwater treatment system for those areas.

(h) An identification of the general location and types of activities proposed on any state-owned submerged lands.

(i) A timetable for redevelopment, including the requested duration of the conceptual approval permit.

(3) Consistent with the approved stormwater management master plan, the conceptual approval permit will:

(a) Provide a ledger that indicates the target pollutant load (mass per area) for each drainage basin or sub-basin. Any general permit for construction that is submitted in association with the conceptual permit must demonstrate that the proposed project does not exceed the target pollutant load for the receiving waters.

(b) Provide the annual pollutant load (mass per area) for each type of land use category, and the pollutant removal efficiency for the anticipated BMPs to be employed. Activities requested under the general permit in Rule 62-330.450, F.A.C., that use the BMPs approved in the stormwater master plan, that reduce impervious surfaces, or that otherwise meet the pollutant loading target in the stormwater master plan, and that also comply with all the terms and conditions of the general permit, will result in a debit to the ledger. Once the entire pollutant load target is reached for the receiving waters, no more development is allowed under the general permit, ~~and further development will require an individual permit for construction,~~

~~alteration, operation, removal, or abandonment that meets all conditions for issuance under this chapter.~~

(c) Contain specific conditions necessary to ensure that the future applications for permits to construct, alter, operate, maintain, remove, or abandon systems authorized in the conceptual approval permit are consistent with the redevelopment conceptual approval permit and the general permit in Rule 62-330.450, F.A.C.

(d) Allow the rate and volume of stormwater discharges for stormwater management systems within the urban infill or redevelopment area to continue up to the maximum rate and volume of stormwater discharges allowed under Section 373.4131(1)(b)4., F.S.

(4) If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics during the duration of the conceptual approval permit, the applicant must modify the conceptual approval permit if it wishes to continue to rely on it as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this section. If the permittee fails to do this, the conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of the conceptual approval permit at the time a permit application is received to construct the next phase of activities included in the original conceptual approval permit, or at the next requested extension of the conceptual approval permit duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

(5) Issuance of the conceptual approval permit and activities undertaken under the general permit in Rule 62-330.450, F.A.C., must comply with the provisions of Section 373.4131(1)(b)1., F.S.

(6) An individual permit under this chapter is required for the construction, alteration, operation, maintenance, abandonment, or removal of activities covered by this conceptual approval permit that involve work in wetlands or other surface waters. The following must occur before the Agency can determine that the general permit in Rule 62-330.450, F.A.C., can be used to construct roads, parking areas, buildings, and other structures within the project area authorized by that individual permit, or on lands served by a stormwater management system authorized by that individual permit:

(a) The individual permit must be obtained;

(b) Dredging and filling necessary to prepare the land for future construction, including construction of any required stormwater management systems, must be completed in accordance with the individual permit; and

(c) Any mitigation required to offset adverse impacts from the work in wetlands and other surface waters must be initiated in conformance with the individual permit. When the applicant proposed the recording of a conservation easement over land as part of its mitigation, then a conservation easement acceptable to the agency must be recorded over the mitigation land consistent with the permitted mitigation plan. If the applicant proposed credits from a mitigation

bank or regional offsite mitigation area as part of its mitigation, then such credits must be purchased consistent with the permitted mitigation plan.

~~(7)(6)~~ An urban infill or redevelopment conceptual permit shall be issued for a period of up to 20 years, unless a shorter duration is requested. The permit shall be renewed at the request of the permittee for another 20 years, unless a shorter duration is requested ~~and may be extended one time for an additional 10 years~~, subject to activities remaining in compliance with this section and the terms and conditions of the general permit in Rule 62-330.450, F.A.C.

Rulemaking Authority 373.026, 373.043, 373.044, 373.4131, 373.4145, 373.418, 380.06, 403.805(1) FS. Law Implemented 373.026, 373.409, 373.413, 373.4131, 373.4141, 373.4142, 373.4145, 373.416, 380.06 FS. History—New 10-1-13, Amended 6-1-18.

62-330.056 Other Conceptual Approval Permits.

(1) A conceptual approval permit is available for an applicant who desires approval of design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require an individual permit under this chapter. This includes activities that are to be developed in phases, such as phased development master plans and projects for which an Application for Development Approval has been made pursuant to Part I of Chapter 380, F.S., and whenever an applicant has not yet developed detailed design or construction plans for a future activity.

(2) A conceptual approval permit does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank. Issuance of a conceptual approval permit does not relieve the holder of such a permit of any requirements to obtain a permit to construct, alter, operate, maintain, remove, or abandon projects that require a permit under this chapter, or to establish and operate a mitigation bank.

(3) An application for a conceptual approval permit shall be prepared and submitted using the procedures in Rules 62-330.060, ~~62-330.061, and 62-330.071~~, F.A.C., and sections 4.2.3, 4.2.3.1, 4.3, and 4.4 of Volume I. An application for conceptual approval for a mitigation bank also shall include the materials required by Chapter 62-342, F.A.C.

(4) The application shall be reviewed and acted on in accordance with this section, Rules 62-330.062, ~~62-330.071~~, 62-330.075, 62-330.090, 62-330.301, and 62-330.302, F.A.C., and the Applicant's Handbook. Agency review and action also shall be in accordance with Chapter 62-342, F.A.C., when the conceptual approval application involves a mitigation bank.

(5) An application for a conceptual approval permit may include a request for a permit to construct and operate the first phase of the activities. In such a case, a separate application and processing fee to construct and operate the first phase shall not be required. In all other cases, an individual permit to construct, alter, operate, maintain, remove, or abandon projects authorized by the conceptual approval permit must be obtained prior to initiating such activities.

(6) Any delineation of wetlands or other surface waters submitted as part of the conceptual approval permit application, including supporting documentation, shall not be considered binding unless a specific condition of the permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(7) Issuance of a conceptual approval permit is a determination that the conceptual plans are, within the extent of detail provided in the conceptual approval permit application, consistent with applicable rules at the time of issuance. A conceptual approval permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of the conceptual approval permit, that the engineering design and ~~scientific environmental principles concepts~~ upon which the ~~designs of the~~ conceptual approval permit are based (within the extent of detail provided in the conceptual approval permit) are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct or operate the future phases:

(a) The application to construct and operate the future phases remains consistent with the designs and conditions of the issued conceptual approval permit. Primary areas for consistency comparisons include the size, location and extent of the activities proposed, the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland and other surface water impacts, mitigation plans implemented or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations.

If an application for construction of any portion of the land area contained within the conceptual approval permit is based upon designs that are inconsistent with the conceptual approval permit, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in the conceptual approval permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of the conceptual approval permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;
2. Abandon reliance on the conceptual approval permit; or
3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.

(b) There are no changes to state water quality standards, that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.

(c) There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.

(d) There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as designation of an affected waterbody as impaired, changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.

(8) If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in paragraphs (7)(a) through (d), above, during the duration of a conceptual approval permit, the applicant must modify the conceptual approval permit if it wishes to continue to rely on it as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this section. If the permittee fails to do this, the conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of the conceptual approval permit at the time a permit application is received to construct the next phase of activities included in the original conceptual approval permit, or at the next requested extension of the conceptual approval permit duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

(9) The duration of a conceptual approval permit, other than for urban infill and redevelopment, is 20 years, provided a permit under this chapter is issued for the initial phase of construction or alteration, the authorized construction or alteration has ~~been~~ begun within five years of the date the conceptual approval permit was issued, and the work remains in compliance with the terms and conditions of both the conceptual approval permit and all permits authorizing construction or alteration. The time periods of this subsection will be tolled if the reviewing agency is notified, in writing, within five years of issuance of the conceptual approval permit, that administrative review under either of the following is pending:

(a) The project approved by the conceptual approval permit is undergoing Development of Regional Impact review pursuant to Section 380.06, F.S., and an administrative appeal of that review has been filed; or

(b) The issuance of the construction permit for the first phase is under administrative review pursuant to Sections 120.569 or 120.57, F.S.

If notice is given as provided above, the five-year time period for obtaining a permit and commencing construction shall be tolled until the date of final action resolving such administrative appeal or review, including any judicial review.

(10) If a permit for construction or alteration of the initial phase is not obtained from the Agency and construction commenced within five-years of issuance of the conceptual approval permit, the

conceptual approval permit will expire five years from its date of issuance.

(11) Prior to expiration of the conceptual approval permit, the permittee may submit a request to modify its duration. However, the application will be reviewed in consideration of the factors in subsections 62-330.056(7) and (8), F.A.C., at the time of submittal of each request to extend the duration and each subsequent permit application to construct another phase of the projects under the conceptual approval permit. Where substantive changes in the design are proposed by the applicant, or are required to address the factors in ~~paragraphs subsections 62-330.056(7)(b) through (d),~~ above F.A.C., the permittee must submit an application for a major modification of the conceptual approval permit, which must be approved prior to the Agency issuing a permit to construct or alter future phases.

(12) A permit under this chapter shall not be required to construct or alter projects consistent with a conceptual approval permit issued under Part IV of Chapter 373, F.S., prior to {October 1, 2013}; such construction or alteration shall continue to be governed by the rules in effect prior to {October 1, 2013}, unless modifications are proposed that will require a permit under this chapter in accordance with subsection 62-330.315(4), F.A.C.

(13) Conceptual approvals for ports are available under and shall be reviewed in accordance with Section 373.4133, F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426 FS. History—New 10-1-13, Amended 6-1-18.

62-330.060 Content of Applications for Individual and Conceptual Approval Permits.

Materials to include in an application or notice for a permit are described below. Applicants are encouraged to have a pre-application meeting or discussion with Agency staff prior to submitting the application or notice.

(1) An application for an individual permit or conceptual approval permit shall be made on Form 62-330.060(1), “~~Joint~~ Application for Individual and Conceptual Approval Environmental Resource Permit and Authorization to Use State-Owned Submerged Lands/Federal Dredge and Fill Permit,” including the information required in the applicable Sections A through H (June 1, 2018) {~~October 1, 2013~~}, incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03189>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., or by use of the equivalent e-application form of the applicable Agency. Attachments 1, 2, and 3 of the form (containing agency contacts and a summary of the application fees related to applications and notices) are not incorporated by reference, but are available at <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>.

(2) The application must include all material requested in the application form; the processing fee in accordance with Rule 62-

330.071, F.A.C.; and other information needed to provide reasonable assurance that the proposed activities meet the conditions for issuance in Rule 62-330.301, F.A.C., the additional conditions for issuance in Rule 62-330.302, F.A.C., and the Applicant’s Handbook.

(3) The applicant must certify that it has sufficient real property interest over the land upon which the activities subject to the application will be conducted, as required in Section A of Form 62-330.060(1) and Section 4.2.3(d) of the Applicant’s Handbook Volume I. The applicant or the applicant’s authorized agent must sign Part 4.A. of the application, and the applicant must sign Part 4.B. If the applicant’s authorized agent signs Part 4.A, the applicant also must sign Part 4.C.

(4) An application for an individual permit also constitutes an application to operate and maintain the project. The application must specify the entity that will operate and maintain the project. If the applicant proposes an entity other than the current owner to operate and maintain the proposed project, documentation must be included demonstrating how such entity will meet the requirements of sections 12.3 through ~~12.3.4~~ ~~12.3.3~~ of Volume I. A homeowner’s or property owner’s association (“HOA” or “POA,” respectively) draft association documents designating the HOA or POA as the operating entity, and prepared in conformance with sections 12.3 through ~~12.3.4~~ ~~12.3.3~~ of Volume I, shall satisfy this requirement. This provision of the association documents may not be modified without a permit modification in accordance with Rule 62-330.315, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171, 373.4131 FS. Law Implemented 373.042, 373.413, 373.4131, 373.416, 668.003, 668.004, 668.50 FS. History—New 10-1-13, Amended 6-1-18.

62-330.062 Water Quality Certification and Coastal Zone Consistency Concurrence.

(1) A State Water Quality Certification under Section 401 of the Clean Water Act, 33 U.S.C. Section 1341, shall be provided as described below.

(a) A complete application for an individual or conceptual approval permit shall constitute an application for certification of compliance with state water quality standards for activities that require an associated Department of the Army permit or license under Section 404 of the Clean Water Act, 33, U.S.C. 1344 where necessary. Issuance of the individual or conceptual approval permit under this chapter such a permit shall constitute certification of compliance with water quality standards, unless water quality certification is waived in accordance with paragraph (1)(c), below.

(b) State water quality certification is granted when an activity meets all the terms and conditions of a general permit under Rule 62-330.052, F.A.C., and the applicable Rules 62-330.401 through 62-330.635, F.A.C.

(c) State water quality certification is waived for activities:

1. That are not regulated under Rule 62-330.020, F.A.C.
2. That are exempt under Rule 62-330.051 or 62-330.0511, F.A.C.

3. That require net improvement of water quality under Section 373.414(1)(b), F.S., including permits issued under Rule 62-330.055, F.A.C.

~~4. That require issuance of a variance of state water quality standards under Section 120.542 or 373.414(17), F.S.~~

~~5. When in which~~ the individual or conceptual approval permit is ~~not~~ cannot be issued or denied within ~~365~~ ~~480~~ days of the date the application is deemed complete by the Agency.

5. When the permit or authorization expressly waives water quality certification.

(2) A complete application for an individual or conceptual approval permit for activities located in or seaward of coastal counties, and, in whole or in part, in, on, or over wetlands or other surface waters, shall also constitute a request for the State’s concurrence that the activities are consistent with the enforceable policies included in the Florida Coastal Management Program (FCMP) under the “Coastal Zone Management Act” (CZMA), 16 U.S.C. Sections 1451-1466, and its implementing regulations, 15 C.F.R. Part 930. In accordance with Section 380.23, F.S.:

(a) Qualification for a general permit, or issuance of an individual or conceptual approval permit shall constitute the state’s concurrence that the activity is consistent with the enforceable policies included in the FCMP.;

(b) Applications for federally permitted or licensed activities that qualify for an exemption under Section 373.406 or 403.813(1), F.S., and this chapter, or the “10/2” general permit under Section 403.814(12), F.S., are not eligible to be reviewed for federal consistency with Part IV of Chapter 373, F.S. The U.S. Army Corps of Engineers (Corps) or any designated ~~Federal,~~ State or local agency administering general permits on behalf of the Corps under 33 C.F.R. Section 325.2(b)(2) may presume such exempt activities are consistent with the permitting Agency’s authorities within the FCMP, provided the activity receives any applicable authorization to use and occupy state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 380.23(4), 403.0877, 403.805(1) FS. Law Implemented 373.026(7), 373.109, 373.117, 373.118, 373.413, 373.4131, 373.4141, 373.4145, 373.416, 373.426, 373.428, 380.23, 403.0877 FS. History—New 10-1-13, Amended 6-1-18.

62-330.071 Fees.

(1) A processing fee is required to be submitted with an application, notice, or petition under this chapter. The amount of the fee is specified in the following rules of the applicable Agency where the application, notice, or petition is submitted. The rules in paragraphs (b) through (e), below, are incorporated by reference herein. A copy of the incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(a) Department or Northwest Florida Water Management District – Rule 62-4.050, F.A.C.

(b) Suwannee River Water Management District – Rule 40B-1.706, F.A.C., (October 1, 2013) ~~{October 1, 2013}~~, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02534>)

(c) St. Johns River Water Management District – Rule 40C-1.603, F.A.C., (October 1, 2013) ~~{October 1, 2013}~~, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02535>)

(d) Southwest Florida Water Management District – Rule 40D-1.607, F.A.C., (October 1, 2013) ~~{October 1, 2013}~~, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02536>)

(e) South Florida Water Management District Rule – Rule 40E-1.607, F.A.C., (October 1, 2013) ~~{October 1, 2013}~~, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02537>).

(f) The processing fee for applications, notices, or petitions that are the responsibility of a local government delegated to implement this chapter under Section 373.441, F.S., shall be established by the local government in accordance with the Delegation Agreement between the Department and the local government incorporated by reference in Chapter 62-113, F.A.C.

(2) Processing fees submitted in the form of a check shall be made payable to the Agency. Electronic payment will be in accordance with the procedures established by the applicable Agency.

(3) If an applicant withdraws an application for individual or conceptual approval permit prior to Agency action, any processing fee submitted with that application shall be applied to the processing fee for a new application or notice received from the same applicant if done within 365 days from when the original ~~previous~~ application was withdrawn, provided the activity is located within all or part of the same project area. In such a case, additional processing fees will be required only to collect the balance due for the activities proposed in the revised application or notice. Processing fees previously paid for an application or notice that was denied by the Agency shall not be applied to a new or revised application or notice.

(4) A processing fee shall not be assessed for applications and notices under this chapter submitted by the Army, Navy, Air Force, Coast Guard, Marine Corps, or National Guard branches of the U.S. United States Department of Defense.

Rulemaking Authority 373.026(7), 373.043, 373.109, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 218.075, 373.109, 373.4131, 373.4145, 373.418, 373.421 FS. History–New 10-1-13, Amended 6-1-18.

62-330.075 Additional Requirements and Procedures for Concurrent Review of Related Applications.

(1) A single application shall be submitted and reviewed for activities that require both an individual ~~or conceptual approval~~ permit under this chapter and a proprietary authorization under Chapters 253 or 258, F.S., to use state-owned submerged lands. In such cases, the application shall not be deemed complete, and the timeframes for approval or denial shall not commence, until all information required by applicable provisions of Part IV of Chapter 373, F.S., and proprietary authorization under Chapter 253 or 258, F.S., and rules

adopted thereunder for both the environmental resource permit and the proprietary authorization is received.

(2) No application under this section shall be approved until all the requirements of applicable provisions of Part IV of Chapter 373, F.S., and proprietary authorization under Chapter 253 or 258, F.S., and rules adopted thereunder for both the individual ~~or conceptual approval~~ permit and the proprietary authorization are met. The approval shall be subject to all conditions of the regulatory permit and proprietary authorization, and any additional conditions imposed by such statutes or rules.

(3) For an application reviewed under this section for which a request for proprietary authorization to use state-owned submerged lands has been delegated to the Agency to take final action without action by the Board of Trustees of the Internal Improvement Trust Fund, the Agency ~~or water management district~~ shall issue a consolidated notice of intent to issue or deny the individual ~~or conceptual approval~~ permit and the proprietary authorization within 60 days of receiving a complete application under this section. Waiving or tolling the timeframes for final action on the application under this section shall constitute a waiver or tolling of the timeframes for final action on the individual or conceptual approval permit application.

(4) For an application reviewed under this section for which the request for proprietary authorization to use state-owned submerged lands has not been delegated to the Agency to take final action without action by the Board of Trustees of the Internal Improvement Trust Fund, the application shall be reviewed and final agency action taken in accordance with the procedures in Sections 373.427(2)(a) through (c), F.S. The recommended consolidated intent, as required in Section 373.427(2)(a), F.S., shall be considered issued when the Agency submits it for publication on the Board of Trustees’ agenda, and releases it to the applicant and to any person to whom notice is required under Rule 62-330.090, F.A.C.

(5) Upon the issuance of the consolidated notice or recommended consolidated notice of intent to issue or deny pursuant to subsection (4), above, the Agency shall be deemed to be in compliance with the timeframes for approval or denial in Section 120.60(1), F.S. Failure to satisfy these timeframes shall not result in approval by default of the application to use state-owned submerged lands. Also, if an administrative proceeding under Sections 120.569 and 120.57, F.S., is properly requested on both the individual or conceptual approval permit and the proprietary authorization under this section, the review shall be conducted as a single consolidated administrative proceeding, and final agency action shall not be taken on either authorization until the administrative proceeding is concluded.

(6) Appellate review of any consolidated order under this section is governed by Section 373.4275, F.S.

(7) For an activity requiring a permit under Section 161.041, F.S., and an individual or conceptual approval permit under this chapter, a joint coastal permit shall be required, as provided in Chapter 62B-49, F.A.C., in place of the individual or conceptual approval permit under this chapter.

(8) This section shall be applicable to all applications for individual or conceptual approval permits under this chapter, and proprietary authorizations under Chapter 253 or 258, F.S., to use state-owned submerged lands, that are received by the Agency after October 1, 2013. If an applicant requests that its application for an individual or conceptual approval permit under this chapter, and proprietary authorizations under Chapter 253 or 258, F.S., to use state-owned submerged lands, received prior to October 1, 2013, be processed under this rule, such request shall be granted if the applications for both are incomplete as of October 1, 2013.

(9) Nothing in this section shall be construed to limit an applicant's ability to make separate applications for stages, phases, or portions of a project separate from an activity requiring both a proprietary authorization under Chapter 253 or 258, F.S., and an individual or conceptual approval permit under this chapter.

Rulemaking Authority 161.055, 253.03(7), 253.77, 258.43, 373.026, 373.043, 373.044, 373.4131, 373.418, 373.427, 403.805(1), FS. Law Implemented 120.60, 161.041, 161.055, 253.03, 253.77, 258.42, 258.43, 373.026, 373.413, 373.4131, 373.416, 373.427, 373.4275 FS. History—New 10-1-13, Amended 6-1-18.

62-330.090 Processing of Individual and Conceptual Approval Permit Applications.

(1) The Agency shall review, notice, and issue a request for any required additional information in accordance with section 5.5.3 of Volume I.

(2) Pending applications shall be exempt from changes in the rules adopted after an application has been deemed complete except as otherwise provided by law or in this chapter.

(3) If an applicant submits a processing fee in excess of the required fee, the Agency shall begin processing the application and shall refund to the applicant the amount received in excess of the required fee. If an applicant fails to provide the complete processing fee, the Agency will inform the applicant of the amount of additional fee required, and the application will not be complete until the complete processing fee is received, along with the other materials that have been timely requested in accordance with section 5.5.3 of Volume I. The Agency cannot be compelled to issue a permit in advance of receipt of the required fee or any other material required by the Agency to deem an application complete.

(4) If a substantial revision is submitted to a pending application, other than revisions proposed to reduce adverse impacts identified by the Agency, the applicant shall pay the difference between the processing fees already submitted and any additional fees required for the revised application under Rule 62-330.071, F.A.C. In such a case, the time frames in section 5.5.3 of Volume I for processing the application shall be restarted.

(5) In addition to the procedures in this section, processing of the application will be performed in accordance with sections 5.5 through 5.6 of Volume I.

(6) A permit shall only be issued to an entity meeting the requirements of section 4.2.3(d) of Volume I.

(7) The Agency shall cause a "Recorded Notice of Environmental Resource Permit" Form No. 62-330.090(1), (June 1, 2018) [~~October 1, 2013~~], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02519>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., to be recorded in the public records of the county where the property is located unless otherwise noted in the permit. This notice shall not be considered an encumbrance upon the property. Such notice need not be recorded when the entire activity:

(a) Is for an individual, single-family residence, duplex, triplex, or quadruplex that is not part of a larger common plan of development or sale proposed by the permittee, except when the permit specifies that recording is necessary to ensure future owners are advised of long-term operational and maintenance requirements, or conservation provisions;

(b) Is authorized by a general permit under this chapter;

(c) Is temporary (not to exceed one year) in nature;

(d) Has no long term maintenance or operation requirements associated with it;

(e) Is located within lands encumbered by a real property interest held by a federal, state, county, or municipal government entity, including a school, university, or college; ~~or~~

(f) Is a utility within an easement recorded in the official records; ~~or~~

(g) Is within the permit area of an existing permit for which a Notice has already been recorded, and the permit modification does not change the permit area.

Rulemaking Authority 373.026(7), 373.043, 373.116, 373.118, 373.413, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.109, 373.118, 373.4131, 373.4141, 373.4145 FS. History—New 10-1-13, Amended 6-1-18.

62-330.201 Formal Determinations of the Landward Extent of Wetlands and Other Surface Waters.

(1) A real property owner, an entity having a contract to purchase real property, an entity having the power of eminent domain, or any other person who has legal or equitable interest in real property, may petition the Agency for a formal determination of the landward extent of wetlands and other surface waters for that property pursuant to Section 373.421(2), F.S. A formal determination means the Agency will make a binding determination of the landward extent (boundaries) of wetlands and other surface waters as defined by Chapter 62-340, F.A.C. A formal determination is binding on the real property for which that determination is sought for as long as the determination is valid, in accordance with Sections 373.421(2) and (3), F.S. If the petitioner is not the owner of the land, the petitioner must provide the Agency with information sufficient to contact the current owner, and the Agency shall provide notice of receipt of the petition to the landowner.

(2) Procedures for the submittal, review, noticing, and action on a petition for a formal determination are contained in sections 7.2 through 7.2.7 of Volume I. The petition shall be submitted using Form 62-330.201(1), "Petition for a Formal Determination of the Landward

Extent of Wetlands and Other Surface Waters,” (June 1, 2018) [~~October 1, 2013~~], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02471>). It shall be submitted with the fee prescribed in Rule 62-330.071, F.A.C. Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.421(2), 403.0877 FS. Law Implemented 120.54(5)(a), 373.026, 373.4131, 373.421(2), 373.441 FS. History—New 7-4-95, Amended 8-14-96, 8-16-98, 2-19-03, Formerly 62-343.040, Amended 10-1-13, 6-1-18.

62-330.301 Conditions for Issuance of Individual and Conceptual Approval Permits.

(1) To obtain an individual or conceptual approval permit, an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, or abandonment of the projects regulated under this chapter:

(a) Will not cause adverse water quantity impacts to receiving waters and adjacent lands;

(b) Will not cause adverse flooding to on-site or off-site property;

(c) Will not cause adverse impacts to existing surface water storage and conveyance capabilities;

(d) Will not adversely impact the value of functions provided to fish and wildlife and listed species by wetlands and other surface waters;

(e) Will not adversely affect the quality of receiving waters such that the state water quality standards set forth in Chapters 62-4, 62-302, 62-520, and 62-550, F.A.C., including the antidegradation provisions of paragraphs 62-4.242(1)(a) and (b), F.A.C., subsections 62-4.242(2) and (3), F.A.C., and Rule 62-302.300, F.A.C., and any special standards for Outstanding Florida Waters and Outstanding National Resource Waters set forth in subsections 62-4.242(2) and (3), F.A.C., will be violated;

(f) Will not cause adverse secondary impacts to the water resources. In addition to the criteria in this subsection and in subsection 62-330.301(2), F.A.C., in accordance with Section 373.4132, F.S., an applicant proposing the construction, alteration, operation, maintenance, abandonment, or removal of a dry storage facility for 10 or more vessels that is functionally associated with a boat launching area must also provide reasonable assurance that the facility, taking into consideration any secondary impacts, will meet the provisions of paragraph 62-330.302(1)(a), F.A.C., including the potential adverse impacts to manatees;

(g) Will not adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

(h) Will not cause adverse impacts to a Work of the District established pursuant to Section 373.086, F.S.;

(i) Will be capable, based on generally accepted engineering and scientific principles, of performing and functioning as proposed;

(j) Will be conducted by a person with the financial, legal and administrative capability of ensuring that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued; and

(k) Will comply with any applicable special basin or geographic area criteria established as follows:

1. Within the Northwest Florida Water Management District, Sections 13.0 through 13.4 (Special Basin Criteria for Sensitive Karst Areas, including Appendix A) of Volume II.

2. Within the Suwannee River Water Management District, Section 5.9 (Sensitive Karst Areas) of Volume II.

3. Within the St. Johns River Water Management District:

a. Chapter 40C-41, F.A.C., “Surface Water Management Basin Criteria,” (October 1, 2013) [~~October 1, 2013~~], incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02551>).

b. Sections 13.0 through 13.8.3 (Part VI, Basin Criteria), of Volume II.

4. Within the South Florida Water Management District:

a. Chapter 40E-41, F.A.C., “Surface Water Management Basin and Related Criteria,” (December 1, 2011), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02554>).

b. ~~Chapter 40E-62, F.A.C., “Works and Lands of the District Management Plans,” (January 23, 1990), incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02556>).~~

c. Chapter 40E-63, F.A.C., “Everglades Program,” (November 9, 2010) [~~July 3, 2001~~], incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02557>).

~~c.d.~~ For activities within the Outstanding Florida Waters of Monroe County, the provisions of Rules 62-312.400 through 62-312.460, F.A.C.

Copies of incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(2) In instances where an applicant is unable to meet state water quality standards because existing ambient water quality does not meet standards and the system will contribute to this existing condition, the applicant must implement mitigation measures that are proposed by, or acceptable to, the applicant that will cause net improvement of the water quality in the receiving waters for those parameters that do not meet standards.

(3) In addition to the ~~criteria criteria~~ in Chapter 62-330 subsections 62-330.301(1) through (2), F.A.C., applications for a mitigation bank must also meet the criteria of Chapter 62-342, F.A.C.

(4) The standards and criteria used to determine whether the reasonable assurances required in this section and Rule 62-330.302, F.A.C., have been provided, including the provisions for elimination or reduction of impacts and mitigation to offset adverse impacts, are contained in Volume I, incorporated by reference in subsection 62-330.010(4), F.A.C., and Volume II, incorporated by reference in subsection 62-330.010(4), F.A.C., for the applicable District.

(5) Forms for demonstrating that an applicant has met the financial responsibility requirements of sections 10.3.7 through 10.3.7.9 of Volume I shall be in substantial conformance with the

forms incorporated by reference below, a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(a) Form 62-330.301(1), "Performance Bond to ~~To~~ Demonstrate Financial Assurance for Mitigation," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02472>).

(b) Form 62-330.301(2), "Irrevocable Letter of Credit to ~~To~~ Demonstrate Financial Assurance for Mitigation," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02473>).

(c) Form 62-330.301(3), "Standby Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02474>).

(d) Form 62-330.301(4), "Trust Fund Agreement to Demonstrate Financial Assurance for Mitigation," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02477>).

(e) Form 62-330.301(5), "Escrow Agreement," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02476>).

(f) Form 62-330.301(6), "Guarantee Bond to ~~To~~ Demonstrate Financial Assurance for Mitigation," (November 16, 2016) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02488>).

(6) Forms for recording of a conservation easement in the public records in favor of the Agency shall be in substantial conformance with the forms incorporated by reference below, a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The use of these forms shall constitute consistency with Section 704.06, F.S. Where the applicant demonstrates that project specific conditions necessitate deviation from language of the accepted forms, alternative language shall be accepted provided that the intent of Section 704.06, F.S., and section 10.3.8 of Volume I continue to be met:

(a) Form 62-330.301(8), "Deed of Conservation Easement–Standard," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02489>).

(b) Form 62-330.301(9), "Deed of Conservation Easement–Standard, ~~with~~ With Third Party Beneficiary Rights," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02490>).

(c) Form 62-330.301(10), "Deed of Conservation Easement–Passive Recreational Uses," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02491>).

(d) Form 62-330.301(11), "Deed of Conservation Easement–Riparian Uses," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02492>).

(e) Form 62-330.301(12), "Deed of Conservation Easement–for Local Governments," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02493>).

(f) Form 62-330.301(13), "Deed of Conservation Easement–~~with~~ Third Party Beneficiary Rights to the U.S. Army Corps of Engineers," (June 1, 2018) ~~{October 1, 2013}~~ (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02494>).

(g) Form 62-330.301(14), "Declaration of Restrictive Covenants," (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02495>).

(h) Form 62-330.301(15), "Declaration of Restrictive Covenants–Insert," (November 16, 2016) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02496>).

(i) Form 62-330.301(16), "Temporary Easement for Construction Access," (November 16, 2016) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02497>).

(j) Form 62-330.301(17), "Permanent Access Easement," (November 16, 2016) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02498>).

(k) Form 62-330.301(18), "Joint Deed of Conservation Easement–Standard (within Broward County)," (June 1, 2018) (DOS [hyperlink](#)).

(l) Form 62-330.301(19), "Joint Deed of Conservation Easement–~~Standard, with~~ Third Party Beneficiary Rights (within Broward County)," (June 1, 2018) (DOS [hyperlink](#)).

(m) Form 62-330.301(20), "Joint Deed of Conservation Easement–Passive Recreational Uses (within Broward County)," (June 1, 2018) (DOS [hyperlink](#)).

(n) Form 62-330.301(21), "Joint Deed of Conservation Easement–Riparian Uses (within Broward County)," (June 1, 2018) (DOS [hyperlink](#)).

(o) Form 62-330.301(22), "Joint Deed of Conservation Easement–Local Governments (within Broward County)," (June 1, 2018) (DOS [hyperlink](#)).

(p) Form 62-330.301(23), "Joint Deed of Conservation Easement–Third Party Beneficiary Rights to the U.S. Army Corps of Engineers (within Broward County)," (June 1, 2018) (DOS [hyperlink](#)).

(q) Form 62-330.301(24), "Deed of Conservation Easement for Mitigation Banks–Third Beneficiary Rights to U.S. Army Corps of Engineers," (June 1, 2018) (DOS [hyperlink](#)).

(7) An overwater pier, dock, or similar structure located in a deepwater port listed in Section 311.09, F.S., does not require treatment of stormwater runoff from its impervious surfaces subject to the requirements of Section 373.406(12), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.042, 373.409, 373.413, 373.4131, 373.4132, 373.4142, 373.4145, 373.416, 373.426, 373.429, 704.06 FS. History–New 10-1-13, Amended 6-1-18.

62-330.302 Additional Conditions for Issuance of Individual and Conceptual Approval Permits.

(1) In addition to the conditions in Rule 62-330.301, F.A.C., to obtain an individual or conceptual approval permit under this chapter, an applicant must provide reasonable assurance that the construction,

alteration, operation, maintenance, repair, removal, and abandonment of a project:

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such activities significantly degrade or are within an Outstanding Florida Water, are clearly in the public interest, as determined by balancing the following criteria as set forth in sections 10.2.3 through 10.2.3.7 of Volume I:

1. Whether the activities will adversely affect the public health, safety, or welfare or the property of others;

2. Whether the activities will adversely affect the conservation of fish and wildlife, including endangered or threatened species, or their habitats;

3. Whether the activities will adversely affect navigation or the flow of water or cause harmful erosion or shoaling;

4. Whether the activities will adversely affect the fishing or recreational values or marine productivity in the vicinity of the activity;

5. Whether the activities will be of a temporary or permanent nature;

6. Whether the activities will adversely affect or will enhance significant historical and archaeological resources under the provisions of Section 267.061, F.S.; and

7. The current condition and relative value of functions being performed by areas affected by the proposed activities.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in sections 10.2.8 through 10.2.8.2 of Volume I.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department of Agriculture and Consumer Services as approved, restricted, conditionally approved, or conditionally restricted for shellfish harvesting will comply with the additional criteria in section 10.2.5 of Volume I, ~~as described in subsection 62-330.010(5), F.A.C.~~

(d) Involving vertical seawalls in estuaries or lagoons will comply with the additional criteria provided in section 10.2.6 of Volume I.

(2) When determining whether an applicant has provided reasonable assurances that the permitting standards of this chapter will be met, the Agency shall consider the applicant's violation of any rules adopted pursuant to Sections 403.91 through 403.929, F.S. (1984 Supp.), as amended, or Part IV, Chapter 373, F.S., and efforts taken by the applicant to resolve these violations.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.414(9), 403.805(1) FS. Law Implemented 373.042, 373.413, 373.4131, 373.414, 373.416, 373.426, 380.23 FS. History—New 10-1-13, Amended 6-1-18.

62-330.310 Operation and Maintenance.

(1) The permit authorizing construction or alteration must be converted to the operation and maintenance phase once the construction or alteration has been completed. The construction or alteration authorized under an individual permit must be certified to be in compliance with the permit before conversion of the permit to the operation and maintenance phase. Procedures for converting the

permit to the operation and maintenance phase, and transferring the permit to the perpetual operation and maintenance entity are described in sections 12.2 and 12.2.1 of Volume I.

(2) If a separate entity is to operate and maintain the project, the entity must ~~be provided with sufficient ownership, legal, or equitable interest so that it has control over all water management system components authorized by the permit. Any operation and maintenance entity must~~ have the financial, legal, and administrative capability to perform operation and maintenance, as described in sections 12.1 through ~~12.3.4~~ ~~12.3.3~~ of Volume I. Transfer of the permit to the operation and maintenance entity that was approved as part of the permit does not require a permit modification.

(3) If the permittee desires to change or add operation and maintenance entities after the permit is issued, or to allow for multiple entities to operate portions of the project, a permit modification under Rule 62-330.315, F.A.C., must be requested and approved before transfer of the permit to the new entity or entities ~~for operation and maintenance~~. Such permit modification request must include a demonstration that the new entity or entities meet the requirements of subsection (2), above. If an interdependent system will have ~~For~~ multiple operation and maintenance entities, that application modification request must also demonstrate that each portion of the project entity that will operate and maintain an interdependent part of the system has the capability to operate and maintain all parts of the system necessary to remain is capable of functioning independently in compliance with all conditions of the ~~for~~ permit issuance.

(4)(a) For individual permits NOT associated with an individual, private single-family dwelling unit, duplex, triplex, or quadruplex:

1. Upon completion of construction, and following the general conditions in paragraphs 62-330.350(1)(f) and (g), F.A.C., the permittee shall submit both of the following to the permitting Agency:

a. Form 62-330.310(1), "As-Built Certification and Request for Conversion to Operation Phase," which is incorporated by reference herein (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02499>); and

b. Form 62-330.310(2), "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity," which is incorporated by reference herein (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02500>).

2. The permit will be converted to the operation and maintenance phase upon a certification by the permittee and concurrence by the Agency that the entire project, or an independent portion of the project, has been constructed in compliance with the permit.

3. The permit will be transferred to the operation and maintenance entity once the Agency has verified that the entity meets the requirements of section 12.3 of Volume I, all applicable operation and maintenance documents have been recorded in accordance with section ~~12.3.4~~ ~~12.3.3~~ of Volume I, and the entity has accepted responsibility for operation and maintenance of the project or independent portion of the project. The entity is required to sign Form 62-330.310(2), except

when the operation and maintenance entity has been accepted at the time of issuance of the permit for the construction phase, or as part of a permit modification.

(b) For individual permits ~~FOR~~for an individual, private single family dwelling unit, duplex, triplex, or quadruplex, the permit will automatically convert to the operation and maintenance phase upon completion of construction and the Agency's receipt from the permittee, in accordance with the general conditions in paragraph 62-330.350(1)(f), F.A.C., of a completed Form 62-330.310(3), "Construction Completion and Inspection Certification for Activities Associated ~~with~~ With a Private Single-Family Dwelling Unit," ~~(June 1, 2018)~~ {October 1, 2013} (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02501>), which is incorporated by reference herein, certifying that the project was constructed in accordance with the permit.

(c) Copies of the above forms may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(5) Projects authorized under completed in full compliance with the terms and conditions of a general permit shall, upon completion, be operated and maintained ~~and maintained~~ in perpetuity by the permittee and subsequent owners of the land on which the project is located.

(6) The operation and maintenance entity or entities shall remain liable for compliance with the terms of the permit in perpetuity, unless the permit is transferred in accordance with Rule 62-330.340, F.A.C., or the permit is modified in accordance with subsection (3), above.

(7)(a) The operation phase of mining activities subject to the land reclamation requirements of Chapter 378, F.S., shall terminate, without the need to apply for abandonment of the permit, after the mine, or its subunits as applicable:

1. Has been successfully reclaimed in accordance with Chapter 378, F.S., other than lands disturbed by mining operations that are not subject to the requirements of Chapter 378, F.S.;

2. Has met all success requirements of the individual permit issued under Part IV of Chapter 373, F.S.; when the construction phase of the permit includes all phases of construction, abandonment, reclamation, and final success determination over reclaimed lands; and

3. Does not contain components that require long-term operation or maintenance, such as: stormwater management systems; achievement of mitigation success criteria; work in conservation easements requiring a permit under this chapter; state-owned submerged lands authorizations; dams; above-grade impoundments; works; water control structures; erosion and sedimentation controls; or dewatering pits.

(b) If a mine is already operating under an operation and maintenance phase of an individual permit, such operation and maintenance phase shall be allowed to terminate upon successful completion of all phases of reclamation and receipt of final success determinations by the Agency over lands reclaimed in accordance with the rules adopted pursuant to Chapter 378, F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.4131,

373.4141, 373.416, 373.419, 373.426, 373.429 FS. History--New 10-1-13, Amended 6-1-18.

62-330.311 Inspections and Reporting.

(1) The operation and maintenance entity shall provide for the inspection of the permitted project after conversion of the permit to the operation and maintenance phase as provided in section 12.4 of Volume I. Minimum inspection frequencies will be established in Volume II for each District as applicable, but actual inspection and reporting frequencies for the specific project are subject to revision through permit conditions, based on site- and activity-specific operational and maintenance requirements.

(2) Within 30 days of any failure of a stormwater management system or deviation from the permit, a report shall be submitted to the Agency using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," ~~(November 16, 2016)~~ {October 1, 2013} (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02502>), incorporated by reference herein ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02502>), describing the remedial actions taken to resolve the failure or deviation.

(3) The operation and maintenance entity of a regional stormwater management facility must notify the Agency on an annual basis, using Form 62-330.311(2), "Regional Stormwater Management System Annual Report," ~~(November 16, 2016)~~ {October 1, 2013} (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02503>), incorporated by reference herein ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02503>), of all new systems and their associated stormwater volumes that have been allowed to discharge stormwater into the regional facility, and must confirm that the maximum allowable treatment volume of stormwater authorized to be accepted by the regional facility has not been exceeded.

(4) A copy of the above forms may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(5) Permits issued prior to the effective date of this section shall continue to be inspected and reported on in accordance with the terms and conditions of the existing permit. However, a permittee may request a modification of the permit to reflect inspection and reporting in accordance with this Rule.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.416, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.4131, 373.4141, 373.423, 668.003, 668.004, 668.50 FS. History--New 10-1-13, Amended 6-1-18.

62-330.315 Modification of Permits.

(1) Modifications to an unexpired individual or conceptual approval permit may be requested by the permittee and will be processed as a minor or a major modification, as described below and in section 6.2 of Volume I. Permit modification fees are set forth in Rule 62-330.071, F.A.C.

(2) Minor modifications may be requested in accordance with section 6.2 of Volume I. Minor modifications are not subject to the public notification requirements of section 5.5 of Volume I. The following types of requests will be considered as minor modifications:

(a) To extend the duration of the construction phase of an individual permit by up to five years, subject to the provisions of subsection 62-330.320(2), F.A.C.;

- (b) To correct errors or typographical mistakes;
- (c) To incorporate changes requested by the Agency;
- (d) To change due dates for reporting or performance deadlines;
- (e) To transfer a permit upon a change in ownership or control;
- (f) To make minor technical changes; or

(g) To make other minor changes that do not substantially alter the permit authorization, increase permitted off-site discharge, increase the environmental impact of the project, decrease required retention, decrease required detention, decrease required flood control elevations, or decrease pollution removal efficiency. Factors that will be considered in determining whether a change is minor are described in section 6.2.1 of Volume I.

(3) Any application for modification that does not qualify for a minor modification as described above shall be processed as a major modification. An application for a major modification of a permit shall be submitted, ~~reviewed~~ and processed in the same manner as a new permit application, and those portions of the project proposed for, or affected by, the modification shall be reviewed using the same criteria as a new application.

(4) Modifications of an unexpired permit issued under one or more of the following rules as they were in effect prior to October 1, 2013: Chapter 62-330, 62-343, 62-346, 40B-4, 40B-400, 40C-4, 40C-40, 40C-42, 40C-44, 40C-400, 40D-4, 40D-40, 40D-400, 40E-4, 40E-40, or 40E-400, F.A.C., shall be in accordance with the rules under which the permit was issued, except that such modification shall be processed and reviewed under this chapter (effective after October 1, 2013) if:

(a) The modification is reasonably expected to lead to additional or substantially different water resource impacts;

(b) The permittee chooses to modify the permit under this chapter;

or

(c) The modification does not qualify as a minor modification under subsection ~~(2)~~, above (3).

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.026(7), 373.043, 373.109, 373.118, 373.413, 373.4131, 373.4141, 373.4142, 373.4145, 373.416, 373.418, 373.429 FS. History—New 10-1-13, Amended 6-1-18.

62-330.320 Duration of Permits.

Unless revoked, extended or otherwise modified, the duration of a permit under this chapter is:

(1) General permit – Five years to construct, commencing from the date notice is received by the Agency, or the date the Agency verifies compliance with the terms and conditions of the general permit in accordance with Rule 62-330.402, F.A.C., whichever is later.

(2) Individual permit – Five years from the date of issuance to construct, except:

(a) Less than five years for activities such as temporary or experimental work, or when a shorter duration is needed; or

(b) More than five years when the applicant specifically requests where the permit expressly authorizes a longer duration. Applicants requesting a longer duration and provides must provide reasonable assurance that:

1. (a) The activity for which the permit is to be granted cannot reasonably be expected to be completed within five years after commencement of construction; and

2. (b) The impacts of the activity, considering its nature, the size of the project, and any required mitigation, can be accurately assessed and offset where appropriate, and the terms of the permit can be met for the duration of the permit requested.

(3) Operation and maintenance – in perpetuity following:

(a) Construction in conformance with the terms and conditions of a general permit; or

(b) Conversion from the construction to the operation phase of an individual permit in accordance with Rule 62-330.310, F.A.C.

(4) Conceptual approval permit – As provided in Rule 62-330.055 or 62-330.056, F.A.C.

(5) Mitigation bank permit – As provided in Rule 62-342.750, F.A.C.

(6) A modification to extend the duration of the construction phase of an individual permit shall be granted if the extension request is received in writing by the Agency before expiration of the construction phase, and:

(a) The activity remains consistent with plans, terms, and conditions of the permit and the Agency’s rules in effect when the ~~permit was issued~~ extension is granted; and

(b) The request can be approved in consideration of subparagraphs (2)(b)1. and 2. paragraphs (2)(a) and (b), above.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.413, 373.4131, 373.4136, 373.4142, 373.4145, 373.416, 373.426 FS. History—New 10-1-13, Amended 6-1-18.

62-330.340 Transfer of Permit Upon Change in Ownership or Control.

(1) Permits in the Operation and Maintenance Phase – Projects constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners. A permittee with a valid individual permit in the operation and maintenance phase under this chapter or Chapter 62-342, F.A.C., shall notify the Agency electronically or in writing within 30 days of a change in ownership or control of the entire real property, project, or activity covered by the permit. A processing fee is not required for this notice. The permit shall automatically transfer to the new owner or person in control, except in cases of abandonment, revocation, or modification of a permit as provided in Sections 373.426 and 373.429, F.S. If a permittee fails to

provide written notice to the Agency within 30 days of the change in ownership or control, or if the change does not include the entire real property or activity covered by the permit, then the transfer shall be governed by subsections (2) through (4), below.

(2) Except as provided in subsection (1), above, and in section 6.3.1 of Volume I, or as otherwise required in an individual or conceptual approval permit, or for activities authorized under a general permit, a permittee shall notify the Agency electronically or in writing within 30 days of any change in ownership or control of any portion of the real property upon which an activity is permitted under this chapter or Chapter 62-342, F.A.C. A person who obtains an interest in or control of such real property shall:

(a) Request transfer of the permit to become the new permittee or modification of the permit to become a co-permittee; or

(b) Provide written documentation of the following:

1. Certification ~~in accordance with subsection 62-330.060(3), F.A.C.~~, that the permittee continues to retain sufficient real property interest over the land upon which the activities subject to the permit will be conducted as described in section 4.2.3(d) of Volume I; and

2. Authorization for Agency staff with proper identification to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(3) The person requesting transfer of the permit shall submit to the Agency a completed Form 62-330.340(1), "Request to Transfer Environmental Resource Permit," incorporated by reference herein (June 1, 2018) ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02504>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., together with the permit modification fee prescribed by the Agency as set forth in Rule 62-330.071, F.A.C. A proposed new permittee shall demonstrate that it has sufficient real property interest in or control over the land consistent with subsection 62-330.060(3), F.A.C.

(a) The Request to Transfer Environmental Resource Permit shall be processed in the same manner as a minor modification as provided in subsection 62-330.315(2), F.A.C.

(b) The proposed new permittee shall include demonstration or documentation with the request that it meets the requirements for being an acceptable operation and maintenance entity provided in subsections 62-330.310(2); and (3), F.A.C., if applicable.

(4) Upon receipt of the completed Request to Transfer Environmental Resource Permit form and applicable processing fee, the Agency shall approve the permit transfer unless it determines that the proposed permittee or co-permittee has failed to provide reasonable assurances that it qualifies to be a permittee or that it can meet the permit conditions.

(a) If the Agency proposes to deny the transfer, it shall provide both the current permittee and the proposed permittee with notice of proposed agency action of denial, and of the right to request an administrative hearing pursuant to Chapter 120, F.S.

(b) Failure of the permittee to notify the Agency in writing within 30 days of a change in ownership or control shall not, by itself, render a permit invalid. When it does not appear the current permittee has met the requirements of subsection (2), above, or has not otherwise approved or been made aware of the request to transfer the permit, upon transfer of the permit to the new permittee, the Agency will provide notice to the former permittee, at its last known address, advising of the permit transfer, together with a notice of rights under Chapter 120, F.S.

(5) A permittee from whom the permit is transferred shall:

(a) Be jointly and severally liable with the new owner or permittee for compliance with the permit and for any corrective actions that may be required as a result of violations of the permit or Agency rule on the property prior to permit transfer; and

(b) Remain jointly and severally liable for any corrective actions that are required as a result of any violations of the permit that occurred prior to the change in ownership or control of the property upon which the permitted project or activity is located.

(6) Upon transfer of a permit, the new permittee shall comply with all terms and conditions of the permit.

Rulemaking Authority 373.026(7), 373.043, 373.118, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118, 373.109, 373.413, 373.4131, 373.4142, 373.4145, 373.416, 373.426, 373.429, 668.003, 668.004, 668.50 FS. History—New 10-1-13, Amended 6-1-18.

62-330.350 General Conditions for Individual Permits.

(1) The following general conditions are binding on all individual permits issued under this chapter, except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

(a) All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(b) A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

(c) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental*

Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

(d) At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," ~~(November 16, 2016)~~ ~~{October _____, _____ 2013}~~, ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>)~~, incorporated by reference herein ~~(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>)~~, indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. ~~If available, an Agency website that fulfills this notification requirement may be used in lieu of the form. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.~~

(e) Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms, and conditions of the permit for the life of the project or activity.

(f) Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

1. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – "Construction Completion and Inspection Certification for Activities Associated with ~~With~~ a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or

2. For all other activities – "As-Built Certification and Request for Conversion to Operation ~~Operational~~ Phase" [Form 62-330.310(1)].

3. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

(g) If the final operation and maintenance entity is a third party:

1. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru ~~12.3.4~~ ~~12.3.3~~ of Volume I) as filed with the Florida Department of State, Division of Corporations, and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.

2. Within 30 days of submittal of the as-built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.

(h) The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

(i) This permit does not:

1. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

2. Convey to the permittee or create in the permittee any interest in real property;

3. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

4. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(j) Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.

(k) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.

(l) The permittee shall notify the Agency in writing:

1. Immediately if any previously submitted information is discovered to be inaccurate; and

2. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

(m) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

(n) If ~~any~~ prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials ~~stone tools or metal implements, dugout canoes~~, or any other physical remains that could

be associated with Native American, early European cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities work involving subsurface disturbance in the immediate vicinity of the discovery such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section (DHR), at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities ~~Such subsurface work~~ shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified notification shall be provided in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(p) The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

(q) This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

(r) A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

(2) In addition to those general conditions in subsection (1), above, the Agency shall impose any additional project-specific special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.116, 373.117, 373.409, 373.413, 373.4131, 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 373.428, 403.0877 FS. History—New 10-1-13, Amended 6-1-18.

62-330.351 General Conditions for Conceptual Approval Permits.

The following general conditions are binding on all conceptual approval permits issued under this chapter, except where the conditions are not applicable to the activity or where the conditions must be modified to accommodate project-specific situations. In addition to these general conditions, the Agency shall impose any additional special conditions necessary to assure the permitted activities will not be harmful to the water resources, as set forth in Rules 62-330.301 and 62-330.302, F.A.C., Volumes I and II, as applicable, and the rules incorporated by reference in this chapter.

(1) This permit does not authorize any construction, alteration, maintenance, operation, removal, or abandonment, except where such activities are specifically authorized as the first phase of an individual permit or are authorized to occur in accordance with a general permit or exemption under Chapter 62-330, F.A.C.

(2) This permit does not:

(a) Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;

(b) Convey to the permittee or create in the permittee any interest in real property;

(c) Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or

(d) Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.

(3) The permittee shall notify the Agency in writing:

(a) Immediately if any previously submitted information is discovered to be inaccurate; and

(b) Within 30 days of any conveyance or division of ownership or control of the property or the system, the name and contact information for the new owner.

(4) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample, and test the project site to ensure conformity with the permit.

(5) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

(6) This conceptual approval permit only authorizes design concepts for a master or future plan to construct, alter, operate, maintain, remove, or abandon projects that require a permit under Part IV of Chapter 373, F.S. It does not authorize any construction, alteration, operation, maintenance, removal, or abandonment, or the establishment and operation of a mitigation bank, or relieve the permit holder of any requirements to obtain such permits.

(7) Subsequent applications to construct and operate activities shall be prepared and submitted using the applicable procedures in Rules 62-330.052, 62-330.054, 62-330.060, and 62-330.402 F.A.C., and sections 4.2.2, 4.2.3, 4.3, and 4.4 of Volume I. An application for

conceptual approval for a mitigation bank shall also include the materials required by Chapter 62-342, F.A.C.

(8) Issuance of this conceptual approval permit is a determination, within the level of detail provided in the application, that the activities approved in this permit are consistent with applicable rules at the time of issuance. This permit provides the conceptual approval permit holder with a rebuttable presumption, during the duration of this permit, that the engineering design and scientific principles upon which the conceptual approval permit approved herein are likely to meet applicable rule criteria for issuance of permits for subsequent phases of the project, provided all of the following are met at the time of receipt of a complete application to construct and operate the future phases:

(a) The application to construct and operate the future phases remains consistent with the designs and conditions of this permit. Primary areas for consistency comparisons include the size, location, and extent of the activities proposed, the type and nature of the activities, percent imperviousness, allowable discharge and points of discharge, location and extent of wetland and other surface water impacts, mitigation plans implemented or proposed, control elevations, extent of stormwater reuse, detention and retention volumes, and the extent of flood elevations.

If an application for construction of any portion of the land area covered by this permit is inconsistent with the design concepts and conditions approved herein, the application will be reviewed to determine the extent to which the inconsistency will affect the designs and conditions for the remainder of the lands contained in this permit. If the inconsistency will materially affect those designs and conditions, then the applicant must demonstrate that the holder of this permit agrees to that inconsistency. In such a case, the holder of the conceptual approval permit may:

1. Modify the conceptual approval permit to conform to the revised design;
2. Abandon reliance on the conceptual approval permit; or
3. Rely on those portions of the conceptual approval permit for only those areas that were not affected by the inconsistency.

(b) There are no changes to state water quality standards that would be affected by activities authorized in the conceptual approval permit that have not already been authorized for construction or operation.

(c) There have been no amendments to Florida law governing special basin criteria that would affect future activities authorized by the conceptual approval permit that have not already been authorized for construction.

(d) There are no substantive changes in the site characteristics that would affect whether the design concepts approved in the conceptual approval permit can continue to be reasonably expected to meet the conditions for authorizing construction of future phases. This shall include such things as changes in the designation of listed species, and changes to nesting, denning, and critical designation status of listed species that exist within the lands served by the project area.

(9) If changes are proposed to the design of existing or future phases, or where there have been changes to state water quality standards, special basins, or site characteristics as described in conditions (3)(a) through (d), above, during the duration of this permit, the applicant must modify this permit if it wishes to continue to rely on this permit as a basis that reasonable assurance exists for the Agency to issue future construction or operation permits under the terms and conditions of this permit. If the permittee fails to do this, this conceptual approval permit can no longer be relied upon as a basis, in part or whole, under which permits to construct or operate future phases will be issued, and the Agency will reevaluate the terms and conditions of this permit at the time a permit application is received to construct the next phase of activities, or at the next requested extension of this permit's duration in accordance with subsection 62-330.056(11), F.A.C., whichever occurs first.

Rulemaking Authority 373.026(7), 373.118(1), 373.043, 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.116, 373.117, 373.118(1), 373.406(5), 373.409, 373.413, 373.4131, 373.414(9), 373.4142, 373.4145, 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 373.428, 403.0877 FS. History—New 6-1-18.

62-330.360 Emergency Authorizations and Actions.

When the Agency has determined that immediate action is necessary to abate an emergency condition, the Agency shall use one of the following measures below to authorize the work. "Emergency conditions" are defined as those that pose an imminent or existing serious threat or danger and require immediate action to protect the public health, safety or welfare, or the water resources of the Agency, including the health of aquatic and wetland-dependent species; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Carelessness or the lack of planning on the part of an applicant for an emergency authorization shall not be sufficient grounds to warrant the granting of an emergency authorization.

(1) Issuance of an emergency order under Section 373.119(2), F.S. The order shall recite the factual basis for it in accordance with Section 120.569(2)(n), F.S., and include all conditions (including a limitation on the duration of the emergency authorization) required to ensure that the activity authorized or directed does not exceed that necessary to abate the threat. When the activity conducted under the order has an operational or maintenance aspect that continues beyond the emergency, any permits required under this chapter shall be applied for as soon as practicable.

(2) Authorization of construction to begin when the Agency has already received an application for a permit under this chapter, and the applicant has submitted a written request for the work to commence prior to issuance of the permit, together with documentation of the emergency conditions that exist. However, if required upon issuance of the permit, the work initiated shall be modified as necessary to comply with the terms and conditions of the permit.

(3) Issuance of an emergency field authorization when an application is not currently under consideration by the Agency. The entity requesting the emergency field authorization shall complete an

“Emergency Field Authorization” Form 62-330.360(1), (June 1, 2018) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02506>), which is incorporated by reference herein ~~{October 1, 2013}~~ (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02506>). A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The activity authorized by the emergency field authorization may commence upon approval by the Agency’s field representative. The recipient of an emergency field authorization is responsible for compliance with all the terms and conditions of the authorization. Within 90 days of issuance of an emergency field authorization, the recipient shall either restore the site to the conditions existing before the emergency, or apply for an application to perform the work in accordance with the requirements for obtaining verification of an exemption or permit, as applicable, under this chapter.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 373.418, 403.805(1) FS. Law Implemented 120.569(2), 373.026(7), 373.119, 373.413, 373.4131, 373.4145, 373.416, 373.418, 373.426, 373.439 FS. History—New 10-1-13, Amended 6-1-18.

62-330.395 Variances.

(1) In addition to a variance available under Section 120.542, F.S., the Agencies are authorized to grant a variance from the provisions of Section 373.414, F.S., paragraph 62-330.301(1)(e), F.A.C., and Rule 62-330.302, F.A.C., pursuant to Section 373.414(17), F.S. A person seeking a variance under Section 373.414(17), F.S., must demonstrate that any hardship asserted as a basis of the need for a variance is peculiar to the affected property and not self-imposed, and that the grant of a variance will be consistent with the general intent and purpose of this chapter.

(a) Any person seeking a variance under Section 373.414(17), F.S., ~~this subsection~~ shall file a petition for a variance containing the following information:

1. The petitioner’s name and signature;-
2. The statute or rule from which the variance is sought;-
3. Facts showing that a variance should be granted for one of the reasons in Section 403.201, F.S.;
4. The time period for which the variance is sought, including the reasons and facts supporting the time period;-
5. The requirements the petitioner can meet, including the date or time when the requirements will be met;-
6. The steps or measures the petitioner is taking to meet the requirement from which the variance is sought. If the request is pursuant to Section 403.201(1)(b), F.S., the petitioner shall include a schedule when compliance will be achieved; and;-
7. The fee prescribed in Rule 62-330.071, F.A.C.

(b) The Agency shall review the application within 30 days after receipt to determine if the petition is complete. If the petition is determined to be incomplete, the petitioner shall be afforded an opportunity to supply additional information before the Agency evaluates the petition.

(c) The Agency shall prepare a notice of intended agency action regarding the petition for a variance, and shall publish it one time in the *Florida Administrative Register*. For variance petitions processed by the Department, the petitioner shall also publish notice of intended agency action one time, at its expense, in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located. For variance petitions processed by the District, the District will cause the notice of intended agency action to be published, one time, in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located.

(2) Renewals of variances shall be applied for in the same manner as the initial variance.

Rulemaking Authority 373.043, 373.044, 373.113, 373.4131, 373.414(9), (17) FS. Law Implemented 373.4131, 373.414(9), (17), 403.201 FS. History—New 10-1-13, Amended 6-1-18.

62-330.402 Submittal and Processing of General Permits.

(1) A person wishing to construct, operate, maintain, alter, abandon, or remove projects under a general permit shall provide notice using Form 62-330.402(1), “Notice of Intent to Use an Environmental Resource General Permit,” (June 1, 2018) ~~{October 1, 2013}~~, incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02507>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. The notice must be received by the applicable Agency at least 30 days prior to initiating the activities authorized by the general permit, or at such other time as specified in the general permit. Notices for general permits that identify the reviewing agency as the Department shall be submitted to the Department instead of a District.

(2) The notice for a general permit must include the processing fee prescribed in Rule 62-330.071, F.A.C. If a single notice includes more than one general permit, a separate fee shall be required for each general permit.

(3) The specific procedures of a general permit shall govern if they differ from the procedures in this Rule.

(4)(a) Within 30 days of receiving Form 62-330.402(1), the Agency shall determine whether the activity qualifies for a general permit. If the activity does not qualify or the notice does not contain all the required information, the Agency will notify the person as provided in section 5.3.2 of Volume I ~~The person may conduct the activities if the Agency fails to request additional information within this period.~~

(b) If the notice does not demonstrate that the requested activity qualifies ~~qualify~~ for a general permit due to errors or omissions, ~~the Agency shall, within 30 days of its receipt, provide~~ the person shall have 60 days to amend the notice as provided in section 5.3.3 of Volume I. An additional processing fee will not be required if the person submits additional information demonstrating compliance with the general permit within that 60 days. Alternatively, the person may

request that the submitted information be processed as an application for an individual permit, which must be supplemented with the information required in Rule 62-330.060, F.A.C., and sections 4.2.3, 4.3, and 4.4 of Volume I, or the person may withdraw the notice for a general permit.

(c) If the activities do not qualify for a general permit, the processing fee submitted for the general permit shall be applied to the processing fee required for an individual ~~or conceptual approval~~ permit ~~if the person applies for such permit within 60 days of the Agency's determination of non-qualification, as provided in section 5.3.4 of Volume I. The processing fee will not be returned if the person withdraws the notice or if qualification for the general permit is denied.~~

(5) The Agency will place ~~notice~~ Notice of the proposed use of a general permit on the Agency website within 10 days of receipt of the request.

(6) At their discretion, persons qualifying for a general permit may publish a notice of qualification to use a general permit; in a newspaper of general circulation in the affected area. The Agency will not publish, or require the person to publish, such notice.

Rulemaking Authority 373.044, 373.113, 373.118, 373.413, 373.4131 FS. Law Implemented 373.116(2), 373.118(3), 373.413, 373.4131, 373.416, 373.426, 668.003, 668.004, 668.50 FS. History—New 10-1-13, Amended 6-1-18.

62-330.405 General Conditions for All General Permits.

The following general permit conditions are binding upon the permittee and are enforceable under Chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under ~~in~~ Section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) ~~The This~~ general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).

(3) ~~The This~~ general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

(7) ~~The This~~ general permit is ~~not transferable shall not be transferred~~ to a new third party ~~except pursuant to Rule 62-330.340, F.A.C. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with Rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the~~ ~~The permittee transferring the~~ general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in ~~the this~~ general permit.

(10) A ~~permittee's~~ ~~permittee's~~ right to conduct a specific activity under ~~the this~~ general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at www.dep.state.fl.us/water/wetlands/docs/erp/FL_ErosionSedimentManual_6-07.pdf

<https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control*

Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion_inspectors_manual.pdf http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

(a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four 4-inches or greater at breast height;

(b) The maximum width of the construction access area shall be limited to 15 feet;

(c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than within seven days 72 hours after equipment has completed work or passage through that location the work commences; and

(d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the a general permit, activities must not:

(a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or

(b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; ~~or~~

(16) If ~~any~~ prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, ~~or~~ metal implements, dugout canoes, historic building materials, or any other physical remains that could be associated with Native American, early

European, cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities work involving subsurface disturbance in the immediate vicinity of the discovery such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section (DHR), at (850) 245-6333 ~~or (800) 847-7278~~, as well as the appropriate permitting agency office. Project activities ~~Such subsurface work~~ shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified notification shall be provided in accordance with Section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at ImperiledSpecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.

62-330.407 General Permit for Geotechnical Investigations in Wetlands or other Surface Waters.

~~A general permit is granted to any person to conduct geotechnical investigations, including soil test borings, standard penetration tests, and other work involving boring, augering, or drilling in wetlands or other surface waters for the purposes of collecting geotechnical data, together with clearing for temporary access corridors to perform these investigations, subject to the following:~~

~~(1) Excavation at each soil boring, augering or coring location is limited to no more than one foot in diameter. The total area of work authorized in wetlands and other surface waters is limited to 0.5 acre, including all excavations and clearing for temporary access corridors.~~

~~(2) No drilling fluid or dredged material shall be left above grade in a wetland or other surface water.~~

~~(3) Boreholes suspected to have penetrated a confining layer shall be grouted from the bottom up by means of a tremie pipe and the severed materials shall be removed from the wetland or other surface waters.~~

~~(4) This general permit shall not apply to borings used to place seismographic charges for oil and gas exploration.~~

~~(5) This general permit does not supersede the exemption in Section 403.813(1)(v), F.S., for geotechnical, geophysical, and cultural resource data surveys, mapping, sounding, sampling, and coring associated with beach restoration and nourishment projects and inlet management activities.~~

~~Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131 FS. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1) FS. History—New 10-1-13; Repealed 6-1-18.~~

62-330.417 General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities.

(1) A general permit is granted, except in waters that are accessible to manatees within Charlotte, Hillsborough, Levy, Manatee, and Pinellas Counties or the St. Johns River and its tributaries in Lake and Seminole Counties, for construction, alteration, maintenance, and operation of a single boat ramp for the following entities or facilities:

(a) An individual, detached single-family dwelling unit or two adjacent detached single-family dwelling units, provided the ramp is located on the shared property line.

(b) A multi-family dwelling unit, which, for the purpose of this rule, shall include attached multi-family dwelling units, regardless of the legal subdivision of the underlying property.

(c) A commercial entity, provided such ramp is open to the general public for the life of the ramp, with or without a fee and without any membership or qualifying requirements.

(d) A governmental entity, such as a federal, state, county, or municipal agency, or a water management or inland navigation district, provided the boat ramp is open to the general public for the life of the facility, with or without a fee. The following associated facilities are also authorized for governmental entities in accordance with the terms and conditions of this general permit, provided the ramp and associated facilities remain open to the general public for the life of the facility, with or without a fee: ingress and egress traffic lanes, boat trailer parking spaces, an access road, and associated accessory docks.

(2) The boat ramp and associated facilities must meet all of the following conditions:

(a) The work is not part of a larger plan of development that requires a permit under Part IV of Chapter 373, F.S.

(b) A minimum navigational access of two feet below mean low water in tidal waters or the expected average low depth mean annual low water in non-tidal waters, as determined based on best available information for the water body at the project location, must already exist to the proposed ramp. Depth indicators shall be installed at the ramp to identify the controlling depths of the navigational access.

(c) There shall be no work in, on, or over submerged grassbeds or coral communities.

(d) Dredging shall be limited to no more than 100 cubic yards, and in no case shall be more than is necessary to construct the boat ramp surface or restore the ramp to its original configuration and dimension.

(e) The above-water portion of the boat ramp shall be paved or otherwise stabilized to prevent turbidity.

(f) Work under this general permit shall not commence until the Agency has provided written confirmation that the applicant qualifies to use the general permit.

(g) This general permit is limited to one use per parcel of property and cannot be combined with other general permits or exemptions.

(3) Construction of the boat ramp is limited as follows:

(a) The boat ramp for a single-family or multi-family dwelling unit, under paragraph (1)(a) or (b), above, is limited to a single lane and must not exceed a width of 20 feet, including the side slopes, with the boat ramp surface not to exceed a width of 12 feet.

(b) The boat ramp for a commercial or governmental entity under paragraph (1)(c) or (d), above, is limited to a maximum of two lanes and must not exceed a width of 60 feet, including the side slopes, with the ramp surface not to exceed a width of 36 feet.

(c) Construction or expansion of a multi-family, commercial, or governmental boat ramp under paragraph (1)(b), (c), or (d), above, in waters that are accessible to manatees must meet the following criteria:

1. The proposed boat ramp facility must be consistent with the state approved manatee protection plan in counties required to have a manatee protection plan adopted under Section 379.2431(2), F.S., or in counties that have voluntarily completed a state approved manatee protection plan. Documentation of plan consistency must be submitted concurrently with the notice to use the general permit in the form of a letter of consistency concurrence from the Florida Fish and Wildlife

Conservation Commission. A review by the Commission can be requested at ImperiledSpecies@myfwc.com.

2. The proposed boat ramp facility must have a kiosk or permanent information display board providing information on manatee protection and applicable manatee zones as adopted in Chapter 68C-22, F.A.C., “The Florida Manatee Sanctuary Act” (June 13, 2012) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03179>), which is incorporated by reference herein and available as provided in subsection 62-330.010(5), F.A.C., for that county.

(d) A boat ramp for a multi-family residence or for commercial or governmental entities under paragraph (1)(b), (c), or (d), above, can have a maximum of two accessory docks, abutting either one or both sides of the boat ramp, provided that the cumulative square footage of accessory docks over wetlands or other surface waters does not exceed 500 square feet in Outstanding Florida Waters or 1,000 square feet outside Outstanding Florida Waters. In addition, the accessory docks shall not be used for overnight mooring.

(4) The total impervious surface in uplands that is subject to vehicular traffic associated with a boat ramp for a governmental entity under paragraph (1)(d), above, shall not exceed 1.2 acres. Before operating any portion of such a boat ramp facility that contains 4,000 square feet or more impervious surface subject to vehicular traffic, a stormwater management system meeting all of the following requirements must be constructed and fully operational.

(a) Each system must be designed by a registered professional in accordance with Chapter 471, 472, 481, or 492, F.S., as applicable, and must be constructed, operated, and maintained to serve the total project area of the boat ramp facility.

(b) No system shall accept or treat runoff from offsite areas not associated with the total project area.

(c) The system must provide treatment for a minimum stormwater retention volume of one-half inch of runoff. Recovery of the specified retention volume must occur within 72 hours by percolation through the sides and bottom of the retention basin.

(d) Impervious traffic lanes and parking areas must be graded such that runoff is directed to the stormwater treatment system.

(e) The system must include a continuous vegetated buffer strip adjacent to the downstream side of impervious areas subject to stormwater treatment. The buffer strip must be at least 25 feet wide and stabilized by well-established natural vegetation.

(f) The permittee must maintain the treatment system and buffer strips at all times for the life of the system.

(g) Upon completing construction of the stormwater management system, the system must be operated and maintained by the permittee in accordance with the terms of this general permit for the life of the system. The permittee shall perform routine inspections of the buffer to check for development of concentrated flow through it, gully erosion, or loss of vegetation, and must repair the buffer as soon as practical to restore shallow overland flow conditions and prevent further concentration of flow and damage to the buffer.

(5) Commercial or governmental entities proposing to construct a boat ramp under paragraph (1)(c) or (d), above, shall ~~execute and record a fully executed binding agreement~~ in the official public land records of the county in which the boat ramp is located ~~a fully executed binding agreement~~. Commercial entities shall execute and record the “Agreement to Maintain Public Access,” incorporated herein as Form 62-330.417(1), (November 16, 2016) [~~October 1, 2013~~] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02508>) ensuring the facility will remain open to the general public for the life of the facility. Governmental entities shall execute and record the “Agreement to Maintain Public Access and Operate Stormwater System,” incorporated herein as Form 62-330.417(2), (November 16, 2016) [~~October 1, 2013~~] (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02509>) ensuring the facility will remain open to the general public for the life of the facility and to ensure that the stormwater management system associated with the boat ramp will be operated and maintained for the life of the system. Copies of incorporated materials may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (5), 373.406(5), 373.413, 373.4131, 373.414(1), (9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Amended 12-9-09, Formerly 62-341.417, Amended 10-1-13, 6-1-18.

62-330.427 General Permit for Docks, Certain Piers and Associated Structures.

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier ~~piers~~ and associated structures as described below:

(a) A private, sSingle-family pier or dock with up to two boat lifts ~~piers, along with that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters.;~~ Such a structure boat lifts, boat houses, terminal platforms, and gazebos attached to the pier, where these structures:

1. ~~Do~~ Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. ~~water craft;~~ Solely for purposes of this general permit, up to two personal watercraft as defined in Section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type. These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. ~~Do not, together with existing structures, exceed a total area of 2,000 square feet; and~~

3. Shall be located such that all areas used for vessel mooring and navigational access already provide ~~Have~~ a minimum depth of two feet

below the mean low water level for tidal waters, ~~or and~~ two feet below the expected average low water depth ~~mean annual low water level~~ for non-tidal waters as determined based on best available information for the water body at the project location for all areas designed for boat mooring and navigational access; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of Chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under (1)(a), above.

(b) A public ~~Public~~ fishing pier ~~piers~~ that ~~does~~ ~~do~~ not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the ~~boat house, boat shelter,~~ boat lift, ~~gazebo,~~ boat mooring locations, or terminal platform ~~platforms~~, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no living quarters, or other structures enclosed by walls, screens, or doors on any side ~~all sides~~;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit; ~~and~~

~~(e)~~ (d) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; ~~and~~

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under Section 379.2431(2)(t), F.S.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.

62-330.431 General Permit for Installation of Riprap.

(1) A general permit is granted to any person to install riprap:

(a) At the toe of an existing vertical seawall, provided the slope of the riprap is no steeper than two horizontal to one vertical and the horizontal distance from the toe of the seawall is no more than 10 eight feet;

(b) At an individual, private residential single-family property that is not part of a larger plan of common development, provided:

1. The slope of the riprap is no steeper than two horizontal to one vertical, and the ~~toe of the riprap is no more than 10 feet waterward of horizontal distance from~~ the existing mean high water line or approximate ordinary high water line ~~is no more than 8 feet~~;

2. Riprap is not placed along a length of shoreline of more than 100 linear feet, and is not combined as part of any other use of this general permit on the same parcel of land; and -

3. Erosion has occurred, or is likely to occur, along the shoreline.

(2) This general permit shall be subject to the following specific conditions:

(a) The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimension, and there are no reinforcing rods or other similar protrusions in the concrete rubble;

(b) There is no filling of submerged grassbeds or coral communities;

(c) The amount of wetland area filled shall not exceed 100 square feet; and

(d) There is no backfilling to obtain useable upland, to straighten an otherwise sinuous shoreline, or to reclaim land lost by avulsion or erosion.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.431, Amended 10-1-13, 6-1-18.

62-330.437 General Permit for Installation of Fences.

A general permit is granted to install, maintain, or remove a fence in wetlands or other surface waters under all of the following conditions:

(1) The fence shall not be located on state-owned submerged lands or in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting.

(2) Fences installed within navigable waters other than isolated waters that are wholly owned by one private entity The fence shall:

(a) Not adversely affect navigation, block any waterway or channel, or cause a navigational hazard;

(b) Be installed such that all fence posts located waterward of the mean or ordinary high water line rise at least two feet above the mean high water or the ordinary high water elevation and are marked and maintained with reflectors visible from all directions; and

~~(c) Extend extend a distance of no more than 25 feet waterward into the open water, beyond the shoreline, or riparian areas of emergent wetland vegetation, whichever is more waterward, of any navigable river, stream, canal, or tributary thereof, or no more than 20 percent of the width of the open water, whichever is less. "Open water" means any portion of the waterway that is devoid of emergent vegetation;~~

~~(3) In a lake, the fence shall extend no more than 15 feet waterward of the landward extent of any lake, including contiguous wetlands;~~

~~(4) The fence shall be constructed of horizontal metal wire attached to posts, which may include occasional perpendicular wires to maintain spacing, but shall not include any chain-link or other mesh components, rising at least two feet above the mean high water or the ordinary high water elevation of the waterway; and~~

~~(5) In navigable waters and all lakes, the top of the fence posts shall be marked with reflectors visible from all directions so as to prevent the fence from being a navigational hazard.~~

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.437, Amended 10-1-13, 6-1-18.

62-330.443 General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Bridge Alteration, Placement, Replacement, Removal, Maintenance, and Operation.

(1) A general permit is granted to the Florida Department of Transportation, counties, and municipalities to conduct the activities described below:

(a) For existing maintained roadways and causeways, tThe alteration, placement, replacement, removal, modification, or maintenance of bridges or bridge culverts and approaches where the combined total of dredging and filling both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 0.50 acre. The total work conducted under notices of intent to use this general permit shall result in the creation of no more than 0.5 acre of new overwater structure for any bridge crossing, including parallel spans, and no new structure area over waters within federally designated critical habitat of Johnson's seagrass (*Halophila johnsonii*). Placement of bridges shall occur only as part of existing maintained roadways; and

(b) Channel clearing and shaping, not to exceed a combined total of 0.5 acre of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of the structures detailed in paragraph (a), above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or water from the spoil deposition area into wetlands or other surface waters is prohibited.

(2) This general permit shall be subject to the following specific conditions:

(a) No dredging of access or work channels is authorized by this general permit;

(b) Temporary fill roads shall not be constructed waterward of mean high water or ordinary high water;

(c) All fill placed in wetlands, other than fill on which a bridge or approach is constructed, shall be regraded to the original wetland elevations and revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within "clear zones," revegetation shall be with native herbaceous species endemic to adjoining, undisturbed wetlands. During the five-year period following the initial planting or restoration of the site, these areas shall be maintained to ensure planted or naturally recruited native wetland species are surviving and growing, and that the areal coverage of exotic and invasive species constitutes less than 10% areal coverage;

(d) Hydraulic openings of bridges shall be sufficient to prevent downstream scour, increased downstream water velocities, and increased flood elevations on the property of others;

(e) Minimum horizontal and vertical navigational clearances on bridges over navigable waters of the United States shall be established in accordance with procedures outlined in Chapter 2 of the U.S. Coast Guard Bridge Administration Manual, COMDTINST M16590.5C, (March 26, 2004), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03150>), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. and in no circumstance shall placement or replacement of a bridge result in a reduction of horizontal and vertical navigational clearances;

(f) Replacement or modification of a bridge that includes changes in the configuration of the bridge and fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 62-330, F.A.C., as applicable, before the start of construction; and

(g) This general permit does not authorize ~~replacement or modification of bridges or approaches that involve~~ the construction of additional travel lanes for motorized vehicles, except that any single-lane bridge may be widened to two travel lanes, provided the bridge widening does not exceed that reasonably necessary to match the existing travel lane alignment of a two-lane road. This permit does not authorize new corridors or roadway connections where there is no existing structure over wetlands or waterways.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.443, Amended 10-1-13, 6-1-18.

62-330.447 General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities within Existing Rights-of-Way or Easements.

(1) A general permit is granted to the Florida Department of Transportation, counties, and municipalities to conduct the activities described below.

(a) The extension of existing culverts and crossing approaches that are authorized under a separate permit or exemption under Part IV of Chapter 373, F.S., as applicable, to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1,000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acre at any one culverted crossing. The 1,000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(b) Relocation, recontouring, widening, or reconstruction of existing highway drainage ditches through uplands provided the floor elevation of the ditch is not deepened below the original design elevation and provided that the work does not cause a change in the hydrology of any wetlands which are connected to or which are adjacent to the ditch.

(c) Culvert placement, replacement, and maintenance associated with existing roadways, provided that construction does not cause scour in the downstream waters or increase the velocity of the water downstream, does not reduce existing flood conveyance of the stream for the 100-year flood flow and does not reduce existing flood storage within the 10-year flood plain. The material excavated or deposited as fill shall not exceed 1,000 cubic yards in wetlands and other surface waters. The cross sectional area of the culvert shall not be reduced, unless the reduced cross section provides an equal or greater discharge capability. In the case of a culvert replacement as a wildlife crossing, the cross sectional area shall not be reduced.

(d) Construction of temporary bypass lanes and stream channel diversions necessary to complete projects detailed in paragraph (c), above, provided the area used for the temporary bypass lanes and temporary diversion is restored to its previous contours and elevations.

(e) Channel clearing and shaping, not to exceed a combined total of 0.5 acre of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of structures authorized by paragraph (c), above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material and return water from the spoil deposition area into wetlands or other surface waters is prohibited.

~~(f) Repair of existing concrete bridge pilings by the construction of pile jackets, provided that the permanent outer form is composed of inert materials and the quantity of material shall not exceed 300 cubic yards of dredging or 300 cubic yards of filling per project. Although the bottom sediments within the forms may be removed by jetting or pumping, and may not be recoverable, proper turbidity control measures shall be employed as necessary to prevent violations of state water quality standards.~~

~~(f)(g)~~ Ditch or canal bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap,

sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch or canal. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three-year period.

~~(g)(h)~~ Roadway safety activities, such as installation of shoulders ~~and~~ curbs, sidewalks, guard rails, signs, poles, and mast arms within an existing right-of-way that incur no more dredging or filling than 500 square feet per activity, provided the total impact to wetlands or other surface waters does not involve more than 0.5 acre.

(2) This general permit shall be subject to the following specific conditions:

(a) The permittee shall limit stream channel relocation to streams which have an average discharge of 10 cubic feet per second or less. The length of relocated channels or those significantly altered shall be limited to 200 feet per stream. A stream channel shall be altered only when such a measure will reduce the long term adverse water quality impacts and will maintain or restore the stream's natural hydraulic capability; and

(b) This general permit shall not apply to ditch construction in Class I or Class II surface waters, Outstanding National Resource Waters or waters designated as Outstanding Florida Waters.

(c) Activities under this general permit must not diminish existing stormwater treatment, attenuation, or conveyance capacity.

(d) This general permit does not authorize the construction of additional traffic lanes. Activities that require additional traffic lanes must first obtain an individual environmental resource permit under this chapter, as applicable, before the start of construction.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.447, Amended 10-1-13, 6-1-18.

62-330.449 General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Airport Airside Stormwater Management Systems.

(1) A general permit is granted to the owner of a public or private airport or military airbase for the construction, alteration, abandonment, removal, operation, and maintenance of stormwater management systems that serve permanently-paved airside activities, which, for the purposes of this rule, are defined as those components of an airport, airbase, or runway used for aircraft taxiing, landing, takeoff, loading, unloading, service materials storage and service equipment parking.

(2) The stormwater management systems shall be:

(a) Designed such that the stormwater nutrient loading does not exceed the stormwater nutrient loading from natural vegetative communities. The calculation of such loadings shall be done using the methodology and data set forth in the *Statewide Airport Stormwater*

Best Management Practices Manual, (“Airside BMP Manual”) Florida Department of Transportation–Aviation Office (April 27, 2013), incorporated by reference herein (pages 1-63; <http://www.flrules.org/Gateway/reference.asp?No=Ref-03183>, pages 64-Appendix L: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03184>). A copy may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.

(b) Constructed, altered, operated, and maintained such that the runoff from airside activities drains directly to pervious areas that employ one or more of the following applicable structural Best Management Practices (BMPs):

1. Overland flow, as described in Section 605.a₂ of the Airside BMP Manual.

2. Dry retention basin, as described in Section 605.b₂ of the Airside BMP Manual.

3. Swales, as described in Section 605.c₂ of the Airside BMP Manual.

(c) This general permit is only authorized for use where post development site conditions comply with the criteria set forth above.

(3) The projects in subsection (2), above, must also be constructed, operated, and maintained to comply with the following design criteria and performance standards:

(a) There shall be no dredging or filling in wetlands or other surface waters other than those within existing stormwater management systems.

(b) Discharges cannot adversely affect the conveyance capacity of receiving waters, and cannot increase flooding of off-site property or to property not owned by the permittee, based on the design storm specified for the site locale.

(4) Stormwater management systems serving airside areas that consist of underdrains, wet detention systems, other retention methods, and/or alternative treatment systems do not qualify for authorization under this general permit.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History–New 10-1-13, Amended 6-1-18.

62-330.450 General Permit for Construction, Alteration, and Operation of Urban Infill and Redevelopment Activities in Conformance with the Conceptual Approval Permit in Rule ~~62-330.055~~ 62-330.056, F.A.C.

A general permit is issued that authorizes construction, alteration, operation, and maintenance of urban infill and redevelopment projects contemplated by a conceptual approval permit issued under Rule 62-330.055, F.A.C., provided all the following conditions are met:

(1) The activities must be within a ~~community redevelopment area~~ or an urban infill and redevelopment area or a community redevelopment area created designated under Chapter 163, F.S., where that is the subject of a conceptual approval permit has been issued under Rule 62-330.055, F.A.C.

(2) The notice of intent to use this general permit must include one set of construction plans and calculations prepared by a registered professional that:

(a) Depict all stormwater management features, all existing and proposed impervious areas, all existing and proposed pervious areas, and the land uses within the site of the proposed activities.

(b) Demonstrate a reduction of loading of pollutants, as identified in the conceptual approval permit, under the existing and proposed conditions at the site of the proposed activities.

(c) Constitute a design consistent with the terms and conditions of the conceptual approval permit, including an identification of the owner and operator of the stormwater management systems, and a demonstration of acceptance of such responsibility by that owner or operator.

(d) Identify the specific location within the urban infill and redevelopment or community redevelopment area where activities are proposed, including any areas within or connected to the development area that have been or will be set-aside for preservation, or where construction otherwise is not to occur.

(3) The Agency shall have 30 days upon receipt of the notice to respond as to whether the plans and calculations are in substantial compliance with the conceptual approval permit. If they are, construction of that portion of the site addressed by those plans may commence. If the Agency determines that the plans and calculations are not in substantial compliance with the conceptual approval permit, the Agency shall, within 30 days of receipt of the notice, inform the applicant of the inconsistencies, the measures needed to address those inconsistencies, and that verification of qualification to use the general permit is denied without prejudice. The applicant may resubmit a notice to use this general permit once those inconsistencies have been addressed. Construction of the projects that are the subject of the original notice shall not commence until the permittee has resubmitted a revised notice and obtained verification that the activities qualify for the general permit.

(4) Construction must be performed in compliance with the terms and conditions of the conceptual approval permit.

(5) As part of reviewing the qualification to use this general permit, the Agency will verify the number of debits that must be made to the ledger of target pollutant loads (mass per acre) if the activities included in the notice are constructed, and will debit that amount from the master ledger approved in the conceptual approval permit.

(6) Within 30 days of completion of construction, the registered professional shall submit certification that construction was completed in substantial conformance with the plans and calculations that were submitted in the verified qualification to use this general permit.

(7) This general permit authorizes construction of the above authorized projects within a duration of five years from verification of qualification; operation and maintenance of the authorized system shall be the responsibility of the owner and operator for the life of the project or activity.

(8) Unless the conditions of subsection 62-330.055(6), F.A.C. have been met, this general permit cannot be used to construct roads, parking areas, buildings, and other structures on areas where work in wetlands and other surface waters requires an individual permit under this chapter, or on lands served by a stormwater management system authorized by the individual permit.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-1-13 Amended 6-1-18.

62-330.451 General Permit to Counties, Municipalities, and other Agencies to Conduct Stormwater Retrofit Activities.

(1) A general permit is granted to counties, municipalities, state agencies and water management districts to construct, operate, and maintain stormwater retrofit activities as authorized below for improving existing surface water and stormwater systems. This general permit may be used in conjunction with exempt activities.

(2) Types of stormwater retrofit activities authorized under this general permit are:

(a) Construction or alteration that will add additional treatment or attenuation capacity and capability to an existing stormwater management system;

(b) The modification, reconstruction, or relocation of an existing stormwater management system or stormwater discharge facility;

(c) Stabilization of eroding banks, and installation of structures such as gabions to limit ~~bank~~ ~~sidebank~~ erosion; or

(d) Excavation or dredging to remove sediments or other pollutants that have accumulated in existing surface waters as a result of stormwater runoff and stormwater discharges, provided the material removed is not deposited in existing wetlands or other surface waters.

(3) Stormwater retrofit activities shall not:

(a) Be proposed or implemented for the purpose of providing the water quality treatment or flood control needed to serve new development or redevelopment; or

(b) Include a dam that has more than 50 acre-feet of storage capacity if the dam is more than five feet high, nor a dam having a height of ten or more feet, regardless of storage capacity. Height is measured from the top of the dam to the natural bed of the stream or watercourse at the downward toe of the dam, or from the lowest elevation of the outside limit of the dam to the maximum elevation of the dam.

(4) There is no limit to the acreage of stormwater retrofit activities in artificial waters. Work in wetlands and non-artificial surface waters shall be limited to no more than 0.5 acre.

(5) A stormwater quality retrofit activity must result in at least one of the following:

(a) Addition of treatment capacity to an existing stormwater management system such that it reduces stormwater pollutant loadings to receiving waters;

(b) Addition of treatment or attenuation capability to an existing developed area when either the existing stormwater management

system or the developed area has substandard stormwater treatment or attenuation capabilities, compared to what would be required for a new system requiring a permit under Part IV of Chapter 373, F.S.; or

(c) Removal of pollutants generated by, or resulting from, previous stormwater discharges.

(6) A water quantity retrofit project proposed to reduce existing flooding problems must be designed in such a way that the project does not:

(a) Result in a net reduction in water quality treatment provided by the existing stormwater management system; nor

(b) Increase discharges of untreated stormwater entering receiving waters;‡

(7) The project must be designed, constructed, and implemented ~~so that it will be implemented~~ as a complete, stand-alone project within the construction phase duration of a general permit, and such that it will not at any time during its construction or operation:

(a) Cause or contribute to any water quality violations;

(b) Contribute to any existing violation if it discharges pollutants into waters where existing ambient water quality does not meet water quality standards for those pollutants. In such a case, the project must include measures that will cause a net improvement in the receiving waters for those pollutants in accordance with Section 373.414(1)(b)3., F.S.;

(c) Adversely affect the value of functions provided to fish and wildlife by wetlands or other surface waters;

(d) Adversely affect the hydroperiod of wetlands on adjacent lands or the hydroperiod of other wetlands upstream, downstream, or adjoining to the work area under subsection (4), above;

(e) Cause or contribute to increased flooding of adjacent lands or cause new adverse water quantity impacts to receiving waters;

(f) Add or increase any chemical treatment;

(g) Be operated by pumps or other mechanical or adjustable features; nor

(h) Adversely impact the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S.

(8) The entity conducting this general permit must conduct at least one pre-notice meeting with Agency staff having responsibility for the review of the proposed activities. The notice required in Rule 62-330.402, F.A.C., shall include materials reflecting the recommendations of the Agency discussed during that meeting, and demonstrating compliance with the above, including a certification by a registered professional that the proposed activity will meet the criteria specified above. Such certification shall include appropriate design analyses, pollutant loading analyses, modeling and other engineering calculations, drawings, specifications and other information to support, describe, verify, and document the registered professional's certification.

(9) Nothing in this general permit will preclude a county or municipality from obtaining and implementing a Basin Management

Action Plan with water quality credits for activities performed under this authorization.

(10) Within 30 days after completion of construction, a registered professional shall submit certification that construction was completed in substantial conformance with the plans and calculations that were submitted in the notice to use this general permit.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.118(6), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), (6), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-1-13; Amended 6-1-18.

62-330.453 General Permit for Installation, Maintenance, Repair, and Removal of Utility Lines.

(1) A general permit is granted for the installation, maintenance, repair, and removal of underground utility lines, cable, conduit, or pipeline transmitting electricity, communication signals, potable water, raw water, reclaimed water, domestic wastewater, propane gas or natural gas.

(2) For the purposes of this general permit:

(a) “Directional drilling” means the linear or curvilinear excavation of a tunnel or conduit, in any direction, through the use of drilling equipment that can change direction during excavation; this also includes borehole reaming and pulling following primary drilling.

(b) “Jack-and-bore” means the linear, primarily lateral excavation of a tunnel, typically between excavated subgrade pits, through use of drilling equipment and encasement which is advanced under mechanical force, and includes similar methods commonly termed as “microtunneling.”

(c) “Frac-out” means any release of drilling fluid or slurry which results in above-grade discharge of drilling fluid or slurry or significant loss of such fluid or slurry into the surrounding parent material.

(3) This general permit is limited as follows:

(a) No work occurs within Outstanding Florida Waters, Aquatic Preserves, or Class I waters.;

(b) The installation of conduit or pipeline to drain wetlands or other surface waters is not authorized.;

(c) Prior to work, existing pipelines shall be evacuated of substances which, if released, could result in a violation of state water quality standards.;

(d) The maximum width of the disturbed corridor in wetlands shall not exceed 30 feet.

(e) The total area of forested wetland disturbance shall not exceed 0.5 acre per ten miles of cable, conduit, or pipeline.;

(f) Minor above-grade improvements may be constructed in uplands under this general permit, but shall be limited to vents, valves, meter assemblies, relays, junction boxes, pads or similar structures that are directly connected to the utility line, do not create discharges, and which cumulatively comprise no more than 100 square feet of impervious surfaces per mile of utility line.

(g) Installation, maintenance, repair, and removal activities performed via trenching or methods other than directional drilling or jack-and-bore, are subject to the following special conditions:

1. The maximum width of the excavated trench shall not exceed eight feet, with temporary spoil storage banks not to exceed ten feet in width;

2. For a trench with a top width greater than three feet in herbaceous wetlands, the upper layer of the soil horizon shall initially be scraped and segregated into a spoil bank that is separated from the spoil bank resulting from the excavation of the trench for the utility line. The upper layer of the soil horizon shall be replaced as the last step of restored grades to facilitate natural revegetation;

3. Trenching in surface waters shall be limited to wetlands, artificial waters, and residential canal systems; and

4. Temporary spoil banks shall contain breaches that prevent impoundment or restriction of surface water flows;

(h) Installation, maintenance, repair, and removal conducted using directional drilling or jack-and-bore methods are subject to the following special conditions:

1. The maximum outside diameter of the cable, conduit, or pipeline, including encasement, shall not exceed 30 24 inches.;

2. A minimum ~~of~~ depth of cover, equal to the greater of either five feet, or five times the maximum encased diameter of the utility line to be installed, shall be maintained between the top of the utility line and casing and the soil surface or submerged bottom of any wetland or waterbody being crossed.

3. All work areas associated with directional drilling or jack-and-bore activities, including entrance and exit pits, drill rigs, tanks, pumps, drilling fluid mixing and settling pits, dewatering systems and staging areas for pipe, cables, and drill string, shall be located within uplands.

4. The use of drilling fluids shall not cause or contribute to a violation of state ground water quality criteria or standards, as defined in Chapter 62-520, F.A.C.

5. The permittee shall, at least 48 hours prior to commencement of any directional drilling or jack-and-bore activities, submit to the agency the name, as registered with the Florida Department of State, and all-hours telephone contact information of all contractors responsible for drilling and for containment and cleanup in the event of a drilling fluid frac-out or spill.;

6. ~~The c~~Contractor shall, at all times during directional drilling activities, maintain appropriate equipment and materials in a readily-accessible location and condition, to effectively contain and clean up a drilling fluid frac-out or spill.;

7. The permittee or the permittee’s contractor shall, at all times during directional drilling activities, ensure that appropriately-trained personnel monitor downhole equipment position, drilling fluid circulation and pressures, and actively monitor the entire utility line route for surface frac-out of drilling fluids.;

8. Drilling activities shall be discontinued and the drilling fluid or slurry shall be contained using appropriate methods as soon as possible, in the event of a drilling fluid frac-out or spill. Removal of drilling fluid or slurry from wetlands and other surface waters shall be initiated and completed in the most expeditious manner practicable. Removed drilling fluid shall be contained or disposed of in an

appropriate upland location. Any frac-out or spill of drilling fluid into wetlands or other surface waters shall be reported to Agency staff within 24 hours following detection of the spill or frac-out.

(i) Utilities must be located a minimum of 14 feet below the authorized depth of a federal navigation channel.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.453, Amended 10-1-13, 6-1-18.

62-330.457 General Permit for Subaqueous Utility Crossings of Artificial Waterways.

(1) A general permit is granted to any person constructing, repairing or replacing a subaqueous utility crossing of artificial waters and residential canal systems, provided:

(a) The crossing is not located in Class I waters, Class II waters or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting if the utility line conveys petroleum, domestic wastewater, phosphate matrix slurry, phosphatic clay or sand tailings, recirculated water from beneficiation processes, or other substances which, if leaked, could contaminate drinking water supplies or result in closure of shellfish harvesting waters;

(b) The crossing shall be limited to non-navigable watercourses or to those waterways in which navigation can be maintained at all times without the necessity of constructing temporary berms, dikes, or dams, or removing or relocating turbidity control devices to allow boat passage. Customary navigation through the waterway shall be maintained at all times during installation;

(c) No dredging or filling shall be conducted in wetlands or other surface waters, located landward of the top of the banks of the waterway. Dredging and back filling of littoral zones and wetland vegetation growing on the side slopes of the artificial waterway is authorized as necessary to install the subaqueous utility line crossing;

(d) The maximum length of the utility crossing shall not exceed 150 feet from top of bank to top of bank. Excavated trench dimensions shall be limited to a depth of not more than ten feet below existing bottom contours and a trench top width of not more than ten feet;

(e) The maximum width of the area disturbed by equipment during construction shall be no more than 30 feet wide;

(f) Temporary or permanent spoil disposal sites shall be located exclusively on uplands and shall be sited, designed, and managed to have the capacity to retain all dredged material; and

(g) All previously excavated contours are restored with onsite native backfill, coarse sand, or clean, non-toxic rock bedding or cap material, as appropriate, within 72 hours following installation of the utility line.

(2) Installation, maintenance, repair, and removal conducted using directional drilling or jack-and-bore methods under this general permit are subject to the following special conditions:-

(a) The maximum outside diameter of the cable, conduit, or pipeline, including encasement, shall not exceed 30 ~~24~~ inches.

(b) A minimum ~~of~~ depth of cover, equal to the greater of either five feet, or five times the maximum encased diameter of the utility line to be installed, shall be maintained between the top of the utility line and casing and the soil surface or submerged bottom of any wetland or waterbody being crossed.

(c) All work areas associated with directional drilling or jack-and-bore activities, including entrance and exit pits, drill rigs, tanks, pumps, drilling fluid mixing and settling pits, dewatering systems and staging areas for pipe, cables, and drill string, shall be located within uplands.

(d) The use of drilling fluids shall not cause or contribute to a violation of state ground water quality criteria or standards, as defined in Chapter 62-520, F.A.C.

(e) At least 48 hours prior to commencement of any directional drilling or jack-and-bore activities, the permittee shall submit to the agency the name, as registered with the Florida Department of State, and all-hours telephone contact information of all contractors responsible for drilling and for containment and cleanup in the event of a drilling fluid frac-out or spill.

(f) The permittee or the contractor shall, at all times during directional drilling activities, maintain appropriate equipment and materials in a readily-accessible location and condition, to effectively contain and clean up a drilling fluid frac-out or spill.;

(g) The permittee or the permittee’s contractor shall, at all times during directional drilling activities, ensure that appropriately-trained personnel monitor downhole equipment position, drilling fluid circulation and pressures, and actively monitor the entire utility line route for surface frac-out of drilling fluids.

(h) In the event of a drilling fluid frac-out or spill, ~~d~~Drilling activities shall be discontinued and the drilling fluid or slurry shall be contained using appropriate methods as soon as possible, ~~in the event of a drilling fluid frac-out or spill.~~ Removal of drilling fluid or slurry from wetlands and other surface waters shall be initiated and completed in the most expeditious manner practicable. Removed drilling fluid shall be contained or disposed of in an appropriate upland location. Any frac-out or spill of drilling fluid into wetlands or other surface waters shall be reported to Agency staff within 24 hours following detection of the spill or frac-out.

(3) Utilities must be located a minimum of 14 feet below the authorized depth of a federal navigation channel.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418 FS. History—New 10-3-95, Formerly 62-341.457, Amended 10-1-13, 6-1-18.

62-330.474 General Permit for Certain Minor Activities.

(1) A general permit is granted to construct, alter, maintain, operate, abandon, and remove the following:

(a) Piling supported structures, other than docks and piers, without walls, screens, or doors, provided that the structure is not used for mooring, and the cumulative square footage of existing and proposed structures over wetlands or other surface waters does not

exceed 500 square feet in Outstanding Florida Waters or 1,000 square feet outside of Outstanding Florida Waters;

(b) Up to 100 square feet of dredging or filling in wetlands or other surface waters; or

(c) Maintenance dredging of up to 50 cubic yards of material from wetlands or other surface waters, provided that the dredged material is placed in uplands.

(2) Persons proposing to use this general permit must provide, as part of the notice required in Rule 62-330.402, F.A.C., reasonable assurance that the proposed activity:

(a) Does not cause a violation of state water quality standards;

(b) Does not impede the conveyance of a stream, river, or other watercourse in a manner that would increase off-site flooding;

(c) Does not adversely impact aquatic or wetland dependent listed species;

(d) Does not cause the drainage of wetlands; and

(e) Is not located in, on, or over a community of corals, seagrasses, or attached marine macroalgae.

(3) The Agency will provide written notification to the person proposing to use this general permit whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice. The proposed activity shall not be commenced until the Agency has provided written notice that the applicant qualifies for the general permit.

(4) A determination that an activity qualifies for a general permit for a minor activity applies only to the site specific activity, location, method of construction, or operation of the authorized project, and the other design and operation features of the authorized activity.

(5) This general permit shall not be applicable on any parcel of property which has been the subject of the successive filing of notices under a general permit within a three-year period where the combination of activities to be conducted exceed the thresholds in this rule.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 6-1-18.

62-330.475 General Permit for ~~Minor Activities and~~ Single-family Residential Activities in Isolated Wetlands.

(1) A general permit is granted to construct, alter, maintain, operate, abandon, and remove a the following:

~~(a) Piling supported structures of less than 1,000 square feet over wetlands or other surface waters, other than those designated Outstanding Florida Waters;~~

~~(b) Piling supported structures up to 500 square feet over wetlands or other surface waters in Outstanding Florida Waters;~~

~~(c) Up to 100 square feet of dredging or filling in wetlands or other surface waters;~~

~~(d) Maintenance dredging of up to fifty cubic yards of material from wetlands or other surface waters, provided that the dredged material is placed in uplands; or~~

~~(e) A single family residence, and associated residential improvements (such as a driveway, garage, and an on-site sewage disposal system), provided:~~

~~(a)1. The land on which the work is to occur is not part of a larger plan of common development;~~

~~(b)2. The notice required in Rule 62-330.402, F.A.C., includes documentation that the tract of land was not divided into two or more parcels after July 1, 1994;~~

~~(c)3. Work occurs only in uplands or in isolated wetlands that are not within an Area of Critical State Concern or within the Wekiva River Basin Riparian Habitat Protection Zone as described in subparagraph 40C-41.063(3)(e)1., F.A.C.;~~

~~(d)4. Wetland impacts shall be eliminated except where unrestricted uplands are insufficient to support the residence and associated residential improvements. "Unrestricted uplands" are uplands that are not restricted by easement, deed restriction, local government regulation, setback, or similar restriction which would prevent construction there. Uplands are not considered restricted until all available variance or waiver procedures have been exhausted;:-~~

~~(e)5. Wherever possible, structures in isolated wetlands should be built on pilings to minimize fill in wetlands; and-~~

~~(f)6. No more than 4,000 square feet of isolated wetlands are dredged or filled; and no more than 6,000 square feet of isolated wetlands are cleared (this includes the area dredged or filled for the residence and associated residential improvements).~~

(2) Persons proposing to use this general permit must provide, as part of the notice required in Rule 62-330.402, F.A.C., reasonable assurance that the proposed activity:

(a) Does not cause a violation of state water quality standards;

(b) Does not impede the conveyance of a stream, river, or other watercourse in a manner that would increase off-site flooding;

(c) Does not adversely impact aquatic or wetland dependent listed species; ~~and~~

(d) Does not cause the drainage of wetlands-

(3) The Agency will provide written notification to the person proposing to use this general permit whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice. The proposed activity shall not be commenced until the Agency has provided written notice that the applicant qualifies for the general permit.

~~(4) A determination that an activity qualifies for a general permit for a minor activity applies only to the site specific activity, location, method of construction or operation of the authorized project, and the other design and operation features of the authorized activity.~~

~~(4)5) This general permit shall not be applicable on any parcel of property which has been the subject of the successive filing of notices under a this general permit within a three-year period where the combination of activities to be conducted exceed the thresholds in this rule.~~

~~(6) The provisions of paragraph (1)(e) do not supersede the exemption in Section 403.813(1)(q), F.S.~~

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Formerly 62-341.475, Amended 10-1-13, 6-1-18.

62-330.485 General Permit to the Department and Water Management Districts for Environmental Restoration or Enhancement.

(1) A general permit is granted to the Department and Districts for the construction, alteration, operation, maintenance, removal and abandonment of projects to implement Department or District environmental restoration or enhancement projects.

(2) The environmental restoration or enhancement project must comply with any one of the following procedures:

(a) The project is part of a Surface Water Improvement and Management Plan developed pursuant to Section 373.453, F.S.; or

(b) The project is approved by the District Governing Board or the Secretary of the Department after conducting at least one public meeting; or

(c) The project is wholly or partially funded ~~by the Department through the Land Acquisition Trust Fund pursuant to Article X, Section 28 of the Florida Constitution, or through any successor trust fund, Ecosystem Management and Restoration Trust Fund pursuant to Section 403.1651, F.S., or the Water Resource Restoration and Preservation Act pursuant to Section 403.0615, F.S.~~

(3) When the activity is to be conducted by the Department, the Department shall provide the notice and any processing fee required by Rule 62-330.071, F.A.C., to the appropriate District.

(4) When the activity is to be conducted by a District, the District shall provide the notice and any required fee to the appropriate Department office.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.485, Amended 10-1-13, 6-1-18.

62-330.493 General Permit to Perform Prospecting Activities for Phosphate Minerals.

(1) A general permit is provided for any person engaged in or proposing to engage in the mining of phosphatic ore to perform prospecting activities for phosphate minerals within wetlands and other surface waters except in Outstanding Florida Waters, Aquatic Preserves, Outstanding National Resource Waters, Class I waters, Class II waters, or waters approved, conditionally approved, restricted, or conditionally restricted by the Department of Agriculture and Consumer Services for shellfish harvesting, provided:

(a) "Prospecting activities" shall be defined as those normal and reasonably necessary to retrieve core samples of subsurface geologic sediments for the specific purpose of locating, mapping and determining the quantities and quality of any phosphorus bearing strata or deposits;

(b) Disturbance along any portion of the prospect line within herbaceous wetlands shall be no wider than 25 feet, no wider than 15 feet within forested wetlands, except at the immediate site of the drill hole, where disturbance shall not exceed 25 feet in width and no activities regulated by the Department associated with prospecting shall occur outside the 15-foot and 25-foot limits, respectively;

(c) An individual prospecting line shall not extend into wetlands or other surface waters more than one-third (1/3) of the width of the landward extent of the wetland or other surface waters involved, unless prospecting is conducted by hand carried drilling devices, in which case full penetration of the wetland or other surface waters shall be allowed, except as restricted by paragraph (1)(e), ~~below (1)(f)~~. When hand carried drilling devices are used all drilling tailings shall be returned to the drill hole and no spoil shall be left on the surface;

(d) No prospecting activities shall occur in open waters (areas of water bodies not supporting emergent vegetation), such as lakes, ponds, streams, and rivers;

(e) A minimum interval of 300 feet shall exist between individual parallel prospecting lines and minimal distance of 300 feet shall be maintained between the alignment of the prospecting line or lines and opposing sides of wetlands and other surface waters. When hand carried drilling devices are to be used for total penetration of the wetland or other surface waters, the minimal interval of 300 feet between prospecting lines shall apply;

(f) No debris or spoil shall be mechanically placed outside of the 15-foot or 25-foot width allowed, respectively, above; and

(g) The disturbed area along each prospecting line within herbaceous wetlands shall be replanted with native wetland species that are indigenous to adjoining wetlands unless evidence exists that natural revegetation has covered 33 percent of the disturbed ground area within one growing season. If herbaceous plants are planted, they shall be planted at a density to achieve 33 percent cover by herbaceous wetland species within one growing season. The disturbed area along each prospecting line within forested wetlands shall be replanted with indigenous native wetland tree species at a rate to achieve survival and growth of 400 trees per acre, and the permittee shall institute maintenance activities to ensure the survival of the planted indigenous native wetland trees. The disturbed area along each prospecting line within forested wetlands also shall be replanted with indigenous native wetland herbaceous species in the same manner as for the herbaceous wetlands described above. The restored sites shall be maintained free of any new growth of *Schinus terebinthifolius* (Brazilian pepper), *Melaleuca quinquenervia* (pork tree), and *Casuarina* spp. (Australian pine), and managed so that *Typha* spp. (cattails) does not attain vegetative dominance.

(2) A person wishing to use this general permit shall submit to the ~~office of the Department to which the prior notice was originally given,~~ an annual schedule of proposed prospecting activities within the prospect areas including location maps, aerial photographs showing the proposed prospecting lines, and approximate commencement and completion dates for the activities planned for each prospect area. The

annual schedule, or modifications to the annual schedule, must be submitted at least ~~30~~ thirty days prior to the commencement of the proposed activity. Where practicable, the annual schedule should be filed with the ~~office of the Department to which the original notice was given~~ no later than June 1 for the fiscal year July 1 through June 30.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.610, Amended 10-1-13, 6-1-18.

62-330.496 General Permit for Dry Borrow Pits of Less than Five Acres. (Repealed)

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-1-13, Repealed 6-1-18.

62-330.550 General Permit for Construction, Operation and Maintenance of Nonproduction-related Agricultural Facilities.

(1) A general permit is granted for the construction, operation, maintenance, alteration, or abandonment of minor systems serving any of the following, provided the activities comply with all of the conditions set forth below.

(a) Seasonal or year-round stands and markets selling exclusively or primarily produce and other farm or nursery products grown on-site.

(b) Farm worker housing and ancillary facilities.

(c) Truck loading and staging areas for transporting farm or nursery products grown on-site.

(d) Nonresidential farm buildings and structures used solely for agricultural purposes and located on a farm or on land that is an integral part of an ongoing farm operation.

(e) Roadway and vehicle parking facilities integral to an activity authorized under this general permit.

(2) This general permit is subject to the following limitations:

(a) Total cumulative building, ~~driveway~~ driveways, parking lot, and other impervious and semi-impervious surfaces will not exceed ~~20 percent~~ of the total land area, up to four acres. This limitation excludes impervious and semi-impervious areas directly related to agricultural production.

(b) No activities will occur in, on or over wetlands or other surface waters.

(c) The activities will not use new surface water drainage facilities larger than one 24-inch diameter pipe or its hydraulic equivalent.

(d) The activities will not use new drainage pumps or other operable structures for stormwater management.

(e) Finished building floors for residential structures will be above the 100-year flood elevation.

(f) All discharge and project runoff locations, excluding runoff from access driveways, will maintain a minimum 75-foot vegetated buffer. This vegetated buffer must include a 25-foot perpetually

undisturbed buffer, upland of any wetlands, other surface waters, and drainage ditches.

(g) Impervious and semi-impervious surfaces, excluding access driveways, will maintain a 25-foot vegetated buffer from property boundaries.

(h) Permitted activities are not conducted within the geographic limits of an existing permit issued under Part IV of Chapter 373, F.S.

(3) This general permit is not available if the proposed activities, considered separately or in combination with other activities conducted under this permit, exceed or will exceed any of the limitations in subsection (2), above.

(4) The activities undertaken using this permit shall be taken into account in determining the post-development conditions for any subsequent exemption or permitting decision that includes the same project area.

Rulemaking Authority 373.044, 373.113, 373.118, 373.4131 FS. Law Implemented 373.413, 373.4131, 373.414, 373.416, 373.419 FS. History—New 10-1-13, Amended 6-1-18.

62-330.630 General Permit to U.S. Army Corps of Engineers for Environmental Restoration or Enhancement Activities.

(1) A general permit is granted to the U.S. Army Corps of Engineers for the construction, alteration, operation, and maintenance of systems to implement environmental restoration or enhancement projects. In order to qualify for this general permit, the decision documents for the environmental restoration or enhancement activity must have been coordinated through the process described in Section III of the *Interagency Coordination Agreement for Civil Works Projects, Florida Department of Environmental Protection, United States Army Corps of Engineers Jacksonville District, United States Army Corps of Engineers Mobile District* (February 28, 2006), incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03128>).

Copies of incorporated material may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. In addition, the environmental restoration or enhancement activity must be funded or conducted by the U.S. Army Corps of Engineers, and be authorized under the following documents, which are incorporated by reference herein:

(a) Section 204 of the Water Resources Development Act (WRDA) of 1992, as amended through January 24, 2002 (Beneficial Uses of Dredged Material), and any subsequent amendment by a WRDA through June 1, 2018 ~~{October 1, 2013}~~, (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03224>);

(b) Section 206 of the Water Resources Development Act of 1996, as amended through January 24, 2002 (Aquatic Ecosystem Restoration), as amended by a WRDA through June 1, 2018 ~~{October 1, 2013}~~ (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03225>);

(c) Section 1135 of the Water Resources Development Act of 1986, as amended through January 24, 2002 (Project Modifications for Improvement of the Environment), as amended by a WRDA through June 1, 2018—[October 1, 2013], (<https://www.flrules.org/Gateway/reference.asp?No=Ref-03226>).

(d) Section 101(8) of WRDA 1992 (Kissimmee River Restoration), as amended by a WRDA through June 1, 2018—[October 1, 2013], (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03130>); or

(e) The Army Corps Federal portion of any project approved as part of the “Estuaries and Clean Waters Act of 2000” (Title I, PL 106-457) (ERA), Sections 102(3), 104(a), and 110(b) and amended by Section 5017 of WRDA 2007, and any subsequent amendment by a WRDA through June 1, 2018—[October 1, 2013], (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02600>).

(2) The following shall not be eligible for this general permit; copies of the materials incorporated by reference below may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C.:

(a) Activities on the sandy beaches of Florida fronting the Atlantic Ocean, the Gulf of Mexico or the Straits of Florida that extend seaward of the mean high water line, including beach restoration, nourishment, disposal of dredged material, beach or inlet structures, or excavation;

(b) Activities proposed to implement mitigation for another activity that requires a permit under Part IV of Chapter 373, F.S., a water quality certification, or coastal zone consistency concurrence;

(c) Activities that involve replacing a natural biological community type with a different type of biological community, such as filling bay bottom to create a marsh, except:

1. To restore or enhance a community that was previously damaged or destroyed by human activities, such as filling a dredged channel to the elevations and community types that existed before dredging; or

2. To restore or enhance a community type that was previously existing, but has been lost through avulsion when it is determined to be in the public interest; or

3. To reduce or eliminate populations of exotic and nuisance species with the goal of enabling replacement by natural, endemic communities;

(d) Activities that adversely affect animal species that are listed as endangered, threatened or of special concern and endangered or threatened plant species when such plants are located in a wetland or other surface water;

(e) Activities that would adversely affect historic properties listed in or eligible for listing in the National Register of Historic Places under the provisions of Section 267.061, F.S.;

(f) Activities requiring a permit under Section 373.1502, F.S., or authorized under Section 528 of the Water Resources Development Act of 1996, Public Law 104-303 (Critical Restoration Projects),

October 12, 1996, which is incorporated by reference herein (<https://www.flrules.org/Gateway/reference.asp?No=Ref-02602>);

(g) Activities authorized under Section 101(8) of the Water Resources Development Act of 1992, Public Law 102-580, (October 31, 1992), which is incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03127>); or

(h) Activities conducted in association with Everglades or Lake Okeechobee restoration.

(3) Prior to submittal of the notice to the agency to use this general permit as required and described in paragraph (5)(a), below, the environmental restoration or enhancement activity must be included in a Feasibility Report, Reevaluation Report, Letter Report or other equivalent Federal environmental decision document that has been reviewed by the state of Florida. Documentation that the state has found the environmental restoration or enhancement activity to be consistent with the Florida Coastal Management Program must be submitted with the notice to use this general permit. It is not necessary that the report types cited above be considered final or approved by the Corps.

(4) Activities under this general permit are subject to the following additional provisions and limitations. The activities:

(a) Shall not be available for use as future mitigation credit for a separate activity that requires a permit under Part IV of Chapter 373, F.S., a water quality certification, or a coastal zone consistency concurrence;

(b) Must be conducted in a manner that will not adversely affect the value of functions provided to fish and wildlife by wetlands or other surface waters;

(c) Must not cause adverse flooding to on-site or off-site property, adverse impacts to existing surface water storage or conveyance capabilities, adverse secondary impacts to the water resources, adverse impacts to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., adverse impacts to a Works of the District established pursuant to Section 373.086, F.S., or adverse effects to properties outside the area to be enhanced or restored;

(d) Must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable special basin and geographic area criteria established in Chapters 40C-41 or 40E-41, F.A.C., both of which are incorporated by reference in paragraph 62-330.301(1)(k) ~~62-330.302(1)(k)~~, F.A.C.; and

(e) Must not be for the primary purpose of providing or enhancing recreation or other public uses of the lands that are enhanced or restored under this general permit, although such areas are not prohibited from being made available for compatible public recreation activities. However, the construction, alteration, operation, removal, maintenance, or abandonment of public recreational facilities, such as parking lots, roads, trails, boardwalks, docks, piers, observation decks,

kiosks, and visitor's centers, or any project serving those facilities, are not authorized under this general permit, and must be authorized in accordance with Part IV of Chapter 373, and Chapters 253 and 258, F.S., prior to their construction and use.

(5)(a) The notice required in Rule 62-330.402, F.A.C., shall be supplemented with:

1. A copy of the Coastal Zone Consistency Concurrence documentation referenced in subsection (3), ~~above of this general permit~~;

2. Documentation of the approved federal authorization under which funding is expected;

3. Copies of the environmental documents that have been developed as part of the early coordination process described in Section III of the *Interagency Coordination Agreement for Civil Works Projects, Florida Department of Environmental Protection, United States Army Corps of Engineers Jacksonville District, United States Army Corps of Engineers Mobile District*, dated February 28, 2006, incorporated by reference in subsection (1), above; and

4. Should the Corps' contractors propose to use flocculating agents such as polymers or alum to consolidate sediments or to otherwise prevent potential water quality violations associated with the project design, the Corps shall coordinate with the Agency in advance of submittal of the notice to use this general permit, and shall submit with the notice reasonable assurance that use of such flocculating agents is not likely to cause chronic or acute toxicity in violation of Chapter 62-302, F.A.C., as tested using, at a minimum, elutriate analysis on the specific sediments dredged from or deposited at the project site that require treatment.

5. Should the Corps' contractors identify that a mixing zone for turbidity is required to prevent potential water quality violations associated with the project, the Corps shall coordinate with the Agency in advance of submittal of the notice to use this general permit to discuss the methods proposed that will provide reasonable assurance that there will be no violation of the turbidity standards in Chapter 62-302, F.A.C., and, as applicable in Rule 62-4.242, F.A.C., outside of the limits established in subsection 62-4.244(5), F.A.C. When the Agency determines that such mixing zone will not cause adverse impacts to the water resources, the Corps will include in the notice to use this general permit a specific request for such a mixing zone and the methods that will be used to comply with its limitations. Projects that require a mixing zone in excess of that allowed under subsection 62-4.244(5), F.A.C., shall not qualify for this general permit.

(b) The Department will provide written notification to the U.S. Army Corps of Engineers whether the proposed activity qualifies for this general permit within 30 days of submittal of the written notice, or 30 days after submittal of any errors or omissions needed to correct the notice, as provided in Rule 62-330.402, F.A.C. The proposed activity shall not commence

until the Department has provided affirmative, written confirmation that the proposed activity qualifies for this general permit.

Rulemaking Authority 373.026, 373.043, 373.044, 373.118, 373.406, 373.4131, 373.414(9) FS. Law Implemented 373.026, 373.043, 373.046, 373.118, 373.403, 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419, 373.422, 373.423, 373.426, 403.814(1) FS. History—New 12-5-06, Formerly 62-341.486, Amended 10-1-13, 6-1-18.

62-330.631 General Permit to Governmental Entities for Limited Environmental Restoration or Enhancement Activities.

(1) A general permit is granted to governmental entities to construct, operate, alter, or maintain projects for environmental restoration or enhancement, subject to the limitations and conditions of this section. For purposes of this rule, "environmental restoration and enhancement" means activities conducted to improve the habitat value of wetlands or surface waters for fish and wildlife by eliminating harmful drainage, improving water quality, preventing erosion, stabilizing eroding shorelines, planting wetland vegetation, removing spoil, removing exotic and nuisance vegetation, providing structural habitat, and restoring dredged holes to elevations before they were dredged. The following activities are authorized:

(a) ~~The R~~estoration of an eroding shoreline or the enhancement of a disturbed or altered shoreline by planting appropriate native vegetation in accordance with the following:

1. Preparing grades and contours for planting with no net addition or removal of material.

2. Plantings shall consist of native wetland plant species obtained from commercially-grown stock that is native to the geographic area of the project.

3. All invasive and exotic plant species that occur along the shoreline within the project area are removed in conjunction with the planting.

4. If temporary wave attenuation is needed to protect and ensure survivability of the plantings, turbidity curtains shall be installed and maintained immediately waterward of, and parallel to, the planting area, but must be removed within three months after completion of planting.

5. If permanent wave attenuation is required to maintain shoreline vegetation, an oyster reef or riprap "breakwater" is authorized to be constructed within tidal waters ~~established~~ concurrent with the planting, provided that:

a. The breakwater shall not impede navigation or create a navigational hazard. The outer edge of the "breakwater" shall be located no more than 15 feet waterward of the mean ~~or ordinary~~ high water line and have a top height of one foot or less above the mean ~~or ordinary~~ high water elevation.

b. The "breakwater" shall be composed of riprap or natural oyster shell cultch such as clean oyster shell and fossilized oyster shell, or combination thereof. Oyster shell shall be packaged within biodegradable bags (e.g. ~~i.e.~~, coir fiber) or mesh bags, or securely

attached to matting prior to placement in the water to prevent movement of shell out of the project area.

c. The "breakwater" shall be placed in units so that there is at least one have a minimum of three feet of tidal channel opening measuring at least five feet in width within located every 7520 linear feet along the breakwater of structure, with a minimum of one opening, so as to allow not substantially impede the flow of water, and the passage of fish and aquatic wildlife shall not create a navigational hazard.

d. If the breakwater and plantings are located in front of an existing seawall or bulkhead, placement of clean fill for the sole purpose of planting wetland vegetation is authorized, provided that stabilizing riprap or an oyster reef "breakwater" supports the fill at no more than a two horizontal to one vertical 2 Horizontal:1 Vertical slope and the total area of fill is less than one acre.

(b) Placement of riprap or clean oyster shell, underlain with geotextile filter fabric, within 10 feet waterward of the mean or ordinary high water line of an eroding shoreline. Oyster shell shall be packaged within mesh bags, or securely attached to matting prior to placement in the water to prevent movement of shell out of the project area. Where the shoreline is undercut, sandbags or geotubes filled with sand or hardened concrete placed over geotextile fabric are authorized to prepare the slope for placement of the riprap or oyster shell.

(c) Backfilling, plugging, or installation of weirs within existing drainage ditches or swales, without piping, for the purpose of restoring the hydroperiod of wetlands or other surface waters, and/or the groundwater in uplands, within publicly-owned lands, provided the ditches to be filled are not connected to upstream offsite ditches or canals. Any proposed backfilling, plugging or weir installation shall be supported by a determination, signed and sealed by a registered professional, that such activities will not cause adverse flooding to off-site property.

(d) Scrape down of spoil islands to an intertidal elevation or a lower elevation at which light penetration is expected to allow for seagrass or other native submerged aquatic vegetation recruitment, provided the total area does not exceed 10 acres.

(e) Backfilling of existing dredge holes that are at least five 5 feet deeper than surrounding natural grades to an elevation which is expected to allow for seagrass recruitment, with no displacement of highly organic sediments, provided the total area does not exceed 10 acres.

(f) Placement of rock riprap or clean concrete in existing dredge holes that are at least five 5 feet deeper than surrounding natural grades to enhance habitat values, provided that placed rock or concrete does not extend to within one 1 foot of surrounding natural grades, and the total area does not exceed five 5 acres.

(g) Removal of exotic and nuisance species to allow for the activities listed in paragraphs (1)(a) through (d), above.

(h) Restoration of prop scars and blow holes through previously vegetated grassbeds, including use of sand-filled bags to restore historical natural grades and replanting of seagrass collected from upland nursery sources or donor sites previously permitted under Part

IV of Chapter 373, F.S., for this purpose. Bird stakes may be temporarily placed within the restoration area to promote seagrass growth in settings where, based on best available scientific information, the Agency determines that phosphorus is a limiting nutrient for seagrass growth. Bird stakes, if used, shall be installed no closer than six feet apart and shall be removed within 18 months of initial placement.

(2) To qualify for this general permit, the activity must comply with all the following:

(a) The project shall not be considered as mitigation for any other activity.

(b) The project shall not be located within an Aquatic Preserve.

(c) The project shall not include ~~fill~~, placement of fill, riprap, or placement of any type of "breakwaters" over or within three feet of an area of greater than one percent coverage by emergent or submerged natural resources, or placement of fill material within smalltooth sawfish critical habitat, as designated by the U.S. National Marine Fisheries Service. For purposes of this general permit, the term "emergent or submerged natural resources" includes freshwater and marine herbaceous and forested wetland vegetation, seagrass, coral, sponge, oyster beds, and other submerged aquatic vegetation.

(d) The governmental entity shall submit scaled and dimensioned project plans, signed and sealed by a registered professional, showing the entire project area and all proposed activities within the project area. In addition, project plan-view drawings shall be submitted showing the locations of all existing emergent and submerged natural resource communities, however, these community-depiction drawings are not required to be signed and sealed by a registered professional.

(e) Emergent or submerged natural resources, and other fresh water or marine ecological communities shall not be adversely affected and the ecology of such communities shall directly benefit from the authorized activity, as affirmatively agreed to by the Agency after review of the submitted notice and project plans. To facilitate this review, a pre-application meeting with the Agency must be held in advance of submitting notice to use this general permit.

(3) This general permit shall be subject to the following specific conditions.

(a) All disturbed areas, including intertidal slopes, shall be stabilized and re-vegetated with appropriate non-invasive, annual ground cover vegetation within 72 hours after completion of construction. Subsequently, the areas shall be planted and maintained as necessary to ensure that there is at least 33 percent cover of planted or naturally re-established native wetland or upland plant species within 18 months of completion of authorized work. The areas shall also be maintained free of exotic invasive species.

(b) Riprap material shall be clean limestone, granite, other native rock, or clean rebar-free concrete rubble measuring one 1 foot to three 3 feet in diameter.

(c) Except as otherwise allowed under this general permit, fill material used to backfill dredge holes or planting areas shall comply with the standard of not more than 10 percent of the material passing

through a number 200 standard sieve and containing no more than 10 percent organic content, and be free of contaminants that cause violations of state water quality standards.

(d) Turbidity shall be monitored at least twice daily during construction. Monitoring records shall be maintained and available for inspection by the Agency for the period of in-water construction and an additional 90 days beyond in-water construction.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131 F.S. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1) F.S. History—New 10-1-13, Amended 6-1-18.

62-330.632 General Permit for the Restoration, Establishment and Enhancement of Low Profile Oyster Habitat.

(1) A general permit is hereby provided for the construction, restoration, and enhancement of low profile oyster habitat (LPOH); within estuaries, lagoons, or other tidal waters, subject to the following:

(a) The total footprint of the LPOH is one quarter acre in size or less as ~~verified by GPS or boundary survey~~;

(b) The work shall be conducted or directly supervised by persons having expertise designing and implementing oyster habitat restoration activities ~~and that the person will carefully supervise all persons responsible for installing the LPOH~~;

(c) The LPOH ~~shall will~~ not be inconsistent with any a management plan approved by a federal, state, regional and/or local agency; that ~~already~~ addresses oyster habitat, wetland vegetation, submerged resources, water quality, navigation, or fishing and recreational values of the waterbody, including any ~~adopted~~ Aquatic Preserve management plan adopted under Chapter 18-20, F.A.C.;

(d) The LPOH shall not be considered part of a mitigation proposal or be used as mitigation to offset impacts for any ~~from~~ other projects;

(e) The LPOH ~~shall is~~ not serve or include any aquaculture activity regulated under Chapter Section 597.03, F.S., ~~and is not intended to serve any aquaculture function~~; and

(f) The LPOH ~~shall will~~ not adversely affect existing natural resources or resource activities within or adjacent to the footprint of the proposed LPOH footprint.

(2) The notice required in Rule 62-330.402, F.A.C., shall include documentation, statements, or demonstrations that the above limitations will be met, together with the following:

(a) An explanation of the overall ecological benefit to be achieved by the LPOH;

(b) Documentation that the person using this general permit has authorization from the owner(s) of the submerged lands landowner, if other than the State of Florida, to conduct the proposed activities ~~on their land; if located on state owned submerged land, such documentation does not need to be provided with the notice the authorization to conduct the LPOH activity on state owned submerged lands will be a component of the Department's evaluation of qualification to use the general permit~~;

(c) An environmental resource survey of the bottom of the waterbody throughout the LPOH area, including an additional ~~50~~ 100 foot-wide perimeter surrounding the LPOH area demonstrating that:

1. The LPOH area, including the ~~50~~ 100 foot-wide perimeter area, does not have any submerged aquatic vegetation or hardbottom resources present ~~other live native shellfish except as provided in paragraph (3)(d), below, nor submerged grassbeds, clam beds, hardbottom, coral, or macroalgae communities~~;

2. The LPOH will not affect an archaeological, cultural, or historical resource area regulated under Chapter 267, F.S.;

3. The LPOH will not have any work conducted within 100 meters of actively nesting wading bird colonies or within 180 meters of actively nesting ~~mixed tern or~~ skimmer colonies;

4. The LPOH will not be constructed within:

a. ~~100 feet of the near bottom edge of a federally maintained channel, where near bottom is defined as the design edge of the established channel closest to the project not including the slope, without written approval from the entity responsible for channel maintenance~~;

~~b.~~ 100 feet from the outside edge of any designated channel marked in accordance with Section 327.40 F.S. or federally maintained channel without written approval from the entity responsible for channel maintenance;

~~b.e.~~ Any channel traditionally used for navigation;

~~c.d.~~ 100 feet of any dock or overwater structure without notice to the current property owner;

~~d.e.~~ Any other designated management zone that requires approval to conduct activities unless written approval is received from the managing agency; or

~~e.f.~~ Any previously permitted mitigation areas; ~~and~~

(d) Agreement that the activity will comply with the additional conditions of subsection (3), below.

(3) All work under this general permit shall be conducted in conformance with the general conditions of Rule 62-330.405 F.A.C., ~~and~~ the following specific conditions:

(a) ~~The LPOH materials shall consist of be installed, restored, or enhanced using only~~ the following:

1. ~~Clean clean~~, sediment free culture materials (cultch) that does not contain deleterious substances that have the potential to leach into surface waters. Cultch shall consist of:

~~a.1.~~ Recycled shell that has been quarantined for a minimum of three months;

~~b.2.~~ Fossil shell;

~~c.3.~~ Limerock consisting of a minimum of 20 percent calcium carbonate by volume, with 90 percent of the limerock being no more than six inches in diameter; or

~~d.4.~~ Concrete material in which at least 90 percent of the concrete material is no more than ~~six~~ 6 inches in diameter. Concrete shall not be used for a LPOH located in an Aquatic Preserve, ~~designated under Chapter 18-20, F.A.C.~~

2. Cultch that was intentionally placed in marine or estuarine waters for a period of time to collect oyster larvae, or seedstock (juvenile shellfish species) that has been cultured and placed in marine or estuarine waters for growout; or

3. Cultch or seedstock that has been generated as a result of shellfish aquaculture activities in accordance with Section 597.010, F.S.

(b) LPOH materials ~~Cultch~~ shall be firmly fixed on the substrate, ~~bagged, or otherwise~~ and contained in such a way as to prevent movement away from the LPOH footprint, ~~through use of designs such as bagged shell, loose cultch surrounded and contained by bagged shell, or shell securely fixed to aquaculture grade mesh material.~~

(c) LPOH materials shall not be indiscriminately dumped, placed on substrate with more than five live oysters per square meter, or and shall not be placed outside of the total footprint limits.

(d) The LPOH may consist of placement of LPOH material ~~scultch~~ in locations where no oyster reef currently exists, or restoration of an existing degraded oyster reef to its known historical ~~historic~~ height, or restoration of an existing degraded oyster reef to the average elevation of existing natural oyster reefs in the immediate vicinity of the LPOH area. ~~Cultch shall not be placed on top of substrate with greater than five live oysters per square meter.~~ Final elevation shall not exceed 18 inches above the existing bottom elevation in locations where no oyster reef currently exists. In no circumstance shall LPOH material be placed at a height above the mean high water elevation. ~~In existing oyster reef locations, if the historical oyster reef elevation is unknown, restoration shall not result in the placement of cultch to an elevation height greater than the average elevation height of existing natural oyster reefs in the immediate vicinity of the LPOH area.~~

(e) The LPOH shall not cause harmful erosion or shoaling to adjacent submerged areas and shorelines.

(f) The LPOH shall not cause adverse ~~avoid~~ impacts to the fishing and recreational use of the waterbody, its aquatic and wetland dependent species, or and its submerged resources.

(4) A minimum of 60 days prior to submittal of a notice required in subsection (2), above, the person proposing to use this general permit shall conduct at least one pre-notice meeting with the appropriate Agency staff to discuss the project, ~~design, implementation details, and any resource concerns.~~ If the LPOH is proposed ~~included~~ within an Aquatic Preserve designated in Chapter 18-20, F.A.C., the appropriate aquatic preserve manager of that preserve, or their designee, shall be invited to the pre-notice meeting.

(5) Within 45 days but no less than 30 days prior to the submittal of the notice required in subsection (2) the person proposing to use this general permit shall:

(a) ~~Publish a one time notice in a newspaper of paid general circulation in the vicinity of the project location. The newspaper notice shall provide that any concerns about the LPOH shall be directed to the Department at the Department's contact address. An affidavit of publication shall be included with the notice required in subsection (2).~~

~~(b) Provide written notice to the appropriate Inland Navigation District, and any other special taxing district with authority to construct or maintain navigation channels within the proposed LPOH. In counties where such districts do not exist, the same written notice shall be provided to the county or municipal agency with jurisdictional authority over inland navigation. A copy of each notice shall be included with the notice required in subsection (2).~~

~~(c) Provide written notice of the proposed LPOH to the Florida Fish and Wildlife Conservation Commission's Boating and Waterways Section. A copy of the notice shall be included with the notice required in subsection (2) above;~~

~~(d) Post readily visible notice of the proposed LPOH at the nearest public boat ramp to the LPOH site, unless prohibited by law. The notice should indicate the location of the LPOH and phone number of the appropriate agency to direct comments to on the proposed LPOH. A copy of the notice and boat ramp locations where the notice was posted shall be included with the notice required in subsection (2), above.~~

~~All of the above notices include georeferenced coordinates (latitude and longitude) for the LPOH site, or refer to an Internet site that includes a georeferenced map with coordinates of the LPOH site.~~

~~(5)(6) Implementation of T~~he activities authorized in this general permit shall not commence until the Agency Department has confirmed compliance with the terms and conditions of this general permit. ~~The Department will~~ provided ~~provide~~ written verification of qualification in accordance with section 5.3.2 of Applicant's Handbook, Volume I, notification ~~whether the proposed activity qualifies for this general permit within 30 days of the Department's receipt of all the materials required above. The proposed activity shall not be commenced until the Department has provided written notice that the person proposing to use this general permit qualifies for the general permit. Any denial by the Department of qualification to use this general permit shall be made without prejudice for the submission of an individual application for the same or a modified LOPH.~~ Rulemaking Authority 373.044, 373.113, 373.118, 373.171, 373.4131 FS. Law Implemented 253.034(1), 373.118, 373.406(5), 373.4131, 373.414(9), 403.814(1) FS. History—New 10-1-13, Amended 6-1-18.

62-330.635 General Permit for Soil Remediation.

(1) A general permit is granted to conduct soil removal activities, including installation of wells and work in wetlands and other surface waters necessary to perform soil remediation as part of a Remedial Action Plan approved by the Department. This includes construction, alteration, operation, and removal of a temporary access road for access to conduct this work, subject to the following conditions.

(a) Removal of contaminated soil is limited to no more than a total of five ~~5~~ acres of wetlands.

(b) Temporary fill and materials for equipment access shall be removed immediately following completion of the remediation work.

(c) Any wetland area affected by the work shall be restored to pre-construction wetland elevations within 30 days following completion

of the work, using sediments consisting of the same soil textural material as the original pre-construction soil material that is also free of vegetated debris, rebar and any other solid waste materials.

(d) Any muck removed from wetlands for construction of temporary fill roads shall be stockpiled in uplands and used in restoring the affected area to wetland conditions and pre-construction wetland elevations, unless this material is required to be removed as part of the remediation plan.

(e) Within ~~seven~~ 7 days of ~~completion of restoration of pre-construction wetland elevations~~ ~~completion of construction~~, all wetland areas shall be restored to pre-construction wetland elevations and re-vegetated with native wetland species endemic to adjoining, undisturbed wetlands or the underlying wetland community type historically occurring at the site. The restored wetland areas shall be maintained and planted as necessary to ensure that at least 33 percent cover of planted or naturally reestablished native wetland plant species is appropriate for the wetland community type within 18 months of completion of authorized work. Exotic invasive species, including but not limited to: *Schinus terebinthifolius*, *Melaleuca quinquenervia*, *Casuarina* spp., *Lygodium* spp., and nuisance species *Typha* spp., and *Ludwigia peruviana* shall be controlled at densities not exceeding the densities of these species in undisturbed portions of the wetland.

(f) In addition to compliance with the notice provisions of Rule 62-330.402, F.A.C., within 60 days following completion of construction, the permittee will notify the Agency by letter of the date construction activities were completed.

(g) All contaminated soils removed from the site shall be disposed of in an appropriate disposal facility, in accordance with the Remedial Action Plan approved by the Department.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.418, 376.3071, 403.814(1) FS. History—New 10-1-13, Amended 6-1-18.

NAME OF PERSON ORIGINATING PROPOSED RULE: Justin Green, Director, Division of Water Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 3, 2014

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: 690-150.206
 RULE TITLE: Marketing Communications of Benefits Payable, Losses Covered, and Premiums Payable

PURPOSE AND EFFECT: Amends rule to remove requirement for insurers to offer Basic and Standard Health benefit plan due to change in statute.

SUMMARY: The requirements for standard, basic and limited small employer health plans were removed from the statute and therefore the rule is amended to conform to the statute.

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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308(1), 626.9611, 627.6699(12), FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a), (b), (e), (k), (l), 626.9641(1), 627.6699(9)(d)1., 4., FS.

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

DATE AND TIME: February 26, 2018, 10:00 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida. To join by telephone, call (850)413-1558 and enter conference ID# 879383.

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: Christopher Struk, Office of Insurance Regulation, E-mail Christopher.Struk@flor.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christopher Struk, Office of Insurance Regulation, E-mail Christopher.Struk@flor.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-150.206 Marketing Communications of Benefits Payable, Losses Covered, and Premiums Payable.

(1) Deceptive Words, Phrases, or Illustrations Prohibited.

(a) through (f) No change.

~~(g) A marketing communication that is an invitation to contract and is intended to be used in the marketing of a standard, basic, or limited health benefit plan in this state must contain the disclosures stated in Section 627.6699(9)(d)1., F.S.~~

~~(h)1. A marketing communication for a plan providing benefits for either a basic or standard health benefit plan shall state clearly and conspicuously in a prominent type the kind of plan marketed.~~

~~2. A marketing communication for a health benefit plan providing limited benefits, such as specified diseases or specified accidents, shall state clearly and conspicuously in prominent type the limited nature of the plan.~~

~~3. The statement shall be worded in language identical to, or substantially similar to the following: "THIS IS A LIMITED SMALL EMPLOYER HEALTH BENEFIT PLAN", "THIS IS A BASIC SMALL EMPLOYER HEALTH BENEFIT PLAN", "THIS IS A STANDARD SMALL EMPLOYER HEALTH BENEFIT PLAN", whichever is applicable.~~

~~(g)(+) A marketing communication of a health benefit plan sold by direct response shall not use in a misleading manner the phrases, "no salesman will call", "no agent will call", "by eliminating the agent and/or commission, we can offer this low cost plan" or similar wording.~~

Rulemaking Authority 624.308(1), 626.9611, 627.6699(12) FS. Law Implemented 624.307(1), 626.9541(1)(a), (b), (e), (k), (l), 626.9641(1), 627.6699(9)(d)1., 4. FS. History—New 2-25-93, Formerly 4-150.206, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christopher Struk, Office of Insurance Regulation, E-mail Christopher.Struk@flor.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: THE FINANCIAL SERVICES COMMISSION

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:
December 13, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 12, 2017.

DEPARTMENT OF FINANCIAL SERVICES

OIR – Insurance Regulation

RULE NO.: 690-191.029
RULE TITLE: Maintaining Eligibility for Certificate of Authority

PURPOSE AND EFFECT: This rule is being amended to conform to the changes made to Section 641.221, Florida Statutes, by Chapter 2017-178, Laws of Florida, requiring a health maintenance organization (HMO) authorized to exclusively market, sell, or offer to sell Medicare Advantage plans to be actively engaged in managed care within 24 months after licensure.

SUMMARY: The amendment updates the rule to conform with the requirements of Section 641.221(2), 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: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 641.36, FS.

LAW IMPLEMENTED: 641.19(7); 641.2015; 641.221, FS.

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

DATE AND TIME: February 26, 2018, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida. To join by telephone, call (850)413-1558 and enter conference ID# 306238.

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: Christopher Struk, Office of Insurance Regulation, E-mail Christopher.Struk@flor.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christopher Struk, Office of Insurance Regulation, E-mail Christopher.Struk@flor.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-191.029 Maintaining Eligibility for Certificate of Authority.

The HMO place of business shall be located in this state and shall be actively engaged in managed care within six months of licensure except as provided in Section 641.221(2), F.S. The

HMO shall maintain a place of business, the location of which is identifiable by and accessible to the public as determined by the Office. Any HMO holding an existing Certificate of Authority which has not become operational as of the effective date of this rule shall be required to comply within one (1) year of this date.

Rulemaking Specific Authority 641.36 FS. Law Implemented 641.19(7), 641.2015, 641.221 FS. History—New 5-28-92, Formerly 4-191.029, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christopher Struk, Office of Insurance Regulation, E-mail Christopher.Struk@flor.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: THE FINANCIAL SERVICES COMMISSION

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 13, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 24, 2017

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-401.105
RULE TITLE: Refusal of Health Care Services
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 43 No. 214, November 3, 2017 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering
RULE NO.: 61D-6.0052
RULE TITLE: Procedures for Collecting Samples from Racing Greyhounds
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 43 No. 82, April 27, 2017 issue of the Florida Administrative Register has been withdrawn.

This notice does not withdraw Proposed Rule 61D-6.0052, F.A.C., as noticed in Vol. 44 No. 19, January 29, 2018 issue of the Florida Administrative Register.

DEPARTMENT OF HEALTH

Board of Psychology
RULE NO.: 64B19-17.002
RULE TITLE: Disciplinary Guidelines
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 43 No. 235, December 7, 2017 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and discussion and subsequent vote by the board at a meeting held January 19, 2018. The changes are as follows:
64B19-17.002 Disciplinary Guidelines.

(1) When the Board finds that an applicant or a licensee has committed any of the acts set forth in Section 456.072(1) or 490.009(2), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. The descriptions of violations are only a summary; the full language of each statutory provision cited must be consulted in order to determine the conduct involved. The guidelines are presented provision cited must be consulted in order to determine the conduct involved. The guidelines are presented as a range of penalties that may be imposed.

VIOLATION	FIRST OFFENSE	SUBSEQUENT OFFENSE(S)
(a) through (aa) No change.	No change.	No change.
(bb) Termination from impaired practitioner treatment program. (Section 456.072(1)(hh), F.S.)	No change.	No change.
(cc) through (kk) No change.	No change.	No change.

(2) through (3) No change.
Rulemaking Authority 456.079, 490.004(4) FS. Law Implemented 456.072, 456.079, 490.009 FS. History—New 11-24-86, Amended 7-18-88, 4-26-93, Formerly 21U-18.003, Amended 6-14-94, Formerly 61F13-18.003, Amended 1-9-96, Formerly 59AA-17.002, Amended 9-18-97, 9-26-01, 3-25-02, 4-3-05, 1-2-06, 12-31-06, 2-18-10, 6-21-17, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

**Section IV
Emergency Rules**

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.007 Board Approved Credentialing Agencies;
Credentials Evaluation Reports

NOTICE IS HEREBY GIVEN that on January 30, 2018, the Board of Physical Therapy Practice, received a petition for Variance or Waiver filed by Cintia Zanetti Almeida Deobber. Petitioner seeks a variance or waiver of paragraph 64B17-3.007(3)(a), F.A.C., by requesting waiver of the credentials reviews as described in the petition. Comments on this petition should be filed with the Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253, Allen.Hall@flhealth.gov, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, at the above address.

Section VI
Notice of Meetings, Workshops and Public
Hearings

DEPARTMENT OF STATE

Division of Elections

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

DATE AND TIME: Tuesday, February 13, 2018, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Elections Canvassing Commission will meet to certify the official results for the January 30, 2018, Special Primary Election for State Senate, District 31, per sections 100.191 and 102.111, Florida Statutes.

A copy of the agenda may be obtained by contacting: Kristi Willis at (850)245-6240 or Kristi.Willis@dos.myflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ashley Black at (850)245-6536 or Ashley.Black@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES

Florida Forest Service

The Florida Department of Agriculture and Consumer Services, Florida Forest Service announces a public meeting to which all persons are invited.

DATE AND TIME: March 7, 2018, 10:30 a.m.

PLACE: Waccasassa Forestry Center Office, 5353 NE 39th Avenue, Gainesville, Florida 32609

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow the Newnans Lake State Forest Management Plan Advisory Group to prepare for a public hearing later in the morning which will provide recommendations to the FFS to help in preparation of a management plan for the Newnans Lake State Forest.

To solicit comments on management of the Newnans Lake State Forest. Comments may be presented orally or in writing at the hearing. Written comments may also be submitted to FFS's Newnans Lake State Forest Office at 5353 NE 39th Avenue, Gainesville, Florida 32609 to the attention of Ernie Ash and should be mailed so as to arrive at the office by the date of the public hearing.

To allow the Newnans Lake State Forest Management Plan Advisory Group to review comments from the public hearing and provide recommendations to the FFS to help in preparation of a management plan for the Newnans Lake State Forest.

A copy of the agenda may be obtained by contacting: Copies of a working draft of the plan and the management prospectus are available before the date of the public hearing online at http://www.freshfromflorida.com/public_notices/; by contacting the Newnans Lake State Forest in writing at 5353 NE 39th Avenue, Gainesville, Florida 32609 or contacting Ernie Ash at (352)395-4926.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Newnans Lake State Forest in writing at 5353 NE 39th Avenue, Gainesville, Florida 32609; or contacting Ernie Ash at (352)395-4926. 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: Newnans Lake State Forest in writing at 5353 NE 39th Avenue, Gainesville, Florida 32609 or contacting Ernie Ash at (352)395-4926.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announce the following meeting for Monday, February 5, 2018, which is open to the public.

DATE AND TIME: February 5, 2018, 2:00 p.m.

PRESIDENTIAL SEARCH COMMITTEE MEETING:

PLACE: Administrative Offices, Conference Room 403A, 501 West State Street, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: FSCJ Presidential Search Committee.

Copies of the agenda for the meeting will be available for inspection beginning Monday, February 5, 2018, and copies will be provided upon written request and the payment of approved duplicating charges.

If special accommodations are required, please advise the Office of the College President twenty-four (24) hours in advance of the meeting by contacting District Board of Trustees Project Coordinator Kimberli Sodek at (904)632-3205 or Kim.Sodek@fscj.edu.

Florida State College at Jacksonville, hereby reaffirms the principle of equal opportunity for all persons regardless of race, disability, color, ethnicity, national origin, religion, gender, age, sex, sexual orientation/expression, marital status, veteran status, pregnancy or genetic information. Equal opportunity principle applies with regard to employment, delivery of educational programs and services, and all other appropriate areas in which the College is involved.

FLORIDA STATE COLLEGE AT JACKSONVILLE

Dr. Cynthia A. Bioteau

College President

DEPARTMENT OF LAW ENFORCEMENT

The Medical Examiners Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 16, 2018, 10:00 a.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Medical Examiners Commission Meeting Issues. If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

A copy of the agenda may be obtained by contacting: Ms. Vickie Koenig, Chief of Policy & Special Programs, Criminal Justice Professionalism Program, and Staff Director for the Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida, 32302, (850)410-8600.

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: Ms. Vickie Koenig, Chief of Policy & Special Programs, Medical Examiners Commission Office at (850)410-8600. 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 TRANSPORTATION

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

DATE AND TIME: Thursday, February 15, 2018, 6:30 p.m. – 8:00 p.m., Open House; 7:00 p.m., Presentation

PLACE: Hart Memorial Central & Ray Shanks Law Library, 211 East Dakin Avenue, Kissimmee, Florida 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 437599-1-32-01

Project Description: S.R. 600/US 17/92 (South Orange Blossom Trail) Access Management Improvement

S.R. 600/US 17/92 (South Orange Blossom Trail) Access Management Improvement project involves converting the full median opening at Westgate Drive to a directional opening and widening the eastbound left turn lane and constructing a new westbound left turn lane.

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: Ms. Ada Vargas, Public Information Officer at (407)401-8527 or at Ada.Vargas@burgessniple.com. Persons who require translation services, free of charge, should also contact Ms. Ada Vargas, Public Information Officer at (407)401-8527 or at Ada.Vargas@burgessniple.com at least seven (7) days prior to the meeting. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting Jennifer Smith, FDOT District Five Title VI Coordinator at Jennifer.Smith2@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gene Varano, the FDOT Project Manager, at (386)943-5145 or at Gene.Varano@dot.state.fl.us. You also may log onto www.cflroads.com for more information.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The Department of Highway Safety and Motor Vehicles announces a public meeting to which all persons are invited.

DATE AND TIME: February 13, 2018, 1:00 p.m. – 2:00 p.m., ET

PLACE: Neil Kirkman Building, Conference Room D-329, 2900 Apalachee Parkway, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Motorist Modernization Advisory Board is meeting to receive an update on Phase 1 of the Motorist Modernization Program.

System functionality and requirements will also be presented to the group for consideration and input.

AGENDA

- Roll Call
- Welcome
- Review and Approval of Last Meeting Minutes
- IV&V Update
- Stakeholder Outreach Update
- Policy and Decisions Review
- MM Phase I Program Update
- Financial Review
- Change Request Review
- Project Updates
- Communications Update
- Q&A
- Adjourn

Please join the meeting from your computer, tablet or smartphone

<https://global.gotomeeting.com/join/630034677>

You can also dial in using your phone

United States: +1(646)749-3129

United States (toll-free): 1(877)309-2073

Access Code: 630-034-677

Audio PIN: Shown after joining the meeting

A copy of the agenda may be obtained by contacting: The agenda is included above.

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: Terrence Samuel, 2900 Apalachee Parkway, Room D315, Tallahassee, FL 32399, (850)617-2100. 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

Central Florida Regional Planning Council

The Central Florida Regional Planning Council (CFRPC) announces a public meeting to which all persons are invited.

DATE AND TIME: February 15, 2018, 9:30 a.m.

PLACE: Chain of Lakes Complex, 210 Cypress Gardens Boulevard, Winter Haven, FL 33884

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop hosted by the Florida Regional Planning Councils (RPCs), the Florida Department of Economic Opportunity (DEO), the International Economic Development Council (IEDC), and in partnership with the U.S. Economic Development Administration (EDA), to discuss "Economic Recovery and Resiliency Efforts Following Hurricane Irma".

A copy of the agenda may be obtained by contacting: Shannon McPherson, Program Director, at (863)534-7130, ext. 132 or at smcpherson@cfrpc.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: Shannon McPherson, Program Director, at (863)534-7130, ext. 132 or at smcpherson@cfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

The Central Florida Regional Planning Council (CFRPC) announces a workshop to which all persons are invited.

DATE AND TIME: February 15, 2018, 6:30 a.m. – 8:00 a.m.

PLACE: Bert J. Harris, Jr. Agri-Civic Center, Room #2, 4509 George Boulevard, Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: Economic Recovery and Resiliency Resources Workshop to connect with experts at the SBDC or SBA and fellow business leaders to hear about the essentials of business continuity in the face of Disaster Recovery and learn about the various types of support that is available for businesses in the area.

A copy of the agenda may be obtained by contacting: Shannon McPherson, Program Director, at (863)534-7130, ext. 132 or at smcpherson@cfrpc.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: Shannon McPherson, Program Director, at (863)534-7130, ext. 132 or at smcpherson@cfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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: February 16, 2018, 6:00 a.m.

PLACE: 915 N Suncoast Blvd., Crystal River, FL 34429

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Tampa Bay Regional Planning Council will meet to discuss hurricane recovery resources

A copy of the agenda may be obtained by contacting: Wren Krahl, 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, 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, Wren@tbrpc.org.

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority

The Tampa Bay Water, A Regional Water Supply Authority, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 14, 2018, 1:30 p.m. – 3:30 p.m.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Member Government Reclaimed Committee will convene to discuss reclaimed water issues and projects, the effects on rate payers and the effects on Tampa Bay Water bond holders.

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

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: Records Department, (727)796-2355. 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: Records Department, (727)796-2355.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:

61D-11.002 Cardroom Games

The Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering announces a workshop to which all persons are invited.

DATE AND TIME: February 23, 2018, 1:00 p.m. – 5:00 p.m.

PLACE: 400 W. Robinson Street, Hurston Building, Conference Room #N-101 (North Tower), Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule 61D-11.002: Cardroom Games.

A copy of the agenda may be obtained by contacting: Bryan Barber, Division of Pari-Mutuel Wagering, bryan.barber@myfloridalicense.com, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1761.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: February 12, 2018, 6:30 p.m., CT

PLACE: Jackson County Extension auditorium, 2741 Pennsylvania Ave., Marianna, FL 32448

GENERAL SUBJECT MATTER TO BE CONSIDERED: Announcing a Technical Meeting for the Basin Management Action Plan (BMAP) for Jackson Blue Spring and Merritt’s Mill Pond. Topics will include an update on the Jackson Blue BMAP. The BMAP is the means for implementation of the adopted Total Maximum Daily Loads (TMDLs).

A copy of the agenda may be obtained by contacting: Terry Hansen, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400 or by e-mail terry.hansen@dep.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 48 hours before the workshop/meeting by contacting: Terry Hansen at (850)245-8561. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.625 Peace River Basin TMDLs

The Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: March 6, 2018, 9:30 a.m.

PLACE: Polk County Parks & Natural Resources Division, 4177 Ben Durrance Road, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft nutrient total maximum daily loads (TMDLs) for impaired waters in the Peace River Basin, to be adopted in Rule 62-304.625, F.A.C. The draft TMDLs to be presented at the public workshop are for Lake Haines (1488C), Lake Rochelle (1488B), Lake Conine (1488U), Lake Alfred (1488D), Lake Blue (1521Q), Lake Marianna (1521L), Crystal Lake (1497A), Lake Ariana (1501B), and Eagle Lake (1623M). These nutrient TMDLs, if adopted, will constitute site-specific numeric interpretations of the narrative nutrient criterion set forth in paragraph 62-302.530(90)(b), F.A.C., that would replace the otherwise applicable numeric nutrient criteria in subsection 62-302.531(2) for these particular waters. The Department will accept written comments on the draft TMDLs, as well as the establishment of these nutrient TMDLs as site-specific interpretations of the narrative nutrient criterion, through March 14, 2018. Written comments should be directed to: Erin Rasnake, Program Administrator, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Erin.Rasnake@dep.state.fl.us .

A copy of the agenda may be obtained by contacting: Ms. Shamyah Gibson, Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

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: Ms. Shamyah Gibson, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: Friday, February 9, 2018, 9:00 a.m.

PLACE: Marion County Growth Management, 2710 East Silver Springs Boulevard, Ocala, FL 34470

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the OSTDS advisory committee associated with the Silver Springs and Rainbow Springs Basin Management Action Plans (BMAP). The focus of this meeting is a discussion of funding sources available to implement the onsite sewage treatment disposal system remediation plan for Silver and Rainbow Springs basins.

A copy of the agenda may be obtained by contacting: Mary Paulic, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone

Road, MS 3565, Tallahassee, Florida 32399-2400 or by e-mail at Mary.Paulic@dep.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 48 hours before the workshop/meeting by contacting: Mary Paulic at (850)245-8560. 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 HEALTH

Office of Medical Marijuana Use

RULE NOS.: RULE TITLES:

64-4.014 Standards for Production of Edibles

64-4.015 Dosing for Low-THC Cannabis and Medical Marijuana

The Department of Health announces two workshops to which all persons are invited.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: March 12, 2018, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Hampton Inn & Suites by Hilton - Miami Brickell/Downtown, 50 SW 12 Street, Miami, FL 33130

DATE AND TIME: March 13, 2018, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Hilton Orlando/Altamonte Springs, 350 South Northlake Boulevard, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: These public workshops will address the Department of Health’s Notices of Rule Development for Rule 64-4.014: Standards for Production of Edibles and Rule 64-4.015: Dosing for Low-THC Cannabis and Medical Marijuana.

A copy of the agenda may be obtained by contacting: Courtney Coppola at Courtney.Coppola@flhealth.gov. A copy of the agenda will be available no later than one week prior to the hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least five (5) days before the hearing by contacting: Courtney Coppola at Courtney.Coppola@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).

DEPARTMENT OF HEALTH

Office of Medical Marijuana Use

RULE NO.: RULE TITLE:

64-4.016 Testing Lab Certification and Testing Standards
The Department of Health announces a workshop to which all persons are invited.

DATE AND TIME: March 20, 2018, 1:00 p.m. – 4:00 p.m. (EST)

PLACE: Red Lion Hotel/Icon Hotel Jacksonville, 4700 Salisbury Road, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public workshop will address the Department of Health’s Notice of Rule Development 64-4.016 Testing Lab Certification and Testing Standards.

A copy of the agenda may be obtained by contacting: Courtney Coppola at Courtney.Coppola@flhealth.gov. A copy of the agenda will be available no later than one week prior to the hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least five (5) days before the hearing by contacting: Courtney Coppola at Courtney.Coppola@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).

DEPARTMENT OF HEALTH

Division of Family Health Services

The Department of Health, Community Health Promotion, Florida Coordinating Council for the Deaf and Hard of Hearing announces a public meeting to which all persons are invited.

DATES AND TIMES: February 8, 2018, 9:00 a.m. – 6:00 p.m.; February 9, 2018, 8:00 a.m. – 9:30 a.m.

PLACE: Capital Circle Office Center, Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Coordinating Council for the Deaf and Hard of Hearing (FCCDHH) is mandated by Florida Statute 413.271 to serve as an advisory and coordinating body which recommends policies that address the needs of Florida’s community who are deaf, hard of hearing, late deafened or have combined hearing and vision loss. The purpose of the Quarterly Council Meeting will be to discuss the Council’s website with the DOH IT/Computer staff, discuss the Council’s next PSA project, discuss the legislative visits performed by a few of the members on February 7, 2018, and have a general Council discussion.

Communication Access Real-Time Translation Services: (CART) will be provided remotely via:

<http://streamtext.net/player?event=FCCDHH>.

The meeting may be accessed via conference call: 1(888)670-3525; conference code: 2986885090# (Thursday, 2/8) and 5492248331# (Friday, 2/9).

A copy of the agenda may be obtained by contacting: Megan Callahan, (850)245-4913.

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: Megan Callahan, Florida Department of Health, (850)245-4913. 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: Megan Callahan, (850)245-4913.

DEPARTMENT OF CHILDREN AND FAMILIES

The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 9, 2018, 10:00 a.m.

PLACE: ****NEW VENUE****Due to extensive Hurricane damage at the Health Department in LaBelle the 2/9/18 Hendry/Glades Community Alliance will be held at: RCMA Krome Center, 551 West Cowboy Way, LaBelle, FL 33935

GENERAL SUBJECT MATTER TO BE CONSIDERED: ongoing Alliance business.

A copy of the agenda may be obtained by contacting: Stephanie Jones, (239)895-0257.

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: Stephanie Jones, (239)895-0257. 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 FINANCIAL SERVICES

Division of State Fire Marshal

The Fire & Emergency Incident Information System Technical Advisory Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 6, 2018, 2:00 p.m.

PLACE: Tallahassee

The Capitol conference room (by reception area) or via conference call (850)413-1558, Conference ID: 45705

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting. Topics to include but not limited to a Division update, FFIRS update and EMS update.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@MyFloridaCFO.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: MaryAnn.Benson@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

The Firefighters Employment, Standards and Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 6, 2018, ten minutes after the adjournment of the FFIRS meeting which begins at 2:00 p.m.

PLACE: Tallahassee

The Capitol conference room (by reception area) or via conference call (850)413-1558, Conference ID: 45705

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting. Topics to include but not limited to a Division update and Bureau update.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@MyFloridaCFO.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: MaryAnn.Benson@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PASCO-PINELLAS AREA AGENCY ON AGING

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

DATE AND TIME: Monday, February 12, 2018, 9:30 a.m.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Brenda Black at (727)570-9696, ext. 233. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Brenda Black at (727)570-9696, ext. 233.

CAREERSOURCE FLORIDA

The CareerSource Florida Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2018, 9:00 a.m.

PLACE: University Center Club at FSU, B, 403 Stadium Drive, West ballroom, 3rd Floor Tallahassee, FL 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board meeting. Discussion of workforce issues.

A copy of the agenda may be obtained by contacting: <http://www.careersourceflorida.com/boardroom>.

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

Section VII

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Robert L. Tankel, Esq. on behalf of Catherine Fleenor Rehberg, In Re: Chateaux De Bardmoor Condominium Owners Association, Inc., Docket No. 2018004985, filed on January 29, 2018. The petition seeks the agency’s opinion as to the applicability of 718.103(8); 718.108; 718.016(2)(b) and (3); 718.111(10), F.S. as it applies to the petitioner.

Whether Petitioner’s condominium association may render her formerly assigned common element parking space, unassigned for use by any owner, licensee, invitee or any other non-member

of the condominium, under 718.103(8); 718.108; 718.016(2)(b) and (3); 718.111(10), F.S.?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Danielle Walker, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-1030; (850)717-1539; Danielle.Walker@myfloridalicense.com.

Please refer all comments to: Chevonne Christian, Chief Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Linda J. Whitlock and Alison Rampersad, Unit Owners, In Re: Coco Wood Lakes Association, Inc., Docket No. 2018005167, filed on January 30, 2018. The petition seeks the agency’s opinion as to the applicability of sections 720.311(1) and 718.1255(4), Florida Statutes, as it applies to the petitioner.

Whether Petitioners have the due process right to appeal an arbitrator’s decision to a judicial circuit court by filing a complaint for a trial de novo within thirty days of the arbitrator’s written decision regarding a Homeowners’ Association election dispute, under sections 720.311(1) and 718.1255(4), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Danielle Walker, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-1030; (850)717-1539; Danielle.Walker@myfloridalicense.com.

Please refer all comments to: Chevonne Christian, Chief Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

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 EDUCATION
 Florida School for the Deaf and the Blind
PUBLIC ANNOUNCEMENT FOR CHARTERED BUS SERVICES SOLICITATION
 The Florida School for the Deaf and the Blind (FSDB) requests proposals for CHARTERED BUS SERVICES. The firm(s) selected under this contract will be responsible for transporting hearing and visually impaired students to and from the FSDB Campus and bus-stops in the area of their residences on at least a weekly basis in which estimated costs will not exceed \$1,500,000 annually. This contract will have an initial period of three (3) years with Owner's option to renew for up to two (2) additional years. Selection will be made on the basis of qualifications in accordance with the posted specifications found in RFP-17-089 dated February 2, 2018. Firm(s) must be

properly licensed in the State of Florida at the time of submittal. The selection will be made in accordance with the Selection Criteria and bid. RESPONSE DUE DATE: April 9, 2018 no later than 4:00PM. INSTRUCTIONS FOR SUBMITTAL: Firms interested in being considered for this project should access

<http://www.fsdb.k12.fl.us/index.php/services/competitive-solicitations/> and then click on "Current FSDB Competitive Solicitations" and navigate to the folder titled "RFP-17-089-Bus Services".

FLORIDA HOUSING FINANCE CORPORATION
RFA 2018-101 SAIL Financing for Smaller Developments for Persons with Special Needs and Homeless Households

This Request for Applications (RFA) is open to Non-Profit Applicants proposing new construction or acquisition and Substantial Rehabilitation to create new housing for Persons with Special Needs as defined in Section 420.0004(13), F.S.; and for individuals and families that meet the Homeless definition as defined in Section 420.621(5), F.S.

Florida Housing Finance Corporation (the Corporation) expects to offer an estimated \$18,200,000, comprised of the State Apartment Incentive Loan (SAIL) funding appropriated by the 2017 Florida Legislature as outlined below. This includes funding for ELI gap loans associated with the units that must be set aside for Extremely Low-Income (ELI) Households.

The intent of this RFA is to help communities address the significant need for rental housing for some of the most vulnerable individuals living in their communities. Funding has been made available as follows:

(1) \$14,200,000 available for Applications to provide Permanent Supportive Housing for Persons with Special Needs as defined in Section 420.0004(13), F.S.

(2) \$4,000,000 available for Applications to provide permanent rental housing for individuals and families that meet the Homeless definition as defined in Section 420.621(5), F.S.

Applications shall be accepted until 11:00 a.m., Eastern Time, on Thursday, March 1, 2018, and sent to the attention of Marisa Button, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Marisa Button at Marisa.Button@floridahousing.org. The RFA, which outlines selection criteria and Applicant's responsibilities, can be downloaded from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/programs/developers-multifamily-programs/competitive/2018/2018-101>

Any modifications that occur to the Request for Applications will be posted at the web site and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development
 Final Order No. DEO-18-020
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY THE CITY OF LAKE ALFRED,
 FLORIDA ORDINANCE NO. 1394-17

FINAL ORDER

APPROVING LAKE ALFRED ORDINANCE NO. 1394-17

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to section 380.05(6), Florida Statutes, approving land development regulations adopted by the City of Lake Alfred, Florida, (the “City”) Ordinance No. 1394-17 (the “Ordinance”).

FINDINGS OF FACT

1. The Green Swamp Area is designated by section 380.0551, Florida Statutes, as an area of critical state concern. The City is a local government within the Green Swamp Area of Critical State Concern.
2. The Ordinance was adopted by the City on November 20, 2017, and rendered to the Department on December 22, 2017.
3. The Ordinance amends the City’s Unified Land Development Code text to modify Section 3.09.00, development standards for uses requiring a site development plan. The Ordinance adopts design standards for solar power generation facilities within Lake Alfred and portions of the Green Swamp Area of Critical State Concern. The adopted design standards address the types of solar panels, minimum lot size, placement, setbacks, height, fencing, impervious surface and landscaping, glare reduction, emergency access and response, internal access roads, maintenance, abandonment, and utility coordination. Additionally, the Ordinance establishes definitions for electrical power plant, solar energy system, solar panel, and solar power generation facility and establishes electric and solar power generation facilities as a Class IX land use classification.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. *See* section 380.05(6), Florida Statutes.
5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. The Ordinance is consistent with the City’s Comprehensive Plan generally, as required by section 163.3177(1), Florida Statutes, and specifically Objective 8, Policy 8.7.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must also be

consistent with the principles for guiding development for that area. *See* section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Green Swamp Area of Critical State Concern are set forth in rule 28-26.003(1), Florida Administrative Code.

8. The Ordinance is consistent with all the Principles for Guiding Development.

WHEREFORE, IT IS ORDERED that the Department finds that Lake Alfred Ordinance No. 1394-17 is consistent with the City’s Comprehensive Plan and the Principles for Guiding Development for the Green Swamp Area of Critical State Concern and is hereby **APPROVED**.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/

James D. Stansbury, Bureau Chief
 Bureau of Community Planning and Growth
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. MEDIATION IS NOT AVAILABLE.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
 DEPARTMENT OF ECONOMIC OPPORTUNITY
 OFFICE OF THE GENERAL COUNSEL
 107 EAST MADISON ST., MSC 110
 TALLAHASSEE, FLORIDA 32399-4128
 FAX 850-921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF

THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 1st day of February, 2018.

/s/ _____

Agency Clerk
 Department of Economic Opportunity
 107 East Madison Street, MSC 110
 Tallahassee, FL 32399-4128

By Certified-U.S. Mail:

The Honorable Charles O. Lake, Mayor
 155 East Pomelo Street
 Lake Alfred, Florida 33850

Ryan Leavengood, City Manager
 155 East Pomelo Street
 Lake Alfred, Florida 33850

Ameé Bailey-Speck, City Clerk
 120 East Pomelo Street
 Lake Alfred, Florida 33850

Frederick J. Murphy Jr., City Attorney
 245 South Central Avenue
 Bartow, Florida 33830

**Section XII
 Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, January 26, 2017 and 3:00 p.m., Thursday, February 1, 2018.

Rule No.	File Date	Effective Date
1S-9.005	2/1/2018	2/21/2018
6A-1.09430	1/31/2018	2/20/2018
6A-1.09981	1/31/2018	2/20/2018
6A-1.099822	1/31/2018	2/20/2018

6A-1.0998271	1/31/2018	2/20/2018
6A-1.099828	1/31/2018	2/20/2018
6A-6.014	1/31/2018	2/20/2018
6A-10.040	1/31/2018	2/20/2018
14-15.0081	1/26/2018	2/15/2017
14-100.003	1/26/2018	2/15/2017
14-100.004	1/26/2018	2/15/2017
20-69.002	2/1/2018	2/21/2018
53ER18-8	1/30/2018	1/30/2018
59A-3.256	1/30/2018	2/19/2018
59A-5.032	1/30/2018	2/19/2018
61D-14.032	1/30/2018	2/19/2018
61G14-11.008	1/31/2018	2/20/2018
61G14-14.0042	1/31/2018	2/20/2018
61G15-21.007	1/30/2018	2/19/2018
62-621.300	1/26/2018	1/26/2018
64B8-44.0055	1/30/2018	2/19/2018
68C-22.023	1/30/2018	2/19/2018
69A-37.039	1/30/2018	2/19/2018

LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES

Rule No.	File Date	Effective Date
40C-2.101	8/2/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	12/15/2017	**/**/****
69L-7.100	12/15/2017	**/**/****
69L-7.501	12/15/2017	**/**/****

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Keith Yarborough Scooterville LLC, d/b/a ScooterVille of Central Florida for the establishment of NGBO motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Keith Yarborough Scooterville, LLC, d/b/a Scooterville of Central Florida as a dealership for the sale of motorcycles manufactured by Ningbo Longjia Motorcycle Co., Ltd. (line-make NGBO) at 312 Broadway Avenue, Kissimmee, (Osceola County), Florida 34741, on or after March 5, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Keith Yarborough Scooterville, LLC, d/b/a Scooterville of Central Florida are dealer operator(s): Keith Yarborough, 312 Broadway Avenue, Kissimmee, Florida 34741; principal investor(s): Keith Yarborough, 312 Broadway Avenue, Kissimmee, Florida 34741.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Elaine Richard, Genuine Scooters, LLC, 2700 West Grand Avenue, Chicago, Illinois 60612.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Keith Yarborough Scooterville LLC, d/b/a ScooterVille of Tallahassee for the establishment of NGBO motorcycles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Keith Yarborough Scooterville, LLC, d/b/a Scooterville of Tallahassee as a dealership for the sale of motorcycles manufactured by Ningbo Longjia Motorcycle Co., Ltd. (line-make NGBO) at 2420 West Pensacola Street, Tallahassee, (Leon County), Florida 32304, on or after March 5, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Keith Yarborough Scooterville, LLC, d/b/a Scooterville of Tallahassee are dealer operator(s): Keith Yarborough, 2420 West Pensacola Street, Tallahassee, Florida 32304, principal investor(s): Keith Yarborough, 2420 West Pensacola Street, Tallahassee, Florida 32304.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Elaine Richard, Genuine Scooters, LLC, 2700 West Grand Avenue, Chicago, Illinois 60612.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Sun and Fun Days, Inc., d/b/a Prime Golf Cars for the establishment of HDKP low speed vehicles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that HDK Plastic Factory Ltd. Inc. USA, intends to allow the establishment of Sun and Fun Days, Inc., d/b/a Prime Golf Cars as a dealership for the sale of low speed vehicles manufactured by HDK Plastic Factory Ltd. Inc. USA (line-make HDKP) at 518 Pine Terrace, Bay # 1, West Palm Beach, (Palm Beach County), Florida 33405, on or after March 5, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Sun And Fun Days, Inc., d/b/a Prime Golf Cars are dealer operator(s): Jolene M. Juse-Paige, 6471 Vireo Court, Lake Worth, Florida 33463; principal investor(s): Jolene M. Juse-Paige, 6471 Vireo Court, Lake Worth, Florida 33463.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ling Han Cao, HDK Plastic Factory Ltd. Inc. USA, 15830 El Prado Road, Unit D, Chino, California 91708.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Sunset Point Scooters, Inc. d/b/a Sunset Scooters for the establishment of ZHNG motorcycles

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hammer Brand, LLC, d/b/a Wolf Brand Scooters intends to allow the establishment of Sunset Point Scooters, Inc., d/b/a Sunset Scooters as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co., Ltd. (line-make ZHNG) at 1772 Gulf to Bay Boulevard, Clearwater, (Pinellas County), Florida 33755, on or after March 5, 2018.

The name and address of the dealer operator(s) and principal investor(s) of Sunset Point Scooters, Inc., d/b/a Sunset Scooters are dealer operator(s): Gary Par, 1772 Gulf to Bay Boulevard, Clearwater, Florida 33755-6507, Doug Vitello, 1772 Gulf to Bay Boulevard, Clearwater, Florida 33755; principal investor(s): Gary Par, 1772 Gulf to Bay Boulevard, Clearwater, Florida 33755-6507, Doug Vitello, 1772 Gulf to Bay Boulevard, Clearwater, Florida 33755.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Diana Hammer, Hammer Brand, LLC, d/b/a Wolf Brand Scooters, 12485 44th Street North, Suite A, Clearwater, Florida 33762.

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

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

William E Morgan d/b/a Action Golf Cars for the establishment of HDKP low speed vehicles

Notice of Publication for a New Point

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

Pursuant to Section 320.642, Florida Statutes, notice is given that HDK Plastic Factory, Ltd. Inc. (U.S.A.), intends to allow the establishment of William E Morgan, d/b/a Action Golf Cars as a dealership for the sale of low-speed vehicles manufactured by HDK Plastic Factory, Ltd. Inc. (U.S.A.), (line-make HDKP) at 940 North US 1, Ormond Beach, (Volusia County), Florida 32174, on or after March 5, 2018.

The name and address of the dealer operator(s) and principal investor(s) of William E Morgan, d/b/a Action Golf Cars are dealer operator(s): Bill Morgan, 940 North US 1, Ormond Beach, Florida 32174; principal investor(s): Bill Morgan, 940 North US 1, Ormond Beach, Florida 32174.

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

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

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Jaime Williams, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ling Han Cao, HDK Plastic Factory, Ltd. Inc. (U.S.A.), 15830 El Prado Road, Unit D, Chino, California 91708.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE

MIRAMAR, FLORIDA

The Florida Department of Environmental Protection (DEP) has determined that the City of Miramar's project involving the construction of new stormwater collection and treatment facilities is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$48,806,879. The project may qualify for a Clean Water State Revolving Fund (CWSRF) loan comprised of federal or state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Thomas Montgomery, CWSRF Program, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS#3505, Tallahassee, Florida 32399-3000 or calling (850)245-2967 or emailing to thomas.montgomery@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Siting Coordination Office

NOTICE OF RECEIPT OF LAND USE DETERMINATION

On January 23, 2018, the Department of Environmental Protection received a determination from Putnam County that the Seminole Electric Cooperative, Inc., Seminole Combined-Cycle Facility, Power Plant Siting Application No. PA78-10A3, OGC Case No. 17-1184, DOAH Case No. 17-006661EPP, is consistent with existing local land use plans and zoning ordinances in Putnam County pursuant to the Florida Electrical Power Plant Siting Act, Section 403.50665, Florida Statutes (F.S.). A copy of the determination of consistency is available for review in the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)717-9000. Pursuant to Section 403.50665(4), F.S., if any substantially affected person wishes to dispute Putnam County's determination that the proposed Seminole Combined-Cycle Facility is consistent Putnam County's existing land use plans and zoning ordinances, he or she must file a petition with the Department within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of Section 403.508(1), F.S., shall apply. Should a land use hearing be held, the notice of land use hearing will be published as per the provisions of Section 403.5115, F.S. Pursuant to Section 403.508(1), F.S., the sole issue for determination at a land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If the administrative law judge

concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall receive at the hearing evidence on, and address in the recommended order, any changes to or approvals or variances under the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances. A person whose substantial interests are affected by the proposed determination of consistency may petition for an administrative hearing in accordance with Section 403.50665(4), F.S. The petition must be filed with the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, (850)245-2242 or via email agency_clerk@dep.state.fl.us. The petition should contain: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; If there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the proposed action; and (g) A statement of the relief sought by the petitioner. A petition that does not dispute the material facts shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code.

DEPARTMENT OF HEALTH

Board of Dentistry

Notice of Emergency Action

On February 1, 2018, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Antoine E. Skaff, D.D.S., License No. # DN 12070. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2017). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DAVIS & ASHTON, P.A.

Notice of Proposed Ordinance

The Village of Royal Palm Beach, Florida gives notice of the first reading of a proposed ordinance governing wireless communications and maintaining telecommunications facilities in its roads or rights-of-way.

DATE AND TIME: Thursday, February 15, 2018 at 6:30 p.m.

PLACE: Village of Royal Palm Beach, Village Meeting Center, 1050A Royal Palm Beach Boulevard, Royal Palm Beach 33411.

The proposed ordinance amends the Code of Ordinances of the Village of Royal Palm Beach at Chapter 21.7. Streets, Sidewalks and Other Public Places. to provide amendments and further updates to recently adopted regulations for the placement, maintenance and use of communications facilities in Village rights-of-way in conformance with State and Federal law including the recently adopted Florida Advanced Wireless Infrastructure Deployment Act as set forth at Sec. 337.401(7), Florida Statutes; which regulations provide definitions for terms; requirements for registration with the Village; requirements for permitting; standards for compatibility with surrounding neighborhoods and prevention of pole proliferation and saturation of Village public rights-of-way; and administration and enforcement.

A copy of the proposed ordinance can be obtained by calling the Village Clerk's Office at (561) 790-5101 or by visiting Village Hall during regular business hours.

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.
