

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:

61-31.101 License Requirements

PURPOSE AND EFFECT: The proposed rulemaking seeks to amend Rule 61-31.101, F.A.C., in order to add language to the existing rule to define “direct supervision” for Mold Related Services.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the adoption of the revised rule language

RULEMAKING AUTHORITY: 455.2035, 468.8413(5), 468.8424, F.S

LAW IMPLEMENTED: 455.213, 559.79, 468.8413, 468.8414, F.S.

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: Aimee Odom, Rules Coordinator, Division of Professions, 2601 Blair Stone Road, Tallahassee, Florida 32399-0760, (850)717-1394. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: RULE TITLE:

61-35.017 Landscape Architecture Departmental Forms

PURPOSE AND EFFECT: The proposed rulemaking seeks to amend Existing Rule 61-35.017, F.A.C., in order to update and revise form DBPR LA 7 to revise the fee amount for reactivating a license from \$300 to \$225.

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: 455.217, 455.2179, 455.271, 481.309, 481.310, 481.311, 481.313, 481.317, 481.319 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: Aimee Odom, Rules Coordinator, Division of Professions, 2601 Blair Stone Road, Tallahassee, Florida 32399-0760, (850)717-1394. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:

61G5-18.00015 Cosmetologist and Compensation Defined

PURPOSE AND EFFECT: The Board proposes a rule amendment that protects the health, safety, and welfare of the public and assists licensees by clarifying practices that may be used by licensed cosmetologists and specialists.

SUBJECT AREA TO BE ADDRESSED: The rule amendment pertains to the definition of cosmetologist and terms related to the practice of cosmetology and its registered specialties.

RULEMAKING AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.013, 477.0135, 477.025(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:

61G5-20.0015 Performance of Cosmetology or Specialty Services Outside a Licensed Salon

PURPOSE AND EFFECT: The Board proposes a rule amendment that protects the health, safety, and welfare of the public and assists licensees by clarifying procedures for services performed outside of a salon.

SUBJECT AREA TO BE ADDRESSED: This rule amendment pertains to cosmetology services performed outside of a salon.

RULEMAKING AUTHORITY: 477.016, 477.025(2), 477.0263, 477.0135(4) FS.

LAW IMPLEMENTED: 477.013(11), 477.025(2), 477.0263(2), (4), 477.0135(4) 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: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:

61G5-29.001 Definitions

PURPOSE AND EFFECT: The Board proposes a rule amendment that protects the health, safety, and welfare of the public and assists licensees by clarifying facial techniques that may be used by licensed cosmetologists and specialists.

SUBJECT AREA TO BE ADDRESSED: The rule amendment adds to and further clarifies the definition of facials.

RULEMAKING AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 477.013, 477.0135, 477.0201 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: Krista Woodard, Executive Director, Board of Cosmetology, 2601 Blair Stone Road, Tallahassee, Florida 32399-0783.

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NOS.: RULE TITLES:

64B14-5.002 Continuing Education Requirement

64B14-5.005 Mandatory Courses

PURPOSE AND EFFECT: The proposed rule amendments are intended to update the language for continuing education requirement and mandatory courses.

SUBJECT AREA TO BE ADDRESSED: Rule text.

RULEMAKING AUTHORITY: 468.802, 468.806(2), (3) FS.

LAW IMPLEMENTED: 456.013(9), 456.024, 468.80(5), 468.802, 468.803, 468.806(2), (3) 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: Janet Hartman, Executive Director, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: RULE TITLE:

64B20-7.001 Disciplinary Guidelines

PURPOSE AND EFFECT: To comply with Chapters 2021-190 and 2021-199, Laws of Florida, two new violations with penalty ranges are added to the disciplinary guidelines in this rule for violations of parental consent requirements under s. 1014.06, F.S., and for violations of offenses listed in s. 456.074(5), F.S., or a similar offense in another jurisdiction.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to update rule language regarding violation for authorizing an emotional support animal without appropriate knowledge or verification of disability.

RULEMAKING AUTHORITY: 456.079, 468.1135(4) FS.

LAW IMPLEMENTED: 456.063, 456.072, 456.076, 456.079, 468.1295, 468.1296 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: Kama Monroe, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256.

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

Section II Proposed Rules

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-8.202	General Rules for Filing the CE Form 1 - Statement of Financial Interests
34-8.208	Final Filing Using the CE Form 1F
34-8.209	Amended Filing Using the CE Form 1X

PURPOSE AND EFFECT: The purpose of the proposed amendment is to update, clarify, and re-adopt the forms and their instructions incorporated by reference in the aforementioned rules in Chapter 34-8, F.A.C., and to address changes required by law. All of the referenced forms and instructions are being updated to reflect that (1) an active or former officer or employee listed in Section 119.071, F.S., submitting a written request to maintain the confidentiality of their home address must ensure that the request is notarized; (2) bank accounts, debit, charge, and credit card numbers are not required to be listed; (3) members of the governing bodies of large-hub commercial service airports are required to file, unless they are already required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution; (4) only that alimony considered gross income under federal law is subject to disclosure as a primary source of income; and (5) the statutory basis for Part F of the forms is Section 112.3145(7), F.S. In addition, Rule 34-8.202, F.A.C. is being amended to have the Form 1, and its correlating instructions, reference the 2021 calendar year. And Rule 34-8.208, F.A.C. is being amended to have the Form 1F, and its correlating instructions, reference the 2022 calendar year.

SUMMARY: This rulemaking affects the CE Form 1 -- Statement of Financial Interests; the CE Form 1F -- Final Statement of Financial Interests; and the CE Form 1X -- Amendment to Statement of Financial Interests. The rulemaking also affects instructions for completing these forms.

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: Approximately 36,000 persons are required by law to file the CE Form 1 (and related forms) each year, depending on

their positions. Other than the amount of time they expend to complete the forms, any economic impact is nominal. The Commission absorbs in its annual budget the costs of printing and distributing the forms.

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: 112.3145, 112.3147, 112.322(9), F.S.

LAW IMPLEMENTED: 112.3144, 112.3145, 112.3147, 112.322, 119.071, F.S.

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

DATE AND TIME: September 10, 2021, 8:30 a.m.

PLACE: First District Court of Appeal, Third Floor Courtroom, 2000 Drayton Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Diana Westberry, Office Manager, Florida Commission on Ethics, (850)488-7864. 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: Gray Schafer, Senior Attorney, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests, with the Supervisor of Elections in the county where he or she permanently resides, or, if the person does not permanently reside in Florida, with the supervisor of elections in the county of his or her agency’s headquarters, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Supervisor of Elections. The CE Form 1 (1/2022) (~~4/2021~~), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX-12117>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) through (6) No change.

PROPOSED EFFECTIVE DATE January 1, 2022.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145, 112.312(10) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, ____.

34-8.208 Final Filing Using the CE Form 1F.

(1) No change.

(2) The final filing shall be on the form prescribed by the Commission, CE Form 1F – Final Statement of Financial Interests. The CE Form 1F (1/2022) (~~4/2021~~), [http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX ~~42122~~](http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 42122), is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(3) through (4) No change.

PROPOSED EFFECTIVE DATE January 1, 2022.

Rulemaking Authority 112.3145, 112.3147, 112.322(9) FS. Law Implemented 112.3145 FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, ____.

34-8.209 Amended Filing Using the CE Form 1X.

(1) A person may amend his or her statement of financial interests to add to or modify the information reported on the form as originally filed at any time after filing the disclosure form. The amended statement shall be filed with the same office where the original form was filed and shall be made on the form prescribed by the Commission, CE Form 1X – Amendment to Form 1 Statement of Financial Interests. The CE Form 1X (1/2022) (~~4/2021~~)

[http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX ~~42124~~](http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 42124), is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

PROPOSED EFFECTIVE DATE January 1, 2022.

Rulemaking Authority 112.3145(9), 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-20, 1-1-21, ____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gray Schafer, Senior Attorney, Florida Commission on Ethics, (850)488-7864

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: C. Christopher Anderson, III, Executive Director, Florida Commission on Ethics

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 10, 2021

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-1.002 Delegation of Authority

PURPOSE AND EFFECT: The purpose is to amend Rule 40D-1.002, F.A.C., to revise the effective dates and hyperlinks to three new Well Construction Permitting Delegation Agreements between Southwest Florida Water Management District and Manatee County, Sarasota County, and the Florida Department of Health in Marion County.

SUMMARY: The proposed changes to Rule 40D-1.002, F.A.C., are revisions of the effective dates and hyperlinks to three new Well Construction Permitting Delegation Agreements between the SWFWMD and Manatee County, Sarasota County, and the Florida Department of Health in Marion County. As the previous Well Construction Permitting Delegation Agreements between the parties expired on May 31, 2021, the rule amendment will incorporate the new Well Construction Permitting Delegation Agreements by reference with effective dates of June 1, 2021.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District conducted an economic review of the revisions to the rule and determined that the impact or regulatory cost, if any, of the revisions will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 F.S.

LAW IMPLEMENTED: 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer A. Soberal, Staff Attorney, Southwest Florida Water Management District, 7601 U.S. Highway 301 North, Tampa, FL 33637, (813)985-7481, ext. 4665

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.002 Delegation of Authority.

(1) and (2) No change.

(3) The Governing Board hereby incorporates by reference the following documents:

(a) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Manatee County, effective June 1, ~~2021~~~~2016~~, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07262>).

(b) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Sarasota County, effective June 1, ~~2021~~~~2016~~, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07263>).

(c) Well Construction Permitting Agreement Between the Southwest Florida Water Management District and Florida Department of Health, effective June 1, ~~2021~~~~2016~~, available at (<https://www.flrules.org/Gateway/reference.asp?No=Ref-07264>).

Rulemaking Authority 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS. Law Implemented 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308, 373.309, 373.427 FS. History—New 3-1-84, Amended 3-10-96, 7-22-99, 12-2-99, 9-26-02, 7-20-04, 10-19-05, 5-21-06, 7-13-06, 12-24-07, 5-12-08, 12-7-09, 7-22-10, 12-7-10, 12-4-11, 6-29-14, 2-18-15, 9-20-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Southwest Florida Water Management District

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 6, 2021

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.: RULE TITLES:

40D-2.091 Publications and Forms Incorporated by Reference

40D-2.801 Water Use Caution Areas

PURPOSE AND EFFECT: The purpose is to remove references to the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, which sunset on December 31, 2020, and is being removed by separate rulemaking.

SUMMARY: The Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, sunset on December 31, 2020. This rulemaking is to remove sunsetted rule language. Rule 40D-2.091(1)(a) must be revised to incorporate an updated version of the District’s WUP Applicant’s Handbook Part B, which is being revised to remove references to the Comprehensive Plan. Rule 40D-2.801 will be amended to remove references to the Comprehensive Plan. Rule 40D-80.073 is also being revised via separate rulemaking to remove the expired Comprehensive Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District conducted an economic review of the revisions to the rule and determined that the impact or regulatory cost, if any, of the revisions will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S. Regarding the “adverse impact to small business” threshold for requiring the development of a SERC, it is not anticipated that the rule revisions will have an adverse impact on small businesses and will not require the development of a SERC on this basis. Regarding the “\$200,000 increase in regulatory costs within one year of implementation” threshold for requiring the development of a SERC, the proposed rule revisions are not expected to lead to increased transactional costs to existing permittees, new applicants, or those seeking to revise existing Water Use Permits within 1 year of implementation. Therefore, the development of a SERC is not required.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.118, 373.171 F.S.

LAW IMPLEMENTED: 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adrienne Vining, Assistant General Counsel, SWFWMD, 7601 U.S. Highway 301 North, Tampa, Florida 33637, (813)985-7481 ext. 4668

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications and Forms Incorporated by Reference.

(1) The following publications are hereby incorporated by reference into this chapter, and are available from the District's website at www.WaterMatters.org or from the District upon request:

(a) Water Use Permit Applicant's Handbook Part B (also referred to as the WUP Applicant's Handbook) (rev. ____ 11/19), (<https://www.flrules.org/Gateway/reference.asp?No=Ref-11553>).

(b) No change.

(2) through (3) No change.

Rulemaking Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0363, 373.042, 373.0421, 373.079(4)(a), 373.083(5), 373.116, 373.117, 373.1175, 373.118, 373.149, 373.171, 373.185, 373.216, 373.217, 373.219, 373.223, 373.227, 373.228, 373.229, 373.236, 373.239, 373.243, 373.250, 373.705, 373.709, 373.715 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, 12-24-07, 2-13-08, 2-18-08, 4-7-08, 5-12-08, 7-20-08, 9-10-08, 12-30-08, 1-20-09, 3-26-09, 7-1-09, 8-30-09, 10-26-09, 11-2-09, 1-27-10, 4-27-10, 5-26-10, 6-10-10, 6-30-10, 6-16-11, 12-12-11, 10-14-12, 2-7-13, 2-18-13, 5-19-14, 9-29-15, 4-2-17, 2-18-20, ____.

40D-2.801 Water Use Caution Areas.

(1) through (2) No change.

(3) The regions described in this rule have been declared WUCAs by the District Governing Board. This rule reaffirms

the declaration of WUCAs and creates conditions to be applied to water users in those areas.

(a) No change.

(b) Southern Water Use Caution Area (SWUCA). To address lowered lake levels, stream flows and ground water levels, water quality degradation and adverse impacts to water users, the Governing Board declared all or portions of Manatee, Sarasota, DeSoto, Hardee, Charlotte, Highlands, Hillsborough and Polk Counties within the District's boundaries a WUCA on October 26, 1992, pursuant to Resolution Number 92-10.

1. through 4. No change.

5. Any permit with a withdrawal point located within the boundaries of the SWUCA is deemed to be within the SWUCA. Permits with permitted withdrawals in more than one (1) WUCA shall be subject to the conservation and reporting requirements of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including MFL requirements, as set forth in Chapter 40D-2, F.A.C., and the WUP Applicant's Handbook Part B. ~~Nothing in the rules and WUP Applicant's Handbook Part B specific to the SWUCA shall be interpreted or applied in any manner that would interfere with the Comprehensive Plan for the Northern Tampa Bay Area as outlined in Rule 40D 80.073, F.A.C.~~

6. through 7. No change.

(c) Dover/Plant City Water Use Caution Area. To address adverse impacts to water users and offsite land uses due to groundwater withdrawals during frost/freeze events, the Governing Board has established portions of Hillsborough and Polk Counties as a WUCA effective as of 6-16-11.

Figure 2-1 No Change.

Figure 2-2 No Change.

1. through 3. No change.

4. Any permit with a withdrawal point located within the boundaries of the Dover/Plant City WUCA is deemed to be within the Dover/Plant City WUCA. Permits with permitted withdrawals in more than one WUCA shall be subject to the conservation and reporting requirements, if any, of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including MFL requirements, as set forth in Chapter 40D-2, F.A.C., and the WUP Applicant's Handbook Part B. However, the Dover/Plant City WUCA provisions shall supersede any other rule criteria that creates conflicting or more stringent requirements. ~~Nothing in the rules and the WUP Applicant's Handbook Part B specific to the Dover/Plant City WUCA shall be interpreted or applied in any manner that would interfere with the Comprehensive Plan for the Northern Tampa Bay Area as outlined in Rule 40D 80.073, F.A.C.~~

5. through 6. No change.

Figure 2-3 No change.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—New 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, 1-1-07, 10-1-07, 2-13-08, 4-7-08, 5-26-10, 6-16-11, 10-14-12, 5-19-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Southwest Florida Water Management District
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 14, 2021

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-80.073
RULE TITLE: Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Strategy

PURPOSE AND EFFECT: The purpose is to remove the Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, which sunset on December 31, 2020.

SUMMARY: The Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, sunset on December 31, 2020. This rulemaking is to remove sunsetted rule language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District conducted an economic review of the revisions to the rule and determined that the impact or regulatory cost, if any, of the revisions will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S. Regarding the “adverse impact to small business” threshold for requiring the development of a SERC, it is not anticipated that the rule revisions will have an adverse impact on small businesses and will not require the development of a SERC on this basis. Regarding the “\$200,000

increase in regulatory costs within one year of implementation” threshold for requiring the development of a SERC, the proposed rule revisions are not expected to lead to increased transactional costs to existing permittees, new applicants, or those seeking to revise existing Water Use Permits within 1 year of implementation. Therefore, the development of a SERC is not required.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 F.S.

LAW IMPLEMENTED: 373.036, 373.171, 373.0421 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adrienne Vining, Assistant General Counsel, SWFWMD, 7601 U.S. Highway 301 North, Tampa, Florida 33637, (813)985-7481 ext. 4668

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 40D-80.073 follows. See Florida Administrative Code for present text.

~~40D-80.073 Comprehensive Environmental Resources Recovery Plan for the Northern Tampa Bay Water Use Caution Area, and the Hillsborough River Recovery Strategy.~~

Hillsborough River Recovery Strategy.

Beginning November 25, 2007, the Minimum Flow for the Lower Hillsborough River shall be as provided in subsection 40D-8.041(1), F.A.C., to be achieved on the time schedule as set forth below. The District and the City of Tampa (City) shall measure the delivery of water to the base of the dam relative to their respective elements as described below. The City shall report this information to the District monthly on the 15th day of the following month. In addition, the City shall submit a quarterly written report of all activities and all progress towards timely completion of its elements of the recovery strategy. Such reports will be submitted to the District within 15 calendar days after each calendar year quarter.

(1) The District and the City have entered into the Joint Funding Agreement Between The Southwest Florida Water Management District and The City of Tampa For Implementation of Recovery Projects To Meet Minimum Flows of The Lower Hillsborough River, dated October 19, 2007, (the Funding Agreement), which is incorporated herein by reference. A copy of the Funding Agreement is available from the District upon request. The Funding Agreement and

subsection 40D-80.073, F.A.C., constitute the District's recovery strategy for the Lower Hillsborough River required by Section 373.0421(2), F.S., and shall not compromise public health, safety and welfare.

(2) The schedule to achieve the Minimum Flows for the Lower Hillsborough River is as follows:

(a) Sulphur Springs.

Beginning on November 25, 2007, the City shall be required to provide ten cubic feet per second (cfs) of water to the base of the City's dam each day, provided such use will not compromise public health, safety and welfare.

(b) Tampa Bypass Canal Diversions.

By January 1, 2008, provided that any permit that may be required is approved, the District shall divert up to 7.1 million gallons of water on any given day from the District's Tampa Bypass Canal (TBC) to the Hillsborough River at the District's Structure 161. The District shall then deliver water from the Hillsborough River immediately above the City's dam to the base of the City's dam to help meet the minimum flow requirements of the Lower Hillsborough River. Such diversions shall not occur if public health, safety or welfare will be compromised.

1. The District shall complete a comprehensive analysis of these diversions within 90 days of the first year of operation to identify and subsequently make any mechanical or efficiency adjustments that may be necessary. The District shall use its best efforts to expedite obtaining any permit that may be needed to undertake these actions.

2. By October 1, 2013, provided that the transmission pipeline has been constructed and is operational, all of the water diverted from the TBC middle pool under this provision to help meet the minimum flow shall be provided to the Lower Hillsborough River per subparagraph 40D-80.073(2)(g), F.A.C.

3. These diversions shall be prioritized as follows:

a. Priority Source One – Diversions From the TBC Middle Pool When the TBC Middle Pool is Above 12.0 feet NGVD (1929 or its 1988 equivalent), and There is Flow of at Least 11 cfs Over the District's Structure 162.

On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District's Structure 161, and there is flow of at least 11 cfs over the District's Structure 162, the District shall divert water from the TBC middle pool to the Hillsborough River.

(I) The District shall then deliver 75 percent of any water diverted from the TBC to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City's dam to the base of the City's dam,

and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(2)(a), (c), (f), and (h), F.A.C.

(II) The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River set forth in subsection 40D-8.041(1), F.A.C., but will not exceed 7.1 million gallons on any given day.

(III) Such diversions shall cease from the TBC middle pool if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.

(IV) On days when flow over the Hillsborough River Dam naturally exceeds 20 cfs during the months of July through March, or 24 cfs during the months of April through June and when diversions from the TBC middle pool are not needed to replenish the supply from Storage Projects described in paragraphs 40D-80.073(3) and (4), F.A.C., diversions from the TBC middle pool shall not occur and any flows in the TBC lower pool above elevation 9.0 feet NGVD (1929 or its 1988 equivalent), shall be available for water supply.

(V) Prior to October 1, 2013, and during the months of March through June, on days when some water is needed from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River, all available water from the TBC middle pool not needed to be diverted in accordance with SWFWMD Water Use Permit No. 20006675 but not exceeding 7.1 million gallons on any given day will be diverted to the Hillsborough River. Water delivered to the Hillsborough River in excess of that needed to help meet the minimum flow of the Lower Hillsborough River shall remain in the Hillsborough River above the dam. Keeping this water in the Hillsborough River above the dam will reduce the time and quantities of supplemental flow needed to help meet the minimum flow requirements.

(VI) During the months of July through February, on days when water is needed from the TBC middle pool to help meet the minimum flow of the Lower Hillsborough River, only that amount of water needed to help meet the minimum flow but not in excess of 7.1 million gallons on any given day shall be diverted from the TBC middle pool to the Hillsborough River, and any water in the TBC middle and lower pools above elevations 12.0 and 9.0 feet NGVD (1929 or its 1988 equivalent), respectively, shall be available for water supply.

b. Priority Source Two – Diversions When the TBC Middle Pool is Above 12.0 feet NGVD (1929 or its 1988 equivalent), and the Flow Over the District's Structure 162 is Less Than 11 cfs.

On days when the TBC middle pool is above 12.0 feet NGVD (1929 or its 1988 equivalent), as measured by the downstream gauge at the District's Structure 161, and the flow

over the District's Structure 162 is less than 11 cfs, the District shall divert water from the TBC middle pool to the Hillsborough River.

(I) The District shall then deliver 75 percent of any water diverted from the TBC middle pool to the Hillsborough River under this provision to the Lower Hillsborough River. Delivery of 75 percent of the water diverted from the TBC addresses concerns about potential losses due to subsurface leakage, evaporation and transpiration. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam, and shall supplement diversions from Sulphur Springs, Blue Sink and Morris Bridge Sink, as they are implemented, and as described in subparagraphs 40D-80.073(2)(a), (c), (f), and (h), F.A.C.

(II) The TBC middle pool diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, but will not exceed 7.1 million gallons on any given day.

A. On days such diversions occur, the District will divert from the TBC lower pool to the TBC middle pool quantity equivalent to that diverted by the District from the TBC middle pool to the Hillsborough River.

B. Such diversions shall cease from both the TBC middle and lower pool when the stage of the TBC lower pool reaches 6.0 feet NGVD (1929 or its 1988 equivalent), as measured by the gauge at the District's Structure 160, or the elevation difference between the TBC middle and lower pools exceeds 7.0 feet.

(III) Once the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), withdrawals from this priority source to help meet the minimum flow for the lower Hillsborough River are considered withdrawals from the storage of the TBC lower pool. When the stage in the TBC lower pool is below 8.7 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

A. At no time shall withdrawals from the lower pool to help meet the minimum flow for the lower Hillsborough River cause the stage in the lower pool to go below 6.0 feet NGVD (1929 or its 1988 equivalent), or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

B. If supplemental flows are required to help meet the lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC lower pool reaches an elevation of 6.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-sub-subparagraph 40D-80.073(2)(b)3.b.(III)A., F.A.C., above, are met, the District shall cease withdrawals from the TBC lower pool. The District shall only reinitiate withdrawals from the TBC lower pool when its elevation equals or exceeds 9.0 feet NGVD (1929 or its 1988

equivalent), for 20 consecutive days, which is defined as the TBC lower pool replenishment.

C. The total withdrawn from storage on any given day shall not exceed 7.1 million gallons on any given day.

D. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(2), (3), and (4), F.A.C.

c. Priority Source Three – Diversions When TBC Middle Pool Elevations are Between 10.0 and 12.0 Feet NGVD (1929 or its 1988 equivalent).

The District will make all reasonable efforts to obtain authorization from the United States Army Corps of Engineers to allow the withdrawals of up to 7.1 million gallons on any given day from the TBC middle pool to aid in the Lower Hillsborough River minimum flow requirements when the TBC middle pool is below 12.0 feet and above 10.0 feet NGVD (1929 or its 1988 equivalent).

(I) These diversions will only occur when the stage of the TBC lower pool has reached 6.0 feet NGVD (1929 or its 1988 equivalent), or the TBC lower pool is in a state of replenishment as described in sub-sub-sub-subparagraph 40D-80.073(2)(b)3.b.(III)B., F.A.C. These diversions will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(2), (3), and (4), F.A.C., but will not exceed 7.1 million gallons on any given day.

(II) These diversions shall cease if the elevation difference between the Hillsborough River and TBC middle pool exceeds 9.5 feet, if approved by the United States Army Corps of Engineers, as measured on either side of the District's Structure 161, or if the elevation difference between the TBC middle and lower pools exceeds 7.0 feet, as measured on either side of the District's Structure 162.

(III) Diversions associated with this provision will not occur until the water transmission pipeline as set forth in subparagraph 40D-80.073(2)(g), F.A.C., is completed or by October 1, 2013, whichever is sooner. Once the stage in the TBC middle pool is below 12.0 feet NGVD (1929 or its 1988 equivalent), withdrawals to help meet the minimum flow for the Lower Hillsborough River are considered withdrawals from the storage of the TBC middle pool. When the stage is below 12.0 feet NGVD (1929 or its 1988 equivalent), the following restrictions apply:

A. At no time shall withdrawals from the TBC middle pool to help meet the minimum flow for the Lower Hillsborough River cause the stage in the middle pool to go below 10.0 feet

NGVD (1929 or 1988 equivalent), or cause the elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet, as measured on either side of the District's Structure 161, or cause the elevation difference between the TBC middle and lower pools to exceed 7.0 feet, as measured on either side of the District's Structure 162.

B. If supplemental flows are required to help meet the Lower Hillsborough River minimum flow from this Priority Source, once withdrawals begin from storage they will continue until the TBC middle pool reaches an elevation of 10.0 feet NGVD (1929 or its 1988 equivalent). At such time as either of the conditions set forth in sub-sub-sub-paragraph 40D-80.073(2)(b)3.c.(III)A., F.A.C., above, are met, the District shall cease withdrawals from the TBC middle pool. The District shall only reinitiate withdrawals from the TBC middle pool when its elevation equals or exceeds 12.0 feet NGVD (1929 or its 1988 equivalent), for 20 consecutive days, which is defined as the TBC Pool Replenishment, and there is less than 11 cfs of flow over the District's Structure 162.

C. The total withdrawn from storage on any one day shall not exceed 7.1 million gallons.

D. Withdrawals from storage will be limited to the quantity needed to help achieve the minimum flow requirements of the Lower Hillsborough River after utilizing the quantity diverted from all other sources, as they are implemented, and as described in paragraphs 40D-80.073(2), (3), and (4), F.A.C.

(c) Sulphur Springs Project.

1. By October 1, 2009, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City shall complete the modification of the lower weir to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

2. By October 1, 2010, the City shall complete the construction of the upper gates and the pump station to provide to the base of the dam all available flow from Sulphur Springs not needed to maintain the minimum flow for manatees as set forth in paragraph 40D-8.041(2)(b), F.A.C.

3. By October 1, 2012, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City is to provide to the base of the dam, all available flow from Sulphur Springs not needed to maintain the minimum flow for Sulphur Springs as set forth in paragraph 40D-8.041(2)(a), F.A.C.

a. These diversions shall not exceed 11.6 million gallons on any given day.

b. The City is authorized to use any remaining quantities at Sulphur Springs for water supply purposes consistent with SWFWMD Water Use Permit No. 20002062.

4. Additionally, beginning on October 1, 2010, on days when the minimum flow requirements are being adjusted for

the Lower Hillsborough River, as described in paragraph 40D-8.041(1)(b), F.A.C., and there is flow at Sulphur Springs in excess of the quantity needed to help meet the adjusted flow as described in paragraph 40D-8.041(1)(b), F.A.C., and the minimum flow requirements in paragraph 40D-8.041(2)(b), F.A.C., and the City is not using such flow to augment the Hillsborough River above the dam, the City shall move such quantity to the base of the City's dam up to the unadjusted quantities described in paragraph 40D-8.041(1)(b), F.A.C.

(d) Blue Sink Analysis.

By October 1, 2010, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City in cooperation with the District shall complete a thorough cost/benefit analysis to divert all available flow from Blue Sink in north Tampa to a location to help meet the minimum flow or to the base of the City's dam.

(e) Transmission Pipeline Evaluation.

By October 1, 2010, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City shall complete a thorough design development evaluation to construct a water transmission pipeline from the TBC middle pool to the City's David L. Tippin Water Treatment Facility, including a spur to just below the City's dam.

(f) Blue Sink Project.

By October 1, 2011, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City will provide all available flow from Blue Sink project to help meet the minimum flow provided that all required permits are approved, and it is determined that the project is feasible. Once developed, all water from this source shall be used to the extent that flow is available to help meet the minimum flow for the Lower Hillsborough River.

(g) Transmission Pipeline Project.

By October 1, 2013, and as specified in the Funding Agreement incorporated in paragraph (1) above, the City shall complete the water transmission pipeline described in subparagraph 40D-80.073(2)(e), F.A.C., and move the water the District will move as specified in subparagraphs 40D-80.073(2)(b) and (h), F.A.C., to the Lower Hillsborough River directly below the dam as needed to help meet the minimum flow or to transport water in accordance with SWFWMD Water Use Permit No. 20006675.

1. This transmission line will eliminate all adjustment for losses described in subparagraphs 40D-80.073(2)(b) and (h), F.A.C.

2. Additionally, the City will provide an additional flow of 1.9 million gallons each day to the base of the dam from the TBC middle pool provided that water is being transported in accordance with SWFWMD Water Use Permit No. 20006675. This additional 1.9 million gallons each day is anticipated to be

part of the water savings associated with this transmission pipeline.

3. Once the pipeline is completed, the 1.9 million gallons each day of additional flow provided by the City as part of the water savings associated with the pipeline will be used in preference to all other sources except Sulphur Springs and Blue Sink to help meet the minimum flow for the Lower Hillsborough River.

4. In the event that this pipeline is not substantially completed by October 1, 2013, or that the City did not provide the District with a minimum ninety (90) days notice prior to October 1, 2013, of the delay of completion of the pipeline due to circumstances beyond its control, then, the City will be responsible for delivering the flows the District was previously obligated to divert from the TBC middle pool to the Hillsborough River and then to immediately below the City's dam under subparagraphs 40D-80.073(2)(b) and (h), F.A.C.; except that the District shall continue to be responsible to pump water from the TBC lower pool to the middle pool as described in subparagraph 40D-80.073(2)(b)2., F.A.C., and from Morris Bridge Sink to the TBC middle pool as described in subparagraph 40D-80.073(2)(h), F.A.C.

5. The City shall also provide the 1.9 million gallons each day if needed to help meet the flow described in this provision, from some other permissible source and is obligated to do so pursuant to subparagraph (2)(b)4. above.

(h) Morris Bridge Sink Project.

1. By October 1, 2012, or earlier, and upon completion of the project, provided that any permit that may be required is approved, the District shall divert up to 3.9 million gallons of water on any given day from the Morris Bridge Sink to the TBC middle pool.

a. The Morris Bridge Sink diversions will be limited to the quantity needed to achieve the minimum flow requirements of the Lower Hillsborough River, after utilizing the quantity diverted from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline, as they are implemented, and as described in subparagraphs 40D-80.073(2)(a), (c), (f), and (g), F.A.C.

b. However, on days when Tampa Bay Water does not draw the TBC lower pool down to 9.0 feet NGVD (1929 or its 1988 equivalent) for water supply purposes, and supplemental flow is needed for the Lower Hillsborough River minimum flow requirements beyond water that can be delivered from Sulphur Springs, Blue Sink and the 1.9 million gallons of water savings each day anticipated from the transmission pipeline described in subparagraphs 40D-80.073(2)(a), (c), (f), and (g), F.A.C., the District shall divert up to 7.1 million gallons on any given day from the TBC lower pool to the TBC middle pool

prior to diverting flows from the Morris Bridge Sink to the TBC middle pool.

c. The District shall cease to divert water from the TBC lower pool under this provision once the elevation of the TBC lower pool reaches 9.0 feet NGVD (1929 or its 1988 equivalent).

2. Prior to the completion of the pipeline described in subparagraph 40D-80.073(2)(g), F.A.C., the District shall transfer any water delivered to the TBC middle pool from the Morris Bridge Sink or the TBC lower pool under this provision to the Hillsborough River near the District's Structure 161.

a. These deliveries shall be made on the same day the District delivers water from the Morris Bridge Sink or the TBC lower pool.

b. The District shall then deliver 75 percent of any water diverted to the Hillsborough River under this provision to the Lower Hillsborough River. This delivery shall be from the Hillsborough River just above the City's dam to immediately below the City's dam.

c. The deliveries of the water from the Morris Bridge Sink to the TBC middle pool then on to the Hillsborough River are in addition to any other diversions from the TBC middle pool to the Hillsborough River described in subparagraphs 40D-80.073(2)(b) and (h).

3. Once the City completes the water transmission pipeline described in subparagraphs 40D-80.073(2)(e) and (g), F.A.C., or as may be otherwise responsible for delivering the flows the District was previously obligated to divert pursuant to subparagraph 40D-80.073(2)(g), F.A.C., the City shall move any water the District delivers to the TBC middle pool from Morris Bridge Sink or the TBC lower pool under this provision to the Lower Hillsborough River directly below the dam. Such delivery by the City will occur on the same day the District delivers the water from the Morris Bridge Sink or the TBC lower pool to the TBC middle pool.

4. At no time shall withdrawals from the TBC under this provision cause:

a. The elevation difference between the TBC middle pool and Hillsborough River to exceed 9.5 feet as measured on either side of the District's Structure 161; or

b. The elevation difference between the TBC middle and lower pools to exceed 7.0 feet as measured on either side of the District's Structure 162.

(i) Beginning October 1, 2017, the City shall be required to meet the minimum flows at the base of the dam as set forth in subsection 40D-8.041(1), F.A.C.

(3) The City and the District shall, as specified in the Funding Agreement incorporated in paragraph (1) above, cooperate in the evaluation of options for storage of water (Storage Projects) such as aquifer storage and recovery and additional source options (e.g., diversions from Morris Bridge

Sink greater than those described in subparagraph 40D-80.073(2)(h), F.A.C., in sufficient permitable quantities, that upon discharge to the base of the dam, together with the other sources of flow described in paragraph 40D-80.073(2), F.A.C., will meet the minimum flows beginning October 1, 2017, or earlier.

(4) The City may propose for District approval additional source or storage projects that when completed may be used in lieu of all or part of one or more sources described in subparagraphs 40D-80.073(2)(b)-(h), F.A.C.

(5) Any District sponsored project, which shall include evaluation of up to 3.9 million gallons per day of additional quantities other than those identified in subparagraph 40D-80.073(2)(h), F.A.C., from the Morris Bridge Sink, shall be implemented by the District no later than October 1, 2017, provided that it is deemed feasible by the District, to eliminate or reduce the need to divert water from the TBC middle and lower pool storage as described in subparagraph 40D-80.073(2)(b), F.A.C. Such projects shall be implemented only after receiving any required permits.

(6) Each spring, beginning in 2008, the District shall review the recovery strategy to assess the progress of implementation of the recovery strategy and report that progress to the Governing Board. This annual review and report shall include identification of the Storage Projects or other additional source options that will be operational by October 1, 2017. If and when developed, Storage Projects or other additional source options to supply supplemental flows to meet the minimum flow will be used in preference to removal of water from storage in either the middle or lower pools of the TBC as described in paragraph 40D-80.073(2), F.A.C.

(7) The City and the District shall continue the existing monitoring and analysis of the water resources within the Lower Hillsborough River and the District shall provide this information to the Governing Board as part of the annual review and report described in paragraph (4), above.

(8) In 2013, and for each five-year period through 2023, the District shall evaluate the hydrology, dissolved oxygen, salinity, temperature, pH and biologic results achieved from implementation of the recovery strategy for the prior five years, including the duration, frequency and impacts of the adjusted minimum flow as described in paragraph 40D-8.041(1)(b), F.A.C. As part of the evaluation, the District will assess the recording systems used to monitor these parameters. The District shall also monitor and evaluate the effect the Recovery Strategy is having on water levels in the Hillsborough River above the City's dam to at least Fletcher Avenue. The District will evaluate all projects described in this Recovery Strategy relative to their potential to cause unacceptable adverse impacts prior to their implementation.

(9) In conjunction with recovery of the Lower Hillsborough River and to enhance restoration of McKay Bay and Palm River estuary, the District intends to undertake a wetland restoration project adjacent to McKay Bay. The City agrees to contribute to the project by providing up to 7.1 million gallons on any given day of reclaimed water, as needed for the project. Within five years of completion of this wetland project, and for two subsequent five-year periods thereafter, the District shall review the hydrologic, dissolved oxygen, salinity, temperature, pH and biologic results achieved from the implementation of the restoration project and other similar District projects that may occur.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.171, 373.0421, 373.0831, 373.1963 FS. History-New 8-3-00, Amended 8-3-00, 11-25-07, 5-26-10, 5-19-14,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Southwest Florida Water Management District
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 14, 2021

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NO.: 73C-24.003
RULE TITLE: Fee Schedule, Annual Invoicing, Data Updating, and Updating of the Special District Database

PURPOSE AND EFFECT: Rulemaking is necessary to clarify and streamline the existing rule explaining annual invoicing, data collection, and the fee schedule for special districts.

SUMMARY: The proposed rule amends Rule 73C-24.003, F.A.C. to provide special districts with a clearer understanding of the Department's data collection and the statutory fee schedule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: The Agency has previously reviewed the statutory requirements and determined that Rule 73C-24.003, F.A.C., has not adverse impact or associated regulatory cost that exceeds any of the criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: [189.017](#) and [189.018](#), FS.

LAW IMPLEMENTED: [189.018](#), F.S., [189.061](#), F.S., [189.064](#), FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: M. Linville Atkins, Assistant General Counsel, Office of General Counsel, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

73C-24.003 Fee Schedule, Annual Invoicing, Data Updating, and Updating of the Special District Database

(1) On or about October 1 of each year the Department shall provide notice to and collect the information listed below from the registered agent of each active special district listed registered with on the Official List of Special Districts, Accountability Program the information listed below. For a newly created special districts, When a special district files with the Department for the first time, the Department shall provide notice to and collect the information listed below from the registered agent of the special district, or an appropriate contact person if a registered agent has not yet been appointed, ~~at the time of registering the special district with the Special District Accountability Program.~~

(a) The registered agent's name (if appointed) or other person designated by the special district to accept due process on behalf of the special district;

(b) If due, The official website address for the special district and the for the special district as well as the contact information, name, registered office (if one has been designated) address, telephone number, fax number, and email address, for the person identified in paragraph (a) above;

(c) The independent or dependent status of the special district, as ~~further~~ defined by Section 189.012, F.S.;

(d) The date of establishment and creation document, as amended, of the special district if not previously already on filed with the Department;

(e) The boundary map, as amended, specifically identifying the special district if not ~~already on~~ previously filed with the Department;

(f) A complete list of all counties in which the special district has jurisdiction;

(g) The local governing authority or governing body of ~~each the~~ unit of local general-purpose government in which the special district has jurisdiction;

(h) The ~~function and/or~~ special purpose of the special district;

(i) The specific section of Florida Statute authorizing governing the function of the special district;

(j) The governing body board-selection process ~~of the special district;~~

(k) Whether ~~The~~ special district's has authority to issue bonds debt; and,

(1) The revenue source or sources of the special district.

(2) Within 60 days ~~following receipt~~ of the Department's notice, the registered agent shall submit all of the information listed in paragraphs (1)(a)-(l) ~~of this rule~~ to the Department at the following address: Florida Department of Economic Opportunity, ~~Office Bureau of Budget Financial~~ Management, 107 East Madison Street, MSC 120, Tallahassee, Florida 32399. ~~If a~~ Any of the submitted information that has changed since the previous year, the shall be indentified registered agent shall identify all changes to the in the information submitted to the Department.

(3) Within 60 days of the invoice date, The registered agent special district shall comply with the following fee schedule by submitting payment online or to the address listed in section (2); as provided for in Section 189.018, F.S., by submitting the appropriate fee to the Department as follows:

(a) \$150.00 from new independent and dependent special districts created between October 1 and December 31 of the fiscal year billing period.

(b) \$125.00 from new independent and dependent special districts created between January 1 and March 31 of the fiscal year billing period.

(c) \$100.00 from new independent and dependent special districts created between April 1 and June 30 of the fiscal year billing period.

(d) \$75.00 from new independent and dependent special districts created between July 1 and September 30 of the fiscal year billing period.

(e) Zero annual fee from any independent or dependent special district that meets all of the following conditions:

1. The special district is in compliance with its Annual Financial Reporting Requirements to the Department of Financial Services;

2. The special district reported \$3,000.00 or less in revenues to the Department of Financial Services on its Annual

Financial Report for the most recent fiscal year in which complete annual data is available from the Department of Financial Services, or as a newly created special district or a special district not required to file an Annual Financial Report, has submitted a current income statement verifying \$3,000.00 or less in revenues for the current fiscal year;

3. The special district is not a component unit of a general purpose local government as determined by the special district and its Certified Public Accountant; and,

4. The special district’s registered agent has successfully complied with subsections (1) and (2) of this rule and the Department has determined that the special district meets the conditions for a zero annual fee.

(f) \$175.00 from all other independent and dependent special districts, invoiced annually on or about October 1 and due within 60 days.

~~(4)(3)~~ If the Department determines that a special district did not meet all of the conditions listed in ~~paragraph section (3)-(e)(1)-(4) of subsection (2) of this rule~~, the Department shall ~~notify bill~~ the registered agent of the special district, ~~and the special district shall be responsible for immediately and payment paying the appropriate fee when shall be due as originally invoiced.~~

~~(5)(4)~~ If a special district fails to comply with the fee schedule set forth by this rule, the special district shall be subject to ~~a fine fining~~ within the limits set ~~forth in section 189.018, F.S. by statute~~; ~~†~~The total fee and fine ~~is being~~ due within 30 days of the invoice date. The Department shall, at least 30 days prior to the due date, send any late fee invoice by regular mail to the registered agent of the special district. The Department shall use the post-marked date of a special district’s payment as a determination of whether a special district complies with the fee schedule by the due date. The Department shall report each special district in noncompliance with its fee requirements to the Office of the Comptroller for further action.

~~(6)(5)~~ The Department shall routinely use any update updated its database data with information received from returned from the registered agent or appropriate contact person of each ~~Special District~~, ~~to help ensure that its database remains up to date for the purpose of meeting its responsibilities associated with the Official List of Special Districts.~~

Rulemaking Authority 189.017, 189.018 FS. Law Implemented 189.018, 189.064, 189.601, FS. History—New 5-1-90, Amended 3-14-91, 12-3-91, 8-10-97, 3-17-99, 3-1-03, 9-26-07, Formerly 9B-50.003, Amended 2-17-15, 1-31-17_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: M. Linville Atkins, Office of General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dane Eagle
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 6/23/2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 7/2/2021

Section III
 Notice of Changes, Corrections and Withdrawals

NONE

Section IV
 Emergency Rules

NONE

Section V
 Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH
 Board of Massage Therapy
 RULE NO.: RULE TITLE:

64B7-28.009 Required Continuing Education for Massage Therapists

NOTICE IS HEREBY GIVEN that on August 6, 2021, the Board of Massage Therapy, received a petition for variance and waiver filed by Jerry Daniels. The Petitioner is seeking a variance or waiver of paragraph 64B7-28.009(4)(e), F.A.C., which requires that during each subsequent biennial renewal cycle, the licensee shall complete: twelve classroom hours, taught in an in-person setting, which must include hands-on instruction or demonstration, and must have stated learner objectives which are relevant to and focused on massage therapy techniques, skills, and protocols as defined in subsection 480.033(3), F.S. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, at the above listed address, (850)245-4162, or by electronic mail - kama.monroe@flhealth.gov.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs
The Department of Legal Affairs, Council on the Social Status of Black Men and Boys, announces the following telephonic meeting which all persons are invited to attend:

Criminal Justice & Community Relations Subcommittee Teleconference

DATE AND TIME: Thursday, September 9, 2021, 2:00 p.m. – 2:30 p.m.

Toll Free Dial in Number: 1(888)585-9008, Conference Code: 428-345-081

Education Development Subcommittee Teleconference

DATE AND TIME: Thursday, September 9, 2021, 2:30 p.m. – 3:00 p.m.

Toll Free Dial in Number: 1(888)585-9008, Conference Code: 428-345-081

Employment & Economic Development Subcommittee Teleconference

DATE AND TIME: Thursday, September 9, 2021, 3:00 p.m. – 3:30 p.m.

Toll Free Dial in Number: 1(888)585-9008, Conference Code: 428-345-081

Physical / Behavioral Health & Family Stability Subcommittee Teleconference

DATE AND TIME: Thursday, September 9, 2021, 3:30 p.m. – 4:00 p.m.

Toll Free Dial in Number: 1(888)585-9008, Conference Code: 428-345-081

Social Media Platform and Website Subcommittee Meeting

DATE AND TIME: Thursday, September 9, 2021, 4:00 p.m. – 4:30 p.m.

Toll Free Dial in Number: 1(888)585-9008, Conference Code: 428-345-081

Annual Report Subcommittee Teleconference

DATE AND TIME: Thursday, September 9, 2021, 4:30 p.m. – 5:00 p.m.

Toll Free Dial in Number: 1(888)585-9008, Conference Code: 428-345-081

Please be advised that meetings & meeting rooms maybe subject to change. For updates please visit <http://www.cssbmb.com>.

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

A copy of the meeting agenda may be obtained by visiting <http://www.cssbmb.com>.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs
The Council on the Social Status of Black Men and Boys announces a telephone conference call to which all persons are invited.

DATES AND TIMES: Thursday, September 9, 2021, Full Council Business Meeting, 9:00 a.m.; Friday, September 10, 2021, Full Council Business Meeting, 9:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)585-9008, Conference Code: 428-345-081

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

A copy of the agenda may be obtained by contacting: <http://www.cssbmb.com>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The CRAFT Foundation, Inc. Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 23, 2021, 1:00 p.m.

PLACE: Attendees may join the meeting in person at 600 N. Broadway Avenue, Suite 101, Bartow, FL 33813 or via Zoom at

<https://us02web.zoom.us/j/89189396808?pwd=UUxUVHZtSUU0LzRocVUvUUtKOGNMQT09>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CRAFT Foundation Board of Directors will conduct their monthly meeting to discuss and execute matters including, but not limited to development of CRAFT Cycle III program elements, report on status of response to RFP for large-scale field trials, review of proposed communications plan, and other matters.

A copy of the agenda may be obtained by contacting: Tamara Wood at 1(863)698-9276.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Tamara Wood at 1(863)698-9276. 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 AGRICULTURE AND CONSUMER SERVICES

Division of Administration

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

DATE AND TIME: CANCELED. August 19, 2021, 3:00 p.m.

PLACE: CANCELED. Call in: (850)391-8548, Access Code: 519-051-519#

GENERAL SUBJECT MATTER TO BE CONSIDERED: CANCELED. This is a meeting of the Hemp Advisory Committee to conduct general business.

A copy of the agenda may be obtained by contacting: CANCELED. cannabis@fdacs.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: CANCELED. cannabis@fdacs.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: CANCELED. cannabis@fdacs.gov.

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, September 1, 2021, 10:00 a.m.; Tuesday, September 21, 2021, 10:00 a.m.

PLACE: There will be no in person Commission meeting. The meeting will be held via conference call. To participate in the meeting, call United States (Toll Free): 1(877)309-2073 or United States: (571)317-3129 and dial access code 337-350-165. For questions and correspondence from inmate supporters, please email inmatessupporter@fcor.state.fl.us. For questions and correspondence regarding victims' rights, please email victimquestions@fcor.state.fl.us.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Conditional Medical Release cases and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850)488-1293.

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: Florida Commission on Offender Review at ada@fcor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

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

DATE AND TIME: Friday, September 10, 2021, 9:00 a.m.

PLACE: The meeting will be facilitated from the Marriott Hutchinson Island Beach Resort, Golf & Marina, 555 NE Ocean Boulevard, Stuart, Florida 34996-1620. You may attend in person at the Marriott Hutchinson Island Beach Resort or video conference by utilizing GoToMeeting website at <https://global.gotomeeting.com/join/825557813> or teleconference by dialing (571)317-3116, Access Code: 825-557-813.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business and discipline.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850)717-1981.

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: Board of Veterinary Medicine: (850)717-1981. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULE NO.: RULE TITLE:**

62-304.715 Lake Worth Lagoon Basin TMDLs

The Department of Environmental Protection announces an amendment to a previously noticed workshop to which all persons are invited.

DATE AND TIME: August 26, 2021, 2019, 11:00 a.m.

AMENDED PLACE: The location for this previously noticed meeting has been updated. This meeting will now be held as a webinar. The webinar can be accessed by the public using the following link:
<https://attendee.gotowebinar.com/register/1266742264973923083>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on draft nutrient total maximum daily loads (TMDLs) for impaired waters in the Lake Worth Lagoon Basin, to be adopted in Rule 62-304.715, F.A.C. The draft TMDLs to be presented at the public workshop are for Pine Lake (3245C4) and Lake Osborne (3256A). These nutrient TMDLs, if adopted, will constitute site-specific numeric interpretations of the narrative nutrient criterion set forth in paragraph 62-302.530(48)(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 September 10, 2021. Written comments should be directed to: James Albright, Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, James.Albright@Floridadep.gov.

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 HEALTH

Board of Acupuncture

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

DATE AND TIME: September 24, 2021, 9:00 a.m. ET

PLACE: AC Hotel Tallahassee Universities at the Capitol, 801 South Gadsden Street, Tallahassee, Florida 32301 (850)392-7700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

A copy of the agenda may be obtained by contacting: www.floridasacupuncture.gov/meeting-information.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: MQA.SpeechLanguage@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: August 24, 2021, 2:00 p.m.

PLACE: The workshop will be available by telephone and webinar.

The registration information is posted to the following website: <https://www.floridahousing.org/programs/developers-multifamily-programs/competitive/2022/2022-102>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will provide an overview of Florida Housing's 2021-2022 Proposed Multifamily Financing Development Funding Cycle, focusing on the Request for Applications (RFAs) that provide funding to finance permanent supportive housing and

rental housing for persons with special needs or homeless households.

A copy of the agenda may be obtained by contacting: Rita Guzman, (850)488-4197.

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: Rita Guzman, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF FINANCIAL SERVICES

The Department of Financial Services announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 25, 2021, 2:00 p.m. – 4:00 p.m. Eastern Time

PLACE: In-person option for ESC member attendance: Department of Children and Families, 2415 North Monroe Street, Room C100.

Virtual, listen-only, option for public attendance. Virtual information is listed on the meeting agenda, located on the Florida PALM Project website <https://www.myfloridacfo.com/floridapalm/governance/>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida PALM Executive Steering Committee will meet in-person to discuss the status of the Florida PALM Project. There will be an option for members of the public to attend virtually in listen-only mode. Any member of the public desiring to provide comment on the subject matter discussed during the meeting may do so in writing via the virtual chat function or email FloridaPALM@myfloridacfo.com within 5 days after the meeting.

A copy of the agenda may be obtained by contacting: The Florida PALM Project website <https://www.myfloridacfo.com/floridapalm/governance/>.

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: Jenifer Hartsfield at (850)410-9025 or FloridaPALM@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).

For more information, you may contact: or would like to submit public comment regarding the Florida PALM Executive Steering Committee, please email FloridaPALM@myfloridacfo.com.

FLORIDA ASSOCIATION OF COURT CLERKS

The Florida Trust announces a public meeting to which all persons are invited.

DATES AND TIMES: August 25, 2021, 1:00 p.m. – 5:00 p.m.; August 26, 2021, 9:00 a.m. – 10:30 a.m.

PLACE: Hutchinson Shores Resort & Spa located at 3793 NE Ocean Blvd. Jensen Beach, FL 34957

GENERAL SUBJECT MATTER TO BE CONSIDERED: August 25 will be training, and August 26 will be a general operations meeting.

A copy of the agenda may be obtained by contacting: Bryant Gries at bgries@flclerks.com.

For more information, you may contact: Bryant Gries at bgries@flclerks.com.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The Florida Atlantic Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: August 25, 2021, 8:00 a.m.

PLACE: 3651 FAU Blvd. Suite 400, Boca Raton, FL. 33431
Zoom Meeting:

<https://us02web.zoom.us/j/9626449236?pwd=SVNTTTRrNIZSeStCNTZqVURXZXNUUT09>

Meeting ID: 962 644 9236, Passcode: FARDA

GENERAL SUBJECT MATTER TO BE CONSIDERED: Authority Meeting

A copy of the agenda may be obtained by contacting: jwales@research-park.org.

CITIZENS PROPERTY INSURANCE CORPORATION

The Information Systems Advisory Committee of Citizens Property Insurance Corporation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, September 8, 2021, 9:00 a.m.

PLACE: (786)635-1003, meeting code: 989 9031 8631

Zoom webinar link available at www.citizensfla.com.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Information Systems Advisory Committee

A copy of the agenda may be obtained by contacting: The Corporate Website at <https://www.citizensfla.com> or Barbara Walker, (850)513-3744, 2101 Maryland Circle, Tallahassee, FL 32303.

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: Barbara Walker, (850)513-3744, 2101 Maryland Circle, Tallahassee, FL 32303. 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).

CITIZENS PROPERTY INSURANCE CORPORATION
 The Citizens Property Insurance Board of Governors announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, September 22, 2021, 8:30 a.m. – 12:00 Noon
PLACE: Hyatt Regency, 50 Alhambra Plaza, Coral Gables, FL 33134
Zoom Dial In: (786)635-1003, Conf. Code: 956 3792 7111
GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics to include but not limited to Board Committee Reports. A copy of the agenda may be obtained by contacting: www.citizensfla.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: barbara.walker@citizensfla.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: Barbara Walker at (850)445-9645, 2101 Maryland Circle, Tallahassee, FL 32303, barbara.walker@citizensfla.com.

CENTRAL FLORIDA EXPRESSWAY AUTHORITY
 The Central Florida Expressway Authority announces a workshop to which all persons are invited.
DATE AND TIME: August 21, 2021, 9:30 a.m. – 11:30 a.m.
PLACE: Via Microsoft Teams
GENERAL SUBJECT MATTER TO BE CONSIDERED: CFX Project No: 599-233
Project Description: CFX Project Development and Environment (PD&E) Study Southport Connector Expressway
 The Central Florida Expressway Authority (CFX) is conducting a Project Development and Environment (PD&E) study for the Southport Connector Expressway. The overall goal of the Southport Connector Expressway is to enhance mobility for the area’s growing population and economy; provide a limited-access facility from the Poinciana area to Florida’s Turnpike and Canoe Creek Road; provide connections between existing and future potential expressways within the study area; relieve congestion; enhance evacuation and emergency efficiency; and

promote regional connectivity. The study is developing and evaluating several transportation alignments to identify a preferred alternative, using the results of the previous Concept, Feasibility, and Mobility (CF&M) Study as a foundation.

As a special advisory resource to CFX and the consultant team, the EAG provides input regarding local needs, concerns and potential physical, natural, social, and cultural impacts that are crucial in the evaluation of corridor and alternative alignments. If you have any questions or would like more information about the study, please contact Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210, or by email at ProjectStudies@cfxway.com or visit the study webpage at <https://rb.gy/mnta4y>.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who require accommodations under the Americans with Disabilities Act or persons who require translation services, free of charge, should contact Ms. Putnam as noted above.

A copy of the agenda may be obtained by contacting: If you have any questions or would like more information about the study, please contact Kathy Putnam, Public Involvement Coordinator, by phone at (407)802-3210, or by email at ProjectStudies@cfxway.com or visit the study webpage at <https://rb.gy/mnta4y>.

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: 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 FINANCIAL SERVICES
 Finance

NOTICE IS HEREBY GIVEN that the Florida Office of Financial Regulation has issued an order disposing of the petition for declaratory statement filed by Foris DAX Inc. on May 17, 2021. The following is a summary of the agency's disposition of the petition: On August 11, 2021, a Final Order on the Petition was issued. The Office determined that Petitioner is required to obtain licensure as a money transmitter under chapter 560, Florida Statutes, for the activities described in its Petition for Declaratory Statement. In *State v. Espinoza*, 264 So. 3d 1055, 1065 (Fla. 3rd DCA 2019), the Court held that pursuant to subsection 560.103(23), Florida Statutes, a

transaction involving monetary value does not require a “third party” in order to be considered money transmission. Therefore, Petitioner would be required to obtain a money transmitter license to lawfully engage in buy-sell transactions as described in its proposed business model. Based on Espinoza, Petitioner’s proposed activity of providing a Digital Asset Sales Service involving the direct online sale of certain cryptocurrencies to consumers from Petitioner’s own inventory using fiat or other cryptocurrencies, requires licensure as a money transmitter pursuant to Chapter 560, Florida Statutes. Petitioner’s proposed activity of providing a custodial wallet that offers customers the ability to store cryptocurrencies does not fall within the definition of a “money transmitter”, and therefore licensure is not required under chapter 560, Florida Statutes. With respect to Petitioner’s proposed activity of providing its customers with a payment processing service that enables holders of supported cryptocurrencies to pay for goods and services at participating online merchants, the facts provided in the Petition are not clearly delineated or explained in enough detail for the Office to make a determination whether the proposed activity constitutes money transmission. Thus, a declaratory statement with respect to this proposed activity is not available to Petitioner. *****The original petition was published May 20, 2021 in the Florida Administrative Register Volume 47, Number 98.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.gov. Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889, Agency.Clerk@flofr.gov.

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

NONE

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 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., Thursday, August 5, 2021 and 3:00 p.m., Wednesday, August 11, 2021.

Rule No.	File Date	Effective Date
1S-2.0001	8/5/2021	8/25/2021
6A-1.09401	8/6/2021	8/26/2021
60R-1.00481	8/5/2021	8/25/2021
61G15-34.002	8/9/2021	8/29/2021
64B5-2.014	8/11/2021	8/31/2021
64B5-9.011	8/11/2021	8/31/2021
64B5-2.0142	8/11/2021	8/31/2021
64B5-2.0144	8/11/2021	8/31/2021
64B5-2.0146	8/11/2021	8/31/2021
64B17-7.0027	8/6/2021	8/26/2021

64DER21-12	8/6/2021	8/6/2021
68B-12.004	8/5/2021	8/25/2021
68B-14.0036	8/5/2021	8/25/2021
68B-23.004	8/5/2021	8/25/2021
68B-30.003	8/5/2021	8/25/2021
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
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	11/5/2019	**/**/****
60P-2.002	11/5/2019	**/**/****
60P-2.003	11/5/2019	**/**/****
64B8-10.003	12/9/2015	**/**/****

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

Notice of Publication of the Annual Regulatory Plan

As set forth in subparagraph 120.74(2)(a)3., Florida Statutes, notice is hereby given that the Suwannee River Water Management District has published, as of August 11, 2021, its 2021-2022 Annual Regulatory Plan at: <https://mysuwanneeriver.com/DocumentCenter/View/18044/2021-2022-Regulatory-Plan>

FLORIDA VIRTUAL SCHOOL

NOTICE OF ADVERTISEMENT AND PUBLIC HEARING

NOTICE OF ADVERTISEMENT AND

PUBLIC HEARING REGARDING

ANTICIPATED ADOPTION OF

NEW OR REVISED BOARD

POLICIES

PROPOSED POLICIES AND POLICY REVISIONS

Exh.	Dept./Subject	Short Title
1.	HR	Fair Labor Standards Act
2.	HR	Salary and Payroll Deductions
3.	HR	Leaves of Absence
4.	HR	Military Leave
5.	HR	Jury/Witness Duty Leave
6.	HR	Bereavement Leave

PROPOSED REPEALS AND “STRIKE-THROUGHS”

Exh.	Dept./Subject	Short Title
7.	HR	Overtime
8.	HR	Salary
9.	HR	Wage Classifications
10.	HR	Absences/Tardiness
11.	HR	Bereavement Leave
12.	HR	Jury Duty/Witness
13.	HR	Military Leave of Absence

Notice of Approval to Advertise: The Florida Virtual School Board of Trustees (“Board”) has authorized and directed this Notice of Advertisement and Public Hearing regarding its anticipated consideration and adoption of new or revised Board Policies.

Purpose & Effect: It is the intention of the Board that the above-referenced new and revised policies simplify, update, streamline and ensure alignment of FLVS operations and Board Policies and Bylaws with applicable state and federal laws, rules, and regulations.

Access to Text of the New or Revised Policy(ies): Individuals seeking access to the hardcopy/printed version of the new or revised policy(ies) herein referenced may contact Mr. Bruce Moore, FLVS Board Clerk, at 2145 Metrocenter Boulevard, Suite 100, Orlando, Florida 32835. The Board Clerk may be reached by telephone at (407)735-1191 or by email to bmoore@flvs.net. Individuals seeking access to the electronic version of the new or revised policy(ies) may do so via the internet by visiting the Florida Virtual School website at www.flvs.net (navigate to Board of Trustees – “Notice of Rulemaking” tabs/ pages). Please be advised that the President and Chief Executive Officer (“CEO”) of the Florida Virtual School is authorized to correct technical, grammatical, and spelling errors, and to rearrange and renumber sections, paragraphs, designations, and cross-references in any new, revised, and existing Board Policy and Bylaw which—following consultation with the FLVS Office of General Counsel—the CEO deems reasonable and prudent to achieve and advance the purpose and effect of such policies and bylaws. Rule Making Authority: The Board is authorized to adopt, amend, and delete Board Policies pursuant to section 1002.37 and applicable provisions of Chapter 120 of the Florida Statutes.

Laws Implemented: Section 1002.37 of the Florida Statutes and all such applicable laws expressed and/or referenced by the new or revised policy(ies) herein identified.

Person(s) Proposing/Initiating New or Revised Policy(ies): The new or revised policy(ies) herein identified were originated by and through the FLVS CEO in consultation with the FLVS

Office of General Counsel and FLVS personnel with subject matter expertise pertinent to the new or revised policy.

Public Hearing: The Board intends to consider, adopt, or otherwise take formal/final action on the above-referenced new and revised policy(ies) following a public hearing on such matter(s). The public hearing will be held during the course of a regular quarterly meeting of the Board of Trustees on Tuesday, September 14, 2021, which is scheduled to begin at 9:00 a.m. ET. The meeting will not be held in person. Rather, it will be held by video conference. Any person who wishes to present or register public comments during the public hearing should contact Mr. Bruce Moore, Board Clerk, 2145 Metrocenter Blvd., Suite 100, Orlando, Florida, 32835, no later than 48 hours prior to the start of the Board meeting. The Board Clerk may be reached by telephone at (407)735-1191 or by email to bmoore@flvs.net.

Any person requiring special accommodations to attend or participate in any meeting of the Board of Trustees should contact Mr. Bruce Moore, Board Clerk, at 2145 Metrocenter Blvd., Suite 100, Orlando, Florida 32835, no later than 48 hours prior to the start of the Board meeting. The Board Clerk may be reached by telephone at (407)735-1191 or by email to bmoore@flvs.net. Persons who are hearing or speech impaired are also urged to contact the Florida Relay Service at 1(800)955-8771 (TDD) or at 1(800)955-8770 (Voice).

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

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.
