

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE NO.:           RULE TITLE:  
5C-24.003           Official Certificate of Veterinary Inspection (OCVI)

PURPOSE AND EFFECT: The proposed rule will incorporate updated versions of department forms. The revisions will simplify and strengthen the State’s animal health protection strategy.

SUBJECT AREA TO BE ADDRESSED: To update and incorporate forms.

RULEMAKING AUTHORITY: 585.002(4), (5), 585.08(2)(a), 585.145(2), 585.15 FS

LAW IMPLEMENTED: 585.002(5), 585.08(1), (2), 585.145(1), (2), (3), 585.155, 828.29 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: Dr. Michael Short, State Veterinarian, (850) 410-0900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-24.003 Official Certificate of Veterinary Inspection (OCVI)

(1) Horses.

(a) OCVI. The OCVI for horses is the Official Equine Certificate of Veterinary Inspection, FDACS-09002 Rev. 04/17 07/08.

(b) The fee for the OCVI, FDACS-09002 Rev. 04/17 07/08 is \$65 per book of 25.

(2) Livestock.

(a) The OCVI for cattle, goats, sheep, swine, cervidae, ratites, and other hoofed animals, excluding horses, is the Official Certificate of Veterinary Inspection, FDACS-09000 Rev. 06/17 07/08.

(b) The fee for the OCVI, FDACS-09000 Rev. 06/17 07/08 is \$65 per book of 25.

(3) Domesticated Fowl.

(a) OCVI. The OCVI for domesticated fowl originating from other than NPIP participating flocks, hatcheries or dealers is the Official Certificate of Veterinary Inspection, FDACS-09000 Rev. 06/17 07/08.

1. The OCVI, FDACS-09000 Rev. 06/17 07/08 will be provided to licensed and accredited veterinarians.

2. The fee for the OCVI, FDACS-09000 Rev. 06/17 07/08 is \$65 per book of 25.

(b) NPIP Participating Flocks, Hatcheries, and Dealers. The certification of health status for interstate shipment of flocks, hatcheries, and dealers participating in the NPIP is the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (FEB 2016 AUG 2005).

1. The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (FEB 2016 AUG 2005) will be certified by a Division representative and provided to an NPIP participating flock, hatchery, or dealer.

2. The certification and processing fee for the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (FEB 2016 AUG 2005) is \$50 for 25 certified forms.

(c) Official Health Certificate Avian, FDACS-09023 Rev. 07/08. The Official Health Certificate Avian, FDACS-09023 Rev. 07/08 is the OCVI for NPIP participating flocks, hatcheries, and dealers which are required by the country or state of destination to provide an OCVI in addition to the Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (FEB 2016 AUG 2005).

1. The Official Health Certificate Avian, FDACS-09023 Rev. 07/08 is certified by a Division veterinarian and is provided to the NPIP participating flock, hatchery or dealer.

2. The fee for the Official Health Certificate Avian, FDACS-09023 Rev. 07/08 is \$100 per 100 certificates.

3. Special Certifications. The fee for individual OCVI including, but not limited to, certificates requiring individual identification numbers of domesticated fowl, vaccination status, or the Florida Department of Agriculture seal, is \$30 for each certificate.

(4) Dogs, Cats and Other Non-Livestock Species.

(a) OCVI for Interstate Movement. The OCVI for dogs, cats and other non-livestock species, including but not limited to zoo animals and domesticated non-native wildlife, is the Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-livestock Species, FDACS-09086 Rev. 07/08.

(b) OCVI for Sale of Dog or Cat. The OCVI required to transfer the ownership of a dog or cat by sale within Florida is the Official Certificate of Veterinary Inspection for Intrastate Sale of Dog or Cat, FDACS-09085 Rev. 01/18 07/08.

(c) The fee for the OCVI, FDACS-09086 Rev. 07/08 or FDACS 09085 Rev. 01/18 07/08 is \$65 per package of 25.

(5) Forms. The following forms are hereby incorporated by reference and available online as indicated. Copies may also be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, Room 323, Mayo Building, Tallahassee, Florida 32399-0800.

(a) The Official Equine Certificate of Veterinary Inspection, FDACS-09002 Rev. 04/17, a sample of which is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(b) The Official Certificate of Veterinary Inspection, FDACS-09000 Rev. 06/17, a sample of which is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(c) The Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non-Livestock Species, FDACS 09086 Rev. 07/08, a sample of which is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(d) The Official Certificate of Veterinary Inspection for Intrastate Sale of a Dog or Cat, FDACS-09085 Rev. 01/18, as incorporated in Rule 5C-27.001, F.A.C.

(e) The Official Health Certificate Avian, FDACS-09023 Rev. 07/08, a sample of which is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>.

(f) The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (FEB 2016) is hereby incorporated by reference, a sample of which is available online at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

~~The Official Equine Certificate of Veterinary Inspection, DACS 09002 Rev. 07/08; the Official Certificate of Veterinary Inspection, DACS 09000 Rev. 07/08; the Official Certificate of Veterinary Inspection for Interstate Movement of Dogs, Cats, and Other Non Livestock Species, DACS 09086 Rev. 07/08; the Official Certificate of Veterinary Inspection for Intrastate Sale of a Dog or Cat, DACS 09085 Rev. 07/08; and the Official Health Certificate Avian, DACS 09023 Rev. 07/08 are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, Room 323, Mayo Building, Tallahassee, Florida 32399-0800. The Report of Sales of Hatching Eggs, Chicks, and Poults, VS Form 9-3 (AUG 2005) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing~~

~~Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.~~

~~Rulemaking Authority 585.002(4), (5), 585.08(2)(a), 585.145(2), 585.15 FS. Law Implemented 585.002(5), 585.08(1), (2), 585.145(1), (2), (3), 585.155, 828.29 FS. History—New 7-13-99, Amended 4-14-02, 8-31-08, \_\_\_\_\_.~~

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.002  
 RULE TITLE: Provider Reimbursement Schedules and Billing Codes

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.002, Florida Administrative Code, (F.A.C.), is to update fee schedules and billing codes. The amendment revises the January 1, 2018 Practitioner Fee Schedule, Practitioner Laboratory Fee Schedule, Prescribed Pediatric Extended Care Services Fee Schedule, Outpatient Laboratory Fee Schedule, Ambulatory Surgical Center Services Fee Schedule, and Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients.

SUBJECT AREA TO BE ADDRESSED: Provider Reimbursement Schedules and Billing Codes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 6, 2018, 1:30 p.m. to 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Matt Brackett, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4151, e-mail: Matt.Brackett@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m., July 9, 2018. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general

inquiries and questions about the rule, please contact the person specified above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Provider Reimbursement Schedules and Billing Codes.

(1) This rule applies to providers rendering Florida Medicaid services to recipients.

(2) Florida Medicaid reimburses for services rendered in the fee-for-service delivery system based on a fee schedule, cost report, or contract. The following fee schedules and billing codes are incorporated by reference and available on the Agency for Health Care Administration's website at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

(3) Florida Medicaid Fee Schedules Effective July January 1, 2018:

(a) ~~Ambulatory Surgical Center Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~

(b) ~~Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~

(c) ~~Outpatient Laboratory Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~

(d) ~~Practitioner Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~

(e) ~~Practitioner Laboratory Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~

(f) ~~Prescribed Pediatric Extended Care Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~

(4) Florida Medicaid Fee Schedules Effective January 1, 2018:

~~(a) Ambulatory Surgical Center Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09184.~~

(a) ~~(b)~~ ~~Assistive Care Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09185.~~

(b) ~~(e)~~ ~~Behavior Analysis Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09186.~~

(c) ~~(d)~~ ~~Behavioral Health Overlay Services Fee Schedule~~

~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09187.~~

~~(d) ~~(e)~~ Birth Center Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09188.~~

~~(e) ~~(f)~~ Child Health Targeted Case Management Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09189.~~

~~(f) ~~(g)~~ Community-Based Substance Abuse County Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09190.~~

~~(g) ~~(h)~~ Community Behavioral Health Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09191.~~

~~(h) ~~(i)~~ County Health Department Certified Match Program Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09192.~~

~~(i) ~~(j)~~ Dental Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09193.~~

~~(k) Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09194.~~

~~(j) ~~(k)~~ Early Intervention Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09195.~~

~~(k) ~~(m)~~ Transportation Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09196.~~

~~(l) ~~(n)~~ Hearing Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09197.~~

~~(m) ~~(o)~~ Home Health Visit Services Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09198.~~

~~(n) ~~(p)~~ Immunization Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09199.~~

~~(o) ~~(q)~~ Independent Laboratory Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09200.~~

~~(p) ~~(r)~~ Licensed Midwife Fee Schedule~~  
~~<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~  
~~09201.~~

(q) ~~(s)~~ Medicaid Certified School Match Program Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-09202>.

(r) ~~(t)~~ Medical Foster Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09203>.

(s) ~~(u)~~ Mental Health Targeted Case Management Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09204>.

(t) ~~(v)~~ Occupational Therapy Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09205>.

(u) ~~(w)~~ Outpatient Laboratory Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09206>.

(v) ~~(x)~~ Personal Care Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09207>.

(w) ~~(y)~~ Physical Therapy Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09208>.

(x) ~~(z)~~ Physician Pediatric Surgery Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09209>.

(aa) ~~Practitioner Fee Schedule~~  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09210>.

(bb) ~~Practitioner Laboratory Fee Schedule~~  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09211>.

(y) ~~(ee)~~ Prescribed Drug Fee Schedule (Not Reviewed by the Pharmaceutical and Therapeutic Committee)  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09212>.

~~(dd) Prescribed Pediatric Extended Care Services Fee Schedule~~  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09213>.

(z) ~~(ee)~~ Private Duty Nursing Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09214>.

(aa) ~~(ff)~~ Radiology Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09215>.

(bb) ~~(gg)~~ Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule

<https://www.flrules.org/Gateway/reference.asp?No=Ref-09216>.

(cc) ~~(hh)~~ Regional Perinatal Intensive Care Center (RPICC) Obstetrical Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09217>.

(dd) ~~(ii)~~ Respiratory Therapy Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09218>.

(ee) ~~(jj)~~ Specialized Therapeutic Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09219>.

(ff) ~~(kk)~~ Speech-Language Pathology Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09220>.

(gg) ~~(ll)~~ Targeted Case Management for Children at Risk of Abuse and Neglect Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09221>.

(hh) ~~(mm)~~ Visual Services Fee Schedule  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09222>.

(5) ~~(4)~~ Florida Medicaid Billing Codes Effective January 1, 2018:

(a) County Health Department Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09223>.

(b) Federally Qualified Health Center Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09224>.

(c) Hospice Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09225>.

(d) Hospital Outpatient Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09226>.

(e) Intermediate Care Facility for Individuals with Intellectual Disabilities Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09227>.

(f) Nursing Facility Services Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09228>.

(g) Rural Health Clinic Billing Codes  
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09229>.

(h) Statewide Inpatient Psychiatric Program Services Billing Codes

<https://www.flrules.org/Gateway/reference.asp?No=Ref-09230>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10, 1-31-11, 7-16-13, 5-21-14, 6-20-16, 6-22-17, 2-7-18, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69I-5.001	Applicability
69I-5.002	Definitions
69I-5.003	Format of Schedule
69I-5.004	Types of State Financial Assistance
69I-5.005	State Project Determination
69I-5.006	Recipient/Subrecipient and Vendor Relationships
69I-5.007	State Project Compliance Supplement
69I-5.008	Criteria for Identifying Major State Projects
69I-5.009	Criteria for Selecting State Projects for Audits Based on Inherent Risk
69I-5.010	Approval of Non-State Entity Conduits

**PURPOSE AND EFFECT:** The proposed amendments to Rule Chapter 69I-5, F.A.C., are to implement the legislative changes made to section 215.97, F.S., and to include the federal requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; its related Subpart F-Audit Requirements; and Appendix XI, Compliance Supplement. The Division is authorized to adopt rules pursuant to its authority under section 215.97(4)(a), F.S.

**SUBJECT AREA TO BE ADDRESSED:** Florida Single Audit Act

**RULEMAKING AUTHORITY:** 215.97(4)(a), F.S.  
**LAW IMPLEMENTED:** 215.97, F.S.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**  
**DATE AND TIME:** July 17, 2018, 10:00 a.m. to 3:00 p.m.  
**PLACE:** Larson Building, Room 116, 200 East Gaines Street, Tallahassee, FL

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: Mark Merry, telephone: (850)413-5510, email: Mark.Merry@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Merry, address: 200 East Gaines Street, Tallahassee, FL 32399-0393, telephone: (850)413-5510, email: Mark.Merry@myfloridacfo.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
6A-4.004	Florida Educator's Certificates with Academic, Administrative, Degreed Career and Technical, and Specialty Class Coverages

**PURPOSE AND EFFECT:** To amend provisions relating to the issuance, extension and revocation of Florida Educator's Certificates. The effect will be updated processing requirements for educator certificates to be consistent with current practice and recent changes enacted by the Florida Legislature.

**SUMMARY:** This amendment specifies options for satisfying the general knowledge requirement; clarifies language relating to expired Temporary Certificates; adopts legislative changes relating to the extensions of Temporary Certificates; revises the approved Florida STEM Course List; clarifies language relating to the special certificates covering Speech Language impaired and certificates covering Athletic Coaching; and adopts legislative changes relating to the Special Temporary Certificate in Educational Leadership.

**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 proposed rule is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S., and is not expected to require legislative ratification. The proposed amendment does not impose any new costs on any stakeholder.

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

RULEMAKING AUTHORITY: 1001.02, 1012.55, 1012.56, FS.

LAW IMPLEMENTED: 1012.55, 1012.56, FS.

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

DATE AND TIME: July 18, 2018, 9:00 a.m.

PLACE: Omni Orlando Resort at ChampionsGate, Congressional Room, 1500 Masters Blvd., ChampionsGate, Florida 33896.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David LaJeunesse, Chief of Educator Certification, 325 W. Gaines St, Suite 201, Tallahassee, FL 32399, (850)245-0431.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.004 Florida Educator’s Certificates with Academic, Administrative, Degreed Career and Technical, and Specialty Class Coverages.

A Florida educator’s certificate is issued to an applicant with academic, administrative, degreed career and technical, and specialty class coverages as specified below.

(1) Temporary certificate.

(a) The three-year nonrenewable temporary certificate may be issued to an applicant who does not qualify for the professional certificate but meets the following requirements:

1. Holds a valid Official Statement of Status of Eligibility as specified in Section 1012.56(1), F.S., which reflects that the applicant has satisfied specialization requirements for the subject requested,

2. Obtains full-time employment in a position for which a Florida educators’ certificate is required in a Florida public, state supported, or a nonpublic school which has a Department of Education approved system for documenting the demonstration of required professional education competence. Verification of employment shall be submitted by a Florida district superintendent or designee or the chief administrative officer; and,

3. Satisfies the fingerprint requirement as follows:

a. Submits the original fingerprint reports which have been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation as specified below:

(I) Original fingerprint reports shall be provided by the employing district, state supported school, or nonpublic school. A name and description search shall be acceptable in lieu of a technical fingerprint search after two (2) sets of fingerprints are declared illegible by the Florida Department of Law

Enforcement or the Federal Bureau of Investigation or when an individual is unable to provide fingerprints because of a physical disability; and,

(II) Fingerprints shall have been submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation within the twelve month period immediately preceding the beginning validity date of the certificate which is issued, or

b. Holds a Florida educator’s certificate which has not expired for more than one (1) school fiscal year from the date the application for a certificate is received by the Bureau of Educator Certification.

(b) Mastery of General Knowledge. An applicant shall demonstrate mastery of general knowledge within one (1) calendar year of employment under the temporary certificate pursuant to s. 1012.56(7), F.S., by one of the following options per s. 1012.56(3), F.S.:

1. Passing scores on all subtests of the FTCE General Knowledge Test per Rule 6A-4.0021(7), F.A.C.:

2. A valid, standard certificate issued by another state per Rule 6A-4.002(1)(i), F.A.C.:

3. A valid, standard certificate issued by the National Board for Professional Teaching Standards per Rule 6A-4.002(1)(j), F.A.C.:

4. A valid standard certificate issued by the American Board for Certification of Teacher Excellence per Rule 6A-4.002(1)(m), F.A.C.:

5. Two semesters of successful full-time or part-time teaching at an accredited post-secondary institution per Rule 6A-4.002(3)(c), F.A.C.; or

6. Passing scores on the verbal, analytical writing, and quantitative portions of the Graduate Record Examination per Rule 6A-4.0021(12)(a), F.A.C.

(c)(b) Expired temporary certificates. A new three-year nonrenewable temporary certificate may be issued to an applicant who satisfies all of the following:

1. Held a temporary certificate which has expired for more than one (1) school fiscal year, but did not hold a temporary certificate for the school year immediately preceding the school fiscal year for which the certificate is requested

2. Demonstrates mastery of general knowledge by one of the options specified in paragraph (1)(b) of this rule on or before June 30, 2019, and

3. Meets all requirements specified in paragraph (1)(a) of this rule.

(d) Extensions to temporary certificates. When an individual has not met requirements for the professional certificate the Commissioner shall grant a one-time extension to the validity of the temporary certificate based upon the following criteria:

1. The individual must submit a completed CG-10 application and fee per Rule 6A-4.0012, F.A.C., before the temporary certificate is expired for more than one (1) school fiscal year;

2. The individual must have demonstrated mastery of general knowledge by one of the options specified in paragraph (1)(b) of this rule; and

3. The district school superintendent or governing authority of a university lab school, state-supported school, or private school must submit a request on behalf of the individual written on official letterhead, addressed to the Commissioner of Education and delivered to the Bureau of Educator Certification, Room 201, 325 West Gaines Street, Tallahassee, Florida 32399, requesting extension of the temporary certificate for:

a. Two (2) additional years based on evidence that during the validity of the temporary certificate the employee experienced serious illness, serious injury, or other extenuating circumstances resulting in unexpected hardship that prevented the employee from satisfying all requirements for the professional certificate;

b. Two (2) additional years based on evidence that during the validity of the temporary certificate the employee's spouse served on active duty as a member of the United States Armed Forces or a related reserve component resulting in unexpected hardship that prevented the employee from satisfying all requirements for the professional certificate; or

c. One (1) additional year based on evidence that during the validity of the temporary certificate the employee earned a rating of effective or highly effective on the most recent calculation of the teacher's performance of students criteria pursuant to Section 1012.34(3), F.S., based solely on the department's approved formula for calculating student learning growth for courses associated with statewide, standardized assessments as specified in Rule 6A-5.0411, F.A.C.

(2) Professional certificate.

(a) The professional certificate is the standard, renewable type of certificate issued by the Department of Education to an applicant who meets the following eligibility requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.; and;

2. Satisfies all eligibility criteria specified in Section 1012.56(2), F.S.

(b) A standard, renewable professional certificate covering a science, technology, engineering or mathematics (STEM) subject in grades 6 through 12 may be issued to an applicant who meets the following eligibility requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,

2. Satisfies the eligibility criteria specified in paragraphs (a) through (h) of Section 1012.56(2), F.S.,

3. Holds a master's or higher degree in a STEM area from an acceptable institution as defined in Rule 6A-4.003, F.A.C.,

4. Achieves a passing score on the Florida professional education test; and;

5. Achieves a "summative evaluation rating" of highly effective on the teacher's most recent annual performance evaluation assessed by an evaluation system approved pursuant to Rule 6A-5.030, F.A.C. The summative evaluation rating must be based in part on teaching a high school course in the same STEM subject area as the teacher's advanced degree for which student performance is measured by one of the following:

a. A Florida statewide, standardized assessment;

b. An Advanced Placement (AP) examination;

c. An Advanced International Certificate of Education (AICE) examination, or

d. An International Baccalaureate (IB) examination.

The district shall verify, using the district verification form, "STEM-2016"

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07645>) (effective December 2016), which is herein incorporated by reference and made part of this rule, that its calculation of the highly effective summative evaluation rating is based in part on the performance of students as measured by one of the above specified statewide, standardized or national assessments for a high school course listed in the publication, "Florida STEM Course List,"

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-07646>) (effective August 2018 ~~December 2016~~), which is herein incorporated by reference and made a part of this rule. Both incorporated documents may be obtained without cost from the Bureau of Educator Certification, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(c) The standard professional certificate may be renewed or extended based on provisions specified in Rule 6A-4.0051, F.A.C.

(3) Nonrenewable certificates covering speech-language impaired.

(a) ~~A~~ One nonrenewable temporary certificate valid for two (2) school fiscal years shall be issued one (1) time to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,

2. Obtains full-time employment as specified in subparagraph (1)(a)2., of this rule,

3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule; and;

4. Holds a bachelor's degree in speech-language impairment from an accredited or approved institution as specified in Rule 6A-4.003, F.A.C.

(b) ~~A One~~ nonrenewable professional certificate valid for five (5) school fiscal years shall be issued one (1) time to an applicant who meets the following requirements:

1. Meets requirements for a temporary certificate covering speech-language impaired as specified in paragraph (3)(a) of this rule,

2. Demonstrates mastery of general knowledge by one of the options specified in paragraph (1)(b) of this rule ~~Section 1012.56(3), F.S.~~,

3. Demonstrates mastery of professional preparation and education competence by one of the options specified in Section 1012.56(6), F.S.; and,

4. Submits verification of acceptance and enrollment into a graduate degree program in speech-language impaired at an accredited or approved institution as prescribed in Rule 6A-4.003, F.A.C. Verification of admission to the program shall be an official transcript or a letter from an official of the college or university.

(4) Certificates covering only athletic coaching (Grades K-12).

(a) A certificate valid for three (3) school fiscal years reflecting only athletic coaching may be issued to an applicant who does not meet the requirements specified in paragraph (4)(b) of this rule. The certificate may be issued one (1) time to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.; and,

2. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(b) A certificate valid for five (5) school fiscal years reflecting only athletic coaching may be issued to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,

2. Satisfies specialization requirements as specified in subsections 6A-4.0282(2) and (3), F.A.C.; and,

3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(c) An applicant who does not meet requirements in either paragraph (4)(a) or paragraph (4)(b) of this rule for a certificate covering only athletic coaching will be issued an official letter, valid for one (1) year after receipt of the completed application, advising the applicant of any requirements that must be completed to qualify for a certificate covering only athletic coaching.

(5) Special temporary certificate covering only educational leadership.

(a) A special temporary certificate valid for three (3) school fiscal years reflecting educational leadership may be issued to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.,

2. Submits official documentation of a bachelor's degree granted from an accredited or approved institution as specified in Rule 6A-4.003, F.A.C.,

3. Submits verification approved by the school district superintendent, chief administrative officer, or authorized designee that the applicant: ~~of~~

a. Has at least three (3) years of successful employment experience in a full-time executive management or leadership position, or

b. Was honorably discharged or retired from the United States Armed Forces with at least three (3) years served as a commissioned officer, as a warrant officer, or as a noncommissioned officer at the following rank or higher: Army sergeant, Air Force staff sergeant, Marine corporal or Navy petty officer.

4. Earns a passing score on the Florida Educational Leadership Examination (FELE), as specified in Rule 6A-4.00821, F.A.C., administered on or after January 1, 2014,

5. Obtains full-time employment as specified in subparagraph (1)(a)2., of this rule; and,

6. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(b) A person operating under a special temporary certificate covering educational leadership must be under the mentorship of a school administrator with Florida certification in an administrative class coverage as specified in Rules 6A-4.008, 6A-4.0082, 6A-4.0083, 6A-4.0085, or 6A-4.044, F.A.C. under the Florida School Leaders Certification program as specified in Rule 6A-4.0081, F.A.C. A request for issuance of the special temporary certificate covering educational leadership shall be submitted to the Department on which the employer must attest to provide a state-certified school administrator, designated as the applicant's mentor during the term of the special temporary certificate.

(c) An applicant who holds a special temporary certificate covering only educational leadership, or held the same which has expired, may be issued a professional certificate provided all requirements for the professional certificate in effect at the time the application is filed have been completed, as specified in subsection (2) of this rule, which includes satisfying the specialization requirements for Educational Leadership as specified in Rule 6A-4.0082, F.A.C. An applicant issued the temporary certificate based on verified service as a military officer as specified in sub-subparagraph (5)(a)3.b. of this rule shall be issued a professional certificate covering school principal upon submission of verification approved by the school district superintendent that the applicant successfully completed the district school principal certification program approved pursuant to Rule 6A-5.081, F.A.C.



(6) Addition of subjects to a professional certificate. A subject may be added to a valid renewable professional certificate when an applicant meets the following requirements:

(a) Completes application requirements as specified in Rule 6A-4.0012, F.A.C.; and;

(b) Demonstrates mastery of the subject matter as specified in Section 1012.56(5), F.S., for each subject to be added to a professional certificate.

(7) Addition of endorsements. An endorsement may be added to a valid three-year nonrenewable temporary or renewable professional certificate when an applicant meets the following requirements:

(a) Completes the application requirements as specified in Rule 6A-4.0012, F.A.C.; and;

(b) Satisfies the specialization requirements specified in the rules of the Florida State Board of Education for each endorsement to be added to the certificate.

(8) Expired certificates.

(a) through (c) No change.

(d) An applicant whose professional certificate has ~~been~~ expired may reinstate the professional certificate if requirements are completed as specified in subsection 6A-4.0051(7), F.A.C.

Rulemaking Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1012.55, 1012.56 FS. History—New 4-20-64, Amended 4-8-68, 7-7-68, 4-11-69, 4-11-70, 9-17-72, 8-17-74, Repromulgated 12-5-74, Amended 11-9-76, 7-1-79, 8-27-80, 1-3-82, 4-26-84, 11-18-84, 6-18-85, Formerly 6A-4.04, Amended 12-25-86, 10-18-88, 9-12-89, 12-4-89, 4-15-91, 10-10-91, 5-3-94, 10-15-01, 12-27-04, 11-26-08, 3-5-14, 12-20-16,\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Hershel Lyons, Chancellor, Division of Public Schools.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 14, 2018.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-1.100 Medicaid Fair Hearings

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-1.100, Florida Administrative Code (F.A.C.), is to update the policy regarding jurisdiction and corrective action.

SUMMARY: The amendment clarifies policy relating to Florida Medicaid Fair Hearings.

**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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.285 FS.

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

DATE AND TIME: July 16, 2018 from 3:00 p.m. to 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

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: Dillon Nicole. 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: Dillon Nicole, Office of Fair Hearings, 2727 Mahan Drive, Mail Stop 11, Tallahassee, Florida 32308-5407, telephone: (850)412-3538 e-mail: Dillon.Nicole@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be received until 5:00 p.m. on July 17, 2018 and may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE FULL TEXT OF THE PROPOSED RULE IS:

## 59G-1.100 Medicaid Fair Hearings.

## (1) Purpose.

This rule establishes procedures applicable to Fair Hearings conducted by the Agency for Health Care Administration (Agency) pursuant to Section 409.285(2), Florida Statutes (F.S.).

## (2) Definitions.

The following definitions are applicable to this rule:

(a) Action – In the case of a recipient receiving services through the fee-for-service (FFS) delivery system, any of the following:

1. The reduction, suspension, or termination by the Agency of a previously authorized service, or

2. The denial, in whole or in part, of a requested service or supplies by the Agency.

(b) Adverse Benefit Determination – In the case of a managed care plan enrollee, any of the following:

1. The denial, in whole or in part, of a requested service or supplies by the plan,

2. The reduction, suspension, or termination by the plan of a previously authorized service,

3. The failure of the plan to provide services in a timely manner as specified in the Agency's contract with the plan, or

4. The denial by the plan of an enrollee's request to dispute a Florida Medicaid financial liability, including, copayments and coinsurance.

(c) Authorized Representative – A person designated to request or represent the interests of the recipient or enrollee in a fair hearing.

(d) Benefit(s) – Florida Medicaid-covered services and supplies, as set forth in the Florida Medicaid State Plan, coverage policies, handbooks, fee schedules, or applicable waiver for Florida Medicaid waiver benefits. For managed care plan enrollees, benefits include expanded benefits covered by a plan as set forth under the terms and conditions of the plan's contract with the Agency.

(e) Business Day – Any day in which the Agency conducts business, excluding Saturdays, Sundays, and holidays as defined in Section 110.117, F.S.

(f) Corrective Action – Corrective payments, or if appropriate, admission or readmission of a recipient or enrollee to a facility, in accordance with Title 42, Code of Federal Regulation (CFR), Section 431.246.

(g) Day – A calendar day.

(h) Disenrollment Denial – The Agency's denial of an enrollee's request for disenrollment from a plan pursuant to Section 409.969, F.S.

(i) Enrollee – Recipient who is a member of a managed care plan.

(j) Fair Hearing (Hearing) – Proceedings conducted by the Agency pursuant to Section 409.285(2), F.S.

(k) File(d) – Received by the Office of Fair Hearings or by the Hearing Officer during the course of a hearing.

(l) Final Order – A written order rendered by the Agency constituting final agency action in a fair hearing.

(m) Fee-For-Service Recipient (FFS recipient) – Florida Medicaid recipient receiving benefits under the FFS delivery system.

(n) Good Cause – An incident or occurrence which is beyond the control of the movant and which prevents compliance. The Fair Hearing Officer will determine good cause based on the facts and circumstances the movant presents in support of the application for the relief sought.

(o) Hearing Officer – The presiding officer appointed by the Agency to conduct a fair hearing.

(p) Hearing Request – A clear, written or oral expression to the Agency requesting review of:

1. An action,

2. A plan appeal of an adverse benefit determination,

3. A disenrollment denial, pertaining to the enrollee, or

4. A matter within the fair hearing jurisdiction of the Agency.

(q) Legal Holiday – As designated in Section 110.117, F.S.

(r) Medical Supplies (Supply or Supplies) – As defined in Rule 59G-4.070, F.A.C.

(s) Notice of Action (NOA) – Written notice from the Agency to a FFS recipient regarding an action.

(t) Notice of Adverse Benefit Determination (NABD) – Written notice from a plan to an enrollee regarding an adverse benefit determination.

(u) Notice of Plan Appeal Resolution (NPAR) – Written notice from a plan to an enrollee resolving the enrollee's plan appeal.

(v) Office of Fair Hearings (Office) – The hearing authority within the Agency designated to conduct fair hearings.

(w) Plan – Managed medical assistance and long-term care plans as defined in Rule 59G-1.010, F.A.C.

(x) Plan Appeal – A review by the plan of an adverse benefit determination.

(y) Recipient – Individual determined to be eligible for Florida Medicaid-covered services by the Department of Children and Families or the Social Security Administration, and who is enrolled in the Florida Medicaid program.

(z) Send (Sent) – Delivery by U.S. mail, email, facsimile transmission, or hand delivery.

(aa) Service(s) – Any diagnostic or treatment procedure(s) or other medical or allied care claimed to have been furnished to a recipient and listed in an itemized claim for payment; or, in the case of a claim based on costs, any entry in the cost report, books of account, or other documents supporting such claim.

(3) Jurisdiction and Right to a Hearing.

The Agency has jurisdiction and must provide a fair hearing for:

(a) A FFS recipient who makes a hearing request regarding:

1. The reduction, suspension, or termination by the Agency of a previously authorized service,

2. The denial, in whole or in part, of a requested service or supply by the Agency, or

3. The failure of the Agency to provide a timely NOA subsequent to the Agency's failure to provide all medically necessary services to the recipient with reasonable promptness.

(b) An enrollee who makes a hearing request regarding:

1. A notice of plan appeal resolution indicating that the plan appeal did not result in the reversal of a prior denial of a new service, or the reduction, suspension, or termination of a previously authorized service, if timely challenged by the enrollee in accordance with the plan appeal procedures following the timely issuance of the plan's NABD to the enrollee,

2. The failure of the plan to adhere to notice and timing requirements applicable to plan appeals, or

3. The failure of the plan to timely notice the enrollee through a NABD, subsequent to the plan's failure to provide medically necessary services requested by the enrollee to the enrollee with reasonable promptness.

(c) An enrollee who makes a hearing request regarding a disenrollment denial.

(d) A recipient who receives notification from the Agency pursuant to Rule 59G-5.110, F.A.C., that a reimbursement request is denied in whole or in part.

(e) A recipient entitled to a fair hearing pursuant to Section 409.285(2), F.S.

(f) The Agency need not grant a fair hearing if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients.

(g) A recipient who makes a hearing request regarding a denial or reduction to a medically necessary Florida Medicaid service and seeks corrective action.

(4) Parties.

(a) The parties to a fair hearing regarding FFS benefits are the FFS recipient and the Agency.

(b) The parties to a fair hearing regarding managed care benefits are the enrollee and the plan. Upon request by the Agency, the Agency may be granted party status by the Hearing Officer.

(c) The parties to a fair hearing regarding a disenrollment denial are the enrollee and the Agency.

(d) The parties to a fair hearing regarding a reimbursement request pursuant to Rule 59G-5.110, F.A.C., are the recipient and the Agency.

(e) The parties to any fair hearing pursuant to Section 409.285(2), F.S., not specified herein, are the recipient and the appropriate state agency or its designee.

(5) Pleadings, Papers, Addresses, and Service.

(a) Any pleading or paper received by the Office before 5:00 p.m. on a business day shall be filed as of that day. A pleading or paper received after 5:00 p.m. on a business day, or on a Saturday, Sunday, or legal holiday shall be filed as of 8:00 a.m. on the next business day.

(b) A recipient or their authorized representative, must provide and maintain a mailing address of record with the Office, or if they elect service via email, must provide and maintain a valid email address of record with the Office. A plan and legal counsel to a party must provide and maintain a valid mailing and email address on file with the Office and consent to service via email. Service at the mailing address, or email address, if applicable, of record is presumed to be valid service.

(c) Each plan, and legal counsel to a party, must maintain a designated email address with the Office. Recipients may designate an email address with the Office. The Office shall provide all fair hearing-related communications to a party with a designated email address at that email address. Service on a party's, an authorized representative's, or legal counsel's designated email address is presumed to be valid service.

(d) Unless the Hearing Officer orders otherwise, every pleading and paper filed in a fair hearing, except applications for witness subpoenas, shall be served on each party at the mailing address of record or designated email address.

(e) Service on counsel of record or on an authorized representative at the mailing address of record or designated email address is presumed to be valid service on the party.

(6) Computation of Time.

(a) In computing any period of time under this rule, by order of a Hearing Officer, or by any applicable statute, the day of the act from which the period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or a legal holiday in which event the period shall run until the end of the next business day. When the period of time allowed is less than seven days, only business days shall be included in the computation.

(b) Five days shall be added to the time limits when service is made by U.S. mail. One business day shall be added when service is made by overnight courier. No additional time shall be added if service is made by email, facsimile transmission, or hand delivery.

(7) Appearances, Authorized Representatives, and Withdrawal.

(a) Recipients may represent themselves in a fair hearing, they may be represented by a non-attorney authorized representative, or, they may be represented by an attorney

authorized to practice law in Florida retained by the recipient, or a person with authority to retain counsel for the recipient.

(b) Counsel representing a party in a fair hearing shall promptly file with the Office and serve on each other party a notice of appearance, which includes counsel's mailing address of record and email address. Filing of a notice of appearance shall constitute acceptance of service at the email address provided by counsel.

(c) Any person, including counsel or a recipient's provider, requesting a fair hearing on behalf of a recipient, or seeking to represent a recipient in a fair hearing, must provide and maintain with the Office:

1. A written authorization signed by the recipient or by a person with legal authority to act on behalf of the recipient, designating the person as the recipient's authorized representative; and,

2. A mailing address of record, and may designate an email address with the Office. As set forth herein, counsel appearing on behalf of a recipient consents to service via email.

(d) Upon motion, the Hearing Officer shall grant counsel of record or an authorized representative leave to withdraw from representation of a party for good cause shown. The motion shall contain the mailing address, email address, if applicable, and telephone number of the party represented.

(8) Requests for Fair Hearing.

(a) A recipient may make a hearing request either orally or in writing.

(b) Any person, including counsel or a recipient's provider, making a hearing request on behalf of a recipient, or seeking to represent a recipient in a fair hearing, must file with the Office a written authorization signed by the recipient or by a person with legal authority to act on behalf of the recipient, designating the person as the recipient's authorized representative.

(c) The Agency must receive the fair hearing request within 90 days of the date a required NOA is sent to the recipient.

(d) The Agency may waive the 90 day time limit for making a hearing request when:

1. The Agency fails to send a timely NOA to the FFS recipient, or

2. The Agency fails to act on a FFS recipient's specific request for benefits.

(e) An enrollee must initiate and complete a plan appeal before making a fair hearing request. The plan appeal is complete when:

1. The enrollee receives from the plan a NPAR indicating the plan appeal was not resolved wholly in the enrollee's favor, or

2. The plan fails to adhere to notice and timing requirements applicable to plan appeals.

(f) An enrollee need not initiate and complete a plan appeal before making a fair hearing request if the request is based on a plan determination or NOA rendered before March 1, 2017.

(g) A fair hearing request by an enrollee must be received by the Agency within 120 days of the date the required NPAR is sent to the enrollee.

(h) In other instances where a recipient is entitled to a fair hearing, the hearing request must be received by the Agency within 90 days of the date of the required time to provide a NOA, or such other time specified by law.

(9) Acknowledgement, Denial, and Dismissal of Fair Hearing Requests.

(a) The Office shall provide each party with prompt, written acknowledgement of a fair hearing request. The parties shall comply with any instructions issued with the acknowledgement.

(b) A Hearing Officer is authorized to deny or dismiss a request for a fair hearing for reasons consistent with this rule, including the following:

1. The Office does not have jurisdiction over the subject matter of the fair hearing,

2. The enrollee has not completed the plan appeal,

3. A fair hearing request is untimely,

4. A person other than the recipient makes a hearing request without also filing a written designation signed by the recipient authorizing the representation,

5. The recipient:

a. Files a written withdrawal of the fair hearing request, or

b. Fails to appear at the scheduled fair hearing without good cause; examples of good cause include but are not limited to a disabling accident, illness, or declared emergency.

6. The fair hearing is moot, or

7. The sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients or enrollees.

(c) The Hearing Officer shall provide each party with written notice when a fair hearing request is denied or dismissed.

(10) Notice of Fair Hearing.

(a) The Office shall provide each party with a written notice of fair hearing at least 14 days in advance of the fair hearing date.

(b) The recipient or enrollee may waive the 14 days advance notice requirement, upon written request.

(c) Each party shall comply with all prehearing instructions issued by the Office or a Hearing Officer.

(11) Consolidated Hearings.

The Hearing Officer may consolidate separate fair hearing requests involving the same recipient if it appears consolidation would promote the just, speedy, and inexpensive resolution of

the proceedings, and would not prejudice the rights of the recipient, or unduly prejudice another party.

(12) Access to Case File Prior to Fair Hearing.

(a) The recipient or enrollee must be provided access to his or her entire case file, including all medical records and any other documents and records considered or relied upon by a plan regarding a plan appeal, or by the Agency, whichever is applicable. Access to documents specified herein must be provided within seven days of the recipient's or enrollee's request to the plan or Agency.

(b) For expedited fair hearings, the entire case file, or any requested portion, must be provided within 24 hours of the recipient's or enrollee's request.

(c) These materials shall be provided to the recipient or enrollee free of charge.

(13) Discovery; Subpoenas.

(a) Each party may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.410, Florida Rules of Civil Procedure. The Hearing Officer may issue orders to effect the purposes of discovery and to prevent delay, including the imposition of sanctions in accordance with the Florida Rules of Civil Procedure, except contempt.

(b) Upon the request of any party, the Hearing Officer may issue subpoenas for the attendance of witnesses for deposition or at the hearing. The requesting party shall indicate whether the witness is also requested to bring documents, and if so, specify the documents to be produced.

(c) A subpoena may be served by any person specified by law to serve process, or by any person who is not a party and who is 18 years of age or older. Service shall be made by delivering a copy to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service, if not served by a person specified by law to serve process.

(d) Any motion to quash or limit a subpoena shall be filed with the Office or Hearing Officer and shall state the grounds relied upon.

(14) Continuances and Abandonment.

(a) The Hearing Officer may grant a continuance of a fair hearing for good cause shown, or upon stipulation of all parties of record. Except in cases of emergency, requests for continuance shall be made at least five days prior to the date noticed for the hearing. Examples of good cause include but are not limited to the recipient's inability to attend the hearing through no fault of his or her own, or a party's good faith need for more time to conduct discovery.

(b) The Hearing Officer may find that a fair hearing is abandoned if the recipient or enrollee fails to appear at a properly noticed fair hearing without good cause. Examples of good cause include but are not limited to a disabling accident, illness, or declared emergency.

(15) Motions.

(a) All motions shall be in writing and filed with the Office. The motion shall state the relief requested and the grounds relied upon in support of the motion. If the movant is represented by counsel, the motion shall be accompanied by a written memorandum of law in support of the motion, unless otherwise permitted by the Hearing Officer.

(b) All motions, other than a motion to dismiss, shall include a statement that the movant has conferred with all other parties of record and shall state whether each party has any objection to the motion. Any statement that the movant was unable to confer with another party or parties before filing the motion must provide information regarding the date(s) and method(s) by which contact was attempted.

(c) When time permits, the other parties to the fair hearing may, within seven days of service, file written memoranda in response to a motion. No reply to a response shall be permitted, unless leave is sought from and granted by the Hearing Officer.

(d) Motions shall be decided on the basis of the pleadings, the grounds set forth in the motion, and any supporting or opposing legal memoranda, unless the Hearing Officer orders a motion hearing to resolve the issues. The Hearing Officer shall conduct such proceedings and render such orders as necessary to dispose of the issues raised by a motion.

(e) Motions for extension of time, other than a motion for continuance of the fair hearing, shall be filed no later than two days prior to the expiration of the deadline sought to be extended and shall state good cause for the request. Examples of good cause include but are not limited to a disabling accident, illness, or declared emergency.

(f) Motions made orally on the record during the course of a fair hearing, except for motions for extension of time or for a continuance, are exempt from these requirements, unless otherwise ordered by the Hearing Officer.

(16) Hearing Officers.

(a) A Hearing Officer shall be appointed by the Agency to preside over each fair hearing and must:

1. Ensure that the fair hearing is conducted in a manner consistent with this rule and promotes the fair, just, and speedy resolution of the proceeding,

2. Be impartial and was not involved in the initial determination giving rise to the fair hearing; and,

3. Refrain from unilateral communications with a party or a party's representative regarding the substance of the issues presented in the fair hearing; if any such communication occurs, the Hearing Officer shall document the communication in the record of the fair hearing.

(b) The Hearing Officer shall have the authority to issue any and all orders and render rulings consistent with this rule.

(17) Conduct of Hearing.

(a) Hearings conducted pursuant to this rule are only open to the parties and their witnesses, unless authorized by the Hearing Officer and with the consent of the recipient or enrollee.

(b) Each fair hearing shall be a de novo, evidentiary proceeding, and shall be conducted in a manner that meets the requirements of this rule.

(c) Each fair hearing shall be conducted by telephone or in such manner as prescribed by the Hearing Officer. The Hearing Officer has the authority to swear witnesses and take their testimony under oath. Testimony taken by telephone or other telecommunications media does not require that a notary be present with the witness to administer the oath; however, the Hearing Officer must be satisfied as to the identity of the party or witness testifying.

(d) Each fair hearing shall be recorded. A copy of the recording shall be provided to the recipient or enrollee, upon request and free of charge.

(e) The recipient must have access to his or her entire case file including all medical records and any other documents and records considered or relied upon by a plan regarding a plan appeal, or by the Agency, whichever is applicable, during the course of the hearing. These materials shall be provided upon the recipient's request free of charge.

(f) When the plan is a party, it shall file with the Office or Hearing Officer all legal authorities, Florida Medicaid policies and regulations, and contractual provisions relied upon for its determination of any issues presented in the fair hearing. The enrollee must have access to this information during the course of the hearing.

(g) The burden of proof is on the party asserting the affirmative of an issue, except as otherwise required by statute. The burden of proof is on the Agency or plan, whichever is applicable, when the issue presented is the suspension, reduction, or termination of a previously authorized service. The burden of proof is on the recipient or enrollee, when the issue presented is the denial or a limited authorization of a service. The party with the burden of proof shall establish its position to the satisfaction of the Hearing Officer by a preponderance of the evidence.

(h) Opening and closing statements may be presented by each party.

(i) The recipient or enrollee shall be entitled to:

1. Introduce evidence relevant to the issues presented,

2. Examine and rebut any evidence presented by another party through the introduction of rebuttal evidence, and examination and cross-examination of any witness,

3. If documentary evidence is received in the form of a copy or excerpt, to compare the copy with the original, if available and to conduct cross-examination when such documents are made a part of the record,

4. Call witnesses at the hearing,

5. Cross-examine adverse witnesses; and,

6. Impeach any witness.

(j) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form, and all testimony of parties and witnesses shall be taken only on oath or affirmation.

(k) Hearsay evidence may be used to supplement or explain evidence but is not sufficient in itself to support a finding, unless the evidence is within an exception to the Hearsay Rule under Sections 90.801-.805, F.S.

(l) When official recognition is requested, the parties shall be notified and given an opportunity to examine and contest the material(s). Official recognition may be requested by motion and shall be granted or denied, in whole or in part, at the discretion of the Hearing Officer and in accordance with the provisions governing judicial notice in Sections 90.201-.203, F.S.

(m) The rules of privilege apply to the same extent as in civil actions under Florida law.

(n) If the fair hearing involves medical issues, such as those concerning a diagnosis, an examining physician's report or a medical review team's decision, and if the Hearing Officer considers it necessary to have a medical assessment other than that performed by the individual involved in making the original decision, such a medical assessment must be obtained at expense of the Agency, in a hearing for a FFS recipient, or the plan, in a hearing for an enrollee, whichever is applicable, and made part of the record.

(o) Post-hearing submissions can be authorized by the Hearing Officer with the consent of the recipient or enrollee.

(p) If the fair hearing involves corrective action, the recipient must demand the corrective action and submit record evidence of the recipient's liability or potential liability for payment of the already-provided service.

(18) Final Orders.

(a) A Hearing Officer shall render a Final Order in each fair hearing.

(b) The Final Order shall be rendered within 90 days of the date of the request for a fair hearing, unless the time period is waived by the recipient or extended by order of the Hearing Officer.

(c) The Final Order must be based exclusively on evidence introduced at the hearing and any post-hearing submission authorized by the Hearing Officer. Findings of fact shall be based upon a preponderance of the evidence, unless otherwise

provided by statute, and shall be based exclusively on the evidence of record and on matters officially recognized.

(d) The Final Order shall be in writing and shall include: a caption, specify the time and place of the fair hearing, list the parties and witnesses who appeared at the fair hearing, a statement of the issues addressed, findings of fact, conclusions of law, and, the resolution of the issues.

(e) The Final Order shall be sent to each party on the date rendered.

(f) The Final Order may prescribe corrective action retroactively to the date the incorrect action was taken.

(g) The Final Order shall include notice to the recipient or enrollee of the right to seek judicial review, the procedure which must be followed, and the time limits which apply.

(h) Rehearing or reconsideration of a Final Order is prohibited under this rule.

Rulemaking Authority 409.919 FS. Law Implemented 409.285 FS. History--New 3-1-17, Amended 12-18-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dillon Nicole  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin Senior  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2018  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 8, 2018

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.060  
RULE TITLE: Dental Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.060, Florida Administrative Code, is to clarify policy language.

SUMMARY: The amendment updates the Florida Medicaid Dental Services Coverage Policy.

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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of

the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919, 409.961 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 FS.

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

DATE AND TIME: July 16, 2018, 2:00 p.m. to 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

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: Aaron Messer. 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: Aaron Messer, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4313, e-mail: Aaron.Messer@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments will be received until 5:00 p.m., on July 17, 2018 and may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) This rule applies to all providers rendering Florida Medicaid dental services ~~any person or entity prescribing or reviewing a request for dental services and to all providers of dental services who are enrolled in or registered with the Florida Medicaid program.~~

(2) All providers ~~persons or entities described in subsection (1)~~ must be in compliance with the provisions of the Florida Medicaid Dental Services Coverage Policy, \_\_\_\_\_ ~~May 2016~~, incorporated by reference. The policy is available on the Agency for Health Care Administration's Web site website at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and available at

<http://www.flrules.org/Gateway/reference.asp?No=Ref-06593>.

Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913, 409.973 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05, 7-2-06, 5-21-07, 2-23-09, 5-3-12, 5-3-16, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Aaron Messer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin M. Senior

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 24, 2018

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.322  
RULE TITLE: Respiratory Therapy Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.322, Florida Administrative Code, (F.A.C.), is to clarify policy language.

SUMMARY: The amendment updates the Florida Medicaid Respiratory Therapy Services Coverage Policy.

**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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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

RULEMAKING AUTHORITY: 409.919, 409.961 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913, 409.973 FS.

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

DATE AND TIME: July 17, 2018, 3:00 p.m. to 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308-5407.

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: Matt Brackett. 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: Matt Brackett, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4151, e-mail: Matt.Brackett@ahca.myflorida.com.

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m. July 18, 2018. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-4.322 Respiratory Therapy Services.

(1) This rule applies to all providers rendering Florida Medicaid respiratory therapy services to recipients.

(2) All providers must be in compliance with the provisions of the Florida Medicaid Respiratory Therapy Services Coverage Policy, \_\_\_\_\_ ~~October 2016~~, incorporated by reference. The policy is available on the Agency for Health Care Administration's Web site ~~website~~ at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07517>.

Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913, 409.973 FS. History—New 11-29-16, \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Matt Brackett  
 NAME OF AGENCY HEAD WHO APPROVED THE  
 PROPOSED RULE: Justin M. Senior  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: June 14, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: March 13, 2018

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Board of Auctioneers**

RULE NO.: RULE TITLE:

61G2-3.001 Fees

PURPOSE AND EFFECT: The proposed amendment will bring the rule into compliance with HB 741.

SUMMARY: Bring rule into compliance.

**SUMMARY OF STATEMENT OF ESTIMATED  
 REGULATORY COSTS AND LEGISLATIVE  
 RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS

LAW IMPLEMENTED: 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Krista Woodard, Executive Director, Board of Auctioneers, 2601 Blair Stone Road, Tallahassee, FL

32399-0790, (850) 717-1400 or by electronic mail – Krista.Woodard@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G2-3.001 Fees

(1) through (10) No change.

(11) Delinquent fee. A delinquent status licensee shall pay a delinquency fee of ~~\$100.00~~ \$25.00, when the licensee applies for active or inactive status.

(12) No change.

Rulemaking Authority 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS Law Implemented 455.217(2), 455.2171, 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) FS. History—New 9-18-07, Amended 4-17-08, 12-23-12, 9-7-16,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Board of Auctioneers

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

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: May 11, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAR: June 6, 2018

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 Beaches and Coastal Systems**

RULE NOS.: RULE TITLES:

62B-33.002 Definitions

62B-33.004 Exemptions from Permit Requirements

62B-33.005 General Criteria for Areawide and Individual Permits

62B-33.008 Application Requirements and Procedures for Areawide and Individual Permits

62B-33.0085 Application Fees

62B-33.0086 Electronic Submittals

62B-33.013 Permit Modifications, Time Extensions, Renewals, and Reissuances

62B-33.014 Emergency Procedures

62B-33.0155 General Permit Conditions

62B-33.024 Thirty-Year Erosion Projection Procedures

PURPOSE AND EFFECT: The Department is amending Chapter 62B-33, F.A.C., Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback), authorized by Sections 161.053 and 161.052, F.S., respectively.

SUMMARY: The amendments will clarify and update existing rule language, delete obsolete definitions, revise the definitions of “armoring”, “coastal system”, “construction debris”, “Department”, add definitions for “marine turtle nesting habitat”, “native vegetation”, “registered professional”, and

“reissued permit”. The revisions provide additional exemptions from permitting for certain minor activities, delete obsolete references to the Florida Building Code, establish criteria for fill material, provide more specific criteria for siting of both major and minor structures (including those where armoring exists), establish criteria for rebuilt pipelines and ocean outfalls crossing the beach, clarify requirements for geotechnical data and other information required in the application process, delete the requirement to submit multiple copies of certain documents to the Department, simplify fee calculations, eliminate the permit fee for exemption determinations and permit transfers, reduce the permit fee for reissued permits, provide for electronic submission of applications and related documents, provide success criteria for site re-vegetation, eliminate a requirement for construction progress reports, and clarify the methodology used to establish the 30-year erosion projection line.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:** The agency has determined that this rule will not have an impact on small business or likely increase directly or indirectly regulatory cost in excess of \$200,000 in the aggregate within one year after implementation of the rule. A Statement of Estimated Regulatory Cost (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 SERC or if no SERC is required, the information expressly relied upon and described herein: Information known to the agency regarding costs of preparation of submittals required by the rules, and based on the extensive expertise and experience of agency staff, it was determined that a SERC was not necessary and that the rule amendments will not require Legislative ratification. No person or interested party submitted additional information regarding economic impact of the rule amendments during the public workshop or in written comments to the agency. Any person who wishes to provide information regarding the SERC, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 20.255(8), 161.052(11), 161.053(20), 161.0535, 161.085(5), 668 FS.

**LAW IMPLEMENTED:** 20.255(8), 161.052(1), (2), (3), (4), (5), (6), (7), 161.053(1), (2), (4), (5), (6), (8), (9), (11), (12), (14), (17), (18), (19), (21), 161.0535, 161.054(1), (2), (5), 161.085(1), (2), (3), (4), (6), (7), (8), (9), (12), 403.061(44), 471.025, 668 FS.

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

**DATE AND TIME:** July 20, 2018, 11:00 a.m.

**PLACE:** Florida Department of Environmental Protection, Bob Martinez Building, Room 609, 2600 Blair Stone Road, Tallahassee, FL 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jessica Melkun by phone at (850)245-8358 OR by e-mail at [jessica.melkun@dep.state.fl.us](mailto:jessica.melkun@dep.state.fl.us).

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Tony McNeal, Florida Department of Environmental Protection, Coastal Construction Control Line, 2600 Blair Stone Road, MS 2500, FL 32399-3522, telephone: (850)245-7665, e-mail: [tony.mcneal@dep.state.fl.us](mailto:tony.mcneal@dep.state.fl.us).

**THE FULL TEXT OF THE PROPOSED RULE IS:**

62B-33.002 Definitions

62B-33.004 Exemptions from Permit Requirements

62B-33.005 General Criteria for Areawide and Individual Permits

62B-33.008 ~~Permit~~ Application Requirements and Procedures for Areawide and Individual Permits

62B-33.0085 Application-Permit Fees

62B-33.0086 Electronic Submittals

62B-33.013 Permit Modifications, Time Extensions, ~~and Renewals, and Reissuances~~

62B-33.014 Emergency Procedures

62B-33.0155 General Permit Conditions

62B-33.024 Thirty-Year Erosion Projection Procedures

62B-33.002 Definitions.

(1) ~~“Agency” is an administrative division of local, municipal, county, state, or federal government.~~

(2) renumber (1) No change.

(3) ~~“Alongshore” is a directional reference meaning along or approximately parallel to the shoreline; alternatively, shore-parallel, or longshore.~~

(4) renumber (2) No change.

(3)(5) “Armoring” is a manmade structure designed to either prevent erosion of the upland property or protect eligible structures from the effects of coastal wave and current action. Armoring includes certain rigid coastal structures such as geotextile bags or tubes, seawalls, revetments, bulkheads, retaining walls, or similar structures but does not include jetties, groins, or other construction whose purpose is to add sand to the beach and dune system, alter the natural coastal currents, or stabilize ~~the mouths of inlets~~ shorelines.

(6) through (7) renumber (4) through (5) No change.

~~(8) “Beach quality sand” is sand which is similar to the native beach sand in both coloration and grain size and is free of construction debris, rocks, clay, or other foreign matter.~~

~~(9) “Breakaway Wall” or “Frangible Wall” is a partition independent of supporting structural members that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during a 100 year storm event without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.~~

~~(10) “Building Support Structure” is any shore parallel structure which supports floor, wall, or column loads and transmits them to the foundation.~~

(11) renumber (6) No change.

~~(7)(12)~~ “Coastal System” is the beach and adjacent upland dune system and vegetation seaward of the CCCL coastal construction control line; swash zone; surf zone; breaker zone; offshore and longshore shoals; reefs and bars; tidal, wind, and wave driven currents; longshore and onshore/offshore drift of sediment materials; inlets and their ebb and flood tide shoals and zones of primary tidal influence; and all other associated natural and manmade topographic features and coastal construction.

~~(8)(13)~~ “Construction” is any work or activity, including those activities specified in Sections 161.053(2), and 161.052, F.S., which may have an impact as defined in this rule, ~~except as applicable in Rule 62B-33.004, F.A.C.~~

~~(9)(14)~~ “Construction Debris” is the refuse, trash, or discarded material resulting from storm damage, or the construction or demolition of a structure. For the purpose of this ~~rule~~ Chapter, construction debris shall not include such material which has been sorted, cleaned, and otherwise processed such that it meets the suitability criteria for armoring materials set forth in this ~~rule~~ Chapter.

~~(10)(15)~~ “Department” is the Florida Department of Environmental Protection. ~~The head of the Department is the Secretary.~~

(16) through (23) renumber (11) through (18) No change.

~~(24) “Florida Building Code” (FBC) refers to Part VII of Chapter 553, F.S., the Florida Building Codes Act, effective March 1, 2002.~~

(25) through (34) renumber (19) through (28) No change.

(29) “Marine Turtle Nesting Habitat” is all sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico, and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

(35) through (40) renumber (30) through (35) No change.

(36) “Native Vegetation” is a species identified as “native” in the Atlas of Florida Vascular Plants, available at: [www.florida.plantatlas.usf.edu/](http://www.florida.plantatlas.usf.edu/).

(41) through (47) renumber (37) through (43) No change.

(48) “Pile Foundation” is a system of piles providing the support of a structure, including those piles terminating below grade at pile caps and those piles extending above grade to superelevate a structure.

(49) through (50) renumber as (44) through (45) No change.

(46) “Registered Professional” means a professional registered or licensed by and in the State of Florida and practicing under Chapter 471, 472, 481, or 492, F.S.

(47) “Reissued Permit” is a permit for the same structures and/or activities that were previously authorized by the Department but construction was not completed.

(51) through (56) renumber (48) through (53) No change.

~~(57) “Shore normal” is a directional reference meaning approximately perpendicular to the shoreline.~~

(58) through (63) renumber (54) through (59) No change. Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(1), (2), (3), (4), (5), (6), (7), 161.053(2), (4), (5), (6), (8), (9), (11), (12), (14), (17), (19), (21), 161.0535, 161.054(1), (2), (5), ~~161.061(1), (2)~~, 161.085(1), (2), (3), (4), (6), (7), (8), (9) FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.02, Amended 5-12-92, Formerly 16B-33.002, Amended 9-12-96, 1-26-98, 8-27-00, 7-1-01, 12-31-01, 6-13-04, 5-31-07, 7-17-08,

62B-33.004 Exemptions from Permit Requirements.

(1) No change.

(2) In addition to the exemptions provided in Section 161.053(11), F.S., the following are exempt from the provisions of Section 161.053, F.S., and this ~~rule~~ Chapter:

(a) through (b) No change.

(c) Minor activities that are not part of a larger project or development, and do not cause a disturbance to any significant or primary dune, do not disturb marked or known marine turtle nests, damage existing native salt-tolerant vegetation, obstruct public access, or damage adjacent properties. Exempt minor activities include: Minor activities which do not cause an adverse impact on the coastal system and do not cause a disturbance to any significant or primary dune are exempt from the permitting requirements of this rule chapter. Such activities shall be conducted so as not to disturb marked marine turtle nests or known nest locations or damage existing native salt-tolerant vegetation. The activities which are exempt pursuant to this rule paragraph include, but are not limited to, the following:

1. through 8. No change.

9. Maintenance or repair of the structures listed below. The structure(s) must be located a minimum of 30 feet landward of

the frontal dune, escarpment, or coastal armoring structure, and the maintenance or repair must not expand or enlarge the existing structure(s).

a. Streets and roads, parking areas, and other paved areas not draining, or discharging onto the beach, or changing grade, and

b. No change.

c. Swimming pool decks and spa decks.

d. Fences.

e. Replacement of deck planks, handrails, benches and stair treads, on walkovers, walkways, stairs or steps, and fishing or ocean piers.

f. Replacement of culverts, curbs, and other minor structures and performance of minor grading within road rights-of-way provided that any beach-dune vegetation removed is replaced and drainage patterns are not altered in a seaward direction.

g. Subgrade utilities located landward of an existing dwelling or other major structures within the right-of-way of paved roads, including minor and temporary excavation for the purpose of repairs to the utilities.

h. Replacement or repair of foundation piles for fishing or ocean piers.

10. through 11. No change.

12. Placement of temporary water pipes or hoses utilized for flood relief, provided that any such pipes or hoses are placed on the ground surface and do not damage dune topography or native vegetation, and provided that no discharge occurs landward of the shoreline.

13. Temporary excavation for the inspection of coastal armoring structures on the seaward side, provided that it is limited to non-vegetated areas, occurs outside of marine turtle nesting season, is limited to the minimum area and volume required for the inspection, and the site is restored after the inspection. Temporary excavation for the inspection of coastal armoring structures entirely landward of the bulkhead of the seawall is limited to the minimum area and volume required for the inspection, and the site is restored after the inspection.

(3) The Department shall issue a letter of exemption pursuant to the provisions of Section 161.053(11)(b), F.S., provided that the applicant fulfills the information requirements of subsection 62B-33.008(9)(11), F.A.C., and provided that the Department determines that the proposed project will not cause a measurable interference with the natural functioning of the coastal system. Prior to commencement of work under the exemption, the applicant shall comply with the public notice requirements for the agency action of Chapter 120, F.S.

(4) If the Department determines the proposed minor construction is exempt from the provisions of Section 161.053(11)(c)9., F.S., the Department shall issue a notice of exemption using the DEP exemption form. The exemption

form, which is entitled "Exemption Determination Pursuant to Section 161.053 or 161.052, F.S.," DEP Form number #73-120 (Updated 3-05), is hereby incorporated by reference. A copy of the form can be obtained by ~~contacting writing to the~~ Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400, at <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms> ~~http://www.dep.state.fl.us/beaches/forms.htm~~ or by telephoning (850) 245-8336. The exemption notice shall be posted on site for the duration of the activity. If the proposed activity is determined not to be exempt, a permit pursuant to Section 161.053, F.S., and this ~~rule~~ Chapter is required.

(5) No change.

Rulemaking Authority 161.052(11), 161.053(20) FS. Law Implemented 161.052(3), (4), (6), 161.053(1), (2), (4), (9), (11) FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.04, Amended 5-12-92, 11-11-92, Formerly 16B-33.004, Amended 1-26-98, 8-27-00, 5-31-07, \_\_\_\_\_.

#### 62B-33.005 General Criteria for Areawide and Individual Permits.

(1) The beach and dune system is an integral part of the coastal system and represents one of the most valuable natural resources in Florida, providing protection to adjacent upland properties, recreational areas, and habitat for wildlife. ~~The A coastal construction control line (CCCL)~~ is intended to define that portion of the beach and dune system which is subject to severe fluctuations caused by a 100-year storm surge, storm waves, or other forces such as wind, wave, or water level changes. These fluctuations are a necessary part of the natural functioning of the coastal system and are essential to post-storm recovery, long term stability, and the preservation of the beach and dune system. ~~However, imprudent human activities can adversely interfere with these natural processes and alter the integrity and functioning of the beach and dune system.~~ The ~~CCCL control line~~ and 50-foot setback call attention to the special hazards and impacts associated with the use of such property, but do not preclude all development or alteration of coastal property seaward of such lines.

(2) through (6) No change.

(7) Only beach compatible fill shall be placed on the beach or in any associated dune system. All fill material placed seaward of the CCCL shall be sand which is similar to that already existing in the same fixed coastal cell in coloration, grain size, and composition. Beach compatible fill is material that maintains the general character and functionality of the material occurring on the beach and in the adjacent dune and coastal system. Such material shall be predominately of carbonate, quartz or similar material with a particle size distribution ranging between 0.062mm (4.0φ) and 4.76mm (- 2.25φ) (classified as sand by either the Unified Soils or the

Wentworth classification), shall be similar in color and grain size distribution (sand grain frequency, mean and median grain size and sorting coefficient) to the material in the existing coastal system at the placement area and shall not contain:

(a) Greater than 5 percent, by weight, silt, clay or colloids passing the #230 sieve (4.0φ);

(b) Greater than 5 percent, by weight, fine gravel retained on the #4 sieve (-2.25φ);

(c) Coarse gravel, cobbles or material retained on the 3/4 inch sieve in a percentage or size greater than found at the placement area;

(d) Construction debris, clay balls or foreign matter; or,

(e) Material that results in cementation of the beach.

The Department reserves the right to approve deviations from the above criteria, if those deviations would not increase the potential for adverse impacts to the coastal system. When requesting such deviations, the applicant shall provide fully documented evidence that would justify the deviations.

(7) renumber (8) No change.

(9)(8) All Major structures, except those required for public safety, beach access, and those associated with dune restoration and special events, shall be located a sufficient distance landward of the beach and frontal dune to permit natural shoreline fluctuations, to preserve and protect beach and dune system stability, and to allow natural recovery to occur following storm-induced erosion. If such structure is proposed at a location where there is no frontal dune, but the project includes dune restoration to reestablish a frontal dune that is consistent with the frontal dune on adjacent properties, then the structure shall be located a sufficient distance landward of the beach and restored or reestablished frontal dune to permit natural shoreline fluctuations, to preserve and protect beach and dune system stability, and to allow natural recovery to occur following storm-induced erosion. Where a rigid coastal structure exists, it must be certified by an engineer licensed in the State of Florida or determined by the Department to provide protective value from a 15-year or greater return interval storm event, and the proposed major structures shall be located a sufficient distance landward of the rigid coastal structure to allow for future maintenance or repair of the rigid coastal structure. Although fishing piers shall be exempt from this provision, their foundation piles shall be located so as to allow for the maintenance and repair of any rigid coastal structure that is located in close proximity to the pier.

(9) through (10) renumber (10) through (11) No change.

(12)(11) In considering project impacts to native salt-tolerant vegetation, the Department shall evaluate:

(a) The type and extent of native salt-tolerant vegetation;

(b) The degree and extent of disturbance by invasive nuisance species and mechanical and other activities;

(c) The protective value to adjacent structures and natural plant communities;

(d) The protective value to the beach and dune system; and

(e) The impacts to marine turtle nesting and hatchlings.

The Department shall restrict activities that lower the protective value of natural and intact beach and dune, coastal strand, and maritime hammock plant communities. Activities that result in the removal of protective root systems or reduce the vegetation's sand trapping and stabilizing properties of salt-tolerant vegetation are considered to lower its protective value. Construction shall be located, where practicable, in previously disturbed areas or areas with non-native vegetation in lieu of areas of native plant communities when the placement does not increase adverse impact to the beach and dune system. Planting of invasive nuisance plants, such as those listed in the Florida Exotic Pest Plant Council's 2005 List of Invasive Species – Categories I and II, will not be authorized if the planting will result in removal or destruction of existing dune-stabilizing native vegetation or if the planting is to occur on or seaward of the dune system. A copy of this list is available on the Internet at [www.fleppc.org](http://www.fleppc.org); or can be obtained by contacting writing to the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400; at <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms> <http://www.dep.state.fl.us/beaches/forms.htm> or by telephoning (850)245-8336. Special conditions relative to the nature, timing, and sequence of construction and the remediation of construction impacts shall be placed on permitted activities when necessary to protect native salt-tolerant vegetation and native plant communities. A construction fence, a designated location for construction access or storage of equipment and materials, and a restoration plan shall be required if necessary for protection of existing native salt-tolerant vegetation during construction.

(13)(12) Special conditions relative to the nature, timing, and sequence of construction shall be placed on permitted activities when necessary to protect marine turtles and their nests and nesting habitat. In marine turtle nesting areas, all forms of lighting shall be shielded, and utilize long wavelength light sources only (e.g. 560 nanometers (nm) or longer and absent wavelengths below 560 nm) with all lamps recessed within well shielded, full cut-off fixtures or otherwise designed so as not to disturb marine turtles. Tinted glass or similar light control measures shall be used for windows and doors which are visible from the nesting areas of the beach. Tinted glass shall be 45 percent or less inside to outside light transmittance on all non-opaque doors, walls, balcony, deck railings, and windows.The Department shall suspend any permitted

construction when the permittee has not provided the required protection for marine turtles and their nests and nesting habitat.

(14) Rebuilt pipelines and ocean outfalls crossing the beach and littoral zone, or the extension of existing pipelines or ocean outfalls, shall be designed to withstand at a minimum the erosion, scour, and loads accompanying a 20-year or greater storm event. Rebuilt pipelines and ocean outfalls shall be constructed below grade across the beach and littoral zone.

(15) Fishing or ocean piers or the extension of existing fishing or ocean piers shall be designed to withstand at a minimum the erosion, scour, and loads accompanying a 20-year storm event. Pile foundations shall not obstruct the longshore sediment transport and shall be designed to minimize any impact to the shoreline or coastal processes.

Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(2), 161.053(2), (4), (5), (6), (12), (17), (18), 161.085(1), (2) FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.05, 16B-33.005, Amended 9-12-96, 1-26-98, 8-27-00, 6-13-04, 5-31-07, \_\_\_\_\_.

#### 62B-33.008 Permit Application Requirements and Procedures for Areawide and Individual Permits.

~~(1) All applications submitted to the Department or to the appropriate local building department prior to March 1, 2002, the effective date of the Florida Building Code Act (Part VII, Chapter 553, F.S.), shall contain all the information required in subsection 62B-33.008(3), F.A.C.~~

~~(2) Applications received by the Department after the March 1, 2002 effective date of the Florida Building Code Act shall not be required to comply with the provisions of paragraphs 62B-33.008(3)(j), and subsection 62B-33.008(4), F.A.C., except as noted in subsection 62B-33.008(1), F.A.C.~~

(1)(3) Any person desiring to obtain a permit for construction seaward of the CCCL coastal construction control line (CCCL) or 50-foot setback from the Department, except those persons applying pursuant to the emergency procedures in Rule 62B-33.014, F.A.C., shall submit ~~two (2) copies of a~~ completed application form to the Department at the address below. The permit application form, which is entitled “Application for a Permit for Construction Seaward of the CCCL Coastal Construction Control Line or 50 Fifty-Foot Setback” – DEP Form #73-100 (Revised 12/06), XXXX, 2018, is hereby adopted and incorporated by reference, located here: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>. Copies of the form can be obtained by contacting writing the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400; at <https://floridadep.gov/water/coastal-construction-control->

line/content/coastal-construction-control-line-cccl-forms <http://www.dep.state.fl.us/beaches/forms.htm> or by telephoning (850) 245-8336. The application shall contain the following specific information:

(a) No change.

~~(b) The name and mailing address of the owners of the immediately adjacent properties, exclusive of street ends or easements.~~

(c) through (e) renumber as (b) through (d) No change.

~~(e)(f) A Two original copies of a~~ signed and sealed survey of the subject property. The information depicted on the drawing shall be from a field survey conducted not more than six months prior to the date of the application. The survey shall comply with the requirements given in Rule 62B-33.0081, F.A.C.

~~(g) For major and rigid coastal structures, two copies of a dimensioned site plan drawn to an appropriate scale, on eight and one-half (8 1/2) inch by eleven (11) inch size paper showing property boundaries, the location of the proposed structure(s), the proposed construction limits, the location and volume of any proposed excavation or fill, and the locations of roads, adjacent dwellings, the vegetation line, and the approximate mean high water line.~~

~~(h) For major and rigid coastal structures, two copies of dimensioned cross sections drawn to an appropriate scale, on eight and one-half (8 1/2) inch by eleven (11) inch paper, showing:~~

~~1. All subgrade construction or excavation with elevations refereneed to NAVD 88 (U.S. survey foot).~~

~~2. Typical cross sections of major structures and crest elevations for any proposed coastal or shore protection structure.~~

~~3. Location of the control line or, if not established, the MHWL and the 50 foot setback.~~

~~4. Typical profile of existing and proposed grade at the site.~~

~~5. The location of the contour line corresponding to elevation 0.0 NAVD 88 (U.S. survey foot).~~

~~(f)(i) For structures with proposed permanent exterior lighting, two copies of a dimensioned marine turtle lighting plan that includes all exterior lighting drawn to an appropriate scale showing:~~

~~1. The location of all proposed permanent exterior lighting fixtures clearly marked by distinctive symbols for each model used, and~~

~~2. A table with the column headings shown below providing the specified information for each fixture model and light source used, and~~

SYMBOL	FIXTURE (e.g., name or stock number)	TOTAL NUMBER OF EACH FIXTURE	BULB LUMENS OUTPUT AND TYPE (e.g., 420 lumens output standard incandescent yellow "bug" bulb)	TYPE OF MOUNT (e.g., wall, pole, bollard)	MOUNTING HEIGHT				
Fixt ure Labe l	Fixtur e Quan tity	Fixtur e Moun t Type	Fixtur e Moun t Height	Manufac turer and Catalog No.	Lam p type, and watta ge	Struct ure Level	Locat ion of Fixtur e <sup>2</sup>	Draw ing Sheet Num ber	Labeled Cut Sheet Provided (Y/N)
		1 Ground Level (Level 1) 2		Landward side of structure					
		Second Level, Third Level, etc.		Beachside of structure					
		Pool Deck Shore-perpendicular side of structure		Roof Top					

in the State of Florida, and the site plan shall include all information required in subsection 62B-33.0081(1), F.A.C.

(g)(k) For major habitable multifamily dwelling structures, two copies of detailed foundation plans and specifications. These documents shall be signed and sealed by a registered professional an engineer or architect (as appropriate) licensed in the State of Florida.

(h)(4) A Two copies of a dimensioned site plan. The drawings shall be signed and sealed by a registered professional an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the state of Florida. The site plan shall include:

1. through 3. No change.
4. The horizontal location of the erosion control line (if one exists),
5. The any contour lines corresponding to elevation 0.00 (NAVD),
6. The approximate contour of mean high water and the seasonal high water, and
7. The horizontal location of the seaward line of vegetation and outlines of existing natural vegetation.

5. through 8. renumber 8. through 11. No change.

(i)(m) A Two copies of a dimensioned grading plan. The drawings shall be signed and sealed by a registered professional an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the State of Florida. The grading plan shall include:

1. Existing and proposed elevations, contours and spot elevations; and
2. For any Proposed excavation and/or fill volumes seaward of the CCCL, including excavation and fill associated with swimming pools and other water retention structures, and site grading:
  - a. A table of all permanent, temporary, and net excavation and fill volumes seaward of the CCCL;
  - b. The storage locations and description of handling methods for all temporary excavation and fill material; and
  - c. Soil and geotechnical data for beach compatible imported or excavated material proposed for placement on the beach seaward of a frontal dune or on the sandy beach.
3. Certification from a registered professional that the fill material meets the specifications/criteria of subsection 62B-33.005(7), F.A.C.
4. For multifamily habitable and commercial structures only, the following information is required:
  - a. A table specifying all excavation and fill volumes seaward of the CCCL associated with the project, including excavation or fill associated with the construction of foundations, basements, swimming pools and other water retention structures, and site grading;

3. A detailed description or manufacturer's catalog sheet (cut sheet) for each fixture model used.

4. The specific tinting value on all non-opaque doors, walls, balcony railings, deck railings, windows, and Multi-family and commercial project applications shall include three copies of the items listed in rule subparagraphs 62B-33.008(13)(g)1., through 3., F.A.C.

5. Photometric information for structures 7,000 square feet or larger with exterior lighting on parking lots, pools, and deck areas.

(j) Two copies of detailed final construction plans and specifications for all proposed structures or excavation including all planned appurtenant structures, permanent exterior lighting, and utilities. For major structures, these documents shall be signed and sealed by a registered professional an engineer or architect (as appropriate) licensed

b. Samples of proposed fill material (either imported or excavated) shall be submitted to the Department if the fill material will be placed on the beach, within the dune system or coastal strand vegetation, or seaward of armoring; or if the fill material volume will be greater than 700 cubic yards and will be placed within 50 feet of a frontal dune, dune bluff or primary dune, whichever is more seaward;

c. The storage locations and description of handling methods for all temporary excavation and fill material; and

d. Geotechnical data sufficient to determine the fill material meets the standards of subsection 62B-33.005(7), F.A.C.

~~(j)(n)~~ Two copies of Ddimensioned cross-sections. The drawings shall be signed and sealed by a registered professional ~~an architect, engineer, landscape architect, or professional surveyor and mapper (as appropriate) licensed in the State of Florida.~~ The cross-sections shall include a typical view from the mean high water line (MHWL) to the CCCL depicting all structures and building elevations, proposed and existing grades, subgrade construction, excavation, fill, and elevations for any proposed or existing rigid coastal structures.

~~(k)(o)~~ For rigid coastal structures, ~~two copies of~~ a dimensioned site plan and detailed final construction plans and specifications for all proposed structures or excavation. These documents shall be signed and sealed by an engineer licensed in the State of Florida and shall bear the certification specified in paragraph 62B-33.0051(2)(c), F.A.C., and the site plan shall include all information required in subsection 62B-33.0081(1), F.A.C.

~~(l)(p)~~ Details, including engineering design computations, for any proposed waste or storm water discharge onto, over, under, or across the beach and dune system, such as storm water runoff, swimming pool drainage, well discharge, domestic waste systems, or outfalls. For multi-family dwellings, commercial developments, paved roadways, parking lots, and any de-watering projects, the applicant shall provide ~~two copies of~~ a dimensioned storm water management plan or other drainage plan(s). These plans shall show all conveyance systems (pipes, swales, culverts, wells, catchbasins, outlets), retention areas, invert elevations, and surface runoff drainage arrows.

~~(m)(q)~~ An anticipated construction schedule.

~~(n)(r)~~ A Two copies of detailed planting plans drawn to an appropriate scale. The planting plan shall include: including the

1. The location, typical sizes, and approximate spacing of proposed plants;
2. The proposed temporary or permanent irrigation systems;
3. Existing native vegetation, and plants to be removed; and, Plans shall include
4. A plant list with both scientific and common names.

(o) Planting and maintenance plans drawn to an appropriate scale shall be submitted if planting or removal of native vegetation is proposed as part of a proposed dune restoration or enhancement project. Such plans shall include specifications and schedules for the establishment of native plantings and the locations of:

1. The MHWL;
2. The seasonal high water line;
3. The seaward most vegetation line and existing stands of vegetation;
4. The dune crest(s);
5. The foundations of structures on the property;
6. Any proposed planting areas, including dimensions; and
7. Any dune protection elements such as construction fences, sand fences or signs.

(4) through (5) renumber as (2) through (3) No change.

~~(4)(6)~~ The Department recognizes that the requirements specified in paragraphs 62B-33.008(1)(e) through (o) ~~(3)(f) through (r)~~, and Rule 62B-33.0081, F.A.C., may not, due to the project specific circumstances, be applicable or necessary to ensure protection to the beach and dune system. In such cases, the applicant shall, as part of the application, identify those requirements and state the reason why they are inapplicable. The Department shall waive requirements that do not apply.

(7) through (9) renumber (5) through (7) No change.

~~(8)(10)~~ As an alternative to the above procedure, the Department issues field permits for certain minor structures and activities if the Department determines the activity has minor impacts. The field permit form that is entitled "Field Permit Pursuant to Section 161.053 or 161.052, F.S.," DEP Form 73-122 (Revised 3/05) is hereby adopted and incorporated by reference. A copy of the form can be obtained by contacting writing to the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400, at <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms> or by telephoning (850) 245-8336.

~~(9)(11)~~ Requests for the Department to determine that the proposed activity is exempt from permitting pursuant to the provisions of Section 161.053(11)(b), F.S., shall include, at a minimum, a survey meeting the requirements of Rule 62B-33.0081, F.A.C., and the information requirements of paragraphs 62B-33.008(1)(h), (i), (j), (l), (n) and (o) ~~(3)(l), (m), (n), (p), (r)~~, and subsection 62B-33.008(3)(5), F.A.C. The Department recognizes that the requirements specified above may not be necessary to make an exemption determination. In such cases, the applicant shall, as part of the request for exemption, identify those requirements and state the reason why they are inapplicable. The Department shall waive requirements that do not apply.



(10) For reissued permits, the information specified under paragraphs 62B-33.008(1)(a) through (d), F.A.C., and the following are required:

(a) An updated signed and sealed survey of the subject property that meets the requirements of Rule 62B-33.0081, F.A.C.

(b) A copy of the previously approved plans, including any revisions to the approved plans to comply with current building code requirements.

Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(2), 161.053(2), (4), 161.085(1), (2), (12) FS. History—New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended 8-7-86, Formerly 16B-33.008, Amended 1-26-98, 8-27-00, 12-31-01, 6-13-04, 5-31-07, \_\_\_\_\_.

62B-33.0085 Application Permit Fees.

(1) Each application for a new permit or for a change in permit status to be considered by the Department pursuant to Section 161.053, F.S., or this Chapter Rule 62B-33.013, F.A.C., except the applications listed in paragraphs 62B-33.0085(1)(a) through (f)(e), F.A.C., shall be accompanied by a fee. Monies from fees assessed pursuant to this rule section shall be deposited into the Florida Permit Fee Trust Fund. A 10 percent discount to the fees in this Chapter shall be applied to applications submitted electronically pursuant to Rule 62B-33.0086, F.A.C. No fee shall be assessed for:

- (a) through (c) No change.
- (d) Field permits; ~~or~~
- (e) Determination of exemptions; or
- (f)(e) Requests for permit transfer ~~Transfer of permits.~~

(2) through (3) No change.

(4) The total permit application fee shall be the sum of the fees assessed for each individual major structure plus any additional fee for minor structure. The fees ~~for each activity, experimental project, rigid coastal structure, permit modification, time extension, permit renewal, area wide permit, or structure or addition, when any portion of the foundation or any habitable portion of such structure or addition is proposed by the applicant to extend seaward of the CCCL,~~ shall be assessed in accordance with the following schedule:

(a) through (j) No change.

(k) Rigid Coastal Armoring Structures: \$3,000 for structures up to 100 feet in length, plus \$500 for each additional 50 feet of length or portion thereof. For fee payment purposes, the length of the structure shall include return walls.

(l) No change.

(m) Time Extension: \$100 for minor structure permits, \$200 for permits for major or armoring projects that are certified by a ~~registered professional engineer or architect licensed in the State of Florida~~ to be at least 75 percent complete, \$500 for projects that are certified by a ~~registered professional engineer or architect licensed in the State of~~

~~Florida~~ to be less than 75 percent complete and above the foundation, and \$750 for projects in which the foundation is incomplete. In order to be eligible for a time extension, a request, pursuant to subsection 62B-33.013(3), F.A.C., must be filed ~~in writing~~ with the Department at [CCCL@dep.state.fl.us](mailto:CCCL@dep.state.fl.us) prior to the permit expiration date.

(n) through (o) No change.

(p) Fee Schedule for Reissued Individual Permits for Previously Permitted Major Structures: For major structures that were previously permitted but not completed and the applicant is now applying for a reissued permit, the application fee shall be assessed in accordance with the following schedule:

1. For projects located on a shoreline which has experienced significant change due to storm impact or erosion, the fee shall be assessed in accordance with paragraphs 62B-33.0085(4)(a) through (g), F.A.C.

2. For projects located on a shoreline which has not experienced significant change due to storm impact or erosion, the fee shall be assessed in accordance with the following schedule:

a. Nonhabitable major structures: \$500.

b. Habitable major structures with a roof footprint less than 2,400 square feet for a single family dwelling: \$1,000.

c. Habitable major structures with a roof footprint equal to or greater than 2,400 square feet for a single family dwelling: \$2,000.

d. Habitable major structures with more than one dwelling unit (e.g., hotels, motels, apartment buildings, and condominiums): \$5,000.

e. Other major habitable structures (e.g., commercial or public buildings, and restaurants): \$1,500.

f. Additions to existing habitable structures for a single family dwelling: \$500.

g. Additions to existing habitable structures with more than one dwelling unit: \$2,500.

(p) through (q) renumber (q) through (r) No change.

Rulemaking Authority 161.052(11), 161.053(20), 161.0535 FS. Law Implemented 161.0535 FS. History—New 8-7-86, Formerly 16B-33.0085, Amended 6-16-97, 4-30-98, 8-27-00, 6-13-04, \_\_\_\_\_.

62B-33.0086 Electronic Submittals

An electronic application (“Application for a Permit for Construction Seaward of the CCCL or 50-Foot Setback” – DEP Form 73-100), adopted and incorporated by reference in subsection 62B-33.008(1), F.A.C., must be submitted to the Department via email at [CCCL@dep.state.fl.us](mailto:CCCL@dep.state.fl.us), together with the appropriate fee listed in Rule 62B-33.0085, F.A.C., to obtain a CCCL permit. For documents and/or plans that are too large to send via E-mail (greater than 20mb), upload documents to DEP’s external CCCL FTP site using the naming conventions outlined in the electronic submission instructions.

Information saved on an electronic storage device can be mailed to 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400. If the applicant provides a written statement that the electronic submittal requirements pose a substantial technical or financial hardship, the electronic submittal requirements may be waived, and the documents may be submitted to the above address. When submitting the electronic information, the applicant shall use the following standards:

(1) Submit the “Application for a Permit for Construction Seaward of the CCCL or 50-Foot Setback” (DEP Form 73-100), adopted and incorporated by reference in subsection 62B-33.008(1), F.A.C., in a searchable electronic format. The Department encourages property owners to complete their application online at the link below and submit the completed application via email following the instructions given on the website; <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms>;

(2) Submit geotechnical data in electronic file format;

(3) Submit Geographic Information System (GIS) data (.shp, .dwg or .dxf or other GIS compatible format) that has been projected into the appropriate Florida State Plane coordinate system. Metadata shall be included using the Federal Geographic Data Committee (FGDC) standard. Metadata may be submitted in .xml format if included as part of the shapefile, in a .txt file if sent separately, or other convertible file;

(4) Use electronic signatures, pursuant to Chapter 668, F.S.;

(5) Use electronic professional certifications, pursuant to Section 471.025, F.S.;

(6) Appendices or attachments shall be indexed to the CCCL Application; and

(7) Submit the application and cover letter by email; or to a web page set up by the Department to receive electronic applications; or on an electronic storage device mailed to the Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-2400. Rulemaking Authority 20.255(8), 161.052(11), 161.053(20), 668 FS. Law Implemented 20.255(8), 161.052(2), 161.053(2), (4), 403.061(44), 471.025, 668 FS. History–New \_\_\_\_\_.

62B-33.013 Permit Modifications, Time Extensions, and Renewals, and Reissuances.

(1) through (2) No change.

(3) The permittee or authorized agent may request an extension of the permit expiration date by filing a written request with the Department prior to the permit expiration date. If a request for a time extension is completed pursuant to paragraph 62B-33.013(3)(a), F.A.C., and received prior to the permit expiration date, the permit will be valid until the Department acts upon the extension request. If a timely but

incomplete request for a time extension is received, construction must cease upon the expiration date of the permit and shall not resume ~~restart~~ until the request is complete or until the Department acts upon the request. Time extensions for major structures can be issued for periods of up to three years, and for permits for minor structures or activities for up to one year. The total time extensions for permits for major structures shall not extend beyond three years from the permit’s original expiration date, and one year for minor structures or activities. The request shall be made using the time extension form entitled “Application for a Permit Time Extension Pursuant to Rule 62B-33.013, F.A.C.,” DEP Form 73-113 (Revised 7/04), which is hereby adopted and incorporated by reference. A copy of the form can be obtained by ~~contacting writing to~~ the Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-2400, at <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms> or by telephoning (850)245-8336.

(a) A written request for a permit time extension shall include the following items:

1. through 2. No change

3. A copy of a valid building permit or current written evidence provided by the applicable county or municipality that the authorization previously provided under paragraph 62B-33.008(1)(c)(3)(d), F.A.C., shall remain in effect throughout the duration of the requested time extension,

4. through 5. No change

(b) No change.

(4) No change.

(5) If construction is not complete after having been granted additional time by means of either a time extension or a permit renewal, the permittee must submit an ~~new~~ application pursuant to Rule 62B-33.008, F.A.C., for a new or reissued permit.

Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(2), 161.053(2), (4), 161.085(1), (2) FS. History–New 11-18-80, Amended 3-17-85, Formerly 16B-33.13, 16B-33.013, Amended 1-26-98, 8-27-00, 6-13-04, 5-31-07, \_\_\_\_\_.

62B-33.014 Emergency Procedures.

(1) No change.

(2) Once a state of emergency is declared by either Executive Order of the Governor, pursuant to Section 252.36, F.S., or by the Secretary, pursuant to Section 120.569(2)(n)(4), F.S., the following emergency procedures shall be followed:

(a) No change.

(b) Emergency field permits that are processed pursuant to ~~this Chapter subsection 62B-33.008(11), F.A.C.~~, may be issued for construction, including but not limited to:

1. Temporary or remedial activities to protect structures;

2. Repair or replace minor structures, including dune walkovers, retaining walls, decks, and gazebos;

3. Dune restoration with beach compatible sand; and

4. Repair or replacement of minor damages to coastal armoring structures, including bulkhead or seawall caps, return walls, tiebacks, individual sheet piles, and armor stone; and other similar activities.;

(c) Emergency permit applications may be submitted for the following activities: permanent foundation repair to major structures, repair or reconstruction of major structures, or repair or reconstruction of major damages to coastal armoring structures. The request shall be submitted to the Department at [CCCL@dep.state.fl.us](mailto:CCCL@dep.state.fl.us) using the form entitled “Emergency Permit Application Pursuant to Section 161.052 or 161.053, F.S.” – DEP Form 73-303 (New 12/06), which is hereby adopted and incorporated by reference;

(d) through (f) No change.

(3) Emergency permit processing procedures shall be designated for no longer than the period stated in the executive order. The Department shall authorize emergency permit processing extensions, of ~~30 thirty~~ (30) days each, not to exceed three extensions, concurrent with an emergency final order. If the Department issues a timely request for additional information the applicant shall have 30 days from the request for additional information or expiration date of the emergency processing procedures, whichever occurs later, to submit that information to the Department. If an applicant requires more than 30 days in which to respond to a request for additional information, the applicant may notify the Department in writing of the circumstances, at which time the application shall be held in active status for a period of up to 30 additional days. An additional extension of no more than 30 days from the last extension shall be granted for good cause shown by the applicant. A showing that the applicant is making a diligent effort to obtain the requested additional information shall constitute good cause. Failure of an applicant to provide the timely requested information by the applicable deadline shall result in denial of the application.

(4) through (6) No change.

Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(2), 161.053(2), (4), 161.085(1), (2), (3), (4), (6), (8) FS. History—New 11-18-80, Amended 3-17-85, 11-10-85, Formerly 16B-33.14, 16B-33.014, Amended 1-26-98, 5-31-07,\_\_\_\_\_.

62B-33.0155 General Permit Conditions.

(1) The following general permit conditions shall apply, unless waived by the Department or modified by the permit:

(a) through (f) No change.

(g) The permittee shall not disturb existing beach and dune topography and vegetation except as expressly authorized in the permit. Before the project is considered complete, any disturbed

topography or vegetation shall be restored as prescribed in the permit with suitable fill material or revegetated with appropriate beach and dune vegetation. When required for mitigation, dune vegetation will be considered successfully established if within 180 days of planting, a minimum of 80 percent of the planting units survive, a minimum of 80 percent of the planted area is covered with native species and the vegetation is continuous without gaps along the shoreline.

(h) All fill material placed seaward of the ~~control line~~ CCCL shall ~~be meet the requirements of subsection 62B-33.005(7), F.A.C., sand which is similar to that already existing on the site in both coloration and grain size.~~ All such fill material shall be free of construction debris, rocks, clay, or other foreign matter; and shall be obtained from a source landward of the CCCL coastal construction control line; and shall be free of coarse gravel or cobbles.

(i) If surplus sand fill results from any approved excavation seaward of the control line, such material shall be distributed seaward of the control line on the site, as directed by the Department, unless otherwise specifically authorized by the permit. Sand fill placed seaward of the frontal dune, bluff or coastal armoring in marine turtle nesting habitat shall be configured such that it does not interfere with marine turtle nesting

(j) through (m) No change.

(n) All non-opaque walls, balcony railings, deck railings, windows and glass doors visible from any point on the beach must be tinted to a transmittance value (light transmission from inside to outside) of 45% percent or less through the use of tinted glass or window film.

(o) The permit has been issued to a specified property owner and is not valid for any other person unless formally transferred. An applicant requesting transfer of the permit shall sign ~~two copies~~ of the permit transfer agreement form, agreeing to comply with all terms and conditions of the permit, and return ~~it both copies~~ to the Department. The transfer request shall be provided on the form entitled “Permit Transfer Agreement” – DEP Form 73-103 (Revised 1/04), which is hereby adopted and incorporated by reference. No work shall proceed under the permit until the new owner has received a copy of the transfer agreement approved by the Department. A copy of the transfer agreement shall be displayed on the construction site along with the permit. An expired permit shall not be transferred. Copies of the “Permit Transfer Agreement” form are available at the following website: <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms>.

(p) No change.

~~(q) For permits involving major structures or activities, the permittee shall submit to the Bureau periodic progress reports on a monthly basis beginning at the start of construction and~~

~~continuing until all work has been completed. If a permit involves either new armoring or major reconstruction of existing armoring, the reports shall be certified by an engineer licensed in the State of Florida. The permittee or engineer, as appropriate, shall certify that as of the date of each report all construction has been performed in compliance with the plans and project description approved as a part of the permit and with all conditions of the permit, or shall specify any deviation from the plans, project description, or conditions of the permit. The report shall also state the percent of completion of the project and each major individual component. The reports shall be provided to the Bureau using the form entitled "Periodic Progress Report" DEP Form 73-111 (Revised 6/04), which is hereby adopted and incorporated by reference. Permits for minor structures or activities do not require submittal of periodic reports unless required by special permit condition.~~

(r) renumber (q) No change.

~~(r)(s)~~ For permits involving major structures and exterior lighting on major structures, the permittee shall provide the Department with a report by a registered professional an engineer or architect licensed in the State of Florida within ~~thirty (30)~~ days following completion of the work. For permits involving armoring or other rigid coastal structures, the permittee shall provide the Department with a report by an engineer licensed in the State of Florida within 30 days following completion of the work.The report shall state that all locations specified by the permit have been verified and that other construction and activities authorized by the permit, including exterior lighting, have been performed in compliance with the plans and project description approved as a part of the permit and all conditions of the permit; or shall describe any deviations from the approved plans, project description, or permit conditions, and any work not performed. Such report shall not relieve the permittee of the provisions of paragraph 62B-33.0155(1)(a), F.A.C. If none of the permitted work is performed, the permittee shall inform the Department in writing no later than 30 days following expiration of the permit. The report shall be provided on the form entitled "Final Certification" DEP Form 73-115B (Revised 9/05), which is hereby adopted and incorporated by reference. Copies of the "Final Certification" form are available at the following website: <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms>.

(t) renumber (s) No change.

(2) through (5) No change.

(6) Copies of any forms referenced above can be obtained by ~~contacting writing to~~ the Department of Environmental Protection, 2600 Blair Stone Road, MS 3522, Tallahassee, Florida 32399-2400, at [construction-control-line/content/coastal-construction-control-line-cccl-forms or by telephoning \(850\)245-8336.](https://floridadep.gov/water/coastal-</a></u></p>
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Rulemaking Authority 161.052(11), 161.053(20), 161.085(5) FS. Law Implemented 161.052(2), 161.053(2), (4), (12), 161.085(1),(2) FS. History—New 6-13-04, Amended 5-31-07, \_\_\_\_\_.

62B-33.024 Thirty-Year Erosion Projection Procedures.

(1) A 30-year erosion projection (30-YEP) is the projection of long-term shoreline recession occurring over a period of 30 years based on shoreline change information obtained from historical measurements. A 30-YEP 30-year erosion projection of the location of the seasonal high water line (SHWL) shall be made by the Department on a site specific basis upon receipt of an application with the required topographic survey, pursuant to Rules 62B-33.008 and 62B-33.0081, F.A.C., for any activity affected by the requirements of Section 161.053(5), F.S., except applications for those structures located landward of a General Permit Line established under Chapter 62B-34, F.A.C. An applicant may submit a proposed 30-YEP 30-year erosion projection for a property, certified by a professional engineer licensed in the state of Florida, to the Department for consideration.

(2) A 30-YEP 30-year erosion projection shall be determined using one or more of the following procedures:

(a) The Department shall determine the 30-YEP for beaches where there is no beach nourishment or restoration project, and no coastal armoring, and for beaches that are not adjacent to an inlet, as follows: An average annual shoreline change rate (SCR) in the location of the mean high water line (MHWL) at a Department reference survey monument shall be determined as set forth in subparagraphs 62B-33.024(2)(a)1. through 3., F.A.C., and multiplied by 30 years (Calculated Erosion Distance). The location of the 30-YEP is determined by projecting the location of the existing SHWL, as depicted on the application survey, landward by the Calculated Erosion Distance (SCR x 30 years). (see Figures 1 and 3):~~The resulting distance shall be added landward of the SHWL located on the application survey. The rate shall be determined as follows:~~

1. The SCR shoreline change rate shall be derived from historical shoreline data obtained from coastal topographic surveys and maps, controlled aerial photography, and similar sources approved by the Department. Data from periods of time that clearly do not represent current prevailing coastal processes acting on or likely to act on the site shall not be used.

2. The SCR shoreline change rate shall include the zone spanned by three adjacent Department reference monuments on each side of the site. A lesser or greater number of reference monuments can be used as necessary to obtain a rate representative of the site, and a rationale for such use shall be provided.

3. In areas that the Department determines to be either stable or accreting, a minus one-foot per year ~~SCR shoreline change rate~~ shall be applied as a conservative estimate.

(b) If coastal armoring is present at the site, the Department shall determine whether or not the ~~30-YEP 30-year erosion projection~~ shall stop at the armoring. The applicant shall provide scientific and engineering evidence, including a report with data and supporting analysis certified by a professional engineer licensed in the state of Florida, which verifies that the armoring has been designed, constructed, and maintained to survive the effects of a 30-year storm and has the ability to stop erosion of the MHWL for 30 years. The Department shall waive the requirement for the applicant to provide scientific and engineering evidence if the Department determines the information is not necessary in order to make the erosion projection determination.

(c) Some shoreline areas, such as those adjacent to or in the vicinity of inlets without jetty structures, can experience large-scale beach-width fluctuations with or without net erosional losses. Other beach areas can fluctuate greatly due to the observed longshore movement of large masses of sand, sometimes referred to as sand waves. In these areas, a ~~30-YEP 30-year erosion projection~~ shall be estimated from the available data at the SHWL landward limit of the large beach-width fluctuations within the last 100 years.

(d) Beach nourishment or restoration projects shall be considered as follows:

1. No change.

2. Existing beach nourishment or restoration projects shall be considered to be either a one-time beach construction event or a long-term series of related sand placement events along a given length of shoreline provided such projects have resulted in and will continue to result in the presence of sand seaward of the ECL. The Department shall make a determination of remaining project life for such existing beach nourishment or restoration projects based on the project performance history, the likelihood of continuing nourishments, the funding arrangements, and consistency with the Strategic Beach Management Plan adopted by the Department for managing the state's critically eroded shoreline and the related coastal system.

3. The pre-project SCR shall be calculated as set forth in subparagraphs 62B-33.024(2)(a)1. through 3., F.A.C., derived from historical shoreline data for the time period before the first restoration occurred. The Department will use the following stepwise procedure to determine the 30-YEP on a beach with a beach restoration or nourishment project. (see Figures 2 and 3):

a. The Department shall determine the distance between the MHWL and the SHWL, using either a pre-project survey or current locations of these lines, as appropriate. That distance

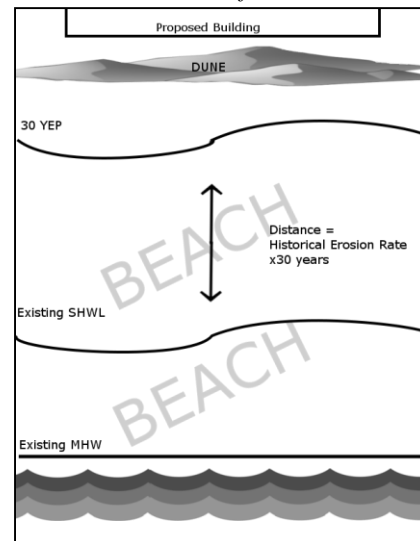
will be added landward to the location of either an established ECL or pre-project surveyed MHWL, as appropriate, to establish the pre-project SHWL (PSHWL).

b. The difference between 30 years and the expected remaining life (in years) of the existing beach nourishment project will be multiplied by the pre-project SCR to determine the projected distance of erosion. The projected distance of erosion will be added landward to the location of the PSHWL calculated under subparagraphs 62B-33.024(2)(a)1. through 3., F.A.C., and will represent the 30-YEP.

3. The MHWL to SHWL distance landward of the erosion control line (ECL) shall be determined. If the ECL is not based on a pre-project survey MHWL, then a pre-project survey MHWL shall be used instead of the ECL. The pre-project SHWL shall be located by adding the MHWL to the SHWL distance landward of the pre-project MHWL (usually the ECL). The remaining project life, which is the number of years the restored beach MHWL is expected to be seaward of the ECL, shall be subtracted from the 30 years as a credit for the nourishment project. The non-credited remaining years times the pre-project shoreline change rate for the site yields the 30-year projection distance landward of the pre-project SHWL.

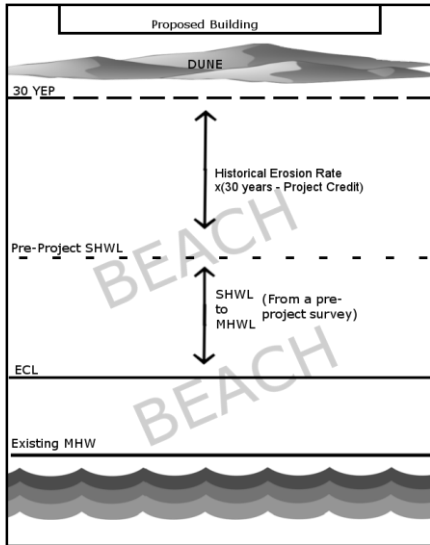
4. If the Department is unable to scientifically determine a pre-project erosion rate due to a lack of pre-project data, the Department shall set the ~~30-YEP 30-year erosion projection~~ along an existing, reasonably continuous, and uniform line of construction that has been shown to be not unduly affected by erosion.

FIGURE 1: 30-YEP Calculation for a Non-restored Beach



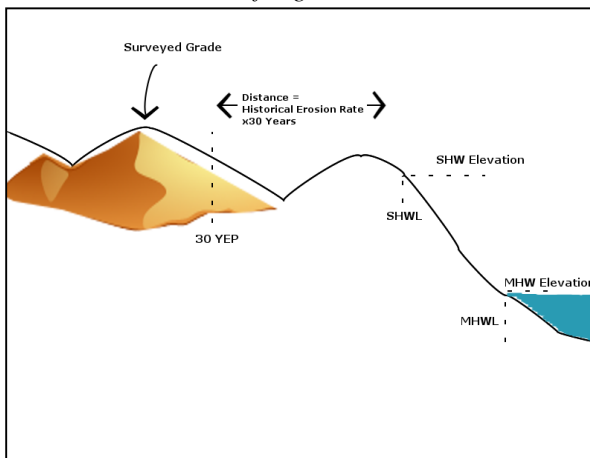
$$30\text{-YEP} = (\text{Historical Erosion Rate feet/year}) \times (30 \text{ years}) \text{ landward of the existing SHWL}$$

FIGURE 2: 30-YEP for a Restored / Nourished Beach



30-YEP = (30 Project Credit years) X (Historical Erosion Rate feet/year) landward of the Pre-Project SHWL

FIGURE 3: Cross-Section of Figures 1 and 2.



(e) The ~~30-YEP 30 year erosion projection~~ shall extend no farther landward than the ~~coastal construction control line (CCCL)~~. In the event that the plane of the seasonal high water elevation does not intercept the upland terrain on the site, the ~~30-YEP 30 year erosion projection~~ shall stop at the CCCL, unless it is determined to be stopped by armoring as described in paragraph 62B-33.024(2)(b), F.A.C.

(f) When the Department approves a permit for new, repaired, or significantly modified coastal structures or activities that affect the lateral movement of sand along the shore, the change in site conditions can significantly affect the future shoreline location. In these areas, if the Department is unable to use historic data to determine a ~~30-YEP 30 year erosion projection~~, the Department shall make a ~~30-YEP 30 year erosion projection~~ assessment based on the best available information and shall provide the rationale to all interested parties.

(g) If a specific ~~SRC shoreline change rate~~ for a ~~30-YEP 30 year erosion projection~~ has not yet been determined for a given area, but the Department can determine that a proposed structure is sufficiently landward such that it will not likely be affected by a worst case erosion projection estimate, then the proposed structure shall be considered as being landward of the ~~30-YEP 30 year erosion projection~~. Such an estimate shall be based on the topography, geomorphology, the erosion experienced at the site thus far, the sand supply situation, ongoing coastal processes and coastal management, and any other applicable coastal engineering factors.

(h) In the event the Department is unable to make a site specific ~~30-YEP 30 year erosion projection~~ following the procedures in this rule section, the Department shall make an assessment based on the best available information and shall provide the rationale to all interested parties.

(3) The Department shall continue to develop, maintain, and update a database of shoreline data for assistance in making ~~30-YEPs 30 year erosion projections~~.

Rulemaking Authority 161.053(20) FS. Law Implemented 161.053(5) FS. History—New 11-10-85, Formerly 16B-33.24, 16B-33.024, Amended 1-26-98, 6-13-04, 5-31-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alex Reed, Director, Division of Water Resource Management  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Noah Valenstein, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12<sup>th</sup>, 2018  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 19<sup>th</sup>, 2017

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 Beaches and Coastal Systems**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62B-34.010	Definitions
62B-34.030	Application Procedures
62B-34.040	Application Fees and Information Requirements
62B-34.050	General Conditions
62B-34.055	Minor Structures
62B-34.060	Non-Habitable Major Structures and Associated Minor Structures or Activities
62B-34.070	Single Family Dwelling and Associated Minor Structures or Activities
62B-34.080	Siting Criteria for Non-Habitable Major Structures, Swimming Pools and Single-Family Dwellings in Absence of a General

Permit Line, Second Line of Construction, or Major Road  
 62B-34.085 Minor Reconstruction of Existing Coastal Armoring Structures  
 62B-34.090 Dune Restoration  
**PURPOSE AND EFFECT:** The Department is amending Chapter 62B-34, F.A.C., General Permits for Activities Seaward of the Coastal Construction Control Line, authorized by Section 161.053, F.S. The proposed rule amendments will create a more efficient, effective and responsive regulatory process, and will result overall in reduced costs to permit applicants. The amendments will also clarify existing rule language and incorporate new general permits into the chapter.  
**SUMMARY:** The Department is proposing to amend the Chapter 62B-34, F.A.C. to allow General Permits for swimming pools associated with single-family homes, dune restoration, and to allow for minor reconstruction of existing coastal armoring as authorized by Chapter 2014-151, Laws of Florida. Amendments to the Chapter will also add a definition of “registered professional” and “marine turtle nesting habitat”, amend the application fee schedule, add general conditions applicable to all General Permits regarding beach walkovers and sand fencing, create a new General Permit for certain minor structures, and clarify existing siting criteria.  
**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:** The agency has determined that this rule will not have an impact on small business or likely increase directly or indirectly regulatory cost in excess of \$200,000 in the aggregate within one year after implementation of the rule. A SERC has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Information known to the agency regarding costs of preparation of submittals required by the rules, and based on the extensive expertise and experience of agency staff, it was determined that a SERC was not necessary and that the rule amendments will not require Legislative ratification. No person or interested party submitted additional information regarding economic impact of the rule amendments during the public workshop or in written comments to the agency. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
**RULEMAKING AUTHORITY:** 161.053(18), (20), 161.0535, 161.054, FS.  
**LAW IMPLEMENTED:** 161.052, 161.053(2), (4), (6), (18), (21), 161.0535, 161.121, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
**DATE AND TIME:** July 20, 2018, 11:00 a.m.  
**PLACE:** Florida Department of Environmental Protection, Bob Martinez Building, Room 609, 2600 Blair Stone Road, Tallahassee, FL 32399.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jessica Melkun by phone at (850)245-8358 OR by e-mail at jessica.melkun@dep.state.fl.us.  
 If you are hearing or speech impaired, please contact the agency by using the Florida Relay Service, 1 (800) 955-8771 (TDD) or 1 (800) 955-8770 (Voice).  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Tony McNeal, Florida Department of Environmental Protection, Coastal Construction Control Line, 2600 Blair Stone Road, MS 2500, FL 32399-3522, telephone: 850-245-7665, e-mail: tony.mcneal@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

- 62B-34.010 Definitions
- 62B-34.030 Application Procedures
- 62B-34.040 Application Fees and Information Requirements
- 62B-34.050 General Conditions
- 62B-34.055 Minor Structures
- 62B-34.060 Non-Habitable Major Structures ~~and Associated Minor Structures or Activities~~ Including Swimming Pools at Single-Family Dwellings
- 62B-34.070 ~~Single-Family Dwellings and Associated Minor Structures or Activities~~
- 62B-34.080 Siting Criteria for Non-Habitable Major Structures, Swimming Pools and Single-Family Dwellings Independent of a General Permit Line, or Second Line of Construction or Major Road
- 62B-34.085 Minor Reconstruction of Existing Coastal Armoring Structures
- 62B-34.090 Dune Restoration

PART I GENERAL PROVISIONS

- 62B-34.010 Definitions.
- (1) through (9) No change.
- (10) “Marine Turtle Nesting Habitat” is all sandy beaches adjoining the waters of the Atlantic Ocean, the Gulf of Mexico,

and the Straits of Florida in all coastal counties and all inlet shorelines of those beaches. Nesting habitat includes all sandy beach and unvegetated or sparsely vegetated dunes immediately adjacent to the sandy beach and accessible to nesting female turtles.

(10) through (12) renumbered (11) through (13) No change.

(14) “Registered Professional” means a professional registered or licensed by and in the State of Florida and practicing under Chapter 471, 472, 481, or 492, F.S.

(13) through (17) renumbered (15) through (18) No change.

Rulemaking Authority 161.053(18), (20) FS. Law Implemented 161.052, 161.053(4), (18), (21) FS. History—New 3-27-03, Amended 11-21-05, 4-7-10,\_\_\_\_\_.

#### 62B-34.030 Application Procedures.

(1) Any person wishing to use a General Permit shall provide a notice of intent to engage in activities under the General Permit by submitting to the Department the appropriate application fee required by Rule 62B-34.040, F.A.C., along with a completed application, using DEP Form #73-101 (~~Updated 7/05~~) entitled “Application for a General Permit for Construction or Other Activities Seaward of the Coastal Construction Control Line”, Month, 2018, which is hereby adopted and incorporated by reference, located here: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>. The Department must receive the completed application at least ~~thirty~~ (30) days before the applicant begins any work. Copies of the application form may be obtained by contacting the Department or by accessing the Department’s website at <https://floridadep.gov/water/coastal-construction-control-line/content/coastal-construction-control-line-cccl-forms> [www.dep.state.fl.us/beaches](http://www.dep.state.fl.us/beaches) or by telephoning (850)245-8336. The application can include one or more of the activities that qualify for a General Permit under this Chapter.

(a) through (c) No change.

(2) through (4) No change.

Rulemaking Authority 161.053(18), (20) FS. Law Implemented 161.053(18), 161.0535, 161.121 FS. History—New 3-27-03, Amended 11-21-05,\_\_\_\_\_.

#### 62B-34.040 Application Fees and Information Requirements.

(l) Each application for a permit or for a change in permit status to be considered by the Department pursuant to Section 161.053, F.S., or this Chapter shall be accompanied by a fee. Monies from fees assessed pursuant to this Chapter shall be deposited into the Florida Permit Fee Trust Fund. The fee to process an application for a General Permit under Rule 62B-34.060, F.A.C., is \$300. The fee to process an application for a General Permit under Rule 62B-34.070, F.A.C., is \$500. The

~~fee shall be in the form of a check made payable to the Department. Fees assessed pursuant to this rule are non-refundable, except fees received for an activity that is exempt or fee payments in excess of the amount required by this rule chapter.~~

(a) For applications for one activity or structure the fee schedule shall be as assessed below:

1. Minor Structures: \$100.

2. Dune Restoration: \$100.

3. Non-habitable Major Structures: \$300.

4. Swimming Pools: \$300.

5. Single-Family Dwellings: \$500.

6. Minor Reconstruction of Armoring: \$300.

(b) For applications which include one or more of the general permit activities, the fee shall be the higher of the fees listed under subparagraphs 62B-34.040(1)(a)1. through 6., F.A.C., and shall not exceed \$500.

(2) In order to demonstrate that the proposed project qualifies for the requested General Permit, the completed application required by Rule 62B-34.030, F.A.C., shall include the information below and any additional information specific to the type of General Permit requested as provided in Part II of this ~~rule~~ Chapter:

(a) through (f) No change.

(g) ~~At two copies of a~~ dimensioned site and grading plan and a cross sectional drawing drawn to a scale no smaller than 1" = 30'. The drawings shall be signed and sealed by a registered professional ~~an architect, engineer, landscape architect, or surveyor, as appropriate, licensed in the state of Florida,~~ and shall show:

1. through 9. No change.

10. Plans for coastal armoring activities, which shall be signed and sealed by an engineer licensed in the State of Florida.

(h) No change.

(i) ~~Two copies of~~ Detailed planting plans, including a plant list (with both scientific and common names), the location of proposed plant species, and the location of the existing plant species to be removed. Planting plans shall comply with the requirements set forth in subsection 62B-34.070(5), F.A.C.

(j) No change.

(k) The Department recognizes that all the informational requirements specified in paragraphs 62B-34.040(2)(f), (g), and (i), F.A.C., may not, due to the project specific circumstances, be applicable or necessary to ensure consistency with the siting or reconstruction criteria of subsections 62B-34.055(2), 62B-34.060(2), and 62B-34.070(2), 62B-34.080(2), 62B-34.085(2), and 62B-34.090(2), F.A.C. In such cases, the applicant shall, as part of the application, identify those requirements and state the reason why they are inapplicable. The Department shall waive requirements that do not apply.



Rulemaking Authority 161.053(18), (20), 161.0535 FS. Law Implemented 161.053(18), 161.0535 FS. History—New 3-27-03, Amended 11-21-05, \_\_\_\_.

62B-34.050 General Conditions.

(1) through (12) No change.

(13) No construction, operation, transportation, or storage of equipment or materials is authorized seaward of the dune crest or rigid coastal structure within marine turtle nesting habitat during marine turtle nesting season (May 1 through October 31 of each year for all counties except for Brevard, Indian River, St. Lucie, Martin, Palm Beach and Broward. Nesting season for these counties is the period from March 1 through October 31 of each year).

(14) All fill material placed seaward of the Coastal Construction Control Line shall meet the requirements of subsection 62B-33.005(7), F.A.C., and shall consist of be sand that is similar to that already existing on the site in both coloration and grain size. All such fill material shall be free of construction debris, rocks, clay, or other foreign matter, and shall be obtained from a source landward of the Coastal Construction Control Line. A “Sediment Quality Assurance/Quality Control (QA/QC) Plan” shall be developed and implemented for dune restoration projects placing more than 700 cubic yards of sand to ensure that the sand meets the criteria of subsection 62B-33.005(7), F.A.C.

(15) through (18) No change.

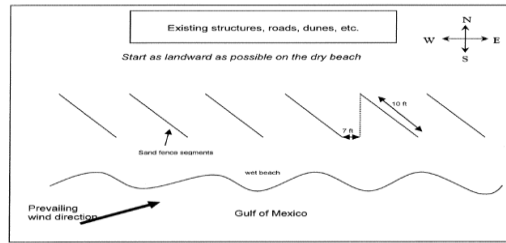
(19) Elevated walkovers that provide access to the beach shall meet the following design criteria:

(a) through (d) No change.

(e) The optimum siting of the walkover structure shall be determined by the staff representative during the pre-construction conference to provide maximum protection to the existing dune topography and vegetation located on the site and to avoid interference with public beach access and nesting sea turtles.

(20) Sand fencing used in dune restoration projects shall be located no farther seaward than the toe of the restored dune and shall consist of either wooden slats wired together with space between the slats or woven fabric fencing. The fencing must contain a 40 percent to 60 percent open space to closed space ratio. Sand fencing shall be a minimum of two feet to a maximum of four feet high. Sand fencing located seaward of the crest of the primary dune shall not be placed in a shore-parallel configuration and shall be designed and installed as follows: a maximum of 10-foot long spurs of sand fencing spaced at a minimum of seven feet on a diagonal alignment (facing the predominate wind direction) for the shore-parallel coverage of the subject property as shown in the diagram below. Fallen or derelict sand fencing shall be removed from the beach when replacing with new fencing. The duration for all permits

is two years.



(21) Final certification, by a registered professional an engineer or architect licensed in the state of Florida, shall be provided to the Department within ~~thirty~~ (30) days following completion of the work on major structures or projects requiring a Sediment QA/QC Plan. Final certification, by an engineer licensed in the State of Florida, shall be provided to the Department within 30 days of completion of the work on armoring. This certification shall state that all locations and elevations specified by the permit have been verified, all major structures, including exterior lighting, are specifically constructed in accordance with Chapter 62B-34, F.A.C., other construction and activities authorized by the permit have been performed in compliance with the plans and project description approved as a part of the permit, and all conditions of the permit, or shall describe any deviations from the approved plans, project description or permit conditions, and any work not performed. Such certification shall not relieve the permittee of the provision contained in subsection 62B-34.050(6), F.A.C. The final certification shall be submitted using DEP Form 73-115B (Updated 7/05), entitled “Final Certification”, which is hereby incorporated by reference.

Rulemaking Authority 161.053(18), (20), 161.054 FS. Law Implemented 161.052, 161.053(4), (18), (21) FS. History—New 3-27-03, Amended 11-21-05, \_\_\_\_.

PART II GENERAL PERMITS

62B-34.055 Minor Structures.

(1) Applicability. Minor structures shall qualify for a General Permit, subject to the criteria and conditions set forth in this Chapter.

(2) Siting. The seaward limit of construction for minor structures allowed under this rule shall be as follows:

(a) Dune walkover structures, beach stairs, and flexible on-grade walkways required to provide beach access shall extend no more than 10 feet seaward of the vegetation line, the toe of the frontal dune, or coastal armoring, whichever is most seaward. Unroofed decks attached to and cantilevered no more than two feet from the walkover structure shall be located landward of the frontal dune crest or bluff, or coastal armoring, whichever is most landward.

(b) Lifeguard stations shall be located as far landward as practicable and shall be allowed seaward of the vegetation line,

the toe of the frontal dune, or coastal armoring, whichever is most seaward, provided that the following conditions are met: The structure is no larger than 144 square feet in floor area with support posts no larger than eight inches by eight inches that are not encased in concrete, the structure has three feet of vertical clearance beneath the lowest level platform and at least seven feet of horizontal clearance between the supports where they meet the beach, and the area below the platform is not enclosed.

(c) Single-level decks or similar unenclosed and unroofed, elevated, wooden, or other lightweight structures shall be sited a minimum distance of 30 feet landward of the frontal dune crest or bluff or coastal armoring, whichever is most landward, and shall not exceed 144 square feet in floor area.

(d) The following minor structures shall be sited either landward of a major road or no farther than 20 feet seaward of the General Permit Line: viewing platforms, gazebos, boardwalks, sidewalks, single-family dwelling driveways, equipment pads, privacy fences and other frangible walls no more than six feet in height, aviaries, other ornamental construction, unroofed wooden or other lightweight decks attached to existing buildings, and water and irrigation wells.

(e) Except for the minor structures described in paragraphs 62B-34.055(2)(a) through (d), F.A.C., minor structures shall be sited no farther seaward than the General Permit line, major road, second line of construction, or the seaward limits allowed under Rule 62B-34.080, F.A.C.

(3) Prohibitions and Limitations. Minor structures authorized by this General Permit shall be subject to the following prohibitions and limitations:

(a) Construction activities and structures shall not:

1. Interfere with public access as defined in Section 161.021(1), F.S.

2. Direct storm water discharges onto the beach or into dunes.

3. Result in net excavation of sandy material on the site. Only minor temporary excavation, including that required for the installation of foundations, shall be allowed, provided such excavation does not result in the lowering of the average existing grade elevation in the immediate project area.

4. Result in more than two feet of vertical fill placement.

5. Result in more than 200 cubic yards of fill placement.

(b) No work constructed under this General Permit may be part of a phased development or combined with other general permits or exemptions where the combination of activities to be conducted exceed the thresholds in this chapter.

(c) Unless the structure is constructed landward of the General Permit Line, a major road, or second line of construction, no construction, alteration, operation, maintenance, removal, or abandonment of any new structure under this General Permit, by itself or in combination with any other activity conducted pursuant to this Chapter and Chapter

62B-33, F.A.C., may cumulatively result in any of the following:

1. Damage to more than 600 square feet of dune vegetation; or

2. A total of more than 1,000 square feet of impervious and semi-impervious surface areas.

(d) No walls are allowed in the shore-parallel direction.

(4) All lighting associated with minor structures shall follow the standards set forth in the Department of Environmental Protection Marine Turtle Lighting Standards under subsection 62B-34.070(4), F.A.C.

(5) All planting and vegetation removal activities associated with the construction of a minor structure pursuant to this General Permit shall follow the standards set forth in the Coastal Construction Control Line Planting Standards under subsection 62B-34.070(5), F.A.C.

(6) The General Permit for minor structures are valid for one year from date of issuance. No time extensions are available for this permit.

Rulemaking Authority 161.053(20) FS. Law Implemented 161.053(2), (4), (18) FS. History—New \_\_\_\_\_.

62B-34.060 Non-Habitable Major Structures and Associated Minor Structures or Activities. Including Swimming Pools at Single-Family Dwellings.

(1) Applicability. The following activities shall qualify be eligible for a General Permit subject to the criteria and conditions set forth in this rule:

(a) New construction of non-habitable major structures including a swimming pool associated with a single-family dwelling. Swimming pools are not eligible for a General Permit pursuant to Section 161.053(18), F.S.

(b) through (c) No change.

(d) Minor structures and activities associated with a proposed non-habitable major structure.

(2) Seaward Limit of Construction. Activities in paragraphs 62B-34.060(1)(a) through (c), F.A.C., shall be sited landward of the 30-year erosion projection as determined in accordance with the methodology established in Rule 62B-33.024, F.A.C., and landward of any of the following:

(a) The General Permit Line shall establish the seaward limit of construction if the line is defined in Part III of this rule chapter, or;

(b) If the General Permit Line is not defined in Part III of this rule chapter, the proposed construction activities shall be sited situated landward of a major road or the second line of construction, or;

(c) If the General Permit Line is not defined in Part III of this rule chapter and the proposed construction activities are not shall be sited situated landward of a major road or the second line of construction, the seaward limits of construction

activities allowed under paragraphs ~~62B-34.060(1)(a) through (d), F.A.C., shall be determined by the 62B-34.080(2)(a) through (d), F.A.C. following criteria:~~

~~1. Construction shall remain a minimum of 25 feet landward of the primary dune feature.~~

~~2. Construction shall remain a minimum of 50 feet landward of the top of the bluff, with a bluff height greater than 15 feet.~~

~~3. Construction shall remain a minimum of 100 feet landward of the vegetation line, where the profile does not have certified armoring, a primary dune, or a bluff greater than 15 feet high.~~

~~4. Construction shall remain a minimum of 250 feet landward of the Erosion Control Line or a minimum of 250 feet landward of the Mean High Water Line, whichever is greater, where conditions contained in this rule, subparagraphs 62B-34.060(2)(a)1., 2., and 3., F.A.C., do not exist.~~

~~(d) No construction shall extend seaward of the General Permit Line or the first line of construction, except for elevated walkovers that provide access to the beach and that meet the design criteria contained in subsection 62B-34.050(19), F.A.C. If no General Permit Line has been established and no line of construction exists or can be determined, the proposed activity does not qualify for a General Permit.~~

~~(e) No construction shall extend seaward of the thirty year erosion projection, except for elevated walkovers. The thirty-year erosion projection shall be made in accordance with the procedures stipulated in Rule 62B-33.024, F.A.C.~~

~~(f) No construction shall extend seaward of a point 25 feet landward of the existing armoring, except for elevated walkovers.~~

~~(3) Prohibitions and Limitations. Activities in paragraphs 62B-34.060(1)(a) through (c)(d), F.A.C., shall be subject to the following prohibitions and limitations:~~

~~(a) New, rebuilt, or additions to existing garages and swimming pools associated with multifamily dwellings are not eligible for this General Permit.~~

~~(a) renumber (b) No change.~~

~~(b) New construction of decks and additions to decks shall be limited to a total area of 1,500 square feet in size, except for elevated walkovers providing access to the beach. New or expanded decks shall be sited at or landward of the seaward limit of construction established by subsection 62B-34.060(2), F.A.C.~~

~~(c) The total volume of fill material shall not exceed 700 cubic yards. Except where situated landward of a major road or landward of the second line of construction, new non-habitable major structures, and the combined dimensions of any existing single-family dwellings, additions, decks, and other non-habitable major structures shall be limited to the following:~~

~~1. A total footprint of 6,300 square feet, and~~

~~2. A total shore parallel coverage of 65 percent of the shore parallel dimension of the parcel measured at the maximum shore parallel coverage of the construction authorized under this rule chapter.~~

~~(d) Swimming pools shall be elevated either fully above the existing grade or the bottom of the pool shall be no more than two feet below existing grade to minimize excavation.~~

~~1. There shall be no net excavation of sandy soils in the immediate vicinity of the pool. All excavated sandy soils shall remain seaward of the control line underneath the pool deck and within the immediate area of the pool.~~

~~2. Fill below pool decks shall be placed on a stable angle of repose to avoid the need for retaining walls.~~

~~(e) All structures authorized under this General Permit that are sited in accordance with paragraph 62B-34.060(2)(c), F.A.C., shall comply with the size limitations set forth in subsection 62B-34.080(3), F.A.C.~~

~~(d) through (e) renumber (f) through (g) No change.~~

~~(4) The General Permit shall be valid for two years from date of issuance. No time extension is available for this permit. Rulemaking Authority 161.053(18), (20) FS. Law Implemented 161.052, 161.053(4), (18), (21) FS. History—New 3-27-03, Amended 11-21-05, 4-7-10\_\_\_\_\_.~~

~~62B-34.070 Single-Family Dwellings and Associated Minor Structures or Activities.~~

~~(1) Applicability. The following activities qualify shall be eligible for a General Permit, subject to the criteria and conditions set forth in Chapter 62B-34, F.A.C.:~~

~~(a) No change.~~

~~(b) Minor structures and activities associated with a proposed single-family dwelling.~~

~~(c) renumber (b) No change.~~

~~(c)(d) Additions to an existing single-family dwelling in the landward or shore-parallel direction, provided the additions do not cause the footprint area and shore-parallel coverage of the combined existing structure and additions to exceed those dimensional limitations set forth in subsection paragraph 62B-34.080(3)070(3)(e), F.A.C.~~

~~(d)(e) Additions to an existing single-family dwelling in the seaward direction, provided:~~

~~1. No change.~~

~~2. The additions do not cause the footprint area and shore-parallel coverage of the combined existing structure and additions to exceed those dimensional limitations set forth in this rule subsections 62B-34.070(3) and 62B-34.080(3), F.A.C.~~

~~(2) Seaward Limit of Construction. Activities in paragraphs 62B-34.070(1)(a) through (d), F.A.C., shall be sited landward of the 30-year erosion projection as determined in accordance with the methodology established in the Rule 62B-33.024, F.A.C., and landward of any of the following:~~

(a) The General Permit Line shall establish the seaward limit of construction if the line is defined in Part III of this rule chapter, or:

(b) If the General Permit Line is not defined in Part III of this rule chapter, the proposed construction activities shall be sited situated landward of a major road or the second line of construction, or:

(c) If the General Permit Line is not defined in Part III of this rule chapter and the proposed construction activities are not shall be sited situated landward of a major road or the second line of construction, the seaward limits of construction activities allowed under paragraphs 62B-34.070(1)(a) through (e), F.A.C., shall be determined by the following criteria: paragraphs 62B-34.080(2)(a) through (d), F.A.C.

1. Construction shall remain a minimum of 25 feet landward of the primary dune feature.

2. Construction shall remain a minimum of 50 feet landward of the top of the bluff, with a bluff height greater than 15 feet.

3. Construction shall remain a minimum of 100 feet landward of the vegetation line, where the profile does not have certified armoring, a primary dune, or a bluff greater than 15 feet high.

4. Construction shall remain a minimum of 250 feet landward of the Erosion Control Line or a minimum of 250 feet landward of the Mean High Water Line, whichever is greater, where conditions contained in subparagraphs 62B-34.070(2)(c)1., 2., and 3., F.A.C., do not exist.

(d) No construction shall extend seaward of the General Permit Line or the first line of construction, except for elevated walkovers that provide access to the beach and that meet the design criteria contained in subsection 62B-34.050(19), F.A.C. If no General Permit Line has been established and no line of construction exists or can be determined, the proposed activity does not qualify for a General Permit.

(e) No construction shall extend seaward of the 30 year erosion projection, except for elevated walkovers providing access to the beach. The 30 year erosion projection shall be made in accordance with the procedures stipulated in Rule 62B-33.024, F.A.C.

(f) No construction shall extend seaward of a point 25 feet landward of the existing armoring, except for elevated walkovers.

(3) Prohibitions and Limitations. Activities in paragraphs 62B-34.070(1)(a) through (d)(e), F.A.C., shall be subject to the following prohibitions and limitations:

(a) Excavation shall be limited to the installation of or repairs to subgrade residential service utilities (e.g., water and sewer lines, septic tanks and drainfields, gas and electrical lines, and electrical cable television and telephone cables). Minor temporary excavation shall be allowed that does not result in

the lowering of existing general ground elevations. This does not preclude temporary excavation for the installation of foundations.

(b) The total volume of fill material shall not exceed 700 cubic yards. New construction of decks associated with new or existing single family dwellings shall be limited by this General Permit to a total area of 1,500 square feet, except for elevated walkovers providing access to the beach. New or expanded elevated decks authorized by this General Permit shall be sited landward of the seaward limit of construction established by subsection 62B-34.070(2), F.A.C.

(c) All structures authorized under this General Permit that are sited in accordance with paragraph 62B-34.070(2)(c), F.A.C., shall comply with the size limitations set forth in subsection 62B-34.080(3), F.A.C. Except where situated landward of a major road or landward of the second line of construction, the total dimensions and coverage of single-family dwellings, additions, and other non-habitable major structures shall be limited to the following:

1. New single family dwellings and the combined dimensions of other major structures shall be limited to:

a. A total footprint area of 6,300 square feet, and

b. A total shore parallel coverage of 65 percent of the shore parallel dimension of the parcel, measured at the maximum shore parallel coverage of the construction authorized under this General Permit.

2. Rebuilt single family dwellings and the combined dimensions of other major structures shall be limited to:

a. A total footprint area less than or equal to the existing footprint, or a total footprint area of 6,300 square feet, and

b. A total shore parallel coverage equal to or less than the existing, or up to a total shore parallel coverage of 65 percent of the shore parallel dimension of the parcel, measured at the seaward limit of the construction authorized under this General Permit.

3. Additions to existing single family dwellings shall not exceed the shore parallel dimensions of the existing single-family dwelling above 65 percent. The combined footprint of the additions, the existing single family dwelling, and other non-habitable major structures shall not exceed 6,300 square feet.

(4) Turtle Protection Requirements. All work authorized by this General Permit shall meet the following turtle protection requirements:

(a) All non-opaque walls, balcony railings, deck railings, windows and glass doors on the seaward and shore-perpendicular sides of any new dwellings or additions shall be tinted to a transmittance value (light transmission from inside to outside) of 45% percent or less through the use of tinted glass or window film or screens.

(b) The following types of lighting are authorized under this General Permit. Any departure or deviation from these lighting requirements shall constitute a violation of this General Permit. All exterior lights shall be recessed or otherwise designed and located so as not to be directly or indirectly visible from the beach. All exterior lights shall be lamped with a long wavelength light source lamps greater than 560580 nanometers and absent short wavelengths below 560 nanometers such as red or amber LED ~~and Turtle Safe Lighting coated, compact fluorescent lamps~~ with a maximum output of 480 lumens each.

1. through 3. No change.

(c) No change.

(d) All pool lighting shall utilize amber or red LED lamps.

(d) through (e) renumber (e) through (f) No change.

(5) No change.

(6) The General Permit for single-family dwellings shall be valid for two years from date of issuance. No time extension is available for this permit.

Rulemaking Authority 161.053(18), (20) FS. Law Implemented 161.052, 161.053(4), (18), (21) FS. History—New 3-27-03, Amended 11-21-05, 4-7-10, \_\_\_\_\_.

62B-34.080 Siting Criteria for Non-Habitable Major Structures, Swimming Pools and Single-Family Dwellings Independent of a General Permit Line, or Second Line of Construction or Major Road.

(1) Applicability. The activities described in subsections 62B-34.060(1) and 62B-34.070(1), F.A.C., qualify for a General Permit, subject to the criteria and conditions set forth in this Chapter. In addition to the criteria below, proposed structures and activities shall meet all other applicable provisions of Chapter 62B-34, F.A.C.

(2) The seaward limit of construction activities allowed under this section shall be determined by satisfying all of the following criteria:

(a) The proposed structures shall remain landward of the first line of construction.

(b) The proposed structures shall remain landward of the 30-year erosion projection as determined in accordance with the methodology established in the Rule 62B-33.024, F.A.C.

(c) If there is no armoring on the parcel where the structure is proposed, the seaward limits of construction shall be:

1. A minimum of 25 feet landward of the primary dune feature.

2. A minimum of 50 feet landward of the top of the bluff, with a bluff height greater than 15 feet.

3. A minimum of 100 feet landward of the vegetation line, where the profile does not have certified armoring, a primary dune, or a bluff greater than 15 feet high.

4. A minimum of 250 feet landward of the Erosion Control Line or a minimum of 250 feet landward of the Mean High

Water Line, whichever is more landward, where conditions contained in subparagraphs 62B-34.080(2)(c)1. through 3., F.A.C., do not exist.

(d) If there is armoring on the parcel where the structure is proposed:

1. The proposed structures shall be sited landward of any existing tie-back or anchoring system of the armoring, or a sufficient distance landward of the armoring to allow for future maintenance or repair of the armoring structure, whichever is more landward, if the armoring is certified by an engineer licensed in the State of Florida or where the Department determines to provide protective value from a 15-year or greater return interval storm event; or

2. The proposed structures shall be sited to meet the criteria specified under subparagraphs 62B-34.080(2)(c)1. through 4., F.A.C., if the armoring does not provide protective value from a 15-year or greater return interval storm event.

(3) The total dimensions and coverage of structures sited using the siting criteria of this section shall be limited to the following:

(a) New structures and the combined dimensions of other major structures and decks shall be limited to:

1. A total footprint area of 6,300 square feet, and

2. A total shore-parallel coverage of 65 percent of the shore-parallel dimension of the parcel, measured at the maximum shore-parallel coverage of the construction authorized under this General Permit.

(b) Rebuilt structures and the combined dimensions of other major structures and decks shall be limited to:

1. A total footprint area less than or equal to the existing footprint area, or a total footprint area of 6,300 square feet, and

2. A total shore-parallel coverage equal to or less than the existing coverage, or up to a total shore-parallel coverage of 65 percent of the shore-parallel dimension of the parcel, measured at the seaward limit of the construction authorized under this General Permit.

(c) Additions to existing structures shall not exceed the limitations set forth in paragraph 62B-34.080(3)(a), F.A.C.

(d) New construction of decks associated with new or existing single-family dwellings shall be limited by this General Permit to a total area of 1,500 square feet.

(4) Other prohibitions and limitations using siting criteria for activities listed under subsection 62B-34.060(1), F.A.C., are set forth in paragraphs 62B-34.060(3)(a) through (g), F.A.C.

(5) Other prohibitions and limitations using the siting criteria for activities listed under subsection 62B-34.070(1), F.A.C., are set forth in subsections 62B-34.070(3), (4), and (5), F.A.C.

Rulemaking Authority 161.053(20) FS. Law Implemented 161.053(2), (4), (18) FS. History—New \_\_\_\_\_.

62B-34.085 Minor Reconstruction of Existing Coastal Armoring Structures.

(1) Applicability. Minor reconstruction of existing coastal armoring structures qualifies for a General Permit subject to the criteria and conditions set forth in this Chapter.

(2) Minor reconstruction shall be limited to the repair of an existing functional, and intact armoring structure which is necessary to maintain the structural and functional integrity of the structure as originally constructed and includes the following:

(a) The repair or replacement of caps.

(b) The repair or replacement of anchoring systems landward of the armoring.

(c) The repair or replacement of return walls.

(d) The repair or replacement of individual sheet piles, walers, posts, and planks.

(e) The replacement of individual armor or chink stones over sloping rock revetments.

(f) The placement of sand landward of existing armoring meeting the requirements of Chapter 62B-33, F.A.C.

(3) Prohibitions and Limitations. Activities in paragraphs 62B-34.085(2)(a) through (e), F.A.C., shall be subject to the following prohibitions and limitations:

(a) The minor reconstruction shall not result in a seaward advancement or increase the level of protection of the existing armoring as originally constructed.

(b) Cap repairs and replacement shall not result in an increase of the elevation of the top of the structure as originally constructed.

(c) The minor reconstruction shall not result in net excavation of sandy material on the site.

(d) The unit weight of armor stone placed on rock revetments shall be no less than 135 pounds per cubic foot.

(e) The minor reconstruction of a rock revetment shall not result in an increase of the footprint of the revetment as originally constructed. Scattered or dislodged rocks shall be removed or restacked within the footprint of the existing structure. The seaward slope shall be no steeper than 1V:2H, and the crest elevation shall not be increased over the original construction.

(4) The General Permit for minor reconstruction of existing armoring shall be valid for one year from date of issuance. No time extensions are available for this permit.

Rulemaking Authority 161.053(20) FS. Law Implemented 161.053(2), (4), (18) FS. History—New \_\_\_\_\_.

62B-34.090 Dune Restoration.

(1) Applicability. The following dune restoration activities qualify for a General Permit subject to the criteria and conditions set forth in this rule:

(a) Placement of sand on an eroded or damaged dune or dune bluff.

(b) Planting native vegetation on the dune, and

(c) Installation of sand fencing.

(2) Siting. The seaward limit of dune restoration activities shall be as follows:

(a) Dune restoration shall be aligned with the seaward limits of the dune system present within the immediate project vicinity.

(b) If there is no dune system, then the dune restoration shall be landward of the vegetation line in the project vicinity.

(c) If conditions (a) and (b), above, do not exist or cannot be met, an individual permit is required under Chapter 62B-33, F.A.C.

(3) Prohibitions and Limitations. Activities in paragraphs 62B-34.090(1)(a) through (c), F.A.C., shall be subject to the following prohibitions and limitations:

(a) Dune restoration shall be limited to the one-time placement of sand and shall not be part of a larger restoration plan seaward of the Coastal Construction Control Line that requires authorization under Chapter 62B-33, F.A.C.

(b) Proposed sand shall be similar to the existing or native sand on the beach and dune system and shall meet the criteria specified in Chapter 62B-33, F.A.C.

(c) Proposed sand shall be obtained from a source landward of the Coastal Construction Control Line.

(d) No excavation is authorized seaward of the Coastal Construction Control Line.

(e) The fill quantity shall not exceed seven cubic yards per linear foot.

(f) Dune height shall not exceed the approximate crest elevation of the existing or pre-damaged dune system in the immediate area.

(g) The seaward slope of a restored frontal dune shall not be steeper than three horizontal feet to one vertical foot.

(h) This General Permit does not authorize the creation of new beach access points. The construction site must be accessed through an established beach access point or through an approved upland property, taking special care to avoid damaging vegetated areas seaward of the Coastal Construction Control Line. Construction shall not obstruct or interfere with any existing public beach access.

(i) Planting under this General Permit shall consist of a minimum of three species of salt tolerant beach dune vegetation native to the plant communities of the area. Plantings must comply with the requirements in subsection 62B-34.070(5), F.A.C.

(j) Sand fencing that exceeds 500 feet in length in the shore-parallel direction is not allowed under this General Permit.

(k) Sand fencing on sandy beaches in Brevard County through Monroe County (Southeast Coast) and Manatee County through Collier County (Southwest Coast) is not allowed under this General Permit.

(l) Dune restoration activities as set forth in Chapter 62B-56, F.A.C., are not allowed under this General Permit.

(4) The General Permit for dune restoration shall be valid for one year from date of issuance. No time extension is available for this permit.

Rulemaking Authority 161.053(20) FS. Law Implemented 161.053(2), (4), (6), (18) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Alex Reed, Director, Division of Water Resource Management  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Noah Valenstein, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2018  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 19, 2017

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.603  
RULE TITLE: Food Assistance Program Income and Expenses

PURPOSE AND EFFECT: The Department intends to amend rule 65A-1.603, F.A.C., to update the standard utility allowances.

SUMMARY: The standard utility allowance, basic utility allowance, and telephone standard will all be increased.

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 Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

Any person who wishes to provide information regarding a

statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 414.45, F.S.

LAW IMPLEMENTED: 414.31, 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: Jodi Abramowitz. Jodi can be reached at 850-717-4470 or Jodi.abramowitz@myflfamilies.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.603 Food Assistance Program Income and Expenses.

(1) No change.

(2) Standard Utility Allowance. A standard utility allowance (SUA) of ~~\$359~~ ~~\$347~~ must be used by AGs who incur, or within the eligibility period expect to incur, heating or cooling expenses separate and apart from their rent or mortgage and by AGs who receive direct or indirect assistance authorized under the Low-Income Home Energy Assistance Act of 1981. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(3) Basic Utility Allowance. A basic utility allowance (BUA) of ~~\$290~~ ~~\$280~~ must be used by AGs who do not incur heating or cooling expenses, but do incur utility expenses such as electricity, fuel, water, sewerage, or garbage pickup, separate and apart from their rent or mortgage. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(4) Telephone Standard. A telephone standard of ~~\$52~~ ~~\$45~~ must be used by AGs who incur only a telephone expense. Actual telephone expenses are not allowed. Any additional utility expenses, including the SUA or BUA, are not used.

(5) through (6) No change.

Rulemaking Authority 414.45 FS. Law Implemented 414.31 FS. History—New 1-31-94, Formerly 10C-1.603, Amended 1-12-99, 5-25-03, 8-22-05, 2-17-09, 12-13-09, 11-1-10, 12-25-11, 10-16-12, 8-11-13, 11-30-14, 1-31-16, 6-6-17, 4-4-18,\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeri Cully

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 21, 2018

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

RULE NOS.:      RULE TITLES:

5N-1.120      Filing of Application; Temporary Authority for Out-of-State Licensees During Declared Emergencies

5N-1.142      Agency Reporting Requirements

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 44 No. 63, March 30, 2018 issue of the Florida Administrative Register.

As should have been stated in the Notice of Proposed Rule, the Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: The Department’s economic analysis of the adverse impact or potential regulatory costs of the proposed rule did not exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The proposed rule implements a legislative change for reporting employment status of licensees, clarifies reporting criteria for removal of agency partners, officers, and firearm discharges, and does not impose any additional fees on the industry. Additionally, no interested party submitted additional information regarding the economic impact.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

RULE NOS.:      RULE TITLES:

5N-1.120      Filing of Application; Temporary Authority for Out-of-State Licensees During Declared Emergencies

5N-1.142      Agency Reporting Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 63, March 30, 2018 issue of the Florida Administrative Register.

The changes, in response to written comments submitted by the staff of the Joint Administrative Procedures Committee, are as follows:

5N-1.120 Filing of Application; Temporary Authority for Out-of-State Licensees During Declared Emergencies.

- (1) through (3) No change.

*Rulemaking Authority 493.6103, 493.6109 FS. Law Implemented 493.6105, 493.6109, 493.6111, 493.6113, 493.6118(1)(m) FS. History—New 2-4-91, Amended 2-1-93, 7-31-96, Formerly 1C-3.120, Amended 12-16-13, \_\_\_\_\_.*

5N-1.142 Agency Reporting Requirements

(1) Hire and Termination of Employee(s).

(a) No change.

(b) Notification shall be made electronically through submission of an Employee Action Report using the Division’s Licensing Information and Alert System portal located at the following website address:

<https://licensing.freshfromflorida.com/EAR/earlogin.aspx>. ~~A sample of the electronic report is hereby incorporated by reference and can be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref->~~

(c) through (e) No change.

(2) Change in Partner, Corporate Officer, or LLC Member.

In the event a licensed agency changes a partner, corporate officer, or LLC member, an agency shall, within 5 working days, submit:

(a) FDACS-16055 Change in Partner, Corporate Officer, or LLC Member, (05/18) ~~(XX/2018)~~, which is hereby incorporated by reference and can be obtained at <http://www.flrules.org/Gateway/reference.asp?No=Ref->, or from the Division of Licensing at the addresses listed in Rule 5N-1.100, F.A.C. of this chapter.

(b) No change.

(3) No change.

*Rulemaking Authority 493.6103 FS, Law Implemented 493.6015, 493.6112, 493.6115(9), 493.6118, FS. History—New \_\_\_\_\_.*

**DEPARTMENT OF EDUCATION**

**Florida’s Office of Early Learning**

RULE NO.:      RULE TITLE:

6M-4.300      School Readiness Application and Waiting List Procedures

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 44 No. 95, May 15, 2018 issue of the Florida Administrative Register.

6M-4.300 School Readiness Application and Waiting List Procedures

No changes will be made to the published proposed rule language or Form OEL-SR 01PQ.

The following changes have been made to *Form OEL-SR 01 School Readiness Application*:

pgs. 2 and 4 under “employment information” for parent #1 and #2, the question regarding child support/alimony shall now



read: Do you pay child support or alimony?  
 p. 8, the bottom box, under “unearned income source” the check boxes for pension or retirement benefits were combined into one  
 p. 9, under section X., the first box questioning working and enrolled in school is deleted and the second box is amended to combine documentation requirements from applicants who are working or attending school or a combination of both.

**Section IV  
 Emergency Rules**

NONE

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

**WATER MANAGEMENT DISTRICTS**  
 Southwest Florida Water Management District  
 RULE NO.: RULE TITLE:  
 40D-22.201 Year-Round Water Conservation Measures  
 The Southwest Florida Water Management District hereby gives notice: that on June 19, 2018, it has issued an order granting a variance.  
 Petitioner's Name: Strathmore Riverside Villas Association, Inc. – File Tracking No. 18-4279  
 Date Petition Filed: April 25, 2018  
 Rule No.: 40D-22.201, F.A.C.  
 Nature of the rule for which variance or waiver was sought: lawn and landscape irrigation  
 Date Petition Published in the Florida Administrative Register: May 01, 2018  
 General Basis for Agency Decision: Petitioner demonstrated substantial hardship and proposed an alternative means of achieving the purpose of the statute implemented by the rule.  
 A copy of the Order or additional information may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, 1(813)985-7481, ext. 2298, water.variances@watermatters.org. (J2018004-2)

**WATER MANAGEMENT DISTRICTS**  
 South Florida Water Management District  
 RULE NO.: RULE TITLE:  
 40E-6.011 Policy and Purpose  
 NOTICE IS HEREBY GIVEN that on June 19, 2018, the South Florida Water Management District (District), received a petition for waiver from Encantada at Boca Pointe Homeowners’ Association (Application No. 17-0731-2) for utilization of Works or Lands of the District known as the

Hillsboro Canal for shrubs and trees located in the north right of way immediately south of 7276 and 7282 Sidonia Court, Boca Raton; Section 33, Township 47 South, Range 42 East, Palm Beach County. The petition seeks relief from subsection 40E-6.011(4) and paragraph 40E-6.221(3)(j), Fla. Admin. Code, which govern the placement of permanent and semi-permanent above-ground structures within 40 feet of top of canal bank) within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or e-mail at jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attention: Juli Russell, Office of Counsel.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

Division of Hotels and Restaurants  
 RULE NO.: RULE TITLE:  
 61C-4.010 Sanitation and Safety Requirements  
 NOTICE IS HEREBY GIVEN that on June 21, 2018, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code and subsection 61C-4.010(6), Florida Administrative Code, from Jupiter Farms Pizza & Subs located in Jupiter. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within a nearby establishment under a different ownership for use by customers only.  
 The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.  
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com  
 Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

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

62-606.400 Registration and Verification Requirements and Fees  
 The Department of Environmental Protection hereby gives notice:  
 On June 19, 2018, the Department of Environmental Protection issued a final order (OGC #18-0230) granting Victory Casino Cruises, LLC’s Petition for a Variance. The Petition was

received on April 26, 2018. Notice of receipt of this Petition was published in the Florida Administrative Register on May 10, 2018 and re-noticed on May 16, 2018. No public comment was received. The petition requested a variance from Rule 62-606.400, Florida Administrative Code (F.A.C.), for a period of five years. This rule exempts gambling vessels from the requirement to register if the gambling vessel's marine waste treatment system produces sterile, clear, and odorless reuse water without generating solid waste and eliminates the need to pump out or dump waste. The rule specifies that standard is met if the vessel meets all primary and secondary drinking water standards in Chapter 62-550, F.A.C. The Petitioner is granted a variance from having to meet the primary and secondary drinking water standards in Chapter 62-550, F.A.C., in order to obtain the statutory exemption.

A copy of the Order or additional information may be obtained by contacting: Diana Turner, Department of Environmental Protection, Division of Water Resource Management, telephone: (850)245-8609, email: Diana.M.Turner@dep.state.fl.us, 2600 Blair Stone Road, M.S. 3500, Tallahassee, Florida 32399; during normal business hours, 8:00am to 5:00pm., Monday through Friday, except legal holidays.

**DEPARTMENT OF HEALTH**

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:

64B4-3.0085 Intern Registration

NOTICE IS HEREBY GIVEN that on June 20, 2018, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for waiver or variance filed by Andrew Schoolnik seeking a variance or waiver of Rule 64B4-3.0085, F.A.C., which provides the requirements for intern registration.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jennifer Wenhold, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. Comments on this petition should be filed with the Board within 14 days of publication of this notice.

**DEPARTMENT OF FINANCIAL SERVICES**

Division of State Fire Marshal

RULE NO.: RULE TITLE:

69A-41.016 Furnishings and Decorations

NOTICE IS HEREBY GIVEN that on May 01, 2018, the Department of Financial Services, Division of State Fire Marshal, received a petition for Variance or Waiver from the St. Augustine Youth Services, Inc. The Petition requests a waiver relating to subsection 69A-41.016(2), Florida

Administrative Code, which codifies the requirements for the type of mattresses used at residential child care facilities. On June 7, 2018, the Department of Financial Services, Division of State Fire Marshal, received an Amended Petition for Variance or Waiver with clarification of Petitioner's request for a variance, and to withdraw the original Petition. Therefore, the Department will only consider the Amended Petition filed on June 7, 2018.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Casia Sinco, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399; telephone: (850)413-3260; or e-mail: Casia.Sinco@myfloridacfo.com.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF EDUCATION**

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

DATE AND TIME: November 8, 2018, 4:00 p.m. – 6:30 p.m., ET or until complete

PLACE: Conference Call Number: 1(888)670-3525 and Code: 75133637441

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

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF EDUCATION**

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

DATE AND TIME: December 13, 2018, 4:00 p.m. – 6:30 p.m., ET or until complete

PLACE: Conference Call Number: 1(888)670-3525 and Code: 75133637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council - General Business

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Roy Cosgrove at (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org).

**DEPARTMENT OF EDUCATION**

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

**DATES AND TIMES:** January 16, 2019, 9:00 a.m. – 5:30 p.m., ET or until complete; January 17, 2019, 9:00 a.m. – 1:00 p.m., ET or until complete

**PLACE:** Florida Rehabilitation Council Quarterly Meeting, Betty Easley Conference Center, Capital Circle Office Center (CCOC) 4075 Esplanade Way Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Rehabilitation Council - General Business.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**DEPARTMENT OF EDUCATION**

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

**DATE AND TIME:** January 10, 2019, 4:00 p.m. – 6:30 p.m., ET or until complete

**PLACE:** Conference Call Number: 1(888)670-3525 and Code: 7513637441

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Rehabilitation Council - General Business.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or at [roy.cosgrove@vr.fldoe.org](mailto:roy.cosgrove@vr.fldoe.org). If you are hearing or speech

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

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

**DEPARTMENT OF LAW ENFORCEMENT**

The Criminal and Juvenile Justice Information Systems (CJJIS) Council announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Wednesday, June 27, 2018, 2:30 p.m.

**PLACE:** Conference Call

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Criminal Justice Data Transparency Workgroup will hold an organizational meeting.

A copy of the agenda may be obtained by contacting: [racheltruxell@fdle.state.fl.us](mailto:racheltruxell@fdle.state.fl.us)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: [racheltruxell@fdle.state.fl.us](mailto:racheltruxell@fdle.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: [racheltruxell@fdle.state.fl.us](mailto:racheltruxell@fdle.state.fl.us)

**DEPARTMENT OF TRANSPORTATION**

The Florida Transportation Commission announces a telephone conference call to which all persons are invited.

**DATES AND TIMES:** July 5, 2018, 10:00 a.m.; July 19, 2018, 10:00 a.m.; August 2, 2018, 10:00 a.m.; August 16, 2018, 10:00 a.m.; August 30, 2018, 10:00 a.m.; September 13, 2018, 10:00 a.m.; and September 27, 2018, 10:00 a.m.;

**PLACE:** 605 Suwannee Street, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** FTC General Issues

A copy of the agenda may be obtained by contacting: Florida Transportation Commission, 605 Suwannee Street, Tallahassee, Florida 32399, (850)414-4105.

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: Florida Transportation Commission, 605 Suwannee Street, Tallahassee, Florida 32399, (850)414-4105. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the

proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, Tallahassee, Florida 32399, (850)414-4105.

**REGIONAL UTILITY AUTHORITIES**

Tampa Bay Water - A Regional Water Supply Authority  
The Tampa Bay Water, A Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: July 10, 2018, 1:30 p.m. – 2:30 p.m., or until completed

PLACE: Tampa Bay Water's Administrative Offices, located at 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for the Request for Proposals to Develop and Implement A SCADA Master Plan Project, Contract No. 2018-010. As a part of the selection process, the Selection Committee will meet to review and discuss the responses, reference checks and short-list/ranking of the firms, determine if interviews are needed and review potential interview questions.

A copy of the agenda may be obtained by contacting: Records Department at (727)796-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department at (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Records Department at (727)796-2355.

**REGIONAL UTILITY AUTHORITIES**

Tampa Bay Water - A Regional Water Supply Authority  
The Tampa Bay Water, a Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: July 12, 2018, 9:00 a.m. – 12:00 Noon or until completion

PLACE: Tampa Bay Water's Administrative Office located at 2575 Enterprise Road, Clearwater, FL 33763.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for Florida Water Loss Pilot Technical Assistance Program, Contract No. 2018-017. As a part of the selection process, the Selection Committee will hear presentations and conduct interviews with short-listed firms in order to determine the highest ranking firm to recommend for award.

A copy of the agenda may be obtained by contacting: Records Department at 727-796-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department at 727-796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Records Department at 727-796-2355.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Accountancy

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

DATE AND TIME: Friday, August 10, 2018, 9:00 a.m. until all business is concluded.

PLACE: Renaissance Fort Lauderdale Cruise Port, 1617 SE 17th Street, Fort Lauderdale, FL 33316

The meeting will be held in the Pampero Room A&B, located on the 2nd Floor.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports, applications, rules, and other general business. This is a public meeting.

A copy of the agenda may be obtained by contacting: Denise Graves, (352)333-2505 or denise.graves@myfloridalicense.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Denise Graves, (352)333-2505 or denise.graves@myfloridalicense.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Denise Graves, (352)333-2505 or denise.graves@myfloridalicense.com.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

DATE AND TIME: June 27, 2018, 10:00 a.m. – 12:00 Noon

PLACE: Miami-Dade Water and Sewer Department, located at 3071 SW 38th Avenue, Miami, Florida 33146

GENERAL SUBJECT MATTER TO BE CONSIDERED: THE MEETING HAS BEEN CANCELLED AND WILL BE RESCHEDULED AT A LATER DATE. This notice was originally published in the Florida Administrative Register (ID 20489036, Vol. 44/108) on June 4, 2018 and on June 13, 2018 (ID 20533559, Vol. 44/115). Refer to that notice for more details on this application. This meeting is to obtain public comments on the draft injection well permit for Miami-Dade Water and Sewer Department, who applied on October 5, 2017, for a permit to construct and operationally test three injection wells (Application No. 061787-043-045-UC/1M, WACS ID No. 57046). This project is located at the South District Wastewater Treatment Plant (WWTP), 8950 Southwest 232nd Street, Cutler Bay, Florida 33190, in Miami-Dade County. The meeting is also to obtain public comments on the draft injection well permit for Miami-Dade Water and Sewer Department, who applied on November 17, 2017, for a permit to construct and operationally test seven injection wells (Application No. 0317749-006-012- UC/1M, WACS ID No. 101237). This project is located at the Miami-Dade Central District WWTP, 3989 Rickenbacker Causeway, Virginia Key, Florida 33149, in Miami-Dade County.

A copy of the agenda may be obtained by contacting: Neil Campbell, DEP, 2600 Blair Stone Road, MS 3530, Tallahassee, Florida 32299-2400, phone: (850)245-8612.

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: Bureau of Personnel Services at (850)245-2511. 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: Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

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

DATE AND TIME: June 29, 2018, 12:30 p.m.

PLACE: 1(888)670-3525, participant code: 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE Committee Meeting.

A copy of the agenda may be obtained by contacting: <http://floridaschiropracticmedicine.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 7 days before the workshop/meeting by contacting: Anthony.Spivey@flhealth.gov. If you are hearing

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

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

For more information, you may contact: Anthony.Spivey@flhealth.gov.

**DEPARTMENT OF CHILDREN AND FAMILIES**

**Refugee Services**

The Jacksonville Area Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 11, 2018, 1:30 p.m. – 3:30 p.m.

PLACE: Jacksonville Baptist Association, 2700 University Boulevard South, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Jacksonville Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: LeAndra Stafford at (904)485-9540 or David Draper at (407)317-7335.

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: LeAndra Stafford at (904)485-9540 or David Draper at (407)317-7335. 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: LeAndra Stafford at (904)485-9540 or David Draper at (407)317-7335.

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Community Development**

The DEPARTMENT OF ECONOMIC OPPORTUNITY announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 11, 2018, 10:00 a.m. – 11:00 a.m. (EST)

PLACE: Department of Economic Opportunity, Caldwell Building, 107 East Madison Street, Conference Room B-50, Tallahassee, Florida 32399-4120 and by calling 1(888)670-3525; Passcode: 8362542558, then #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: DEO is seeking to provide the public an opportunity to

comment on the proposed use and distribution of funds to be provided through the Community Service Block Grant (CSBG) for the Federal Fiscal Year (FFY) 2019, as required to develop the FFY 2019 CSBG Model State Plan, which will be submitted to the United States Department of Health and Human Services as required to receive CSBG funds.

A copy of the agenda may be obtained by contacting: Ron Lynn, Bureau of Economic Self Sufficiency, Department of Economic Opportunity, 107 East Madison Street, MSC 400, Tallahassee, Florida 32399-4120, (850)717-8450, ron.lynn@deo.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ron Lynn, Bureau of Economic Self Sufficiency, Department of Economic Opportunity, 107 East Madison Street, MSC 400, Tallahassee, Florida 32399-4120, (850)717-8450, ron.lynn@deo.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ron Lynn, Bureau of Economic Self Sufficiency, Department of Economic Opportunity, 107 East Madison Street, MSC 400, Tallahassee, Florida 32399-4120, (850)717-8450, ron.lynn@deo.myflorida.com.

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

NONE

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

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

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**

AULD & WHITE CONSTRUCTORS, LLC  
Robert F. Ensslin Armory Phase II Renovations - Request for Proposal

NOTICE IS HEREBY GIVEN that Auld & White Constructors, LLC, in conjunction with the Robert F. Ensslin Armory, will be accepting sealed proposals, which will be received until 2:00 p.m., Tuesday, July 17, 2018, at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, for the referenced project. Bids shall be opened publicly at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216.

**SCOPE DESCRIPTION:**

This is a CM project consisting of 55,000 sf of phased renovation work to the First & Second Floors. Scopes include selective demolition, concrete, masonry & brick repairs, structural steel, millwork, finish carpentry, waterproofing, spray foam insulation, ACM, roof patching, doors & hardware, exterior windows, ballistics storefront, EIFS repairs, drywall & ceilings, hard & soft flooring, painting, specialties, signage, furniture moving & storage, temporary cubicles, elevator cab upgrade, MEPs & fire sprinklers.

Project includes ten (10) Additive Alternates listed on Sheet G0.4 that should be priced separately.

MANDATORY pre-bid site visit is scheduled for June 28, 2018 at 10:00 a.m. Valid form of government issued ID is required. Bids shall be sealed & delivered on Auld & White Constructor's Bid Form no later than July 17, 2018 at 2:00 p.m. at which time they will be publicly opened.

AWC Bid Form distribution is forthcoming.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid, in writing, no later than Thursday, June 28, 2018. Interested Bidders who fail to notify Auld & White Constructors, LLC, of their intent to bid by the date referenced above MAY NOT be permitted to bid. Bid drawings, forms, and specifications will be available at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, on June 15, 2018. All interested bidders shall submit their Notice of Intent to Bid by email Tabitha Hochstein at [awcestimating@auld-white.com](mailto:awcestimating@auld-white.com).

Robert F. Ensslin Armory and Auld & White Constructors, LLC are committed to provide equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids, which are considered by Auld & White Constructors, LLC to be in the best interest of the project.

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**TAMPA INTERNATIONAL AIRPORT  
HILLSBOROUGH COUNTY AVIATION AUTHORITY  
(AUTHORITY)**

Sealed proposals for Information Technology Research and Advisory Services will be received from firms by the Authority at Tampa International Airport Offices located at 4160 George J. Bean Parkway, Suite 2400, Administration Building, Tampa, Florida 33607.

Solicitation documents and detailed requirements will be available on the Tampa International Airport website at [www.tampaairport.com](http://www.tampaairport.com) > Learn about TPA > Airport Business > Procurement > Current Solicitation Opportunities on June 22, 2018.

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**SARASOTA COUNTY PUBLIC HOSPITAL BOARD  
REQUEST FOR STATEMENTS OF QUALIFICATIONS for  
GENERAL CONTRACTING SERVICES**

**PROJECT ANNOUNCEMENT:** The Sarasota County Public Hospital District d/b/a Sarasota Memorial Hospital Health Care System and its governing board (collectively, "the Hospital"), located in Sarasota County, Florida, is accepting statements of qualifications from General Contracting Consulting Firms under the provisions of the Consultants' Competitive Negotiation Act, which is codified at Section 287.055, Florida Statutes.

**PROJECT DESCRIPTION:** The scope of work for this project includes general contracting services for the renovation of existing Operating Room #21 located within the main operating room area on Sarasota Memorial Hospital's Main Campus (Critical Care Tower Level Two), 1700 S. Tamiami Trail, Sarasota, Florida. Work may

include, but not limited to, pre-construction phase services such as cost estimating, value engineering, critical path method scheduling, constructability reviews and cost control. Construction work may include selective interior demolition of existing partitions, ceiling, and interior finishes. Construction work may include management of owner-provided wall system installation and modular utility ceiling system installation, as well as management for the installation of new owner-provided medical, storage, and imaging equipment. Construction work may include the installation of new interior finishes, as well as new electrical, mechanical, medical gas, and plumbing system connections for the renovated space and new equipment.

**PROPOSED SCHEDULE:** Submitting General Contractors shall provide a preliminary schedule for consideration. Final project schedule shall be determined in part by equipment availability. In addition, the proposed schedule will be determined, and may be subject to change, based on the timing of regulatory and other necessary approvals.

Firms interested in being considered as candidates are required to submit five (5) bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida construction licensure and corporate registration certificates.
2. Completed AIA Document A305 Contractor's Qualification Statement, latest edition.
3. Proof of general, automobile and workers' compensation liability insurance coverage.
4. Proof of current bonding capacity and current usage of bonding their bonding capacity.
5. A separate statement as to whether the firm is a certified Minority Business Enterprise. If your firm claims MBE, WMBE status, a copy of your firm's current, valid MBE, WMBE certificate is required as part of your qualification statement submittal.
6. A list of at least three client references consisting of name, title, address, telephone number and project name(s) for each project specified. Please ensure your references are updated and willing to reply. Reference responses are mandatory.
7. Construction and permitting experience with the Florida Agency for Healthcare Administration, the City of Sarasota, FL and other applicable permitting agencies.
8. Resumes of key personnel utilized for this project. Resumes to include their project relevant experience.
9. Operating Room specific renovation experience.
10. Location of the firm's main office, and proposed project team office location (if different from main).
11. An explanation of how the Firm intends to respond expeditiously on urgent project matters and a summary of the Firm's approach to this particular project.

Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. Applications on any other form may not be considered, and applications which do not comply with the above instructions may be disqualified. Submissions must be complete and on time. Incomplete or tardy submissions will be returned un-opened and the responding Firm disqualified. Submittals are part of the public record. Application materials will not be returned.

The basis for selection criteria for this project includes, but is not limited to:

1. The Firm’s relevant construction / renovations experience as it relates to the above referenced project;
2. The Firm’s relevant experience with regulatory agencies with applicable jurisdictional authority, including, but not limited to, federal, state, and local agencies;
3. The Firm’s depth of construction project management team and the resources available for this assignment. This includes recent, current, and projected workloads of the Firm;
4. The location of Construction Management main / corporate office;
5. The Firm’s approach to this particular project;
6. The Firm’s ability to respond quickly;
7. Whether or not the lead Firm is an MBE / WMBE (valid certificate from the Office of Supplier Diversity required); and
8. The volume of previously awarded projects to the Firm by the Hospital.
9. Available bonding capacity remaining for this project.

It is the Hospital’s responsibility to negotiate fair, competitive and reasonable compensation per Section 287.055, Florida Statutes. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects; (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the shortlisted firms based upon a scope of services document to be provided at the time of negotiations.

All interested Firms are further informed as follows:

1. The Hospital reserves the right to reject any or all submittals at any time during this process.
2. The Hospital reserves the right to request additional information beyond the data set forth above.
3. Questions regarding submissions shall be directed only to John Salt, (941) 917-1802.

Submissions shall be titled:

Statement of Qualifications for  
General Contracting Services for

The Sarasota Memorial Hospital Health Care System

Operating Room #21 Renovation & Equipment Replacement

4. Submittals must be received by the Hospital no later than 3:30 p.m., Wednesday, June 27, 2018. Submit statements to the attention of John Salt, Director of Engineering and Campus Facilities, Attn: Operation of Plant, 1700 South Tamiami Trail,

Sarasota, FL 34239. Submittals received after this deadline will remain unopened and available for pick up.

5. Only John Salt shall be contacted with regard to this Request. Requests for meetings by individual Firms will not be granted. No communication shall take place between the applicants and the Hospital’s Selection Committee members or employees of the Hospital. Failure to comply could result in immediate disqualification.

6. Interested persons should contact John Salt, (941) 917-1802 with any project-related questions.

7. The selection committee will meet in a public meeting at Sarasota Memorial Hospital’s Waldemere Auditorium, 1700 S. Tamiami Trail, Sarasota, FL 34239, (ground level entrance), on Friday, July 6, 2018 from 8:00 a.m. to 10:30 a.m. to hear presentations, discuss and announce the top three ranked Firms (unless fewer than three Firms deliver submittals) deemed to be the most highly qualified to perform the required services with whom the Hospital will subsequently engage in contract negotiations. If there are less than three (3) Firms responding, the Selection Committee shall also evaluate current statements of qualifications and performance data on file with Hospital, in determining which Firm is the most highly qualified to perform the required services and announce the top three ranked Firms. All interested parties are invited to attend.

**SARASOTA COUNTY PUBLIC HOSPITAL BOARD  
REQUEST FOR STATEMENTS OF QUALIFICATIONS for  
ARCHITECTURAL AND ENGINEERING SERVICES**

**PROJECT ANNOUNCEMENT:** The Sarasota County Public Hospital District d/b/a Sarasota Memorial Hospital and its governing board (collectively, “the Hospital”), located in Sarasota County, Florida, is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants’ Competitive Negotiation Act, which is codified at Section 287.055, Florida Statutes.

**PROJECT DESCRIPTION:** The scope of work for this project may include programming, schematic design, design development, construction documents, and construction administration for all architectural, interior design, mechanical, electrical, plumbing, fire protection and structural design work for the interior renovation and equipment replacement project in existing Operating Room #21 located within the main operating room area on Sarasota Memorial Hospital’s Main Campus (Critical Care Tower Level Two), 1700 S. Tamiami Trail, Sarasota, Fla.

An approved schematic of layout and information regarding the owner-provided equipment and materials is available upon e-mail request to John Salt at john-salt@smh.com.

Design and document services required may include architectural, mechanical, electrical, plumbing, fire protection,



and structural design and engineering, as well as preliminary planning and construction administration services.

Firms interested in being considered as candidates are required to submit five bound statements of qualifications that include at least the following data, to be organized in the following order:

1. A copy of current/valid Florida Architecture/Engineering licensure and corporate registration certificates.
2. Proof of General, Professional Liability, and Errors and Omissions insurance coverage in the minimum amount of \$1,000,000 per claim; \$1,000,000 annual aggregate. The Firm’s insurer(s) shall be rated A- (or better) by A.M. Best.
3. A separate statement as to whether the firm is a certified Minority Business Enterprise. If your firm claims MBE, WMBE status, a copy of your firm’s current, valid MBE, WMBE certificate is required as part of the submission package.
4. Proposed design team with resumes.
5. A list of at least three (3) client references consisting of name, title, address, telephone number and project name(s) for each project specified. Please ensure that your references are updated and are willing to reply. Reference responses are mandatory and non-responding references will not be considered as valid references.
6. Past design experience on an Operating Room and associated support functions within an existing hospital.
7. Design and permitting experience within the City of Sarasota, FL and other applicable permitting agencies.
8. Location of the design firm’s main office, and location of the proposed team for this project.
9. An explanation of how the firm intends to respond expeditiously on urgent project matters.

All interested firms are further informed as follows:

1. The Hospital reserves the right to reject any or all submittals at any time during this process.
2. The basis for selecting candidates includes, but is not limited to the firm’s experience with local regulatory agency having jurisdiction, AHCA experience, consideration of related project experience, qualifications of proposed team design criteria experience as stated above, ability to quickly respond, and the firm’s proposed project approach.
3. The Hospital reserves the right to request additional information beyond the data set forth above.
4. Questions regarding submissions shall be directed to John Salt, (941) 917-1802
5. Except as specified herein, no person employed by or acting on behalf of a firm submitting a proposal may contact directly or indirectly the any member of the Sarasota County Public Hospital Board or any officers, agents or employees of the Sarasota Memorial Health Care System. Violation of this prohibition may result in the firm’s proposal being rejected and

the firm being disqualified from the review and selection process

Submissions shall be titled:

Statement of Qualifications for  
ARCHITECTURAL AND ENGINEERING SERVICES

The Sarasota Memorial Hospital

OR 21 Equipment Replacement and Room Renovation

1. Submissions must be received by the Hospital no later than 1:00 PM on Wednesday, June 27, 2018. Submit statements to the attention of John Salt, Director of Engineering and Campus Facilities, Attn: Operation of Plant, 1700 South Tamiami Trail, Sarasota, FL 34239. Submittals received after this deadline will remain unopened and available for pick up.
2. Only John Salt shall be contacted with regard to this Request. No other SMH staff, administrators, or board members shall be contacted. Failure to comply could result in immediate disqualification.
3. Interested persons should contact John Salt at (941) 917-1802 with any project-related questions.
4. The selection committee will meet in a public meeting at Sarasota Memorial Hospital’s Waldemere Auditorium, 1700 S. Tamiami Trail, Sarasota, FL 34239, (ground level entrance), at 1:00 PM on Friday, July 6, 2018, to hear presentations, discuss and announce the top three ranked firms with whom the Hospital will subsequently engage in contract negotiations. If fewer than three (3) Firms respond, the Selection Committee will also evaluate current statements of qualifications and performance data on file with Hospital, in determining which Firm is the most highly qualified to perform the required services and announce the top three ranked Firms. All interested parties are invited to attend.

## Section XII Miscellaneous

### DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Friday, June 15, 2018 and 3:00 p.m., Thursday, June 21, 2018.

Rule No.	File Date	Effective Date
12AER18-04	6/15/2018	6/20/2018
12DER18-05	6/15/2018	6/15/2018
25-30.433	6/21/2018	7/11/2018
61J1-8.002	6/15/2018	7/5/2018

62-710.210	6/18/2018	6/18/2018
62-710.500	6/18/2018	6/18/2018
62-710.510	6/18/2018	6/18/2018
62-710.600	6/18/2018	6/18/2018
62-710.800	6/18/2018	6/18/2018
62-710.901	6/18/2018	6/18/2018
62-730.020	6/18/2018	6/18/2018
62-730.021	6/18/2018	6/18/2018
62-730.030	6/18/2018	6/18/2018
62-730.150	6/18/2018	6/18/2018
62-730.160	6/18/2018	6/18/2018
62-730.161	6/18/2018	6/18/2018
62-730.170	6/18/2018	6/18/2018
62-730.171	6/18/2018	6/18/2018
62-730.180	6/18/2018	6/18/2018
62-730.181	6/18/2018	6/18/2018
62-730.183	6/18/2018	6/18/2018
62-730.185	6/18/2018	6/18/2018
62-730.186	6/18/2018	6/18/2018
62-730.220	6/18/2018	6/18/2018
62-730.265	6/18/2018	6/18/2018
62-730.900	6/18/2018	6/18/2018
62-737.150	6/18/2018	6/18/2018
62-737.400	6/18/2018	6/18/2018
62-737.900	6/18/2018	6/18/2018
64B3-5.003	6/19/2018	7/9/2018
64B8-50.003	6/20/2018	7/10/2018
64B15-13.0025	6/21/2018	7/11/2018
64B16-27.820	6/21/2018	7/11/2018
64B16-28.141	6/15/2018	7/5/2018
64B16-30.002	6/21/2018	7/11/2018
67-21.001	6/18/2018	7/8/2018

67-21.002	6/18/2018	7/8/2018
67-21.0025	6/18/2018	7/8/2018
67-21.003	6/18/2018	7/8/2018
67-21.004	6/18/2018	7/8/2018
67-21.0045	6/18/2018	7/8/2018
67-21.006	6/18/2018	7/8/2018
67-21.007	6/18/2018	7/8/2018
67-21.008	6/18/2018	7/8/2018
67-21.009	6/18/2018	7/8/2018
67-21.010	6/18/2018	7/8/2018
67-21.013	6/18/2018	7/8/2018
67-21.014	6/18/2018	7/8/2018
67-21.015	6/18/2018	7/8/2018
67-21.017	6/18/2018	7/8/2018
67-21.018	6/18/2018	7/8/2018
67-21.019	6/18/2018	7/8/2018
67-21.025	6/18/2018	7/8/2018
67-21.026	6/18/2018	7/8/2018
67-21.027	6/18/2018	7/8/2018
67-21.028	6/18/2018	7/8/2018
67-21.029	6/18/2018	7/8/2018
67-21.030	6/18/2018	7/8/2018
67-21.031	6/18/2018	7/8/2018
67-48.001	6/18/2018	7/8/2018
67-48.002	6/18/2018	7/8/2018
67-48.004	6/18/2018	7/8/2018
67-48.007	6/18/2018	7/8/2018
67-48.0072	6/18/2018	7/8/2018
67-48.0075	6/18/2018	7/8/2018
67-48.009	6/18/2018	7/8/2018
67-48.0095	6/18/2018	7/8/2018
67-48.010	6/18/2018	7/8/2018

67-48.0105	6/18/2018	7/8/2018
67-48.013	6/18/2018	7/8/2018
67-48.014	6/18/2018	7/8/2018
67-48.015	6/18/2018	7/8/2018
67-48.017	6/18/2018	7/8/2018
67-48.018	6/18/2018	7/8/2018
67-48.019	6/18/2018	7/8/2018
67-48.020	6/18/2018	7/8/2018
67-48.0205	6/18/2018	7/8/2018
67-48.022	6/18/2018	7/8/2018
67-48.023	6/18/2018	7/8/2018
67-48.027	6/18/2018	7/8/2018
67-48.028	6/18/2018	7/8/2018
67-48.029	6/18/2018	7/8/2018
67-48.030	6/18/2018	7/8/2018
67-48.031	6/18/2018	7/8/2018
67-48.040	6/18/2018	7/8/2018
67-48.041	6/18/2018	7/8/2018
67-60.001	6/18/2018	7/8/2018
67-60.002	6/18/2018	7/8/2018
67-60.003	6/18/2018	7/8/2018
67-60.004	6/18/2018	7/8/2018
67-60.005	6/18/2018	7/8/2018
67-60.006	6/18/2018	7/8/2018
67-60.007	6/18/2018	7/8/2018
67-60.008	6/18/2018	7/8/2018
67-60.009	6/18/2018	7/8/2018
67-60.010	6/18/2018	7/8/2018
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>

60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	12/15/2017	**/**/****
69L-7.501	12/15/2017	**/**/****

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

Medicaid State Plan Amendment

The Agency for Health Care Administration announces that it is requesting an amendment to the Medicaid State Plan. This state plan amendment increases the Personal Needs Allowance (PNA) from \$105 for individuals to \$130 and from \$210 to \$260 for couples that are Florida Medicaid recipients residing in institutional settings. The PNA is a deduction from the total monthly income used in calculating patient responsibility for cost of care and is the amount of income a Medicaid recipient can keep each month for his or her personal needs such as clothing, personal grooming, toiletries, and other items not paid for by Medicaid or Medicare. This change is effective July 1, 2018 as authorized by House Bill 5001, the General Appropriations Act, signed by Governor Scott on March 16, 2018.

Interested parties may contact the following staff for further information:

Virginia Hardcastle, Bureau of Medicaid Policy, located at 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407; by telephone at: (850)412-4685 or by e-mail at: virginia.hardcastle@ahca.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Siting Coordination Office

NOTICE OF INTENT TO ISSUE

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes (F.S.), concerning: Riviera Beach Energy Center, Power Plant Siting Application No. PA09-54, OGC Case No. 18-0237. On March 1, 2018, the Department received a petition to modify the Conditions of Certification for Riviera Beach Energy Center from Florida Power and Light Company pursuant to paragraph 403.516(1)(c), F.S., for construction of a new Manatee Lagoon Center parking lot, on the landscaped buffer, north of 59th Street. A copy of the proposed modification may be obtained by contacting the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Rd., M.S. 5500, Tallahassee, Florida 32399-

2400, (850)717-9000. Pursuant to subparagraph 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) with the Department's Agency Clerk in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000, fax: (850)245-2298, agency\_clerk@dep.state.fl.us. If no objections are received, then a Final Order approving the modification shall be issued by the Department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Siting Coordination Office

NOTICE OF RECEIPT OF LAND USE DETERMINATION

On June 1, 2018, the Department of Environmental Protection received a determination from Hillsborough County that the Tampa Electric Company, Big Bend Unit 1 Modernization Project, Power Plant Siting Application No. PA79-12A2, OGC Case No. 18-0198, DOAH Case No. 18-2124EPP, is consistent with existing local land use plans and zoning ordinances in Hillsborough County pursuant to the Florida Electrical Power Plant Siting Act, Section 403.50665, Florida Statutes (F.S.). A copy of the determination of consistency is available for review in the Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)717-9000. Pursuant to subsection 403.50665(4), F.S., if any substantially affected person wishes to dispute Hillsborough County's determination that the proposed Big Bend Unit 1 Modernization Project is consistent with Hillsborough County's existing land use plans and zoning ordinances, he or she must file a petition with the Department within 21 days after the publication of notice of the local government's determination. If a hearing is requested, the provisions of subsection 403.508(1), F.S., shall apply. Should a land use hearing be held, the notice of land use hearing will be published as per the provisions of Section 403.5115, F.S. Pursuant to subsection 403.508(1), F.S., the sole issue for determination at a land use hearing shall be whether or not the proposed site is consistent and in compliance with existing land use plans and zoning ordinances. If, after receiving evidence at the hearing, the administrative law judge concludes that the proposed site is not consistent or in compliance with existing land use plans and zoning ordinances, the administrative law judge shall address in the recommended order any changes to

or approvals or variances under the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances. A person whose substantial interests are affected by the proposed determination of consistency may petition for an administrative hearing in accordance with subsection 403.50665(4), F.S. The petition must be filed with the Department's Agency Clerk in the Office of General Counsel of the Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station #35, Tallahassee, Florida 32399-3000, (850)245-2242 or via email agency\_clerk@dep.state.fl.us. The petition should contain: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the determination; (c) A statement of how and when each petitioner received notice of the agency action or proposed action; (d) A statement of all disputed issues of material fact; if there are none, the petitioner shall so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the proposed action; (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the proposed action; and (g) A statement of the relief sought by the petitioner. A petition that does not dispute the material facts shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code.

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

Office of Financial Regulation

NOTICE OF FILINGS

Financial Services Commission

Office of Financial Regulation

June 22, 2018

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile or by Hand Delivery

Agency Clerk, Office of Financial Regulation, Office of  
Financial Regulation

P.O. Box 8050, General Counsel's Office, Tallahassee, Florida  
32314-8050,

In accordance with the Americans with Disabilities Act,  
persons with disabilities needing a special accommodation to  
participate in this proceeding should contact the Agency Clerk  
no later than seven (7) days prior to the filing deadline or  
proceeding, at the Office of Financial Regulation, The Fletcher  
Building, Suite 118, 101 East Gaines Street, Tallahassee,  
Florida 32399-0379, Phone: (850)410-9889, or by Email:  
agency.clerk@flofr.com.

The Petition must be received by the Clerk within twenty-one  
(21) days of publication of this notice (by 5:00 p.m., July 12,  
2018):

APPLICATION AND PLAN FOR THE PURCHASE OF  
CERTAIN ASSETS AND ASSUMPTION OF CERTAIN  
LIABILITIES

Acquiring Entity: Citizens First Bank, The Villages, Florida

Selling Entity: First Federal Bank of Florida, Lake City,  
Florida (The Villages Branch Office)

Received: June 20, 2018

Distribution: (Publication Not Required)

Federal Deposit Insurance Corporation, Atlanta, GA

Federal Reserve Bank of Atlanta, Atlanta, GA

Comptroller of the Currency, Atlanta, GA

Florida Bankers Association, Tallahassee, FL

John Greeley

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### 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.

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