

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-23.002	Definitions
6A-23.003	Eligibility and Procedure for Apprenticeship Program Registration
6A-23.004	Standards of Apprenticeship
6A-23.005	Apprenticeship Agreement
6A-23.006	Deregistration of Department Registered Program
6A-23.008	Complaints
6A-23.009	Reinstatement of Program Registration
6A-23.011	Program Performance Standards

PURPOSE AND EFFECT: To align with the following Code of Federal Regulations (CFR): 29 CFR Section 29.2 - Definitions; 29 CFR Section 29.3 - Eligibility and Procedure for Apprenticeship Program Registrations; 29 CFR Section 29.5 - Standards of Apprenticeship; 29 CFR Section 29.7 - Apprenticeship Agreement; 29 CFR Section 29.8 - Deregistration of Department Registered Program; 29 CFR Section 29.12 - Complaints; 29 CFR Section 29.9 - Reinstatement of Program Registration; 29 CFR Section 29.6 - Program Performance Standards. These rule amendments will also serve as a catalyst for compliance with Federal Regulation 29 CFR Part 29, (Apprenticeship Programs), and 29 CFR Part 30, (Equal Employment in Apprenticeship) leading to full to recognition from the U.S. Dept. of Labor Office of Apprenticeship as the state approving agency for federal purposes.

SUBJECT AREA TO BE ADDRESSED: Job Training.

RULEMAKING AUTHORITY: 446.032, 446.041, FS.

LAW IMPLEMENTED: 446.021, 446.031, 446.032, 446.041, 446.051, 446.052, 446.071, 446.075, 446.092, 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: Kathleen Taylor, Bureau Chief, Division of Career and Adult Education, Florida Department of Education, 325 West Gaines Street, #1554 E, Tallahassee, FL 32399-0400, (850)245-9062. To comment on this rule development or to request a rule

development workshop, please go to <https://web02.fldoe.org/rules> or contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or email Christian.Emerson@fldoe.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available at <https://web02.fldoe.org/rules>.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.002	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 in the existing rule.

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

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.002, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

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: January 14, 2019 from 10:30 a.m. to 11:00 a.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: Jesse Bottcher. 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: Jesse Bottcher, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: 850-412-4242, e-mail: Jesse.Bottcher@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., January 15,

2019. 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 ~~January July 1, 2019~~ 2018:

- (a) Ambulatory Surgical Center Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10139>.
- ~~(b) Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10147>.~~
- ~~(c) Outpatient Laboratory Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10140>.~~
- ~~(d) Practitioner Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10141>.~~
- ~~(e) Practitioner Laboratory Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10142>.~~
- ~~(f) Prescribed Pediatric Extended Care Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10143>.~~
- ~~(g) Birth Center Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10144>.~~
- ~~(h) Hospice Services Billing Codes
<https://www.flrules.org/Gateway/reference.asp?No=Ref-10145>.~~
- ~~(i) Hospital Outpatient Services Billing Codes
<https://www.flrules.org/Gateway/reference.asp?No=Ref-0146>.~~

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

- ~~(b) (a) Assistive Care Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09185>.~~
- ~~(c) (b) Behavior Analysis Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09186>.~~
- ~~(d) (e) Behavioral Health Overlay Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09187>.~~
- ~~(d) Birth Center Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~
- ~~(e) (d) Child Health Targeted Case Management Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09189>.~~
- ~~(f) (e) Community-Based Substance Abuse County Match Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09190>.~~
- ~~(g) (f) Community Behavioral Health Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09191>.~~
- ~~(h) (g) County Health Department Certified Match Program Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09192>.~~
- ~~(i) (h) Dental General Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09193>.~~
- ~~(j) Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients
<https://www.flrules.org/Gateway/reference.asp?No=Ref->~~
- ~~(k) (i) Early Intervention Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09195>.~~
- ~~(j) Transportation Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09196>.~~
- ~~(l) (k) Hearing Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09197>.~~
- ~~(m) (l) Home Health Visit Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09198>.~~

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

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

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

(p) Medicaid Certified School Match Program Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09202>.

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

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

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

(t) Outpatient Laboratory Fee Schedule (Formerly titled Physician and Outpatient Laboratory Fee Schedule)
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

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

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

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

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

(y) Practitioner Laboratory Fee Schedule (Formerly titled Physician and Outpatient Laboratory Fee Schedule)
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(z) Prescribed Drugs Immunization Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

(aa) Prescribed Drugs Oncology Physician Administered Fee Schedule

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

(bb) Prescribed Drugs Physician Administered Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref->

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

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

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

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

(ff)(~~z~~) Regional Perinatal Intensive Care Center (RPICC) Neonatal Services Fee Schedule
<https://www.flrules.org/Gateway/reference.asp?No=Ref-09216>.

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

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

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

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

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

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

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

(5) Florida Medicaid Billing Codes Effective January 1, 2019 ~~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->

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

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

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

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

(h)(~~f~~) 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, 5-7-18, 1-7-19, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-3.002 RULE TITLE: Application, Certification, Registration, and Licensure Fees

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address an extension of the fee reductions in several application and initial licensure fees until February 1, 2021.

SUBJECT AREA TO BE ADDRESSED: Extension of the fee reductions in several application and initial licensure fees until February 1, 2021.

RULEMAKING AUTHORITY: 456.013, 456.025, 458.309, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.3165, 458.317, 458.345 FS.

LAW IMPLEMENTED: 456.013, 456.025, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3137, 458.3145, 458.315, 458.3151, 458.316, 458.3165, 458.317, 458.345 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: Claudia Kemp, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.006 RULE TITLE: Designation of Patient Care Violations; Major; Minor

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a disciplinary guideline.

SUBJECT AREA TO BE ADDRESSED: To add disciplinary guideline for new rule 64B13-3.100, F.A.C.

RULEMAKING AUTHORITY: 456.079, 463.005(1) FS.

LAW IMPLEMENTED: 456.079, 465.0276(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony B. Spivey, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

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

Section II Proposed Rules

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-21.002	Scope and Effective Date
18-21.003	Definitions
18-21.004	Management Policies, Standards, and Criteria
18-21.00401	Additional Requirements and Procedures for Concurrent Review of Related Applications
18-21.005	Forms of Authorization
18-21.0051	Delegation of Authority
18-21.0056	Procedures for the Review of Applications to Conduct Geophysical Testing
18-21.007	Applications for Letter of Consent
18-21.0077	Applications for Use Agreements
18-21.008	Applications for Lease
18-21.0082	Applications for Special Event Authorizations
18-21.009	Applications for Public Easement
18-21.010	Applications for Private Easement
18-21.011	Payments and Fees
18-21.013	Applications to Purchase Filled Lands Adjacent to Riparian Uplands
18-21.019	Applications for Disclaimers, Quitclaim Deeds or Certificates to Clear Title to Filled Formerly Sovereignty Lands and for Disclaimers for Lands Lost Due to Avulsion or to Reclaim Lands Lost Due to Artificial Erosion or Artificial Erosion and Avulsion
18-21.020	Aquacultural Activities
18-21.021	Applications for Aquacultural Activities
18-21.022	Payments and Fees for Aquacultural Activities
18-21.900	Forms

PURPOSE AND EFFECT: The Department gives notice that it is proposing to amend multiple sections within Rule 18-21, F.A.C. The proposed amendments are to provide regulatory and proprietary guidance by clarifying rule language, deleting the need for appraisals in certain situations, amending a delegation of authority, deleting the need for surveys in certain situations, eliminating unnecessary language, addressing changes recommended by JAPC, and amending the rule to match statutes including Section 253.0346, F.S.

SUMMARY: Sections of 18-21 are being updated to clarify rule requirements and correct outdated references. Specific changes to rule sections are outlined below:

Rule 18-21.003, F.A.C., is amended for clarification/consistency with other rules, adds definitions relating to open-air dining, restrooms, pre-cut sunken timber

and slip or wet slip. Update definitions for DACS' aquaculture lease areas.

Paragraph 18-21.004(1)(g), F.A.C., is amended to provide for minimal secondary nonwater dependent uses pursuant to statute. Removes criteria related only to public projects.

Subparagraph 18-21.004(1)(g)1.2., F.A.C., is amended to provide criteria for open-air dining and tenancy at mooring fields and anchorages.

Paragraph 18-21.004(3)b, F.A.C., is amended to change timing of when proof of upland interest must be provided when seeking authorization to use sovereignty submerged land.

Paragraph 18-21.004(3)d, F.A.C., is amended to allow the Board of Trustees to determine whether it is in the public interest to make an exception to setbacks.

Subparagraphs 18-21.004(4)(b)3, F.A.C. and 18-21.004(4)(g), F.A.C., is amended so that CEs will no longer be required for multi-family docks originating from a common parcel.

Paragraph 18-21.004(7)(h), F.A.C., is amended to clarify that activities shall not interfere with the public easement for traditional uses of the sandy beaches.

Rule 18-21.00401, F.A.C., is amended to revise rule references for permit applications and proprietary authorizations.

Subparagraph 18-21.005(1)(b)1., F.A.C., is amended to allow statutory exemptions for private residential single-family docks in Boca Ciega Bay and Pinellas County APs to be granted consent by rule.

Paragraph 18-21.005(1)(c), F.A.C., is amended to provide less regulation for single-family homeowners in some situations and to provide a form of authorization for public piers to have restrooms and to allow for open-air-dining areas.

Subparagraph 18-21.005(1)(e)14., F.A.C., is amended to provide a form of authorization for deadhead logging.

Paragraphs 18-21.0051(2)(a) and (b), F.A.C., are amended to address preempted area rather than number of slips and increases authorization to approve preempted area to less than 150,000 by delegation.

Subsection 18-21.0051(2), F.A.C., is further amended to clarify that open-air dining and public mooring fields that do not meet rule must go to the Board and to address tenancy in public mooring fields.

Subsection 18-21.008(1), F.A.C., is amended to clarify the lease term, and to change survey requirements to allow for submittal of sketches in certain circumstances, and to update fees to current level.

Subparagraph 18-21.008(2)(a)(4), F.A.C., is amended to add that a facility that is in compliance can get an extended term at renewal.

Subparagraph 18-21.0082(2)(c)7., F.A.C., is amended to delete an unnecessary form.

Subparagraph 18-21.009(1)(e)7., F.A.C., is amended to add total square footage to the list of items required on the sketch for public easements.

Paragraph 18-21.010(1)(f), F.A.C., is amended to change survey requirements to allow for submittal of sketches in certain circumstances for private easements.

Subsection 18-21.010(5), F.A.C., is amended to set a maximum term of 25 years for private easements.

Paragraph 18-21.011(1)(a), F.A.C., is amended to clarify language required by 253.0347(2)(c), F.S. and to delete language requiring appraisals and to remove lease term language.

Paragraph 18-21.011(1)(b), F.A.C., is amended to negate the need for an appraisal and to apply a specific multiplier to the base fee and to clarify the application of the phrase “not an adjunct to a commercial endeavor” and to align the rule with statute.

Paragraph 18-21.011(2)(b), F.A.C., is amended to allow broker’s opinion of value and CSA for private easement valuation.

Paragraph 18-21.011(2)(d), F.A.C., is amended to add fee for deadhead logging easements.

Paragraph 18-21.011(2)(e), F.A.C., is amended to clarify that no fees for treasure salvage are required.

Paragraph 18-21.011(3)(c), F.A.C., is amended to revise language for waiver requirements on dredged materials.

Subparagraph 18-21.013(3)(c)1., F.A.C., is amended to clarify landowner responsibility to pay the present value of illegal fill done by a predecessor in title rather than two times the present value.

Rule 18-21.019, F.A.C., is amended to remove two unnecessary applications for artificial erosion and avulsion.

Rule 18-21.021, F.A.C., is amended to update how to locate forms on the internet, to update aquaculture lease area language, and to update the terms for lease renewals, modifications and assignments.

Rule 18-21.900, F.A.C., is deleted to eliminate unnecessary and duplicative statutory language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: The SERC is not required because the proposed rule language has no adverse impacts nor regulatory cost increases. 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: 161.055, 253.002, 253.03, 253.03(7), 253.03(11), 253.0345, 253.12, 253.73, 253.77, 258.43, 373.026, 373.043, 373.044, 373.418, 373.427, 379.2341 FS.

LAW IMPLEMENTED: 120.60, 161.041, 161.055, 253.001, 253.002, 253.002(1), 253.03, 253.03(11), 253.0345, 253.0347, 253.04, 253.115, 253.12, 253.129, 253.141, 253.43, 253.431, 253.47, 253.512, 253.52–54, 253.61, 253.665, 253.67-75, 253.77, 258.42, 258.43, 373.026, 373.413, 373.414(11)-(16), 373.416, 373.427, 373.427(2)(a), 373.4275, 597.010 FS.

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

DATE AND TIME: January 24, 2019, 10:00 a.m. EST
PLACE: Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida, Conference Room A, Douglas Building

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: Scott Woolam at (850)245-2806. 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: Scott Woolam, Florida Department of Environmental Protection, Senior Program Analyst, 3900 Commonwealth Blvd, Mail Station 100, Tallahassee, FL 32399-3000, telephone: (850)245-2806, e-mail: Scott.Woolam@floridadep.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

18-21.002 Scope and Effective Date.

(1) through (2) No change.

(3) Unregistered grandfathered structures which would require a lease pursuant to paragraph 18-21.005(1)(d), F.A.C., shall be brought under lease ~~according to the provisions of Rule 18-21.00405, F.A.C.~~

(4) through (5) No change.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.002(1), 253.03, 253.12, 253.68, 253.77 FS. History—New 3-27-82, Amended 8-1-83, 9-4-84, Formerly 16Q-21.02, 16Q-21.002, Amended 12-25-86, 3-15-90, 9-1-09, _____.

18-21.003 Definitions.

When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) No change.

(2) "Activity" means any use of sovereignty lands which requires board approval for letter of consent ~~consent of use~~, lease, easement, sale, or transfer of interest in such sovereignty lands or materials. Activity includes, but is not limited to, the construction of docks, piers, boat ramps, board walks, mooring pilings, dredging of channels, filling, removal of logs, sand, silt, clay, gravel or shell, and the removal or planting of vegetation on sovereignty lands.

(3) through (11) No change.

(12) "Aquaculture Use Zone" means a contiguous tract of sovereignty submerged lands which allows for an array of multiple aquaculture leases configured to facilitate management and enforcement.

(12) renumbered (13) No change.

~~(14)(13)~~ "Board" means ~~the Governor and Cabinet sitting as the~~ Board of Trustees of the Internal Improvement Trust Fund or delegate.

(14) through (28) renumbered (15) through (29) No change.

~~(29) "High density lease area" means a contiguous tract of sovereignty submerged lands which allows for an array of multiple aquaculture leases configured to facilitate management and enforcement.~~

(30) No change

(31) "Income" means the gross revenue derived directly or indirectly from the use of sovereignty submerged lands such as slip rental, lease or sublease fees; dock or pier admission fees; club memberships, stock ownership or equity interest in activities where an increased revenue is attributable to the use of the sovereignty submerged lands or "sales" of slips. However, gross revenue shall not include pass-through fees such as fees for utility services; or sale of the facility or sales of products not occurring on sovereignty submerged lands. Gross revenue shall include all future payments made for the transfer of the interest in a slip originally obtained from the Board's lessee, including transfer of slip rights by slip sublessees, slip "sellers", slip interest transfers, new club memberships, and other similar transactions.

(32) through (34) No change.

(35) "Marginal dock" means a dock placed immediately adjacent to and parallel with and no more than 10 feet waterward from ~~to~~ the shoreline or seawall, bulkhead or revetment.

(36) through (42) No change.

(43) "Open-air dining area" means a fixed or floating structure that serves as a platform for tables and chairs

associated with a contiguous upland food or beverage restaurant that is open to the public.

(43) through (44) renumbered (44) through (45) No change.

(46) "Pre-cut sunken timber," also commonly referred to as "deadhead logs," "deadheads," and "sinker wood," means sunken first-growth timber logs that were hand-cut, harvested and floated to downstream sawmills in the late 1700s to early 1900s that became waterlogged and sank to the bottom of lakes and rivers.

(46) through (56) renumbered (47) through (58) No change.

(59) "Restroom facilities" means an accessible restroom on a public pier that is connected to a domestic wastewater facility or portable restroom, pursuant to Rule 64E-6.0101, F.A.C., secured on a public pier.

(57) through (60) renumbered (60) through (63) No change.

(64) "Slip" or "wet slip" means an area of the water column above sovereign submerged lands specifically set aside for a boatlift or the mooring of a single vessel associated with a docking facility.

(61) through (71) renumbered (65) through (75) No change.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.68, 253.77 FS. History—New 9-26-77, Formerly 16C-12.01, 16Q-17.01, Amended 3-27-82, 8-1-83, 2-25-85, Formerly 16Q-21.03, 16Q-21.003, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 3-20-94, 10-15-98, 8-1-01, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 1-1-06, 4-14-08, 9-1-09, _____.

18-21.004 Management Policies, Standards, and Criteria.

The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereignty submerged lands, except activities associated with aquaculture. The management policies, standards, criteria, and fees for aquacultural activities conducted on or over sovereignty submerged lands are provided in Rules 18-21.020 through 18-21.022, F.A.C.

(1) General Proprietary.

(a) through (d) No change.

(e) Equitable compensation shall be required for leases and easements that which generate income or revenue for a private user or that limit or preempt use by the general public. generate revenues, monies or profits for the user or that limit or preempt general public use. Public utilities and state or other governmental agencies exempted by law shall be excepted from this requirement.

(f) No change.

(g) Activities on sovereignty lands shall only be limited to water dependent activities and minimal secondary non-water

dependent uses ~~only~~ pursuant to section 253.03(15).F.S., unless the activity meets the open-air dining area criteria below or the board determines that it is in the public interest to allow an exception as determined by a case by case evaluation. ~~Public projects which are primarily intended to provide access to and use of the waterfront may be permitted to contain minor uses which are not water dependent if:~~

~~1. Located in areas along seawalls or other nonnatural shorelines;~~

~~2. Located outside of aquatic preserves or class II waters; and~~

~~3. The nonwater dependent uses are incidental to the basic purpose of the project, and constitute only minor nearshore encroachments on sovereign lands.~~

1. Open-air dining areas that meet all of the following criteria:

a. The open-air dining area must be constructed along existing seawalls or other nonnatural shorelines.

b. The open-air dining area must only contain tables and chairs to accommodate customers for food and beverage service.

c. The open-air dining area must be no more than a fixed or floating structure with the following allowable ancillary attachments thereto: roofs with optional drop-down temporary transparent weather sheeting, handrails and railings with optional screening between the handrail and the deck. Ancillary attachments, such as walls, windows and screens other than the screens or temporary transparent weather sheeting described above are prohibited. The open-air dining area must be associated with a contiguous upland restaurant that contains a main dining area and must not exceed 30% of the square footage of the main dining area.

d. The upland restaurant and open-air dining area must be open to the general public with no qualifying requirements, such as club membership, stock ownership, or equity interest.

e. The open-air dining area must not result in any impacts to submerged or emergent vegetation that is located on sovereign submerged lands.

f. The open-air dining area must not exceed 2,500 square feet over sovereignty submerged lands.

g. The open-air dining area must be located outside of an Aquatic Preserve,

2. Open-air dining area requests that meet these conditions can be approved pursuant to section 18-21.0051(2)(c), F.A.C. Facilities that do not meet these conditions or other proposed non-water dependent activities are subject to the case by case determination referenced in section 18-21.004(1)(g), F.A.C.

(h) through (n) No change.

(o) Concerning the lease of sovereignty submerged lands for the purposes of providing public mooring fields and anchorages, the general tenancy on any mooring ball or other

mooring structure shall be no longer than twelve (12) months and as long as the following conditions are met in the determination of the Board:

1. The lessee for the mooring field, if it is a marina, shall pursue and receive a "clean marina" designation;

2. Moorings are designed and installed to prevent all chaffing of the bottom in which the mooring is anchored;

3. Upland shore facilities associated with the mooring field are provided which at a minimum include, garbage, showers and bathrooms, and receptacles for recycling for waste oil and fuel;

4. The lessee has been in compliance for five or more consecutive years; and

5. The mooring field shall be permitted by the Department, and require that occupied vessels with marine sanitation devices shall have their holding tanks pumped out at a minimum of a 7-day interval while continuously moored in the mooring field.

(2) No change.

(3) Riparian Rights.

(a) No change.

(b) Satisfactory evidence of sufficient upland interest is required for activities on sovereignty submerged lands riparian to uplands, unless otherwise specified in this chapter. Public utilities and state and other governmental agencies proposing activities such as utility lines, roads or bridges must obtain satisfactory evidence of sufficient upland interest prior to execution of the applicable authorization ~~beginning construction~~, but need not provide such evidence as part of any required application. Satisfactory evidence of sufficient upland interest is not required for activities on sovereignty submerged lands that are not riparian to uplands, or when a governmental entity conducts restoration and enhancement activities, provided that such activities do not unreasonably infringe on riparian rights. Satisfactory evidence of sufficient upland interest shall be commensurate with the level of exclusionary interest provided in the specific sovereign submerged lands authorization contemplated.

(c) No change.

(d) Except as provided herein, all structures, including mooring pilings, breakwaters, jetties and groins, and activities, must be set back a minimum of 25 feet inside the applicant's riparian rights lines. Marginal docks, however, must be set back a minimum of 10 feet. Exceptions to the setbacks are: private residential single-family docks or piers associated with a parcel that has a shoreline frontage of less than 65 feet, where portions of such structures are located between riparian lines less than 65 feet apart, or where such structure is shared by two adjacent single-family parcels; utility lines; bulkheads, seawalls, riprap or similar shoreline protection structures located along the shoreline; structures and activities previously authorized by the Board; structures and activities built or occurring prior to any

requirement for Board authorization; when a letter of concurrence is obtained from the affected adjacent upland riparian owner; ~~or~~ when the Board determines that locating any portion of the structure or activity within the setback area is necessary to avoid or minimize adverse impacts to natural resources; or when the Board determines that the activities are in the public interest.

(e) Notwithstanding the provisions of paragraphs (b) through (d) above, special events may be authorized in accordance with the other criteria in this rule chapter.

(4) Standards and Criteria for Private Residential Multi-family Docks and Piers.

(a) No change.

(b) Private residential multi-family docks with three or more wet slips and any piers, including any portion of a dock or pier that is used or converted to use as a private residential multi-family dock or pier, that cumulatively preempt an area greater than ten square feet for each linear foot of the applicant's common riparian shoreline along sovereignty submerged land on the affected waterbody shall be limited as follows.

1. No change.

2. A cumulative preemption of no more than forty square feet of sovereignty submerged land for each linear foot of the applicant's common riparian shoreline along sovereignty submerged land on the affected waterbody within a single plan of development. However, an exception shall be granted for a private residential multi-family dock to exceed the maximum cumulative preemption provided that all of the following conditions are met.

a. through d. No change.

e. A net positive public benefit, acceptable to the Board ~~of Trustees~~ as beneficial to the public, is provided to offset the increase in preempted area. ~~Net positive public benefits include such activities as~~ Improving public access to sovereignty submerged lands by: providing slips that are open to the general public on a first come, first served basis to offset the increased preemption; creating a public boat ramp with adjacent upland parking; improving public access to an existing public boat ramp; donating to the Board privately-owned, formerly sovereignty submerged lands or other lands that are on public acquisition lists; or other similar public benefits that serve to maintain or increase public access to sovereignty submerged lands are examples of net positive public benefit. Preference shall be given to net positive public benefits in the vicinity of the proposed project.

3. Where the shoreline calculation includes the common parcel and individually-owned riparian parcels, the applicant must provide a conservation easement or other similar recorded restrictive covenant in favor of the Board over the entire riparian waterfront footage used for the calculation of the

preempted area to subordinate or waive any further riparian rights of ingress and egress for additional docks and piers. Such conservation easements or restrictive covenants shall be released or modified only if the Board finds such release or modification is not contrary to the public interest, does not defeat the original purpose of such easement or covenant, and is in compliance with current rules at the time of the release or modification.

(c) Private residential multi-family docks or piers constructed in lieu of multiple private residential single-family docks or piers, which otherwise could be authorized under Chapter 18-18 or 18-20, F.A.C., as applicable, and Chapter 18-21, F.A.C., on existing individual, single-family riparian parcels shall not be subject to the provisions of paragraphs 18-21.004(4)(a), (b), and (f) and (g), F.A.C., provided that:

1. through 5. No change.

6. The applicant provides a conservation easement or other similar recorded restrictive covenant in favor of the Board over the riparian waterfront of each participating riparian parcel to subordinate or waive any further riparian rights of ingress and egress for additional docks and piers. Such conservation easements or restrictive covenants shall be released or modified only if the Board finds such release or modification is not contrary to the public interest, does not defeat the original purpose of such easement or covenant, and is in compliance with current rules at the time of the release or modification.

(d) No change.

(e) Within the standards set forth above, the applicant may further modify the design and quantity of wet slips ~~may be further modified~~ in recognition of riparian setback constraints, local land use regulations, and natural resource considerations such as potential impacts to endangered species and shellfish resources.

(f) No change.

~~(g) For docks and piers subject to paragraph 18-21.004(4)(b), F.A.C., the applicant shall provide a conservation easement or other similar recorded restrictive covenant in favor of the Board over the riparian waterfront footage used for the calculation of the preempted area, or over the entire shoreline when constructing the maximum number of slips, to subordinate or waive any further riparian rights of ingress and egress for additional docks and piers. Such conservation easements or restrictive covenants shall be released or modified only if the Board finds such release or modification is not contrary to the public interest, does not defeat the original purpose of such easement or covenant, and is in compliance with current rules at the time of the modification.~~

~~(g)(h)~~ Paragraph 18-21.004(4)(b), F.A.C., shall apply to all applications that have not received Board approval by December 25, 1986.

(5) No change.

(6) Standards and Criteria for Activities at Sovereignty and State-Owned Springs and Spring Runs. Persons requesting authorization or qualifying for consent by rule under this chapter to conduct activities in sovereignty or state-owned springs and those portions of spring runs adjacent to public or private uplands shall conform to the following guidelines, design standards, and criteria.

(a) No change.

(b) Planting or maintaining any plant species listed in the Florida Exotic Pest Plant Council's "2001 Invasive Plant List," Category I and II, which may be found on the Internet at www.fleppc.org or by writing to the Division of Water Resource Management Bureau of Beaches and Wetland Resources, Department of Environmental Protection, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, shall be prohibited within 300 feet of the spring or spring run.

(c) through (g) No change.

(7) General Conditions for Authorizations. All authorizations granted by rule or in writing under Rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through ~~(j)~~(i) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under Chapter 253 or 258, Part II, F.S.

(a) through (g) No change.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in Section 161.141, F.S.

(h) through (i) renumbered (i) through (j) No change.

(8) Pursuant to Section 253.77(4), F.S., federal, state, or local agencies or political subdivisions, such as including ports and inland navigation districts, proposing to conduct an activity which qualifies for an exemption under Part IV of Chapter 373, F.S. or Section 403.813(1), F.S., shall be granted a letter of consent or public easement upon receipt of a request and a legal description of the affected land. However, such grant does not release the entity from compliance with other applicable provisions of Chapter 18-18, 18-20 or 18-21, F.A.C.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, _____.

18-21.00401 Additional Requirements and Procedures for Concurrent Review of Related Applications.

(1) A single application shall be submitted and reviewed in accordance with Chapter 62-330, F.A.C., using the Application for Individual and Conceptual Approval Environmental Resource Permit and Authorization to Use State-Owned

Submerged Lands, Form No. 62-330.060(1) incorporated by reference in Rule 62-330.060, F.A.C., for activities that require both: a proprietary authorization under Chapter 253 or 258, F.S., to use sovereign submerged lands; and an ~~individual or standard general~~ environmental resource permit under Part IV of Chapter 373, F.S., ~~or a short form or standard form wetland resource (dredge and fill) permit under Section 373.414(11), (12), (13), (14), (15) or (16) or 373.4145, F.S.~~ In such cases, the application shall not be deemed complete, and the timeframes for approval or denial shall not commence, until all information required by applicable provisions of Section 161.041, Part IV of Chapter 373, and Chapters 253 and 258, F.S., and rules adopted thereunder for both the proprietary authorization and the environmental resource permit ~~or the wetland resource permit~~ is received.

(2) No application under this section shall be approved until all the requirements of applicable provisions of Section 161.041, Part IV of Chapter 373 and 253 and 258, F.S., and rules adopted thereunder, for the proprietary authorization and the environmental resource permit ~~or the wetland resource permit~~ are met. The concurrent approval shall be subject to all conditions imposed by such rules.

(3) For an application reviewed under this section for which a request for proprietary authorization to use sovereign submerged lands has been delegated to the Department or a water management district to take final action without action by the Board, the Department or water management district shall issue a consolidated notice of intent to issue or deny the proprietary authorization and the environmental resource permit ~~or the wetland resource permit~~ within ~~60~~ 90 days of receiving a complete application. Waiving or tolling the timeframes for final action under this section shall constitute a waiver or tolling of the timeframes for final action on the environmental resource permit ~~or the wetland resource permit~~.

(4) No change.

(5) Upon the issuance of the consolidated notice of intent to issue or deny, or upon issuance of the recommended consolidated notice of intent to issue or deny pursuant to subsection (4), the Department or water management district shall be deemed to be in compliance with the timeframes for approval or denial in Section 120.60(1), F.S. Failure to satisfy these timeframes shall not result in approval by default of the application to use sovereign submerged lands. Also, if an administrative proceeding under Section 120.57, F.S., is properly requested on both the proprietary authorization and the environmental resource permit ~~or the wetland resource permit~~ under this section, the review shall be conducted as a single consolidated administrative proceeding. If an administrative proceeding under Section 120.57, F.S., is properly requested on either: the proprietary authorization or the environmental resource permit ~~or the wetland resource permit~~ under this

section; final agency action shall not be taken on either authorization until the administrative proceeding is concluded.

(6) No change

(7) For an activity requiring an individual permit under Section 161.041, F.S., and an individual or ~~standard~~ general environmental resource permit under Part IV of Chapter 373, F.S., ~~or a short form or standard form wetland resource (dredge and fill) permit under Section 373.414(11), (12), (13), (14), (15) or (16) or 373.4145, F.S.~~; a joint coastal permit shall be required, as provided in Chapter 62B-49, F.A.C., in place of the above-noted permits.

(8) This section shall ~~apply~~ ~~be applicable~~ to all applications for proprietary authorizations under Chapter 253 or 258, F.S., to use sovereign submerged lands, and: individual or ~~standard~~ general environmental resource permit applications under Part IV of Chapter 373, F.S., ~~or standard form or short form wetland resource permits under Part IV of Chapter 373, F.S.~~; that are received by the Department, Northwest Florida Water Management District, Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District or South Florida Water Management District after the effective date of this rule section. If an applicant requests that its applications for proprietary authorization under Chapter 253 or 258, F.S., to use sovereign submerged lands, and: ~~an~~ individual or ~~standard~~ general environmental resource permit under Part IV of Chapter 373, F.S., ~~or standard form or short form wetland resource permit under Part IV of Chapter 373, F.S.~~; that are received prior to the effective date of this rule section, be processed under this rule section, such request shall be granted if the applications for both are incomplete at the time of the request.

(9) Nothing in this section shall be construed to limit an applicant's ability to make separate applications for stages, phases, or portions of a project separate from an activity requiring both: a proprietary authorization under Chapter 253 or 258, F.S., ~~;~~ and an individual or ~~standard~~ general environmental resource permit under Part IV of Chapter 373, F.S., ~~or a short form or standard form wetland resource permit under Sections 373.414(11), (12), (13), (14), (15) or (16) or 373.4145, F.S.~~

(10) The provisions of this section shall apply to the Department, Northwest Florida Water Management District, Suwannee River Water Management District, St. John's River Water Management District, Southwest Florida Water Management District and South Florida Water Management District when the Department or District is processing an individual or ~~standard~~ general environmental resource permit application under Part IV of Chapter 373, F.S., ~~or a standard form or short form wetland resource permit application under Section 373.414(11), (12), (13), (14), (15) or (16) or 373.4145,~~

~~F.S.~~, which, under this section, also requires a proprietary authorization under Chapter 253 or 258, F.S.

Rulemaking Authority 161.055, 253.03(7), 253.77, 258.43, 373.026, 373.043, 373.044, 373.418, 373.427 FS. Law Implemented 120.60, 161.041, 161.055, 253.03, 253.77, 258.42, 258.43, 373.026, 373.413, 373.414(11)-(16), 373.416, 373.427, 373.4275 FS. History—New 10-12-95, Amended.

18-21.005 Forms of Authorization.

(1) The appropriate form of authorization, for activities that meet the applicable rules and statutes of the Board, shall be determined based on consideration of all of the provisions of this rule. It is the intent of the Board that the form of authorization shall grant the least amount of interest in the sovereignty submerged land necessary for the activity. The forms of authorization for aquacultural activities, ~~such as which shall include~~ aquaculture leases, aquaculture letters of consent, and aquaculture management agreements, are provided in subsection 18-21.020(2), F.A.C. For activities not specifically listed, the Board will consider the extent of interest needed and the nature of the proposed activity to determine which form of authorization is appropriate. Co-located activities can be authorized, provided that the activities are compatible and the form of authorization for each activity is determined by the provisions of this rule.

(a) No change.

(b) Consent by Rule. Except for activities authorized under Section 253.77(4), F.S., consent is herein granted by the Board and no application or written authorization is required for an activity that is exempt from the requirements of obtaining a permit under the provisions of Section 403.813(1), F.S., paragraphs (a); ~~and~~ (b), provided that the structure is the only dock or pier on a parcel and it is not a private residential multi-family dock with three or more slips; paragraphs (c); (d); (e); ~~and~~ (f), provided that no severance fee is required under Rule 18-21.011, F.A.C., and the existing activity has a valid Board authorization; paragraphs (g), (h) and (i), provided that no private residential multi-family dock or pier is constructed; or paragraph (k), provided that any channel markers delineate existing and authorized or permitted navigation channels. In addition, the activity must:

1. Be located outside of an Aquatic Preserve, Monroe County, a manatee "No Entry Zone" or "Motorboat Prohibited Zone" as specified in Chapter 68C-22, F.A.C., or lands under the jurisdiction or management of the Department's Division of Recreation and Parks. However, seawall or riprap repair or replacement conducted in accordance with subparagraph 18-20.004(1)(e)7., F.A.C., ~~and~~ repair or replacement of docks and piers in accordance with Section 403.813(1)(d), F.S., and subparagraph 18-20.004(5)(a)6., F.A.C., if applicable, and installation of a private residential single family dock in Boca Ciega Bay and Pinellas County Aquatic Preserves in

accordance with Section 403.813(1)(b), F.S., shall be exempt from this subparagraph and eligible for consent by rule;

2. through 3. No change.

4. Comply with the provisions of paragraphs 18-21.004(1)(d) and (k), ~~and subsections~~ paragraph ~~18-21.004(3)(d)~~, and ~~subsections~~ 18-21.004(6) and (7), F.A.C.; and

5. No change.

(c) Letter of Consent. Written authorization is required for each of the following activities. These authorizations shall be subject to the payment of any applicable severance fees.

1. through 5. No change.

6. Placement, replacement, or repair of single-family intake and discharge structures for irrigation purposes. Placement, replacement or repair of riprap, groins, breakwaters, or other intake and discharge structures no more than ten feet waterward of the line of mean or ordinary high water.

7. through 10. No change.

11. Restroom facilities, as defined by section 18-21.003(59), F.A.C., constructed on public piers that qualify for a letter of consent or lease.

11. through 18. renumbered 12. through 19. No change.

(d) Lease. A sovereignty submerged land lease is required for the following activities:

1. through 9. No change.

10. Open-air-dining areas, as defined by section 18-21.003(43), F.A.C.

10. through 11. renumbered 11. through 12. No change.

(e) Easement. A sovereignty submerged land easement is required for the following public or private activities.

1. Utility crossings and rights of way that do not qualify for an exception to use sovereign submerged lands, consent by rule or letter of consent.

2. Road and bridge crossings and rights of way, such as including structures built prior to the need to obtain an easement when proposed for modification or repair.

3. through 4. No change.

5. Private channels that do not qualify for a letter of consent, such as including a channel that provides access to revenue-generating facilities or uplands.

6. through 11. No change.

12. Treasure salvage or cultural resource recovery.

13. No change.

14. Removal of pre-cut sunken timber (deadhead logging).

(f) No change.

(2) No change.

(3) Requests for sales, exchanges, leases, aquaculture leases, and easements on sovereignty submerged lands shall be processed in accordance with the notice and hearing requirements of Section 253.115, F.S., except easements that qualify for a general permit ~~or a noticed general permit~~ under

Chapter 373, F.S., provided that the proposed activity is not of heightened public concern. When noticing is required under Section 253.115, F.S., the applicant shall provide a list of names and addresses from the latest county tax assessment roll, of all property owners within a 500-foot radius of the proposed lease or easement boundary in mailing label format. In lieu of the Board providing notice of application for lease or easement, an applicant may elect to send the notice, provided the notice is sent by certified mail, with the return-receipt card addressed to the Department or to DACS, as applicable.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.68, 253.77 FS. History—New 9-26-77, Formerly 16C-12.01, 16Q-17.01, Amended 3-27-82, 8-1-83, Formerly 16Q-21.05, 16Q-21.005, Amended 1-25-87, 3-15-90, 10-15-98, 3-8-04, 9-1-09,

18-21.0051 Delegation of Authority.

(1) The purpose of this section is to delegate certain review and decision-making authority of the Board, regarding the use of sovereignty submerged lands, to the Secretary of the Department of Environmental Protection, the Commissioner of Agriculture, and the Governing Boards of the Northwest Florida Water Management District, Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District, as applicable.

(2) The Secretary of the Department of Environmental Protection and the Governing Boards of the Northwest Florida Water Management District, Suwannee River Water Management District, the St. Johns River Water Management District, the Southwest Florida Water Management District, and the South Florida Water Management District are delegated the authority to review and take final agency action on applications to use sovereignty submerged lands when the application involves an activity for which that agency has permitting responsibility, as set forth in the respective operating agreements between the Department and the water management districts identified in subsection 62-113.100(3), F.A.C., unless the final agency action is to approve any of the following proposed activities:

~~(a) Docking facilities with more than 50 slips, and additions to existing docking facilities where the number of proposed new slips exceeds 10% of the existing slips and the total number of existing and proposed additional slips exceeds 50;~~

~~(a)(b) Proposed leases or modifications to existing leases~~ Docking facilities having a preempted area, as defined in Rule 18-21.003, F.A.C., of more than 150,000 ~~50,000~~ square feet, including proposed leases for mooring fields that don't qualify for the general permit under Rule 62-330.420, F.A.C. and additions to existing docking facilities where the size of the proposed additional preempted area exceeds 10% of the

existing preempted area and the total of existing and proposed additional preempted area exceeds 150,000 ~~50,000~~ square feet.;

~~(b)(e)~~ Private easements of more than 5 acres, except for the installation of telecommunication lines and associated conduits in special consideration areas designated in paragraph 18-21.004(2)(1), F.A.C., in which case, prior to taking final agency action for such installations, staff will provide the Board with notice and an opportunity to request that the application be placed on the Trustees agenda or the removal of pre-cut sunken timber.;

(c) Open-air dining areas that do not meet the criteria in 18-21.004(1)(g)1., F.A.C.

(d) The establishment of a mitigation bank. ~~;~~

(e) Applications involving approval of an exception to the maximum cumulative preemption for a private residential multi-family dock or pier in accordance with subparagraph 18-21.004(4)(b)2., F.A.C. or.

(f) Public mooring fields that have a preempted area of more than 150,000 square feet that don't qualify for the general permit under rule 62-330.420, F.A.C. or public mooring fields with tenancy between 6 – 12 months that do not meet the criteria in 18-21.004(1)(o), F.A.C. or public mooring fields with tenancy longer than 12 months.

(3) through (5) No change.

Rulemaking Authority 253.002, 253.73 FS. Law Implemented 253.002, 253.67-.75, 597.010 FS. History–New 10-12-95, Amended 10-29-03, 10-27-05, 9-1-09,_____.

18-21.0056 Procedures for the Review of Applications to Conduct Geophysical Testing.

(1) Use agreements for geophysical testing involving incidental crossings.

(a) Prior to recommending the execution of a use agreement, the Division shall:

1. No change.

2. Have received all ~~required~~ fees required by pursuant to Rule 18-2.019(4), F.A.C.;

3. No change.

4. Solicit comments from ~~entities agencies~~ whose jurisdiction may be affected, such as including but not limited to the Department of Agriculture, Florida Forest Service Division of Forestry, the Department of Environmental Protection, if applicable, the Division of Water Resource Management, Oil and Gas Program, the Division of Recreation and Parks, and the Fish and Wildlife Conservation Commission; and

5. Ensure that all activities associated with the proposed operations will not conflict with an established public use and the protection of wildlife, such as including endangered and threatened species, and that the activity is consistent with adopted management criteria.

(b) through (c) No change.

(2) Use agreements for offshore testing.

(a) Prior to recommending the approval, modification or denial of a use agreement, the Division shall:

1. Have received from the Oil and Gas Program a permit application to conduct geophysical testing which is being processed by the Department;

2. Have received all ~~required~~ fees required by pursuant to Rule 18-2.019(4), F.A.C.;

3. No change.

4. Solicit comments from ~~entities agencies~~ whose jurisdiction may be affected, such as including but not limited to the Division of Water Resource Management, the Florida Coastal Office, the Florida Fish and Wildlife Conservation Commission;

5. No change.

6. Ensure that all activities associated with the proposed operations will not conflict with a public use, nearshore management policies, the protection of marine resources such as including endangered and threatened species, and adopted management criteria.

(b) through (e) No change.

Rulemaking Authority 253.03(7) FS. Law Implemented 253.03, 253.431 FS. History–New 1-25-87,_____.

18-21.007 Applications for Letter of Consent.

Applications for a letter of consent shall include the following:

(1) Name, address, email address, and telephone number of applicant and applicant's authorized agent, if applicable;

(2) Location of the proposed activity including: county; section, township and range; affected waterbody; and a scaled aerial photograph of the vicinity map, preferably a reproduction of the appropriate portion of United States Geological Survey quadrangle map;

(3) Satisfactory evidence of sufficient upland interest to the extent required by paragraph 18-21.004(3)(b), F.A.C.;

(4) No change.

(5) Multi-slip docking Multiple boat slip facilities shall provide a letter affirming may require an affidavit certifying that the facility will not be a revenue generating/income producing facility as defined in Rule 18-21.003, F.A.C.;

(6) ~~Two copies of a D~~dimensioned site plan drawing(s) with the following requirements:

(a) ~~Using Utilizing~~ an appropriate scale for a on 8 1/2" x 11" size document paper;

(b) through (f) No change.

(7) No change.

Rulemaking Authority 253.03(7) FS. Law Implemented 253.03, 253.12, 253.77 FS. History–New 3-27-82, Formerly 16Q-21.07, 16Q-21.007, Amended 12-11-01,_____.

18-21.0077 Applications for Use Agreements.

(1) Applications for use agreements for geophysical testing involving incidental crossings. The Oil and Gas Program shall provide the Division a copy of all geophysical testing permit applications. In addition to information contained in the permit application, the Division shall require the applicant to submit:

(a) The name, email address, and the telephone number of a representative of the applicant able to resolve multiple use conflicts;

(b) through (c) No change.

(2) No change.

Rulemaking Authority 253.03(7) FS. Law Implemented 253.03, 253.12, 253.77 FS. History—New 1-25-87, _____.

18-21.008 Applications for Lease.

Applications for the following categories of leases are found in this section: standard, extended term, and oil and gas. Special event leases are addressed in Rule 18-21.0082, F.A.C.

(1) Standard Lease. The maximum initial term of a standard lease of sovereignty submerged lands for a private residential single-family dock or pier, private residential multi-family dock or pier, or private residential multislip dock shall be 10 years. For all other leases ~~The term for standard leases shall be 5 years. However, the term for leases for marinas where at least 90 percent of the slips are maintained for rent to the public on a first-come, first-served basis shall be 10 years.~~

(a) Applications for leases shall include the following:

1. Name, address, email address, and telephone number of applicant and applicant’s authorized agent, if applicable.

2. Location of the proposed activity including: county; section, township and range; affected waterbody; and a scaled aerial photograph of the vicinity ~~map, preferably a reproduction of the appropriate portion of United States Geological Survey quadrangle map.~~

3. No change.

4. Either two prints of a survey (when the lease area is 3,000 square feet or greater), or a sketch (when the lease area is less than 3,000 square feet) prepared, signed, and sealed by a Florida registered Professional Surveyor and Mapper person properly licensed by the Board of Professional Surveyors and Mappers, and meeting the following requirements: The survey shall:

a. Use a scale necessary to provide sufficient legibility and clarity of detail on an 8 1/2" x 11" page size paper;

b. Show the approximate location of the ordinary or mean high water;

c. Show the linear footage of the shoreline;

c. through d. renumbered d. through e. No change.

f.e. Show the applicant’s upland parcel property lines and associated riparian rights lines;

f. renumbered g. No change.

~~h.g. Include a legal description of the preempted area to be leased; and~~

~~i.h. For those lease applications in the Florida Keys, indicate the water depths referenced to mean low water within the lease area and out to the navigation channel;:-~~

j. Computation of the total square footage of preempted sovereignty land to be leased; and

k. For those lease applications in an Aquatic Preserve, describe the natural, seawalled, or ripped condition along the proposed lease area plus 1,000 feet on each side of the lease area.

5. No change.

~~6. Current local zoning and status of any local government approvals necessary for activities.~~

6.7. Information required by Form 18-21.008900(4), Billing Information Form, effective date _____, incorporated by reference and available at _____, which provides billing information; sales tax information; and other data required in accordance with Section 24.115(4), F.S. The form is also available from the Department’s Internet site at http://www.dep.state.fl.us/lands/files/submerged_billing_information_form.pdf.

8. renumbered 7. No change.

~~9. Computation of the total square footage of preempted sovereignty land to be leased.~~

10. renumbered 8. No change.

(b) All leases shall be subject to the following provisions:

1. through 2. No change.

3. Leases are renewable, modifiable, and assignable, subject to: approval by the Board under this rule; compliance with the statutes and rules of the Board in effect at the time of lease renewal, modification or assignment that apply to or affect sovereignty submerged lands, including those that require modification of existing legally authorized structures; payment of a ~~\$261.00~~ ~~\$200.00~~ non-refundable processing fee for a private residential single-family dock or pier, or payment of a ~~\$657.00~~ ~~\$500~~ non-refundable processing fee for all other facilities; and payment of all fees assessed under Rule 18-21.011, F.A.C. The processing fee shall be revised annually on March 1 and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous five-year period, with a 10 percent cap on any annual increase. Non-compliance with any material term or condition of the lease to be renewed, modified or assigned or of any other current or prior lease between the applicant and the Board; evidence of the applicant’s previous trespass, damage, or depredation to sovereign submerged land or the products thereof caused by the facility or use; or failure to pay any fees or fines assessed under Rule 18-21.011 or Chapter 18-1, F.A.C., for such leases; shall

result in termination of the lease, corrective action, or enforcement under Section 253.04, F.S. or Chapter 18-14, F.A.C. No application to renew, modify or assign the lease shall be approved unless all such non-compliance is corrected.

4. through 5. No change.

(2) Extended Term Leases.

(a) Extended term leases are those leases with terms in excess of those allowable for standard leases. Extended term leases shall be available for terms up to 25 years. Extended term leases shall be available for existing or proposed facilities or activities, including Grandfathered Registered Structures being brought under lease in accordance with paragraph 18-21.005(1)(d), Rule 18-21.00405, F.A.C., where the use of the sovereignty submerged lands and the associated existing or proposed structures on sovereignty submerged lands have or will have an expected life, or amortization period, equal to or greater than the requested lease term and where the applicant has demonstrated that:

1. The facility or activity provides access to public waters and sovereignty submerged lands for the general public on a first-come, first-served basis; or

2. The facility is constructed, operated or maintained by government, or funded by government secured bonds with a term greater than or equal to the requested lease term; or

3. The applicant demonstrates that an extended term is necessary to satisfy unique operational constraints; or

4. The facility is in compliance with an existing extended term lease.

(b) through (d) No change.

(3) Oil and Gas Lease.

(a) Applications for nominations for the lease of sovereignty lands in which the State of Florida holds an interest in the petroleum or petroleum products shall include the following:

1. Name, email address, and address of the applicant or nominee;

2. Legal description of the parcel sought including the surface acreage; the applicant may use this description may utilize the submerged land blocks approved by the Board on March 17, 1981;

3. through 5. No change.

6. Identification of any improved beach outside a municipal corporation or lands in the tidal waters of the State of Florida abutting on or immediately adjacent to any improved beach in which all or part of the parcel sought is located or within 3 miles thereof; and

7. No change.

(b) No change.

Rulemaking Authority 253.03(7) FS. Law Implemented 253.03, 253.04, 253.115, 253.12, 253.47, 253.512, 253.52-.54, 253.61, 253.67-.75 FS. History—New 12-20-78, Formerly 16C-12.14, 16Q-17.14, Amended 3-27-82, 8-1-83, 2-25-85, 3-19-85, Formerly 16Q-21.08, 16Q-21.008, Amended 1-25-87, 10-11-98, 12-11-01, 3-8-04, 8-10-05, 9-1-09_____.

18-21.0082 Applications for Special Event Authorizations.

(1) Class II Letter of Consent ~~Consent of Use~~. Applications for a Class II Letter of Consent ~~consent of use~~ for special events shall include the following:

(a) Name, address, email address, and telephone number of applicant and applicant's authorized agent, if applicable;

(b) No change.

(c) A detailed statement of the proposed activity;

(d) A letter affirming ~~An affidavit certifying~~ that the special event will not be a revenue generating/income producing activity;

(e) ~~Two copies of a~~ Dimensioned site plan drawing(s), with the following requirements:

1. Using ~~Utilizing~~ an appropriate scale on an 8 1/2" x 11" page size paper;

2. through 3. No change.

4. Showing the ~~location of any existing or proposed structures and~~ the boundary of the proposed preempted area;

5. through 6. No change.

(f) through (g) No change.

(2) Class III Single Event Lease and Class IV Special Events Lease.

(a) Applications for Class III and IV leases for special events shall include the following:

1. Name, address, email address, and telephone number of applicant and applicant's authorized agent, if applicable;

2. through 3. No change.

4. Name, address, email address, and telephone number of the owner of any marina to be utilized for the special event, and a copy of any existing sovereign submerged land lease for such marina, or the name of the governmental entity that is the riparian owner of the adjacent uplands, along with the address and telephone number of a contact person for the governmental entity.

5. ~~A Two copies of a~~ A sketch, on an 8 1/2" x 11" page size paper, prepared, signed, and sealed by a Florida registered professional engineer or Florida registered Professional Surveyor and Mapper. The sketch shall include the following information:

a. The location and dimensions of all proposed and existing structures, ~~such as including~~ mooring pilings, total number of existing and proposed slips, and the location of any fueling and sewage pumpout facilities within the proposed lease area;

b. through j. No change.

6. No change.

~~7. Current local zoning and status of any local government approvals necessary for activities.~~

8. through 9. renumbered 7. through 8. No change.

~~9.10.—Basis for computation of the special event fee including: the total square footage of preempted sovereign submerged land to be leased, and estimated gross rental income in accordance with Rule 18-21.011, F.A.C.~~

11. renumbered 10. No change.

(b) No change.

(c) Class III and IV leases shall be subject to the following provisions:

1. A Class III single event lease is limited to a maximum of 45 consecutive thirty days per event. A Class IV special events lease shall be available for a term of up to 10 5 years.

2. Class III and Class IV leases shall specify a period of 45 30 or fewer days within which any preemption for an event will occur.

3. No change.

~~4. Payment of the base fee or minimum fee, as applicable, plus any other fees required by Rule 18-21.011, F.A.C. For special events where the gross rental income fee exceeds the base fee or the minimum fee, as applicable, payment of any fee payment due in accordance with Rule 18-21.011, F.A.C. Provisions for making such payments shall be specified in the Class III or Class IV lease. Payment of fees shall be pursuant to paragraph 18-21.011(1)(d), F.A.C.~~

5. through 6. No change.

~~7. Where more than one event is authorized over the term of the Class IV special events lease, the lessee shall provide, not less than 120 days prior to each event after the initial event, a Special Event Certification (Form 18-21.900(2)) containing the following:~~

~~a. An updated schedule of dates for subsequent special events;~~

~~b. The names and addresses of any new property owners within 500 feet of the lease boundary for purposes of noticing in accordance with the procedures in subparagraph 18-21.0082(2)(a)6., F.A.C.;~~

~~c. An identification of any new riparian owners of adjacent uplands;~~

~~d. A statement of compliance with all the terms and conditions of the lease;~~

~~e. An identification of any proposed changes in the design of physical structures that will extend outside the lease boundary authorized by the existing lease or into areas of sensitive resources identified in the lease; and~~

~~f. An identification of any changes in the numbers, sizes, drafts, and types of vessels associated with the special event that exceed any limitations in the terms and conditions of the lease.~~

Rulemaking Authority 253.03(7), 253.0345, 253.73, 379.2341 FS. Law Implemented 253.03, 253.0345, 253.04, 253.115, 253.141, 253.77 FS. History—New 10-15-98, Amended.

18-21.009 Applications for Public Easement.

(1) Applications for easements across sovereignty submerged land for public purposes such as public utilities, bridges, and roads, shall include the following:

(a) Name, address, email address, and telephone number of applicant and applicant’s authorized agent;

(b) Location of the proposed activity including: county; section, township and range; affected waterbody; and a scaled aerial photograph of the vicinity map, preferably a reproduction of the appropriate portion of a United States Geological Survey Quadrangle Map;

(c) through (d) No change.

~~(e) A Two prints of a survey sketch prepared by a Licensed Florida registered Professional Surveyor and Mapper—in accordance with Chapter 61G17, F.A.C., and meeting the following requirements:~~

~~1. Using Utilizing an appropriate scale on an 8 1/2" x 11" page size paper;~~

~~2. through 6. No change.~~

~~7. Including a legal description, total square footage, and acreage of the parcel sought. However, for applications received after October 29, 2003 for telecommunication lines and associated conduits in special consideration areas designated in paragraph 18-21.004(2)(1), F.A.C., a sketch of the location of the installation shall be submitted provided that an as-built survey and legal description are submitted upon completion of construction. Such sketch shall be on NOAA nautical charts using the smallest scale available for the portion of the route shown;~~

~~(f) No change.~~

~~(g) Payment of a \$657.00 \$500.00 non-refundable processing fee. This processing fee shall be revised annually on March 1 and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous five-year period, with a 10 percent cap on any annual increase. However, a \$15,000 non-refundable processing fee is required for each application to install telecommunication lines and associated conduits received after October 29, 2003 that are subject to the provisions of paragraph 18-21.004(2)(1), F.A.C., at a landing site, including applications to install telecommunication lines in previously authorized empty conduits. The processing fee for telecommunication lines and associated conduits shall be revised annually on March 1 and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous five-year period, with a 10 percent cap on any annual increase. The~~

applicant may request that the processing fee ~~may~~ be waived for state agencies established pursuant to Chapter 20, F.S., and local governments; and

(h) If dredging is proposed, an estimate of the number of cubic yards of sovereignty material to be removed showing how the amount was calculated; ~~and~~

~~(i) Current local zoning and status of any local government approvals necessary for activities.~~

(2) through (4) No change.

Rulemaking Authority 253.03(7) FS. Law Implemented 253.03(11), 253.115, 253.12 FS. History—New 9-26-77, Formerly 16C-12.09, 16Q-17.09, Revised 3-27-82, Formerly 16Q-21.09, 16Q-21.009, Amended 12-11-01, 10-29-03, 3-8-04, 8-10-05, ____.

18-21.010 Applications for Private Easement.

(1) Applications for easements across sovereignty submerged lands for private purposes shall include the following:

(a) Name, address, email address, and telephone number of applicant and applicant’s authorized agent;

(b) Location of the proposed activity including: county; section, township and range; affected waterbody; and a scaled aerial photograph of the vicinity map, preferably a reproduction of the appropriate portion of a United States Geological Survey Quadrangle map;

(c) through (e) No change.

(f) Either Two prints of a survey (when the easement area is 3,000 square feet or greater), or a sketch (when the easement area is less than 3,000 square feet), prepared by a Licensed Florida registered Professional Surveyor and Mapper—in accordance with Chapter 61G17, F.A.C., and meeting the following requirements:

1. Using Utilizing an appropriate scale on an 8 1/2" x 11" page size paper (unless a larger size is necessary to provide sufficient clarity and detail);

2. through 6. No change.

7. Including a legal description, total square footage, and acreage of the parcel sought. However, for applications received after October 29, 2003 for telecommunication lines and associated conduits in special consideration areas designated in paragraph 18-21.004(2)(1), F.A.C., a sketch of the location of the installation shall be submitted provided that an as-built survey and legal description are submitted upon completion of construction. Such sketch shall be on NOAA nautical charts using the smallest scale available for the portion of the route shown;

(g) No change.

~~(h) Current local zoning and status of any local government approvals necessary for activities;~~

~~(h)(i)—~~Payment of a ~~\$657.00~~ \$500.00 non-refundable processing fee. This processing fee shall be revised annually on March 1 and increased or decreased based on the average

change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous five-year period, with a 10 percent cap on any annual increase. However, a \$15,000 non-refundable processing fee is required for each application to install telecommunication lines and associated conduits received after October 29, 2003, that are subject to the provisions of paragraph 18-21.004(2)(1), F.A.C., at a landing site, including applications to install telecommunication lines in previously authorized empty conduits. The processing fee for telecommunication lines and associated conduits shall be revised annually on March 1 and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous five-year period, with a 10 percent cap on any annual increase;

(i) through (k) renumbered as (h) through (j) No change.

(2) through (4) No change.

(5) The terms of all the easements shall be limited to a reasonable period of time related to the life of the proposed project or amortization of the improvements, up to a maximum term of 25 years.

Rulemaking Authority 253.03(7) FS. Law Implemented 253.03(11), 253.115, 253.12 FS. History—New 12-20-78, Formerly 16C-12.10, 16Q-17.10, Amended 3-27-82, Formerly 16Q-21.10, 16Q-21.010, Amended 12-11-01, 10-29-03, 3-8-04, 8-10-05, 4-14-08, ____.

18-21.011 Payments and Fees.

(1) Standard and Extended Term Leases.

(a) Fee Formula

1. Except as otherwise provided, the annual lease fee for standard term leases shall be six percent of the annual income, the base fee, or the minimum annual fee, whichever is greater, and shall include discounts, surcharges, and other payments as provided in paragraph 18-21.011(1)(b), F.A.C. The annual lease fee for extended term leases shall be calculated using the following equation: annual lease fee for extended term leases = annual lease fee for standard term leases multiplied by (1 + .01X), where: X = the term of the lease in years. For the purposes of this section, income shall be the gross receipts derived from the rental, lease, sublease, license or other transaction involving tenancy of wet slips over sovereign submerged land whether the holder of the lease is primarily involved in every subsequent transaction or not. The base fee and minimum annual fee will be calculated according to paragraph (b) of this subsection. All leases shall require that the lessee include a clause in agreements for the use of a slip providing that 6% of gross income derived from any sub-agreement for the use of a slip shall be paid to the Board’s lessee, who shall report and transmit such payments to the Board upon receipt, and a clause providing that no interest in a slip may be further transferred unless a substantially similar clause is placed in any succeeding document effecting the transfer to each new slip holder. Notwithstanding, a lessee of

sovereignty submerged lands for a private residential single-family dock or pier, private residential multi-family dock or pier, or private residential multislip dock is not required to pay a lease fee on revenue derived from the transfer of fee simple or beneficial ownership of private residential property that is entitled to a homestead exemption pursuant to Section 196.031, F.S., at the time of transfer.

2. The income used to determine the annual lease fee and any other information required from the previous year will be certified true and correct by the lessee and shall include any ancillary charges, such as club membership, stock ownership, or equity interest or other miscellaneous fees required for and directly attributable to the rental of a wet slip over, or use of, sovereign submerged land. Ancillary charges shall not include pass-through fees such as fees for utility services. Facilities that do not rent wet slips or that rent slips significantly below prevailing market rate shall submit a comparable sales analysis, a broker's opinion of value, sales documentation, or appraisal of the wet slips to determine their income. Notwithstanding, an appraisal shall be required when the Department finds the submission insufficient to support the slip value a current market rent appraisal. ~~Such facilities shall obtain a new market rent appraisal 6 months prior to the lease expiration, or ensure that a new market rent appraisal is received by the Department every five years, whichever is earlier. When an appraisal is required~~ The Bureau of Appraisal shall obtain fee quotes and select qualified appraisers. The applicant will be notified of the fee and shall submit payment for the appraisal to the Department prior to the appraisal being initiated. The initial income, as appraised, shall be revised annually on March 1 and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous five-year period, with a 10 percent cap on any annual increase, but shall be recalculated every five years in accordance with each new market rent appraisal, regardless of the CPI figure. Procedures for the annual review and adjustment of the rental rate shall be included as a condition of the lease.

3. through 4. No change.

(b) Base Fees, Discounts, Surcharges and Other Payments.

1. through 5. No change.

6. The annual lease fees for restaurants and other nonwater dependent uses shall be negotiated by the Department or water management district staff. In negotiating the annual lease fee, the Department or water management district staff will consider the appraised market rental value of the riparian upland property and the enhanced property value, benefits, or profit gained by the applicant if the proposed lease is approved. The Division using best professional judgement may consider a comparable sales analysis, or a brokers opinion of value of the market rental rate of the riparian upland property.

Grandfathered nonwater dependent uses shall be assessed fees as water dependent uses when grandfathered status is lost for any reason. For Open-air dining areas, that meet the criteria in section 18-21.004(1)(g)1., F.A.C., the annual lease fees for restaurants and other the nonwater dependent uses shall be an amount equal to 10 times the base fee. These leases are not eligible for any lease fee discounts contained in this rule.

7. No change.

a. No change.

b. The activity or use of sovereignty submerged lands is consistent with the public purposes of the applicant organization; ~~and is not an adjunct to a commercial endeavor.~~

c. In no case shall the activity or use of sovereign submerged lands be operated to directly benefit a party not eligible for the waiver. Notwithstanding, a party eligible for this waiver may hire a private vendor to operate the activity, provided, however, that the private vendor does not directly receive funds from such operation. Further, a person may operate a commercial activity associated with the activity only so long as such person does not have any exclusive use of any part of the preempted area.

8. No change.

9. A lessee of sovereignty submerged lands for a private residential single-family dock designed to moor up to four boats is not required to pay lease fees for a preempted area equal to or less than 10 times the riparian shoreline along sovereignty submerged land on the affected waterbody or the square footage authorized for a private residential single-family dock under rules adopted by the Board for the management of sovereignty submerged lands, whichever is greater.

10. A lessee of sovereignty submerged lands for a private residential multi-family dock designed to moor boats up to the number of units within the multi-family development is not required to pay lease fees for a preempted area equal to or less than 10 times the riparian shoreline along sovereignty submerged land on the affected waterbody times the number of units with docks in the private multi-family development.

9. through 13. renumbered 11. through 15. No change.

(c) No change.

(d) Class III and IV Special Event Authorizations.

1. A Class III single event lease and a Class IV special events lease shall be assessed a special event fee. The special event fee shall be the base fee in subparagraph 18-21.011(1)(b)1., F.A.C., prorated for a period not to exceed 45 days and based solely on the period per event and actual size of the preemption. The special event fee shall be five percent of the gross rental income generated over sovereignty submerged lands from the special event, the base fee in subparagraph 18-21.011(1)(b)1., F.A.C., prorated for the time period of the preemption, or the minimum annual fee in subparagraph 18-21.011(1)(b)4., F.A.C., whichever is greater. Gross rental

~~income is defined as the actual income collected from the rental or use of sovereignty submerged lands, and shall include any ancillary user charges, such as exhibitor or registration fees required for and directly attributable to the use of structures or conduct of activities on sovereignty submerged lands. However, the gross rental income shall not include pass-through fees such as fees for utility services or revenues generated from sales at concessions on sovereignty submerged lands. The lessee shall provide a certification to the Board showing the total amount of the gross rental income derived from the rental of wetlands on sovereignty submerged lands, including copies of all contracts and other documentation used to determine the gross rental income amount provided in the certification. Failure to account for all gross rental income shall be referred to the state attorney for appropriate action under Section 837.06, F.S. A conviction under Section 837.06, F.S., shall result in cancellation of the lease.~~

2. No change.

~~3. Where special events are conducted under the terms and conditions of an existing lease and are located within an existing lease area, the gross rental income per subparagraph 18-21.011(1)(d)1., F.A.C., collected by the lessee from the special event shall be reported as part of the annual certification required for the existing lease under subparagraph 18-21.011(1)(a)2., F.A.C. The "gross rental income" will be added to the "rental value of the wetland rental area" for calculation of the annual lease fee required by subparagraph 18-21.011(1)(a)1., F.A.C. Calculation of the rental value of the wetland rental area shall exclude the time period during which the event is conducted.~~

4. renumbered 3. No change.

(2) Private Easements.

(a) The fee for granting, modifying, or renewing a private easement containing 3,000 square feet or less, for a ~~single-family~~ riparian parcel, or for two adjacent ~~single-family~~ riparian parcels sharing a common easement, shall be calculated as 1/2 the minimum annual lease fee determined under paragraph 18-21.011(1)(b), F.A.C., multiplied by the term of the easement.

(b) The fee for granting, modifying, or renewing all other private easements, except for telecommunication lines and associated conduits that are subject to the provisions of paragraph 18-21.004(2)(I), F.A.C., shall be assessed and based upon an appraisal, a comparable sales analysis, or a broker's opinion of value. Notwithstanding, private easements shall be assessed and based upon an appraisal if the Division, using best professional judgment, finds the easement has an estimated value greater than \$10,000 or if the Division, using best professional judgment, is unable to determine an initial estimated value, determined by an approved appraisal. In addition to standard appraisal services requirements and

procedures, the following factors shall be considered in determining the easement fee:

1. The extent to which the easement is exclusionary; i.e., the degree to which the proposed easement precludes, in whole or in part, traditional or future public uses of the easement area or other submerged land; and

2. The enhanced property value or profit gained by the applicant if the proposed easement is approved. Enhancement will not be considered in the appraisal services for easement renewals that do not modify the size or use of the expired easement.

(c) For the purposes of this rule, broker's opinion of value and comparable sales analysis are valuation techniques, which are not appraisals, that are performed under Chapter 475, Part 1, F.S., comparing available market data such as sales, listings, and contracts to the property being analyzed.

(d) The fee for pre-cut sunken timber easements is \$5,500 per year.

(e) No fee shall be assessed for treasure salvage or cultural resource recovery easements.

(c) renumbered (f) No change.

(3) Severed Dredge Materials.

(a) through (b) No change.

(c) A waiver of the severed dredge material payment shall be approved when:

1. No change.

2. It is affirmatively demonstrated that the severed dredge material has no economic value, as demonstrated by a requirement to dispose the material in a landfill or when 75% of the material passes through a #200 sieve;~~or~~

3. No change.

4. Where sale of the material or contractor use of the material is solely for a publicly-funded environmental restoration project.

(4) No change.

Rulemaking Authority 253.03(7), (11) FS. Law Implemented 253.03, 253.71 FS. History—New 3-27-82, Amended 5-18-82, 8-1-83, 9-5-84, 10-20-85, Formerly 16Q-21.11, 16Q-21.011, Amended 1-25-87, 9-6-87, 3-15-90, 10-11-98, 10-15-98, 10-29-03, 3-8-04, 1-1-06, 4-14-08, 9-1-09, _____.

18-21.013 Applications to Purchase Filled Lands Adjacent to Riparian Uplands.

(1) Applications to purchase state-owned submerged lands that have been filled and which are adjacent to riparian uplands may be made by the riparian owners only. The Division shall reject applications that do not comply with this rule. If an application satisfies all the criteria of this rule, the Division shall send the application to the Board for final determination regarding the sale of the filled lands. The following shall be included in each application:

(a) No change.

(b) Two prints of a survey prepared, signed, and sealed by a person properly licensed by the State of Florida Board of Land Surveyors or an agent of the federal government approved by the department clearly showing:

1. through 3. No change.

~~4. Existing mean high water line, surveyed and approved in accordance with Chapter 177, Part II, F.S., between the applicant's uplands and the parcel sought extending 1,000 feet from both sides of the parcel;~~

5. renumbered 4. No change.

(c) through (k) No change.

(2) No change.

(3) When state-owned submerged lands have been filled without authority after June 10, 1957 (state-owned submerged lands filled prior to June 11, 1957 are addressed in Rule 18-21.019, F.A.C.), except for lands filled before July 1, 1975 that satisfy all of the requirements of Section 253.12(9), F.S., the Board will consider the following options and choose the one that is most in the public interest.

(a) No change.

(b) Direct the fill remain as state-owned, and have it surveyed at the expense of the applicant and come under lease; or

(c) Sell the filled lands. The following sale prices shall be recommended by the Department to the Board:

1. ~~Two times~~ The present value of the lands determined by an approved appraisal excluding building improvements if the unauthorized filling was done by the applicant's predecessor in title after June 10, 1957.

2. No change.

(4) No change.

Rulemaking Authority 253.03, 253.12, 379.2341 FS. Law Implemented 253.115, 253.12 FS. History--New 9-26-77, Formerly 16C-12.04, 16Q-17.04, Amended 3-27-82, Formerly 16Q-21.13, 16Q-21.013, Amended 4-14-08, _____.

18-21.019 Applications, Standards, Criteria, Fees, and Forms for Disclaimers, Quitclaim Deeds or Certificates to Clear Title to Filled Formerly Submerged Sovereignty Lands, Filled-In, Bulkheaded, or Permanently Improved in Accordance with Chapter 253, F.S. and for Disclaimers for Lands Lost Due to Avulsion or to Reclaim Lands Lost Due to Artificial Erosion or Artificial Erosion and Avulsion. Applications for Disclaimers, Quitclaim Deeds or Certificates to Clear Title to Filled Formerly Sovereignty Lands and for Disclaimers for Lands Lost Due to Avulsion or to Reclaim Lands Lost Due to Artificial Erosion or Artificial Erosion and Avulsion.

(1) through (3) No change.

(4) Disclaimer Due to an Avulsive Event:

(a) ~~The Board of Trustees shall issue a disclaimer to the~~

~~upland riparian or littoral owner of record for privately owned lands which are submerged as a result of an avulsive event only if:~~

~~1. The land for which the disclaimer is sought was located above the line of mean or ordinary high water on a date not more than five years prior to the date the application is filed with the Board;~~

~~2. The land for which a disclaimer is sought was lost due to an avulsive event; and~~

~~3. The lands to be reclaimed do not exceed one acre in size.~~

~~(b) Applications for a disclaimer must be made on DEP Form #62 069(16), effective date August 22, 1996, titled "Application for Disclaimer for Lands Lost Due to Avulsion" which is hereby incorporated by reference. Applications can be obtained from the address stated in subsection 18 21.019(6), F.A.C.~~

~~(5) Quitclaim Deeds as a Result of Artificial Erosion or Artificial Erosion and Avulsion:~~

~~(a) The Board of Trustees shall permit sovereign, submerged lands that were formerly privately owned uplands but which are submerged as a result of artificial erosion or artificial erosion and avulsion to be reclaimed by the upland riparian or littoral owner of record only if:~~

~~1. The area adjacent to the eroded lands is already substantially bulkheaded or armored;~~

~~2. The toe of the reclaimed land or associated armoring extends no further waterward than adjacent properties;~~

~~3. The reclamation will not, on the average, relocate the line of mean or ordinary high water more than 30 feet waterward of the current line;~~

~~4. The land to be reclaimed does not exceed one half acre in size;~~

~~5. The land to be reclaimed is not located within an aquatic preserve; and~~

~~6. The sale is in the public interest.~~

~~(b) Applications for a quitclaim deed must be made on DEP Form #62 068(16), effective date August 22, 1996, titled "Application to Purchase Lands Lost Due to Artificial Erosion or Artificial Erosion and Avulsion" which is hereby incorporated by reference. Applications can be obtained from the address stated in subsection 18 21.019(6), F.A.C.~~

~~(c) Where the Board of Trustees permits the upland property owner to reclaim lands lost due to artificial erosion or artificial erosion and avulsion, it shall do so by issuing a quitclaim deed to the property owner conditioned upon receipt of payment as determined pursuant to paragraph (f) below.~~

~~(d) The quitclaim deed shall contain a reverter which requires the deeded property to be reclaimed within one year of the date of issuance of the quitclaim deed. Failure to reclaim the land within the specified time period shall cause title to the property to automatically revert to the Board of Trustees.~~

~~(e) The Board of Trustees shall also reserve lateral public access across the land to be deeded when the area has historically been used by the public for access.~~

~~(f) The consideration for the sale of such lands shall be derived from the following formula: the number of square feet to be conveyed times the current year's per square foot assessed value of the owner's adjacent upland property in its unimproved state. The Board of Trustees shall reduce the consideration for sale if such reduction is in the public interest as defined in Section 18-21.003, F.A.C.~~

(6) through (7) renumbered (4) through (5) No change. Rulemaking Authority 253.03(7) FS. Law Implemented 253.03, 253.12, 253.43, 253.129 FS. History—New 11-1-95, Amended 4-17-96, 4-13-98,_____.

18-21.020 Aquacultural Activities.

(1) through (3) No change.

(4) Specific standards and criteria for aquaculture leases.

Leased areas shall comply with the following:

(a) through (b) No change.

(c) When the leased area is within an aquatic preserve, research reserve, marine sanctuary, or state park, the activity shall be compatible with the managed area's management plan, or prevailing management policies when a management plan has not been developed, and consistent with Sections 258.42 and 373.406, F.S., as determined by the coordinated review required in subparagraph 18-21.021(1)(f)2., F.A.C.

(d) DACS shall recommend that the Board create an aquaculture use zone ~~a high density lease area~~ when it receives ten or more individual lease applications in the same water body within a six-month period to encourage regional aquacultural and economic development, facilitate resource management, reduce potential adverse environmental impacts, and reduce user conflicts.

(e) through (g) No change.

(h) An aquaculture lease, an aquaculture management agreement, or a shellfish lease is required for the relay of shellfish from polluted waters for purification, unless a site is specifically designated by DACS for such purposes. Relaying activities on leased areas shall be conducted pursuant to Section 597.010(18)(19), F.S.

(i) An aquaculture lease for culturing shellfish ~~hard clams or oysters~~ shall not be granted in areas where, at the time of inspection, DACS determines that the lease would preempt public access to harvestable resources of shellfish ~~hard clams or oysters~~; harvestable resources shall be established as:

1. through 2. No change.

(j) through (k) No change.

(5) No change.

(6) No change.

(a) through (f) No change.

(g) Ensure that the cultivation of indigenous, or hybrids of indigenous, plants or animals is consistent with Chapter 597, F.S. Relaying activities shall be conducted pursuant to Section 597.010(18)(19), F.S.

(h) No change.

(7) through (8) No change.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.002, 253.67-.75, 253.77 FS. History—New 9-1-09,_____.

18-21.021 Applications for Aquacultural Activities.

(1) No change.

(a) No change.

~~(b) Applications for aquaculture leases shall be obtained from and submitted to the Division of Aquaculture at the address listed in subsection 18-21.021(7), F.A.C.~~ The Application for a State Owned Sovereignty Submerged Land Aquaculture Lease (FDACS 15102, Rev. 08/16 02/09) is hereby adopted and incorporated by reference and may be obtained on the Internet at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX>, <http://www.floridaaquaculture.com> or by writing to the Division of Aquaculture at 600 S. Calhoun Street, Suite 217 4203 Governor's Square Boulevard, Fifth Floor, Tallahassee, Florida 32399 32304.

(c) Applications for aquaculture leases shall include the following:

1. through 9. No change.

~~10. A statement by applicants wishing to lease areas not designated by the state, whether they wish to negotiate the fixed lease fee or to bid the lease for the first ten year lease term.~~

11. renumbered 10. No change.

(d) No change.

(e) When DACS identifies tracts of sovereignty submerged lands or water columns designated as aquaculture use zones ~~high density lease areas~~ involving multiple lease parcels for aquacultural development, and there is no established priority for selecting qualified applicants, then DACS shall make recommendations to the Board and request consideration concerning the method to be used to select qualified applicants and to determine the amount of lease fees, in accordance with this section.

(f) through (k) No change.

(l) The review procedures to be followed for new applications ~~and renewals~~ include:

1. through 6. No change.

(m) through (n) No change.

(o) The Board shall require the applicant to cause notice of receipt of the lease application to be published in a newspaper of general circulation in the county in which the parcel is situated once a week for three consecutive weeks. Such notice shall be made on the Notice of Aquaculture Lease Application

(FDACS 15118, Rev. ~~05/17 02/09~~) which is hereby adopted and incorporated by reference and may be obtained on the Internet at ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX, http://www.floridaaquaculture.com~~ or by writing to the Division of Aquaculture at ~~600 S. Calhoun Street, Suite 217 1203 Governor's Square Boulevard, Fifth Floor~~, Tallahassee, Florida ~~32399 32304~~. The application shall contain the following:

- 1. through 2. No change.
- (p) through (r) No change.
- (s) All leases are renewable, modifiable, and assignable, subject to:

- 1. Approval by the Board under this Rule; and
- 2. Compliance with the statutes and rules of the Board in effect at the time of lease renewal, modification or assignment that apply to or affect sovereignty submerged lands.

(t) Termination of the lease, corrective action, or enforcement under Section 253.04, F.S. or Chapter 18-14, F.A.C., shall result for the following, and no application to renew, modify, or assign the lease shall be approved unless all such non-compliance is corrected:

- 1. Non-compliance with any material term or condition of the lease to be renewed, modified or assigned or of any other current or prior lease between the applicant and the Board;
- 2. Evidence of the applicant's previous trespass, damage, or depredation to sovereign submerged land or the products thereof caused by the facility or use; or
- 3. Failure to pay any fees or fines assessed under Rule 18-21.022 or Chapter 18-14, F.A.C., for such leases.

~~Board approval and compliance with the terms of subparagraph 18-21.008(1)(b)3., F.A.C.~~

(u) Requests to renew leases shall be made on the Application to Renew an Aquaculture Lease Shellfish (FDACS 15160 ~~45127~~, Rev.~~06/16 06/09~~) or Application to Renew an Aquaculture Lease Live Rock (FDACS 15412). Applications to sublease shall be made on the Application for Sublease of Sovereignty Submerged Land Aquaculture Lease (FDACS 15114, Rev. ~~08/16/09 02/09~~). Applications for transferring leases shall be made on Assignment and Assumption of Lease (FDACS 15113, Rev. ~~04/14 02/09~~). The applications listed in this paragraph are hereby adopted and incorporated by reference and may be obtained on the Internet at ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX, http://www.floridaaquaculture.com~~ or by writing to the Division of Aquaculture at ~~600 S. Calhoun Street, Suite 217 1203 Governor's Square Boulevard, Fifth Floor~~, Tallahassee, Florida ~~32399 32304~~.

- (2) Aquaculture lease authorization.
- (a) No change.

- 1. through 3. No change.
- 4. A requirement that the leaseholder obtain and maintain a valid Aquaculture Certificate of Registration aquaculture certification issued by DACS. As a condition of the Aquaculture Certificate of Registration aquaculture certification the lessee shall comply with any special lease conditions, applicable best management practices for the specific aquacultural activity, and any permit issued pursuant to Chapter 373, F.S.

- 5. through 8. No change.
- (b) through (c) No change.
- (3) No change.
- (a) through (b) No change.
- (c) The Application for Sovereignty Submerged Land Aquaculture Letter of Consent (FDACS 15138, Rev. ~~09/14 06/09~~), which is hereby adopted and incorporated by reference, and shall be submitted to the Division of Aquaculture at the address listed in subsection 18-21.021(7), F.A.C. The application may be obtained on the Internet at ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX, http://www.floridaaquaculture.com~~ or by writing to the Division of Aquaculture at ~~600 S. Calhoun Street, Suite 217 1203 Governor's Square Boulevard, Fifth Floor~~, Tallahassee, Florida ~~32399 32304~~.

- (d) No change.
- (4) Aquaculture letter of consent authorization.
- (a) If DACS determines that the proposed activity complies with subsection (3) above, has an Aquaculture Certificate of Registration, is in compliance with the best management practices adopted by rule for that activity, and meets the requirements of subsection 18-21.020(5), F.A.C. DACS shall issue a letter of consent.

- (b) No change.
- (5) No change.
- (a) through (c) No change.
- (d) Applications for aquaculture management agreements shall be submitted, using the Application for Sovereignty Submerged Lands Aquaculture Lease (FDACS 15102, Rev. ~~08/16 02/09~~) ~~listed in paragraph 18-21.021(1)(b), F.A.C., to the Division of Aquaculture at the address listed in subsection 18-21.021(7), F.A.C.~~

- (e) through (f) No change.
- (6) No change.
- (a) through (c) No change.
- (d) The management agreement shall require the grantee obtain and maintain a valid Aquaculture Certificate of Registration aquaculture certification issued by DACS prior to the initiation of any activities authorized by the agreement. As a condition of the Aquaculture Certificate of Registration aquaculture certification, the grantee shall comply with special

conditions, applicable best management practices, or with the condition of a permit issued pursuant to Chapter 373, F.S.

(e) through (f) No change.

(7) Applications for authorizations to use sovereignty submerged lands for aquacultural purposes shall be submitted to the Florida Department of Agriculture and Consumer Services, Division of Aquaculture at 600 S. Calhoun Street, Suite 217 ~~1203 Governor's Square Boulevard, Fifth Floor,~~ Tallahassee, Florida ~~32399 32304~~, Telephone: (850) ~~617-7600 488-5471~~.

Rulemaking Authority 253.03(7) FS. Law Implemented 253.002, 253.04, 253.67-.75, 253.77, 373.427(2)(a), 597.010 FS. History—New 9-1-09, _____.

18-21.022 Payments and Fees for Aquacultural Activities.

(1) through (3) No change.

(4) The annual fee shall be revised March 1 of each year and increased or decreased based on the average change over time in the price paid by all urban consumers for a market basket of consumer goods and services. In determining the change, the Board will annually consult the Consumer Price Index figures established for the previous five years by the Bureau of Labor Statistics, computed as provided in the BLS Publication "Handbook of Methods," Chapter 17, June 2007, and found on the BLS website at <http://www.bls.gov/opub/hom/pdf/homch17.pdf> ~~http://www.bls.gov/opub/homch17.pdf~~. There shall be a 10 percent cap on any annual increase.

(5) through (8) No change.

Rulemaking Authority 253.03(7), (11), 253.73 FS. Law Implemented 253.002, 253.04, 253.67-.75, 253.77, 597.010 FS. History—New 9-1-09, _____.

18-21.900 Forms.

Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.03, 253.03(11), 253.77, 597.010 FS. History—New 10-15-98, Amended 12-11-01, 9-1-09, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Scott Woolam

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Noah Valenstein, DEP Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 06, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: May 4, 2018

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NOS.: RULE TITLES:

64B12-16.003 Apprenticeship Requirements and Training Program

64B12-16.004 Termination of Apprenticeship

PURPOSE AND EFFECT: The purpose is to add new language to update and clarify procedures for demonstrating compliance by licensees.

SUMMARY: To update and clarify language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board 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: 484.005, 484.007(1), 484.007(1)(d)4. FS.

LAW IMPLEMENTED: 456.0635, 484.002, 484.007(1), 484.007(1)(d)4. 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: Jennifer Wenhold, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3253.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) No change.

(2) An apprentice shall have no more than two sponsors at any given time. If an apprentice has two sponsors, one sponsor shall be the primary sponsor responsible for the secondary sponsor and the apprentice. The apprentice ~~primary sponsor~~ shall be responsible for the completion, filing, signature and verification of the Apprenticeship Sponsor Form (DH-MQA 1063, revised 07/16) which is hereby adopted and incorporated by reference, which can be obtained from the Board's website at <http://www.floridasopticianry.gov>, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-07605>. The secondary sponsor may work with the apprentice in a store or office other than the primary store or office as long as the apprentice works under the apprenticeship requirements and training program.

(3) through (6) No change.

Rulemaking Authority 484.005, 484.007(1)(d)4. FS. Law Implemented 456.0635, 484.002, 484.007(1)(d)4. FS. History—New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07, 11-20-07, 5-25-09, 11-29-09, 5-19-10, 4-9-12, 5-22-14, 7-17-14, 12-6-16, 9-11-18,_____.

64B12-16.004 Termination of Apprenticeship.

(1) If an apprentice terminates apprenticeship with a sponsor or the sponsor is no longer providing training to an apprentice, the apprentice ~~sponsor~~ shall submit to the Department within 30 days from the date of the termination a completed Apprenticeship Sponsor Attestation Form, as set forth in subsection 64B12-16.003(2), F.A.C.

(2) Failure to comply with the requirements of this rule shall subject the apprentice to discipline or denial of licensure ~~and the sponsor to discipline~~.

Rulemaking Authority 484.005, 484.007(1) FS. Law Implemented 484.007(1)(d)4. FS. History—New 10-12-80, Formerly 21P-16.04, Amended 3-5-87, 3-30-89, Formerly 21P-16.004, 61G13-16.004, Amended 7-10-97, Formerly 59U-16.004, Amended 6-25-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Opticianry

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: November 2, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: December 12, 2018

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:

69A-37.055 Curriculum Requirements for Training Firefighter Recruits or Firefighters

PURPOSE AND EFFECT: The proposed rule amendment will include the updated courses career and volunteer firefighters training related to cancer and mental health risks within the fire service, and to update the NFPA 1582 to the 2018 Edition.

SUMMARY: This rule amendment is mandatory due to passage of CS/SB 394, in which changes were made to section 633.408, F.S. The law requires the Division of State Fire Marshal to establish courses to provide training for career and volunteer firefighters related to cancer and mental health risks within the fire service. In addition, the updated NFPA 1582, 2018 Edition, is included in this rule amendment.

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 Division of State Fire Marshal conducted an analysis of the proposed rules' potential economic impact and determined that it did not exceed any of the criteria established in section 120.541(1), F.S., and it therefore does not require legislative ratification pursuant to section 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 633.128(1)(a), (b), (2)(a), 633.408(1) FS.

LAW IMPLEMENTED: 633.128(1)(a), (b), 633.408 FS.

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

DATE AND TIME: Wednesday, January 23, 2019, 3:00 p.m. till 5:00 p.m.

PLACE: Daytona Beach Ocean Center, 101 North Atlantic Avenue, Daytona Beach, FL 32118

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 Harper, Assistant Superintendent by

telephone at (352) 369-2829, or by email at Mark.harper@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 IS: Mark Harper, Assistant Superintendent, address: 11655 NW Gainesville Road, Ocala, FL 34482 telephone: (352)369-2829, email: Mark.harper@myfloridacfo.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-37.055 Curriculum Requirements for Training Firefighter Recruits or Firefighters.

(1) The firefighter training ~~embodied in the~~ curriculum requirements for schools operated by or for any employing agency for the specific purpose of training firefighter recruits or firefighters shall consist of 206 hours of training to complete Part I (equivalent to National Fire Protection Association (NFPA) Firefighter I compliant), and an additional 192 hours of training to complete Part II (equivalent to NFPA Firefighter II compliant) training. Completion of ~~both~~ Part I and Part II represents the required 398 hours that are referred to collectively referred to hereinafter as the “Minimum Standards Course,” which is required to be certified as a firefighter. The individual courses shall include ~~have~~ the titles, content, and at least the minimum hours of instruction prescribed by the Bureau of Fire Standards and Training (Bureau) in this rule. Part I completion shall be documented when the required coursework identified in this section has been accomplished ~~completed~~. These courses shall be delivered by an instructor approved by the Bureau. However, Part I curriculum may be delivered by a recognized fire department. The school or employing agency is permitted and encouraged to offer additional training above what is that training required by ~~this chapter~~ for firefighter ~~recruit~~ training.

(2) Curriculum requirements. The Bureau will develop and maintain an objective-based curriculum addressing the topics contained in this rule subsection. Such curriculum will ~~shall~~ be available electronically through the Division of State Fire Marshal’s website at <https://www.myfloridacfo.com/Division/SFM/> and by email upon request. The curriculum will list each topic area, objectives, and the required hours, ~~and the objectives~~. The curriculum will be maintained by the Bureau.

(a) Part I of the curriculum, consisting of 206 hours of knowledge and skill-based training, will include:

1. Orientation. Orientation is a pre-class meeting to cover the following topics:
 - a. through f. No change.
 - g. Personnel Policies of the Training Provider; and

h. NFPA@ 1582, “Standard on Comprehensive Occupational Medical Program for Fire Departments,” 2018 ~~2013~~ Edition.

2. Chapter 5 of NFPA@ Standard 1001, “Standard for Fire Fighter Professional Qualifications,” 2019 ~~2013~~ Edition, is hereby adopted and incorporated by reference in this rule. ~~Copies of NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02169 7471. All standards adopted and incorporated by reference in these rules are also available for public inspection during regular business hours at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 33482-1486.~~

3. Incident Command.
4. Wildland Fire, S130/S190/L180 (or equivalent) Fighting.
5. through 9. No change.

10. EMS First Responder. – Current certification as an emergency medical technician or paramedic, or successful completion of a USDOT first responder course will substitute for this area. Documentation of current certification or completion shall be submitted prior to completion of this curriculum. Individuals enrolled in a combined firefighter or emergency medical technician program shall be eligible to take the minimum standards examination upon successful completion of the firefighter program content.

11. Cancer and Mental Health Risks.
~~12~~ 11. Awareness and operational Level Hazardous Materials.

~~13~~ 12. Examinations: each portion of the outline shall be the subject of both a written and a performance test in order to obtain the best measure of learning.

~~14~~ 13. Course Review.

(b) Part II of the curriculum, consisting of 192 hours of knowledge and skill-based training, ~~which together with Part I totals 398 hours~~, will include:

1. Chapter 6 of NFPA@ Standard 1001, “Standard for Fire Fighter Professional Qualifications,” 2019 ~~2013~~ Edition, is hereby adopted and incorporated herein by reference in this rule. ~~Copies of NFPA publications can be obtained from the National Fire Protection Association, Inc., 1 Batterymarch Park, Quincy, Massachusetts 02169 7471. All standards adopted and incorporated by reference in these rules are also available for public inspection during regular business hours at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 33482-1486.~~

2. Florida Specific Requirements.
 - a. through m. No change.

3. NFPA® 1001 and NFPA® 1582 are copyrighted material that cannot be copied but may be: (a) viewed during regular business hours at the Division of State Fire Marshal, 315 John Knox Road, The Atrium, Third Floor, Tallahassee, Florida; (b) accessed in a read-only, non-printable, non-downloadable format at the NFPA’s free access website at <http://www.nfpa.org/codes-and-standards/free-access>; or (c) purchased by writing to the NFPA at 1 Batterymarch Park, Quincy, Massachusetts 02169-7471.

Rulemaking Authority 633.128(1)(a), (b), (2)(a), 633.408(1) FS. Law Implemented 633.128(1)(a), (b), 633.408 FS. History–New 9-7-81, Formerly 4A-37.10, 4A-37.55, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.055, Amended 3-19-09, 8-3-15, 10-20-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mike Tucker

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jimmy Patronis, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/26/2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 11/21/2018

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.004
RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

PURPOSE AND EFFECT: The proposed rule repeal is intended to remove language no longer in use.

SUMMARY: The current rules are obsolete and are being repealed.

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, and the substance of the rule amendment, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary because the rule

does not impose additional rights, obligations, or duties on any persons or any businesses, 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: 497.103, 497.168 FS.

LAW IMPLEMENTED: 497.168 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@MyfloridaCFO.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-1.004 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

Rulemaking Authority 497.103, 497.168 FS. Law Implemented 497.168 FS. History–New 4-10-84, Formerly 21J-17.05, 21J-17.005, Amended 12-10-00, Formerly 61G8-17.005, 69K-17.005, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@MyfloridaCFO.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 19, 2018

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.: 69K-17.002
RULE TITLES: Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors.

69K-17.0030 Direct Disposer/Establishment; Fees

PURPOSE AND EFFECT: The proposed rule amendments are intended to modify, clarify and update the language as needed.

SUMMARY: Rule 69K-17.002, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding application fees; licensure by endorsement for embalmers and funeral directors. Rule 69K-17.0030, F.A.C.-The proposed rule amendment is intended to modify, clarify and update language regarding direct disposer/establishment; fees.

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, and the substance of the rule amendment, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary because the rule does not impose additional rights, obligations, or duties on any persons or any businesses, 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: 497.103, 497.140, 497.369, 497.374, 497.602, 497.603, 497.604 FS.

LAW IMPLEMENTED: 497.140, 497.144, 497.369, 497.374, 497.602, 497.603, 497.604 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@MyfloridaCFO.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-17.002 Application Fees; Licensure by Endorsement for Embalmers and Funeral Directors.

(1) through (5) No change.

(6) A member of the United States Armed Forces, such member’s spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the application fee, the initial provisional licensure fee, and the initial issuance fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

Rulemaking Authority 497.103, 497.369, 497.374 FS. Law Implemented 497.140, ~~497.144~~, 497.369, 497.374 FS. History–New 11-11-79, Amended 6-3-81, Formerly 21J-17.02, Amended 3-28-90, Formerly 21J-17.002, Amended 9-10-96, 11-11-99, Formerly 61G8-17.002,_____.

69K-17.0030 Direct Disposer/Establishment; Fees.

(1) through (3) No change.

(4) A member of the United States Armed Forces, such member’s spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the individual application fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

Rulemaking Authority 497.103, 497.140, 497.602, 497.603, 497.604 FS. Law Implemented 497.140, 497.602, 497.603, 497.604 FS. History–New 3-10-98, Formerly 61G8-17.0030, Amended 7-3-06, 5-19-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@MyfloridaCFO.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 19, 2018

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-25.003	Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration.

PURPOSE AND EFFECT: The proposed rule amendment is intended to modify, clarify and update the language as needed.

SUMMARY: The proposed rule amendment is intended to modify, clarify and update language regarding licensure as

temporary embalmer or temporary funeral director; manner of requesting and fee; practice limitations; expiration.

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, and the substance of the rule amendment, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary because the rule does not impose additional rights, obligations, or duties on any persons or any businesses, 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: 497.103, 497.369(5), 497.374(5) FS.

LAW IMPLEMENTED: 497.369, 497.374 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: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985, Ellen.Simon@MyfloridaCFO.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-25.003 Licensure as Temporary Embalmer or Temporary Funeral Director; Manner of Requesting and Fee; Practice Limitations; Expiration.

(1) through (3) No change.

(4) A member of the United States Armed Forces, such member's spouse, and a veteran of the United States Armed Forces who separated from service within 2 years preceding the application for licensure are exempt from the initial issuance

fee. The military record must show such member is currently in good standing or such veteran was honorably discharged.

~~(5)~~(4) An applicant, who is granted authorization for temporary practice, shall practice only in a licensed funeral establishment. A temporary embalmer shall practice only under the direct supervision of a licensed embalmer. A temporary funeral director shall practice only under the direct supervision of a licensed funeral director. For purposes of this rule, "direct supervision" does not require the physical presence of the supervising licensee on the premises at all times; however the supervising licensee shall be available to communicate with the temporary licensee in those times in which the supervising licensee is not on the premises. Furthermore, the supervising licensee shall review and give final approval to all services performed by the temporary licensee.

~~(6)~~(5) The authority to practice temporarily shall expire at the end of the sixtieth day after the licensure examination for which the applicant applied.

~~(7)~~(6) Applicants granted permission to practice temporarily shall be governed by the laws and rules of the Board regulating the practice of funeral directing and embalming and shall be liable for violations thereof.

Rulemaking Authority 497.103, 497.369(5), 497.374(5) FS. Law Implemented 497.369, 497.374 FS. History—New 10-25-92, Amended 5-20-93, Formerly 21J-25.003, Amended 11-11-99, Formerly 61G8-25.003, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ellen Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850) 413-4985, Ellen.Simon@MyfloridaCFO.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 19, 2018

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

NONE

**Section IV
Emergency Rules**

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

NOTICE IS HEREBY GIVEN that on December 13, 2018, the Florida Department of Elder Affairs, received a petition for temporary waiver of Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, from Pointe of North Gables. Any interested person or other agency may submit written comments on the petition within 14 days after this notice to alfrulecomment@elderaffairs.org.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Donegan Square Health Care Associates, LLC d/b/a Keystone Villas Assisted Living Center, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 10/01/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures and plan are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Arden Courts of Largo FL, LLC d/b/a Arden Courts of Largo, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Arden Courts of Delray Beach FL, LLC d/b/a Arden Courts of Delray Beach, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Five Star Quality Care FL, LLC d/b/a Tuscany Villa of Naples, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and

noticed in FAR Volume 44, Number 201. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting The Horizon Club, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 201. Petitioner demonstrated that its current temperature control measures and evacuation plan are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting The Court of Palm Aire, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 201. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Five Star Premium Residences Plantation, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures and are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Five Star Premium Residences Plantation, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures and are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Five Star Premium Residences Hollywood, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 201. Petitioner demonstrated that its current temperature control measures and evacuation plan are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting CHP Gulf Breeze FL. Tenant Corp., d/b/a The Beacon at Gulf Breeze, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting BKD Altamonte Springs, LLC d/b/a Brookdale Altamonte Springs, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 10/02/2018, and noticed in FAR Volume 44, Number 204. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting S-H Thirty-Five OpCo Waterside Retirement Estates, LLC d/b/a Atria Sarasota, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Arden Courts of Palm Harbor FL, LLC d/b/a Arden Courts of Palm Harbor, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on

09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting S-H Thirty-Five OpCo Port St. Lucie, LLC d/b/a Atria Port St. Lucie, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, 850-414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Arden Courts of W. Palm Beach FL, LLC d/b/a Arden Courts of West Palm Beach, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 223. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary

electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Arden Courts of Seminole FL, LLC d/b/a Arden Courts of Seminole, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures and evacuation plan are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Arden Courts-Lely Palms of Naples FL, LLC d/b/a Arden Courts of Lely Palms, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained

by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Stratford Harbor Court of Palm Harbor, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting Five Star Premium Residences Pompano Beach, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 09/28/2018, and noticed in FAR Volume 44, Number 202. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/26/2018, the Department issued a Final Order granting AM Autumn House, LLC d/b/a Autumn House, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 10/02/2018, and noticed in FAR Volume 44, Number 203. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/27/2018, the Department issued a Final Order granting ARHC ALTSPFL01 TRS, LLC d/b/a The Allegro at East Lake, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 12/03/2018, and noticed in FAR Volume 44, Number 238. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting: Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/27/2018, the Department issued a Final Order granting SHP IV Heritage Oaks, LLC d/b/a Allegro, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 11/30/2018, and noticed in FAR Volume 44, Number 235. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting:

Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:

58A-5.036 Emergency Environmental Control for Assisted Living Facilities

The Florida Department of Elder Affairs hereby gives notice: On 12/27/2018, the Department issued a Final Order granting SHP IV Harbour Island, LLC d/b/a Allegro, a temporary variance from Rule 58A-5.036, F.A.C., requiring an alternate energy source for emergency environmental control, as requested in its petition filed on 11/30/2018, and noticed in FAR Volume 44, Number 235. Petitioner demonstrated that its current temperature control measures are sufficient to ensure the health, safety, and comfort of its residents in the event of a loss of primary electrical power and that application of the Rule would create a substantial hardship and/or violate principles of fairness.

A copy of the Order or additional information may be obtained by contacting:

Djanet Cannady at doeapublicrecords@elderaffairs.org, (850)414-2114, Office of the General Counsel, DOEA, 4040 Esplanade Way, Tallahassee, FL 32399.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Florida Commission on the Status of Women announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 8, 2019, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Commission Vote on 2019 Officers

DATE AND TIME: January 8, 2019, 4:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee

DATE AND TIME: January 10, 2019, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Essay Contest Task Force

DATE AND TIME: January 15, 2019, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Awards & Recognition Committee

DATE AND TIME: January 16, 2019, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Women's Hall of Fame Committee

DATE AND TIME: January 17, 2019, 9:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee

DATE AND TIME: January 22, 2019, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Outreach Committee

DATE AND TIME: January 24, 2019, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Essay Contest Task Force

DATE AND TIME: January 29, 2019, 4:00 p.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Policy Committee

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050 PHONE: (850)414-3300 FAX: (850)921-4131.

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: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050 PHONE: (850)414-3300 FAX: (850)921-4131. 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 Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050 PHONE: (850)414-3300 FAX: (850)921-4131.

DEPARTMENT OF EDUCATION

State Board of Education

The Financial Emergency Board for the School District of Jefferson County announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2019, 1:30 p.m.

PLACE: Turlington Building, 325 West Gaines Street, Suite 1706, Tallahassee, Florida, 32399.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Section 218.503, Florida Statutes, the Financial Emergency Board for the School District of Jefferson County will meet on January 9, 2019. The purpose of this meeting is for the Financial Emergency Board to review and discuss

information about the finances of the School District of Jefferson County.

A copy of the agenda may be obtained by contacting: Link Jarrett at the Florida Department of Education, 325 West Gaines Street, Suite 824, Tallahassee, Florida 32399 or (850)245-0405.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Link Jarrett at (850)245-0405. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF LAW ENFORCEMENT

The Margery Stoneman Douglas High School Public Safety Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 2, 2019, 9:30 a.m.

PLACE: Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the call is to vote on an initial report of findings and recommendations to be submitted to the Governor, President of the Senate, and Speaker of the House of Representatives as required in F.S. 943.687 (8). The toll free call in number will be posted on the Florida Department of Law Enforcement Margery Stoneman Douglas High School (MSDHS) homepage at: <http://www.fdle.state.fl.us/MSDHS/Home.aspx>

A copy of the agenda may be obtained by contacting: Jennifer Miller at (850)410-8321 or jennifermiller2@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: Jennifer Miller at (850)410-8321 or jennifermiller2@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).

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: Jennifer Miller at (850)410-8321 or jennifermiller2@fdle.state.fl.us.

STATE BOARD OF ADMINISTRATION

The Florida Commission on Hurricane Loss Projection Methodology announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, January 7, 2019, 9:00 a.m. ET until conclusion of meeting.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida. Persons wishing to participate may dial 1(888)585-9008, conference code 973-664-296.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will discuss the model submissions received under the standards and acceptability process for 2017. In addition, other general business of the Commission will be addressed.

A copy of the agenda may be obtained by contacting: Donna Sirmons, Florida Hurricane Catastrophe Fund, P.O. Drawer 13300, Tallahassee, FL 32317-3300, donna.sirmons@sbafla.com, (850)413-1349.

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: Donna Sirmons at the number or email listed above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

DATE AND TIME: Wednesday, January 9, 2019, 1:30 p.m.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: SWFWMD Human Resources, 1(800)423-1476 (FL only), or (352)796-7211, ext. 4702. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL 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: Thursday, January 17, 2019, 10:00 a.m. – 11:00 a.m.

PLACE: Tampa Bay Water's Administrative Office located at 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: As a part of the selection process, the Selection Committee will meet to review and discuss the responses and ranking of the firms, determine if interviews will be requested and review potential interview questions, if needed.

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 Professional Geologists

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

DATES AND TIMES: January 23, 2019, 9:00 a.m.; January 24, 2019, 9:00 a.m.

PLACE: Double Tree by Hilton- Downtown Tallahassee, 101 South Adams Street. Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Lina Hurtado, Division of Professions, 2601 Blair Stone Road, Tallahassee, FL 32399 (850)717-1984.

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: Lina Hurtado, Division of Professions, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984. 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: Lina Hurtado, Division of Professions, 2601 Blair Stone Road, Tallahassee, FL 32399, (850)717-1984.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Water Quality Protection Program Steering Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 23, 2019, 9:00 a.m. – 3:30 p.m.

PLACE: Marathon City Hall, 9805 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update the members of the Steering Committee and the general public on the progress of ongoing water quality protection program projects in the Florida Keys National Marine Sanctuary and discuss future actions.

A copy of the agenda may be obtained by contacting: Gus Rios, Program Administrator, South District Marathon Office, (305)289-7081, gus.rios@FloridaDEP.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 5 days before the workshop/meeting by contacting: Gus Rios, Program Administrator, South District Marathon Office, (305)289-7081, gus.rios@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gus Rios, (305)289-7081, gus.rios@FloridaDEP.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Water Quality Protection Program Canal Restoration Advisory Subcommittee announces a public meeting to which all persons are invited.

DATE AND TIME: January 24, 2019, 9:00 a.m. – 12:00 Noon

PLACE: Marathon City Hall, 9805 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update the members of the Subcommittee and the general public on the progress of ongoing canal water quality restoration projects and discuss future actions.

A copy of the agenda may be obtained by contacting: Gus Rios, Program Administrator, South District Marathon Office, (305)289-7081, gus.rios@floridadep.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 5 days before the workshop/meeting by contacting: Gus Rios, Program Administrator, South District Marathon Office, (305)289-7081, gus.rios@floridadep.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Gus Rios, (305)289-7081, gus.rios@floridadep.gov.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

The Florida Greenways and Trails Council announces a public meeting to which all persons are invited.

DATES AND TIMES: January 23, 2019, 9:00 a.m. and January 24, 2019, 8:30 a.m.

PLACE: Silver Springs State Park Ballroom, 5656 E Silver Springs Blvd, Silver Springs, FL 34488

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will meet to conduct general business. The Council will consider designation of the following proposed projects as components of the Florida Greenways and Trails System: Lakeshore Trailhead and North Fork St. Lucie River. The City of Palatka, City of Inverness, City of Deltona and the Everglades City will also be considered for designation as Trail Towns. Additionally, the Council will consider approving a trail realignment proposal and map change for the Ft. Fraser Trail.

A copy of the agenda may be obtained by contacting: Katie Bernier, Office of Greenways and Trails, Division of Recreation and Parks, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 795, Tallahassee, Florida 32399-3000, Katherine.bernier@floridadep.gov, (850)245-2078.

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: Katie Bernier, Office of Greenways and Trails, Division of Recreation and Parks, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 795, Tallahassee, Florida 32399-3000, Katherine.bernier@floridadep.gov, (850)245-2078. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The Child Abuse Death Review Circuit 6 Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 11, 2019, 9:15 a.m.

PLACE: Pasco County Sheriff's Office, 7601 Little Road, New Port Richey, FL 34654

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will address administrative issues, review cases, and discuss the CADR Action Plan. A portion of the meeting is required by paragraph 383.412(3)(a), F.S. to be closed to the public to allow the Committee to discuss information that is confidential and exempt from public meetings and public records. This portion of the meeting will be announced at the meeting.

A copy of the agenda may be obtained by contacting: Rebecca Albert: ralbert@jwbpinellas.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: 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: Rebecca Albert: ralbert@jwbpinellas.org.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATES AND TIMES: January 24, 2019, 3:30 p.m.; February 28, 2019, 3:30 p.m.; March 28, 2019, 3:30 p.m.; April 25, 2019, 3:30 p.m.; May 23, 2019, 3:30 p.m.; June 27, 2019, 3:30 p.m.; July 25, 2019, 3:30 p.m.; August 29, 2019, 3:30 p.m.; September 26, 2019, 3:30 p.m.; October 24, 2019, 3:30; December 12, 2019, 3:30 p.m.

PLACE: South Florida Community Care Network, LLC d/b/a Community Care Plan, 1643 Harrison Parkway, Suite H-200, Sunrise, Florida 33323

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Members to discuss general matters.

A copy of the agenda may be obtained by contacting: Crystal Quirin at cquirin@ccpcare.org or (954)622-3224.

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: Susan Mansolillo at SMansolillo@ccpcare.org or (954)622-3232. 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: Justin Marshall, Esq., General Counsel, South Florida Community Care Network, LLC d/b/a Community Care Plan, at jmarshall@ccpcare.org or (954)622-3402.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATES AND TIMES: January 21, 2019, 4:00 p.m.; February 25, 2019, 4:00 p.m.; March 17, 2019, 4:00 p.m.; April 22, 2019, 4:00 p.m.; May 20, 2019, 4:00 p.m.; June 24, 2019, 4:00 p.m.; July 22, 2019, 4:00 p.m.; August 26, 2019, 4:00 p.m.; September 23, 2019, 4:00 p.m.; October 21, 2019, 4:00 p.m.; and November 25, 2019, 4:00 p.m.

PLACE: South Florida Community Care Network, LLC d/b/a Community Care Plan, 1643 Harrison Parkway, Suite H-200, Sunrise, Florida 33323.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meetings of the Finance Committee to discuss general matters.

A copy of the agenda may be obtained by contacting: Donna Steinberg at dsteinberg@ccpcare.org or (954)622-3225.

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: Susan Mansolillo at SMansolillo@ccpcare.org (954)622-3232. 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: Justin Marshall, Esq., General Counsel, South Florida Community Care Network, LLC d/b/a Community Care Plan, at jmarshall@ccpcare.org or (954)622-3402.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATES AND TIMES: January 24, 2019, 3:00 p.m.; April 25, 2019, 3:00 p.m.; July 25, 2019, 3:00 p.m.; October 24, 2019, 3:00 p.m.

PLACE: South Florida Community Care Network, LLC d/b/a Community Care Plan, 1643 Harrison Parkway, Suite H-200, Sunrise, Florida 33323.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Audit & Compliance Committee to discuss general matters.

A copy of the agenda may be obtained by contacting: Crystal Quirin at cquirin@ccpcares.org or (954)622-3224.

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: Susan Mansolillo at SMansolillo@ccpcares.org or (954)622-3232. 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: Justin Marshall, Esq., General Counsel, South Florida Community Care Network, LLC d/b/a Community Care Plan, at jmarshall@ccpcares.org or (954)622-3402.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATE AND TIME: February 11, 2019, 4:00 p.m.

PLACE: South Florida Community Care Network, LLC d/b/a Community Care Plan, 1643 Harrison Parkway, Suite H-200, Sunrise, Florida 33323.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Human Resources/Compensation Committee to discuss general matters.

A copy of the agenda may be obtained by contacting: Crystal Quirin at cquirin@ccpcares.org or (954)622-3224.

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: Susan Mansolillo at SMansolillo@ccpcares.org or (954)622-3232. 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: Justin Marshall, Esq., General Counsel, South Florida Community Care Network, LLC d/b/a Community Care Plan, at jmarshall@ccpcares.org or (954)622-3402.

HML PUBLIC OUTREACH

The Florida Department of Transportation District Six announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 10, 2019, 5:30 p.m. – 7:30 p.m.

PLACE: Redland Golf and Country Club, 24451 SW 177 Avenue, Homestead, Florida 33031

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a Public Meeting for a roadway project along State Road (SR) 997/Krome Avenue from SW 232 Street to SW 136 Street in Miami-Dade County to discuss the project. The project identification numbers are 427369-2/3-52-01.

The public meeting will follow an informal format allowing the public to arrive at any time from 5:30 p.m. - 7:30 p.m. Graphic displays will be shown during the meeting, and FDOT representatives will provide an overview of the project and will be available to answer questions.

A copy of the agenda may be obtained by contacting: Community Outreach Specialist, Heather M. Leslie at (305)905-5876, email: heather@hmlpublicoutreach.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 7 days before the workshop/meeting by contacting: Hong Benitez, P.E. at (305)470-5219 or in writing to FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at: Hong.Benitez@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Community Outreach Specialist, Heather M. Leslie at (305)905-5876, email: heather@hmlpublicoutreach.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

NONE

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, December 21, 2018 and 3:00 p.m., Thursday, December 27, 2018.

Rule No.	File Date	Effective Date
5J-5.001	12/21/2018	1/10/2019

5J-5.002	12/21/2018	1/10/2019
5J-5.003	12/21/2018	1/10/2019
5J-26.001	12/21/2018	1/10/2019
59A-11.003	12/27/2018	1/16/2019
59A-11.016	12/27/2018	1/16/2019
63F-13.001	12/27/2018	1/16/2019
63F-13.002	12/27/2018	1/16/2019
63F-13.003	12/27/2018	1/16/2019
64-4.013	12/21/2018	1/10/2019
64-4.023	12/21/2018	1/10/2019
64B-7.001	12/21/2018	1/10/2019
64B16-27.410	12/27/2018	1/16/2019
64B16-30.003	12/27/2018	1/16/2019
68B-14.0035	12/26/2018	1/15/2019
69O-137.002	12/21/2018	1/10/2019
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-3.009	12/5/2018	**/**/****

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness

Help Prevent Childhood Hunger this Summer

Contact: Communications Office

(850)617-7737

Twitter: @FDACSNews

Help Prevent Childhood Hunger this Summer

TALLAHASSEE, Fla. – The Florida Department of Agriculture and Consumer Services is seeking partners across the state to help provide meals at no cost to children from low-income families through the Summer BreakSpot Program. This past summer, more than 14.7 million meals were served to children in Florida at more than 4,700 Summer BreakSpot sites.

The department is looking to increase partnerships with local nonprofit organizations, schools, residential summer camps and faith-based organizations as they are well-positioned to reach unserved children throughout the state.

Registration is now open for sponsors for the 2019 Summer BreakSpot Program. The application deadlines for Summer 2019 are to ensure all sponsors are approved and ready to operate in a timely manner. The timeline will also allow for sponsors requesting an advance to receive funds with ample time to make purchases prior to the start of their program.

Sponsors Requesting a June Advance

Must submit a complete application by Feb. 15, 2019, and be approved by March 14 with completed annual training.

Sponsors Requesting a July Advance

Must submit a complete application by March 15, 2019, and be approved by April 14 with completed annual training.

All sponsors Not Requesting an Advance

Must submit a complete application by April 15, 2019, and be approved by May 14 with completed annual training.

For more information on the Summer BreakSpot Program annual training, visit

[https://www.freshfromflorida.com/Food-](https://www.freshfromflorida.com/Food-Nutrition/Nutrition-Programs/Summer-Food-Service-Program/Summer-BreakSpot-Sponsors/Sponsor-Training)

[Nutrition/Nutrition-Programs/Summer-Food-Service-Program/Summer-BreakSpot-Sponsors/Sponsor-Training.](https://www.freshfromflorida.com/Food-Nutrition/Nutrition-Programs/Summer-Food-Service-Program/Summer-BreakSpot-Sponsors/Sponsor-Training)

Funded by the U.S. Department of Agriculture, the Summer BreakSpot Program is administered at the state level by the Florida Department of Agriculture and Consumer Services, and it is run in local communities by schools and qualified public and private non-profit organizations.

Through the Summer BreakSpot Program, organizations can provide nutritious, no-cost meals to children in low-income areas through a variety of programs, such as summer day camps and enrichment programs. Qualified organizations will be reimbursed for program operating and administrative expenses based on the number of eligible meals served. To be eligible, organizations must:

Provide continuing service to the community;

Serve meals on a regular schedule to children or provide meals as a part of an organized program for children enrolled at camps; and

Show financial and administrative capability to operate the program.

For more information on the Summer BreakSpot program, visit SummerBreakSpot.org.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal

or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at 1(800)877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 1(866)632-9992. Submit your completed form or letter to USDA by:

(1) mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

(2) fax: (202) 690-7442; or

(3) email: program.intake@usda.gov.

This institution is an equal opportunity provider.

For more information on the Florida Department of Agriculture and Consumer Services, visit FreshFromFlorida.com.

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.
