

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-20.004 Regulations in Fish Management Areas

68A-20.005 Specific Fish Management Area Regulations

PURPOSE AND EFFECT: The purpose and effect of this rule development notice is to amend regulations in Fish Management Areas in the 2017 calendar year as a result of stock assessments, or other management, or enforcement requirements. FWC intends to address specific amends concerning black bass regulation. In addition, FWC intends to revise regulations to remove ambiguity, to improve wording, and for general clean-up.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development notice includes black bass size limits, bag limits, and other subjects encompassed by the above-cited rules.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator at (850)488-6411 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Tom Champeau, Director, Division of Freshwater Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Suite 201, Tallahassee, Florida 32301 (850)488-4066

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

Section II
Proposed Rules

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

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RULE TITLES:

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- 5J-17.081 Notices of Noncompliance
- 5J-17.083 Probation
- 5J-17.084 Surrender of Seal and Cancellation of Digital Signature
- 5J-17.085 Survey Review
- 5J-17.086 Appointment to the Board
- 5J-17.200 Definitions
- 5J-17.400 Special Assessment Fee

PURPOSE AND EFFECT: These new rules, changes and deletions are intended to amend, modernize and streamline the rules and forms that govern the profession of surveying and mapping in the state of Florida. These proposed changes are necessary as the fundamental criteria for which a surveyor’s work is judged in this state has evolved from Minimum Technical Standards (MTS) to Standards of Practice (SOP) in the last few years. In addition, these changes also seek to remove obsolete language that no longer applies to the profession and remove outdated verbiage that applies to technology no longer deployed in the profession as advances have been made in that area. Also the proposed definitional changes in these rules look to more accurately reflect currently accepted practices and procedures in the profession. Finally, these proposed changes seek to provide a waiver of fees for the initial registration of our honorably discharged veterans and spouses.

SUMMARY: If adopted, the proposed language will include the National Council of Examiners for Engineering and Surveying (NCEES) as one of the organizations qualified to evaluate the substantial equivalency of ABET standards in Rule 5J-17.003, F.A.C.; incorporate new or amend forms in Rules 5J-17.010, 5J-17.022, 5J-17.028, 5J-17.037, 5J-17.043, 5J-17.063, 5J-17.080 and 5J-17.086, F.A.C.; eliminate the discipline associated with the corresponding sections in Chapter 472, F.S. in Rule 5J-17.011; require a notification regarding insurance coverage in Rule 5J-17.015; extend time to pay Final Orders to ninety (90) days to make it consistent with Rule 5J-17.016, F.A.C.; establish criteria for evaluating work experience requirements in Rule 5J-17.020, F.A.C.; provide criteria for applicants that graduate from non-ABET accredited surveying and mapping programs in Rule 5J-17.021, F.A.C.; establish the requirement for an applicant to become a surveyor and mapper intern/surveyor in training in Rule 5J-17.022, F.A.C.; include photogrammetry to the list of surveying and mapping practice specialties in Rule 5J-17.025, F.A.C.; update the contact information of the foreign degree evaluation in Rule 5J-17.026, F.A.C.; more accurately depict the language of the

rule to reflect a designation of a Surveyor in Training, rather than a licensure as one in Rule 5J-17.029, F.A.C.; delete “multiple choice” from the type of questions on the Florida Jurisdictional Examination and update examination procedures in Rules 5J-17.031, 5J-17.032 and 5J-17.034, F.A.C.; expand the reach and the hours allowed for various types of continuing education in Rule 5J-17.041, F.A.C.; incorporate form to apply for continuing education provider status and clarifies that the nonrefundable application fee is \$200 with a \$250 fee for continuing education provider status in Rule 5J-17.043, F.A.C.; eliminate those definitions which had become antiquated or obsolete in the profession of surveying and mapping, and added others that reflect the current terminology and technology in Rule 5J-17.050, F.A.C.; provide clarity to what is required in the profession in regard to what determines vertical accuracy, horizontal accuracy and assumed datum, while eliminating language that is outdated or ambiguous within the profession in Rule 5J-17.051, F.A.C.; redefine, and modernize the requirements specifically related to boundary surveys in Rule 5J-17.052, F.A.C.; expand the coverage of conflict of interest exposure in the profession from county employee to all government employees in Rule 5J-17.053, F.A.C.; eliminate the need for a raised seal as the profession recognizes changes in the distribution of its work product in Rule 5J-17.062, F.A.C.; clarify fees to comply with statute regarding examination fees, continuing education provider status and amend fee language and provides a fee waiver for military veterans in Rule 5J-17.070, F.A.C.; establish a more efficient procedure for those licensees placed on probation in Rule 5J-17.083, F.A.C.; streamline the survey review process of probationers in Rule 5J-17.085, F.A.C.; and a general cleanup and streamline of the remaining rules.

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: These changes are to streamline the rules and forms that govern the profession, remove obsolete language and provide guidance on how military veterans can obtain a fee waiver. 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: 472.006, (6), 472.008, 472.011, 472.013, 472.013(2)(a), (4), 472.0131, 472.015, 472.018, 472.019, 472.021, 472.025, 472.027, 472.033, 472.0345, 472.0351, 472.0351(4)(b), 472.036 FS.

LAW IMPLEMENTED: 455.225(3), 472.005, 472.005(13), 472.006, 472.007(2), 472.008, 472.011, 472.103, (2)(a), (4), 472.0131, 472.015, 472.018, 472.019, (2), 472.02, 472.0202, (4), 472.021, 472.023, 472.025, 472.027, 472.033, (3), 472.0345, 472.0351 (1)(f), (g), (h), (2), (2)(c), (4)(b), 472.036, 472.0365 472.065 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: Jenna L. Harper, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3674.

THE FULL TEXT OF THE PROPOSED RULE IS:

5J-17.002 Attendance at Board Meetings.

(1) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, or illness of the Board member, or illness ~~within~~ of the member's immediate family.

(2) through (4) No change.

Rulemaking Authority 472.007 FS. Law Implemented 472.007 FS. History—New 3-23-93, Formerly 21HH-1.0071, Formerly 61G17-1.0071, Amended _____.

5J-17.003 Applications for Licensure: Approved Schools and Colleges.

(1) through (2) No change.

~~(3) Foreign colleges and universities which offer a course of study in surveying and mapping that meets or is substantially equivalent to that set forth by the Accreditation Board for Engineering and Technology ABET are deemed approved by the Board.~~

~~(4) In order to demonstrate "substantial equivalency" to an ABET accredited surveying and mapping program, the applicant must demonstrate that the applicant is a graduate of a surveying and mapping degree program that includes not fewer than 32 semester hours of study or its academic equivalent in any of the following surveying and mapping courses: boundary and/or land surveying, geographic and/or land information systems, photogrammetry, mapping and geodesy, remote sensing, civil engineering, surveying, mapping, advanced mathematics, forestry, land law, or other substantially related physical sciences.~~

~~(5) The Board shall make the final decision regarding equivalency of programs and shall determine whether an~~

~~applicant shall be approved for admittance to the examination or for licensure by endorsement.~~

~~(6) The applicant must request an evaluation of the substantial equivalency of his or her credentials to ABET standards through the Engineering Credentials Evaluation International, P.O. Box 13084, Baltimore, Maryland 21203-3084; or through Josef Silny & Associates, Inc., P.O. Box 248233, Coral Gables, Florida 33124.~~

Rulemaking Authority 472.013(4) FS. Law Implemented 472.013(4) FS. History—New 1-3-80, Formerly 21HH-1.10, 21HH-1.010, Amended 5-31-95, 12-31-00, 2-23-05, Formerly 61G17-1.010, Amended _____.

5J-17.010 Grounds for Discipline.

(1) Persons who wish to file a complaint alleging grounds for discipline may file the complaint by obtaining "Board of Professional Surveyors and Mappers Complaint Form", FDACS-10065, Rev. 02/17, hereby incorporated by reference. The form may be obtained by mail by writing to: Executive Director of the Florida Board of Professional Surveyors and Mappers, 2005 Apalachee Parkway, Tallahassee, FL 32399-6500 or accessed online at: <http://www.flrules.org/Gateway/reference>.

(2) Discipline follows an adjudication of guilt by the Board. In addition to violations of provisions set forth elsewhere in these rules, the following are grounds for discipline of any licensee as that term is defined in Rule 5J-17.050, F.A.C.

~~(3)(4) Licensees shall be disciplined for false, fraudulent, deceptive or misleading advertising.~~

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

~~(2) through (6) renumbered (4) through (8) No change.~~

(7) As used in this rule, the term "surveying and mapping" includes platting pursuant to Part I of Chapter 177, F.S.

Rulemaking Authority 472.008, 472.027 FS. Law Implemented 472.015, 472.025, 472.027, 472.0351(1)(f), (g), (h), (2) FS. History—New 1-3-80, Formerly 21HH-2.01, Amended 9-1-88, Formerly 21HH-2.001, Amended 6-1-95, 10-13-97, 9-19-06, Formerly 61G17-2.001, Amended 5-11-15, _____.

5J-17.011 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

(a) No change.

(b) Attempting to obtain, obtaining, or renewing a license to practice surveying and mapping by bribery, by fraudulent misrepresentation, or through an error of the department or the board;

(Section 472.0351(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	reprimand, \$250 fine	denial or suspension followed by a term of probation and \$750 fine
SECOND OFFENSE	denial or suspension followed by a term of probation and \$750 fine	revocation and \$1000 fine

(c) through (i) No change.

(j) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee; Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession; (Section 472.0351(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(k) Failing to report to the department any person who the licensee knows is in violation of this chapter or the rules of the department or the board; Intentionally violating any rule adopted by the board or the department, as appropriate;

(Section 472.0351(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and compliance with rule	\$500 fine and suspension until compliance with rule
SECOND OFFENSE	\$500 fine and suspension until compliance with rule	\$750 fine and suspension until compliance with rule followed by probation
THIRD OFFENSE	\$750 fine and suspension until compliance with rule followed by probation	\$1000 fine and revocation

(l) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board; Having a license or the authority to practice the regulated profession revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, for a violation that would constitute a violation under Florida law;

(Section 472.0351(1)(l), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 and same penalty imposed by the other jurisdiction	denial of licensure or \$250 fine and suspension followed by probation
SECOND OFFENSE	\$250 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of probation	denial of licensure or \$500 fine and revocation
THIRD OFFENSE	\$500 fine and same penalty imposed by the other jurisdiction which at a minimum must include a term of suspension	denial of licensure or \$750 fine and permanent revocation

(m) Making deceptive, untrue, or fraudulent representations in or related to the practice of the professional surveying or mapping or employing a trick or scheme in or related to the practice of professional surveying or mapping;

Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee; (Section 472.0351(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$500 fine and probation	\$750 fine, denial or suspension to be followed by a term of probation
SECOND OFFENSE	\$750 fine, denial or suspension to be followed by a term of probation	\$1000 fine and denial or revocation

(n) Exercising influence on the client for the purpose of financial gain of the licensee or a third party; Failing to report to the department any person who the licensee knows is in violation of this chapter, the chapter regulating the alleged violator, or the rules of the department or the board;

(Section 472.0351(1)(n), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$100 fine	\$250 fine and probation
SECOND OFFENSE	\$250 fine	\$500 fine and suspension to be followed by a term of probation
THIRD OFFENSE	\$500 fine and probation	\$750 fine and suspension to be followed by a term of probation

(o) ~~Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform; Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice a profession contrary to this chapter, the chapter regulating the profession, or the rules of the department or the board;~~

(Section 472.0351(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

(p) ~~Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them; Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession;~~

(Section 472.0351(1)(p), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	\$500 fine and suspension to be followed by probation
SECOND OFFENSE	\$500 fine and probation	\$750 fine and suspension to be followed by probation
THIRD OFFENSE	\$750 fine and suspension to be followed by probation	\$1000 fine and revocation

(q) ~~Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding; Exercising influence on the client for the purpose of financial gain of the licensee or a third party;~~

(Section 472.0351(1)(q), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
SECOND OFFENSE	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(r) ~~Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform;~~

(Section 472.0351(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
SECOND OFFENSE	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(s) ~~Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them;~~

(Section 472.0351(1)(s), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and probation	\$500 fine and denial or suspension followed by probation
SECOND OFFENSE	\$750 fine and probation	\$1000 fine and denial or permanent revocation

(t) ~~Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department;~~

(Section 472.0351(1)(t), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine and compliance with rule or terms of prior order	\$500 fine and suspension until compliance with rule or terms of prior order
SECOND OFFENSE	\$500 fine and suspension until compliance with rule or terms of prior order	\$750 and suspension until compliance with rule or terms of prior order plus extended probation
THIRD OFFENSE	\$750 fine and suspension until compliance with rule or terms of prior order plus extended probation	\$1000 fine and revocation

(u) ~~Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding;~~

~~(Section 472.0351(1)(u), F.S.)~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine	denial of licensure or \$500 fine and suspension to be followed by a term of probation
SECOND OFFENSE	\$500 fine and probation	denial of licensure or \$1000 fine and revocation

~~(r) Failing to perform any statutory or legal obligation placed upon a licensed surveyor and mapper pursuant to Chapter 177, F.S. (Chapter 177 F.S.)~~

	MINIMUM	MAXIMUM
FIRST OFFENSE	\$250 fine, probation, and compliance with legal obligation	\$500 fine and probation or suspension until compliance with legal obligation
SECOND OFFENSE	\$500 fine and probation or suspension until compliance with legal obligation	\$750 fine and probation or suspension until compliance with legal obligation plus extended probation
THIRD OFFENSE	\$750 fine and probation or suspension until compliance with legal obligation plus extended probation	\$1000 fine and revocation

~~(3) When the board finds any surveyor and mapper guilty of any of the grounds set forth in subsection (1), it may enter an order imposing one or more of the following penalties:~~

- ~~(a) Denial of an application for licensure.~~
- ~~(b) Revocation or suspension of a license.~~
- ~~(c) Imposition of an administrative fine not to exceed \$1,000 for each count or separate offense.~~
- ~~(d) Issuance of a reprimand.~~
- ~~(e) Placement of the surveyor and mapper on probation for a period of time and subject to such conditions as the board may specify.~~
- ~~(f) Restriction of the authorized scope of practice by the surveyor and mapper.~~

~~(3)(4) No change.~~

~~Rulemaking Authority 472.008, 472.0351 FS. Law Implemented 472.031, 472.0351 FS. History—New 3-13-03, Amended 3-17-04, 9-19-06, Formerly 61G17-2.0015, Amended _____ .~~

5J-17.012 Payment of Fine.

All fines imposed by the Board shall be paid within ninety (90) thirty (30) days from the date of the final order entered by the Board unless the final order extends the deadline in any given case.

Rulemaking Authority 472.008, 472.0351(4)(b) FS. Law Implemented 472.0351(2)(c), (4)(b) FS. History—New 10-29-80, Formerly 21HH-2.02, 21HH-2.002, Amended 6-1-95, Formerly 61G17-2.002, Amended _____ .

5J-17.015 Statement Regarding Lack of Insurance.

In addition to the office sign required by Section 472.015, F.S., If neither the business entity nor the individual licensee has professional liability insurance, a written notification shall be provided directly to the client prior to commencement of any work, in the form of a written statement that clearly and conspicuously states to the client that the business entity nor the individual licensee has professional liability insurance. The notice shall be retained for a period of six years from the date of creation pursuant to paragraph 5J-17.053(5)(a), F.A.C. the map and the report, if there is a report, must contain the following printed statement in letters at least 1/4" high: The survey depicted here is not covered by professional liability insurance.

Rulemaking Authority 472.015 FS. Law Implemented 472.015 FS. History—New 2-20-96, Amended 12-6-06, Formerly 61G17-2.005, Amended _____ .

5J-17.016 Time for Compliance With Final Order; Probation.

(1) through (3) No change.

(4) In cases where the Board imposes probation and/or suspension for violation of Chapter 472, F.S., or of the rules promulgated thereunder, the following conditions shall apply:

(a) No change.

~~(b) At If the conditions of probation include the submission of surveys, in connection with each probation appearance, in connection with the submission of surveys as required by the licensee being placed on probation, the licensee shall answer questions under oath and shall provide a list of all surveys performed including type of survey, since the entry of the Final Order if it is the first probation appearance or since the last probation appearance if it is other than the first probation appearance. In addition, the licensee shall provide such other information or documentation as is requested by either the Department, the Board or the Probation Committee. The licensee shall forward said documentation to the Board in advance of the probation appearance.~~

(c) through (e) No change.

~~(f) If a licensee's license is suspended by the Board, and the suspension is stayed pending successful completion of the terms of the Final Order, then if the licensee successfully completes probation, then the suspension shall terminate. However, if the licensee fails to comply with the requirements set forth in this rule or in the Final Order, then the stay shall be lifted. Once the stay is lifted, the licensee's license shall remain in suspended status until the licensee appears before the Board to demonstrate compliance with the Final Order.~~

Rulemaking Authority 472.008 FS. Law Implemented 472.0202, 472.0351 FS. History–New 2-23-05, Formerly 61G17-2.006, Amended 10-17-12,_____.

5J-17.020 Applications for Licensure: Experience.

(1) through (2) No change.

(3) Experience while in “responsible charge” gained through full time employment before an applicant has reached the age of eighteen (18) may not be used to meet the experience record requirements of Section 472.013, F.S., exceptions to said rule shall be made on a case by case basis subject to Board approval.

Rulemaking Authority 472.008 FS. Law Implemented 472.013 FS. History–New 1-3-80, Amended 6-9-80, 1-11-84, Formerly 21HH-3.01, Amended 1-16-92, Formerly 21HH-3.001, Amended 5-30-95, 10-1-97, 5-17-00, 3-25-01, 7-7-09, Formerly 61G17-3.001, Amended _____.

5J-17.021 Applications for Licensure: Education.

(1) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(a), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 5J-17.003, F.A.C.; and;

~~(b) Completed a degree program specific course of study which included at least thirty-two (32) semester hours or forty-eight (48) quarter hours in courses labeled by the program or university as courses in surveying and mapping or completed a course of study in surveying and mapping accredited in~~

surveying or closely related programs by the Accreditation Board for Engineering and Technology (ABET).

(2) For surveying and mapping programs that are non-ABET accredited, the surveying and mapping degree program shall require 4 years or more and meet the following criteria:

(a) Eighteen (18) minimum semester credits in communications, social science, and humanities;

(b) Eight (8) minimum semester credits in physical and/or biological science;

(c) Six (6) minimum semester credits in mathematics;

(d) Thirty (30) minimum semester credits of surveying and mapping courses including but not limited to measurement theory, survey graphics, adjustments, cartography, photogrammetry, geodesy, computations, GIS theory, legal principles, survey practice, boundary surveying, topographic mapping, route surveying, construction surveying, subdivision design, geodetic surveying, and GIS applications;

(e) Coverage of at least five (5) of seven (7) surveying and mapping science areas, which are: (1) field surveying instruments and methods, (2) land boundary principles, (3) photogrammetric mapping and image interpretation and remote sensing, (4) surveying calculation and data adjustments, (5) geodetic coordinates, (6) cartographic representation, projections, and map production, and (7) geographic information systems; and,

~~(3)(2)~~ No change.

(4) The Board shall make the final decision regarding qualifications of programs and shall determine whether an applicant shall be approved for admittance to the examination or for licensure by endorsement.

Rulemaking Authority 472.013 FS. Law Implemented 472.005, 472.013 FS. History–New 9-7-93, Amended 5-30-95, 10-1-97, 5-17-00, 11-2-00, 2-5-01, Formerly 61G17-3.0021, Amended _____.

5J-17.022 Applications for Surveyor and Mapper Intern / Surveyor in Training

(1) To determine whether an applicant for a surveyor and mapper intern has met the educational requirements of Section 472.013(3) F.S., the applicant must demonstrate that he/she is:

(a) In the final year, or is a graduate of, an approved surveying and mapping curriculum in a college or university approved by the Board pursuant to Rule 5J-17.003, F.A.C.; and must

(b) Provide an official transcript from the college or university, or a Letter of Good Standing as supplied in “Board of Professional Surveyors and Mappers Application for Licensure as Surveyor in Training”, FDACS-10055, Rev. 02/12, incorporated by reference in paragraph 5J-17.029(1)(c), F.A.C., which was completed by the college or university.

(2) Approval of the Application for Surveyor in Training by the Board will allow the individual to take the Fundamentals of Surveying (FS) examination.

Rulemaking Authority 472.013 FS. Law Implemented 472.013 FS. History-New

5J-17.025 Domestic Equivalency Education Program Criteria for Applicants Who Graduated from Non-ABET Accredited Surveying and Mapping Degree Programs.

In order to satisfy the licensure requirements of Section 472.013(2)(a), F.S., a surveyor and mapper applicant who received a surveying and mapping degree from a non-ABET accredited United States college or university must have received the surveying and mapping degree after completing a surveying and mapping degree program of 4 years or more that meets the following criteria:

(1) Twenty-one (21) minimum semester credits in communications, social science, and humanities;

(2) ~~Eight (8) Fifteen (15)~~ minimum semester credits in basic science;

(3) ~~Six (6) Fifteen (15)~~ minimum semester credits in mathematics;

(4) ~~Thirty (30) Forty-five (45)~~ minimum semester credits of surveying and mapping courses with at least 15 semester credits in surveying and mapping sciences including but not limited to measurement theory, survey graphics, adjustments, cartography, photogrammetry, geodesy, computations, GIS theory, and at least 15 semester credits in surveying and mapping practice specialties including but not limited to legal principles, survey practice, boundary surveying, topographic mapping, route surveying, construction surveying, subdivision design, geodetic surveying, photogrammetry and GIS applications;

(5) Coverage of at least five (5) of six (6) surveying and mapping science areas, which are: (1) field surveying instruments and methods, (2) photogrammetric mapping and image interpretation and remote sensing, (3) surveying calculation and data adjustments, (4) geodetic coordinates ~~and astronomy~~, (5) cartographic representation, projections, and map production, and (6) ~~computer-based multi-purpose cadastral~~, geographic information systems;

(6) through (7) No change.

Rulemaking Authority 472.013 FS. Law Implemented 472.008, 472.013 FS. History–New 1-29-07, Formerly 61G17-3.0025, Amended _____.

5J-17.026 Foreign Degree Evaluation.

To determine whether an applicant for licensure with a foreign degree has met the educational requirements of Sections 472.013(2)(a) or (b), F.S., the applicant must provide the Board with a foreign degree evaluation conducted either by ~~Engineering Credentials Evaluation International, P. O. Box 13084, Baltimore, Maryland 21203-3084, or Josef Joseph Silny & Associates, Inc., 7101 SW 102 Avenue, Miami, Florida 33173, P.O. Box 248233, Coral Gables, Florida 33124 or~~

through the National Council of Examiners for Engineers and Surveyors (NCEES), 280 Seneca Creek Road, Seneca, South Carolina 29678.

Rulemaking Authority 472.013(4) FS. Law Implemented 472.013(4) FS. History–New 1-12-03, Formerly 61G17-3.003, Amended _____.

5J-17.027 Documentation of Substantially Equivalent Licensing Examination.

Rulemaking Authority 472.008 FS., Section 5, Chapter 2002-41, Laws of Florida. Law Implemented 472.008 FS., Section 5, Chapter 2002-41, Laws of Florida. History–New 10-23-02, Formerly 61G17-3.0031, Repealed _____.

5J-17.028 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board by applying online at: <https://csapp.800helpfla.com/csrep/>. In lieu of completing an application online, an applicant shall obtain and complete the application entitled “Board of Professional Surveyors and Mappers Application For Retired Status”, FDACS-10053, Rev. 02/17, hereby incorporated by reference. The application entitled “Surveyor and Mapper Retired Status Application,” SM 4757, are incorporated by reference, effective 9-25-03. Copies of the form may be obtained from the Board office or accessed online at: <http://www.flrules.org/Gateway/reference>.

The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) No change.

Rulemaking Authority 472.008, 472.019 FS. Law Implemented 472.005(13), 472.019 FS. History–New 9-25-03, Formerly 61G17-3.004, Amended _____.

5J-17.029 Application Deadlines.

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

(c) A person wishing to apply for designation licensure as a surveyor in training (SIT) intern shall submit a completed application to the Board by applying online at: <https://csapp.800helpfla.com/csrep/>. In lieu of completing an application online, an applicant shall obtain the application entitled “Board of Professional Surveyors and Mappers Application For Licensure As Surveyor In Training”, FDACS-10055, Rev. 02/12, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-01344>. Applicants ~~applying for the Surveyor in Training (SIT) examination~~ shall submit their completed application no less than 90 days prior to scheduled examination or no less than 45 ~~35~~ days prior to a scheduled meeting.

(d) No change.

(2)(a) through (c) No change.

Rulemaking Authority 472.008 FS. Law Implemented 472.011, 472.0131, 472.015, 472.0365 FS. History—New 10-17-12, Amended

5J-17.031 Written Examination Designated; General Requirements.

(1) The examination shall consist of the following:

(a) No change.

(b) Florida:

Florida Jurisdictional ~~Multiple Choice~~ Examination prepared by the Department or Board designee

(2) No change.

(3) Only a non-annotated copy of Chapters 95, 161, 177, 472, 718 and Section 287.055, F.S. and Chapters 62B-33 and 5J-17, F.A.C., are permitted at the Florida Jurisdictional Examination testing site. Programmable and non-programmable calculators are permitted so long as they are hand held, silent, battery operated or solar powered, non-printing, self contained, and without auxiliary memory capabilities, video screens, or peripheral equipment. All such materials including pens and pencils are to be furnished by the applicant. Applicants should come equipped with ordinary drawing instruments.

(4) National Examination security requirements as set forth by the NCEES shall be followed throughout the administration of the NCEES Principles and Practice Examination and the NCEES Fundamentals Examination. Examination security requirements as set forth by the Department or its contracted vendor shall be followed throughout the administration of the Florida Jurisdictional Examination.

Rulemaking Authority 472.008, 472.0131 FS. Law Implemented 472.013, 472.015, 472.0131 FS. History—New 1-3-80, Amended 6-9-80, 1-25-84, 5-22-85, Formerly 21HH-4.01, Amended 9-16-87, 8-30-92, Formerly 21HH-4.001, Amended 5-30-95, 11-15-95, 4-16-96, 8-10-97, 7-27-00, 10-31-08, 7-7-09, Formerly 61G17-4.001, Amended

5J-17.032 Content of Examination.

(1) through (2) No change.

(3) The Florida Jurisdictional ~~Multiple Choice~~ Examination shall be based on Florida’s laws and rules regarding the practice of surveying and mapping. The following areas shall be tested on the examination and will be weighted approximately as designated:

Statute/Rule	Area Tested	Assigned Weight
Chapter 177, Part I, F.S.	Platting Coastal Mapping	30%
Chapter 177, Part II, F.S.		
Chapter 161, F.S.	Restoration of Corners	
Chapter 62B-33, F.A.C.		

Chapter 177, Part III, F.S.		
Chapter 472, F.S.	Land Surveying and Mapping	15%
Chapter 718, F.S.	Condominiums	5%
Chapter 95, F.S.	Adverse Possession	5%
Rules 5J-17.001 to 5J-17.007, F.A.C.	Organization & Purpose Grounds for Discipline	40%
Rules 5J-17.010 to 5J-17.016, F.A.C.	Continuing Education Standards of Practice	
Rules 5J-17.040 to 5J-17.047, F.A.C.	Seals, Signatures and Certificates of	
Rules 5J-17.050 to 5J-17.053, F.A.C.	Authorization Penalties	
Rules 5J-17.060 to 5J-17.062, F.A.C.		
Rules 5J-17.080 to 5J-17.085, F.A.C.		
Chapter 472, F.S., and Section 287.055, F.S.	Department of Agriculture and Consumer Services General Provisions Consultants’ Competitive Negotiation Act	5%

Rulemaking Authority 472.0131, 472.027 FS. Law Implemented 472.0131, 472.027 FS. History—New 1-3-80, Amended 1-25-84, Formerly 21HH-4.02, Amended 9-16-87, 12-13-88, 8-30-92, Formerly 21HH-4.002, Amended 5-30-95, 5-17-99, 7-9-00, 10-31-08, Formerly 61G17-4.002, Amended 5-11-15, _____.

5J-17.034 Grading.

(1) through (5) No change.

(6) Grading Criteria and Passing Scores:

(a) The Principles and Practice Examination and the Fundamentals Examination contain machine graded, ~~multiple choice~~ questions developed by the National Council of Examiners for Engineering and Surveying (NCEES) based upon the results of National Task Analysis Surveys performed periodically. Grades shall be determined by the applicant’s ability to choose the correct answer from several given choices. ~~The minimum score necessary for passing the Principles and Practice Examination and the Fundamentals Examination shall be set by NCEES through the use of a Modified Angoff Method for determining the minimally acceptable raw score necessary to pass the examination.~~ The passing score shall be established by NCEES.

(b) The Florida Jurisdictional ~~Multiple Choice~~ Examination consists of 100 ~~multiple choice~~ questions developed by the Department, or the Department’s contracted vendor. The ~~multiple choice~~ questions will be weighted equally and machine graded. ~~Scores for the multiple choice portion shall be determined by the applicant’s ability to choose the correct answer from several given choices.~~ A passing grade on

the Florida Jurisdictional ~~Multiple-Choice~~ Examination is defined as 70% of the total possible points.

(c) Scores on each examination shall be reported in a pass/fail format as follows: the Principles and Practice Examination, the Fundamentals Examination, the Florida Jurisdictional ~~Multiple-Choice~~ Examination shall have separate scores. A passing score must be achieved on each examination ~~to successfully pass the entire examination in order to obtain licensure~~, however the three passing scores need not be obtained in one sitting.

(7) No change.

(8) Departmentally developed objective, ~~multiple-choice~~ examinations shall be graded by the Department or contracted vendor. The Department or the Department's contracted vendor shall review the item analysis and any statistically questionable items after the examination has been administered. Based upon this review, the Department or the Department's contracted vendor shall adjust the scoring key by totally disregarding the questionable items for grading purposes or by multi-keying, giving credit for more than one correct answer per item. All items which do not adequately and reliably measure the applicant's ability to practice the profession shall be rejected. The Department or its contracted vendor shall calculate each candidate's grade utilizing the scoring key or adjusted scoring key, if applicable, and shall provide each candidate with a grade report. The only paper that shall be graded is the official answer sheet. No credit shall be given for answers written in a candidate's examination booklet.

(9) through (12) No change.

Rulemaking Authority 472.0131 FS. Law Implemented 472.0131 FS. History—New 1-3-80, Amended 6-9-80, 8-27-81, 1-25-84, Formerly 21HH-4.04, Amended 8-30-92, Formerly 21HH-4.004, Amended 5-30-95, 11-15-95, 7-27-00, 10-31-08, Formerly 61G17-4.004, Amended 10-17-12,_____.

5J-17.037 Re-examination.

An individual who fails to pass or take the examination as scheduled may re-take the examination. To obtain approval to re-take the examination, an individual must obtain and complete an application for re-examination entitled "Board of Professional Surveyors and Mappers Application for Examination or Reexamination," FDACS-10051, Rev. 02/17, hereby incorporated by reference. Copies of the form may be obtained from the Board Office or accessed online at <http://www.flrules.org/Gateway/reference> . Applicants must also submit upon payment of the proper fee at the next regularly scheduled examination.

Rulemaking Authority 472.013, 472.0131 FS. Law Implemented 472.013, 472.0131 FS. History—New 1-3-80, Formerly 21HH-4.07, 21HH-4.007, Amended 5-30-95, 9-26-01, Formerly 61G17-4.007, Amended_____.

5J-17.039 Licensure, Inactive Status, Delinquent Status, Reactivation.

(1) Biennial Licensing: Licensees, except as may be provided in Chapter 472, F.S., must renew their license each biennial period. Biennial period shall mean a period of time consisting of two 12 month calendar years. The biennial period for the purposes of the Board shall commence and continue on March 1 of each odd numbered year. The Each application for renewal shall be considered timely filed if the payment received in the form of a money order, sufficiently funded check, or electronic draft in the correct amount is application has been postmarked by the United States Postal Service officer prior to midnight on the date of expiration of the license or has been delivered by the close of business on the date of expiration of the license or the licensee has submitted an electronic application for renewal through the Department's website, <https://csapp.800helpfla.com/csrep>. If that date falls on a Saturday, Sunday, or legal holiday, the day of expiration shall be the first working day after the expiration date on the license. In order to be complete, the application must have all appropriate spaces filled, be signed or otherwise authenticated by the licensee and include a money order, sufficiently funded check, or electronic draft in the correct amount. The licensee must meet all continuing education requirements as specified in this chapter.

(2) through (3) No change.

Rulemaking Authority 472.006 FS. Law Implemented 472.006, 472.0202 FS. History—New 10-17-12, Amended_____.

5J-17.040 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to the Department and demonstration to the Board by the licensee of having completed one (1) continuing education credit in surveying and mapping related courses or seminars per inactive month up to a maximum of forty-eight (48) continuing education credits which must be completed within one year prior to the date of application for reactivation. This education for licensure reactivation shall be related to the licensee's field of practice and shall include a minimum of six (6) hours of Standards of Practice continuing education credits and six (6) hours of laws and rules continuing education credits. Verification of the above-mentioned education shall be in the form of a continuing education course certificate of completion that complies with subsection ~~5J-17.044(2)~~ ~~5J-17.0044(2)~~, F.A.C.

Rulemaking Authority 472.019(2), 472.027 FS. Law Implemented 472.019(2), 472.027 FS. History—New 10-29-80, Formerly 21HH-5.01, Amended 2-7-91, Formerly 21HH-5.001, Amended 3-28-94, 5-30-95, 10-13-97, 6-29-00, 6-22-03, 6-20-06, 1-29-07, Formerly 61G17-5.001, Amended 5-11-15,_____.

5J-17.041 Continuing Education Credit for Biennial Renewal.

Every person licensed pursuant to Chapter 472, F.S., must obtain at least twenty-four (24) continuing education credits per biennium. ~~At least six (6) credits must be obtained by completing an approved provider's course or seminar on Florida's Standards of Practice, an approved provider's course or seminar on Florida's laws affecting the practice of surveying and mapping, or an approved provider's course combining the aforementioned subject matters.~~ One continuing education credit hour shall be awarded for each classroom hour of instruction. For the purposes of this rule, a classroom hour shall be defined as no less than fifty (50) minutes of classroom instruction.

(1) At the Board's discretion ~~c~~Continuing education credits may be obtained for:

(a) The instruction or completion of courses in surveying and mapping subjects at universities and colleges which are regionally accredited by an accrediting agency that is recognized by the United States Department of Education. Six (6) continuing education credits may be obtained for each semester hour or quarter hour equivalent thereof. ~~A "course in a surveying and mapping subject" is a course such as: civil engineering, forestry, mathematics, photogrammetry, land law, physical sciences, basic surveying and mapping, route surveying, mapping, control surveying, legal principles of boundaries, geodetic astronomy, subdivisions and cartography.~~ An official transcript from the registrar of the academic institution or letter of acknowledgement from the academic department head shall be submitted to the Board office as documentation of course instruction or completion at least 45 days prior to the end of the biennium;

(b)1. The completion of courses or seminars offered by continuing education providers approved by the Board for the provision of continuing education credit hours. A list of such providers is available from the Board office upon request.

2. At the time of course approval, a licensee may obtain continuing education credits in the amount of the credits allowed for that course or seminar for his/her preparation of the course materials, on a one time basis.

~~a. Between March 1st of each odd numbered year and the last day of February of each even numbered year, a licensee may obtain continuing education credits for up to three live presentations of an approved course during this time period. The amount of the credits awarded shall be equal to the amount of credit awarded for completion of that course.~~

~~b. In addition, between March 1st of each even numbered year and the last day of February of each odd number year, a licensee may obtain continuing education credits for up to three live presentations of an approved course during this time~~

~~period. The amount of the credits awarded shall be equal to the amount of credit awarded for completion of that course.~~

(c) A licensee's attendance, unrelated to disciplinary action against them, at a regularly scheduled meeting of the Board of Professional Surveyors and Mappers. Only two (2) continuing education credits will be allowed for each day of such attendance during the biennium. Licensees shall sign in with a Board designee immediately prior to each day of the Board meeting. Upon adjournment of each meeting day, licensees shall sign out.

(d)1. No more than ~~ten (10)~~ six (6) continuing education credits shall be awarded to a licensee who has researched, written, and published a book, paper, article, or other scholarly work related to surveying and mapping. Continuing education credits shall be awarded only for the biennium in which the work is initially published and approved for credit.

2. The licensee shall submit the published work along with proof of publication to the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

(e)1. A licensee's attendance at a local chapter, state or national professional association meeting whose primary purpose is to promote the profession of surveying and mapping. One-half (1/2) credit shall be awarded for attendance at a local chapter meeting and two (2) credits shall be awarded for attendance at a state or national professional association meeting during each biennium. No more than six (6) continuing education credits shall be ~~used awarded~~ in one biennium for attendance at local chapter, state or national professional association meetings.

2. A licensee's completion of courses or seminars that have led to advanced professional certification in a surveying and mapping related discipline are eligible for a maximum of twelve (12) continuing education credits in one biennium.

~~3.2.~~ Licensees who attend national professional association meetings shall submit a dated letter on official stationery from the national association confirming the dates of the licensee's attendance to the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

~~4.3.~~ Licensees who attend local chapter and state professional association meetings shall submit a certificate of completion confirming the dates of the licensee's attendance to the Board's Continuing Education Committee, or its designee, for review and approval at least sixty (60) days prior to the expiration of the biennium for which the licensee seeks credits.

(2) through (4) No change.

Rulemaking Authority 472.008, 472.018, 472.027 FS. Law Implemented 472.018, 472.027 FS. History—New 3-28-94, Amended

5-30-95, 9-21-98, 7-27-00, 6-22-03, 6-23-05, 6-20-06, Formerly 61G17-5.0031, Amended 10-17-12, 5-11-15,_____.

5J-17.042 Proof of Continuing Education Credit Earned.

The following documentation shall constitute proof of continuing education credit:

(1) through (9) No change.

(10) A certificate of completion or the transcript of a course or seminar taken in leading to an advanced professional certification in a surveying and mapping related discipline, along with documentation from the association or organization issuing the advanced professional certification.

Rulemaking Authority 472.008, 472.018, 472.033 FS. Law Implemented 472.018, 472.033, 472.0351 FS. History–New 3-28-94, Amended 5-30-95, 10-13-97, 5-31-00, Formerly 61G17-5.0032, Amended_____ .

5J-17.043 Board Approval of Continuing Education Providers.

(1) No change.

(2) To demonstrate the education and/or the experience necessary to instruct professional surveyors and mappers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be either a vendor of equipment or software used in the practice of surveying and mapping, a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association that promotes any aspect of whose primary purpose is to the profession of surveying and mapping as defined in Chapter 472 F.S., or a surveyor and mapper with a Florida license to practice surveying and mapping who is not under disciplinary restrictions pursuant to any order of the Board. In addition, the applicant must demonstrate particular education, experience or skill which sets the applicant apart from the surveyors and mappers whom the applicant proposes to instruct.

(3) To allow the Board to evaluate an initial application for continuing education provider status, the applicant must submit an electronic application located at <https://csapp.800helpfla.com/csrep/>. In lieu of an electronic application, the applicant shall complete the application entitled “Board of Professional Surveyors and Mappers Continuing Education Provider Approval Application”, FDACS-10056, Rev. 02/17, hereby incorporated by reference. Copies of the form may be obtained by contacting the Board Office or accessed online at <http://www.flrules.org/Gateway/reference> . The applicant shall provide the following:

(a) through (d) No change.

(e) A non refundable application fee of \$200, in addition to a \$250 fee for continuing education provider status \$450;

(f) No change.

(4) through (7) No change.

Rulemaking Authority 472.008, 472.011, 472.018, 472.033 FS. Law Implemented 472.011, 472.018, 472.033 FS. History–New 3-28-94, Amended 5-30-95, 5-31-00, 8-18-03, Formerly 61G17-5.0041, Amended_____ .

5J-17.044 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) No change.

(2) Furnish each participant with an individual certificate of ~~completion~~ ~~attendance~~ that contains the licensee’s name, the licensee’s license number, the provider name, the provider number, the course name, the course number, date of course completion, and the continuing education category fulfilled by the course.

(3) No change.

~~(4) Continuing education providers must identify in advertisements and on certificates of completion whether the offered continuing education course has been approved for general continuing education credit, laws and rules continuing education credit, Standards of Practice continuing education credit, or a combination of Standards of Practice and laws and rules continuing education credit.~~

(5) through (18) Renumbered as (4) through (17) No change.

~~(18) (19) On-line/internet courses shall be treated as correspondence courses for continuing education purposes, as set forth in subsection (10) (11) above.~~

Rulemaking Authority 472.008, 472.011, 472.018, 472.027 FS. Law Implemented 472.018, 472.027 FS. History–New 3-28-94, Amended 5-30-95, 7-27-00, 8-18-03, 8-18-04, 12-28-05, 1-29-07, Formerly 61G17-5.0043, Amended 10-17-12, 5-11-15,_____.

“Substantial rewording of Rule 5J-17.050 follows. See Florida Administrative Code for present text.”

5J-17.050 Definitions.

As used in this chapter, the following terms have the following meanings:

(1) Benchmark: a point, natural or artificial, bearing a marked position whose elevation above or below an adopted datum plane is known.

(2) Boundary Survey: a survey, the primary purpose of which is to document the perimeters, or any portion thereof, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines, such as for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.

(3) Computation records: Calculations and/or numerical values that are derived from measurements. These records include coordinate geometry data, coordinate list, computer aided drafting files, horizontal and vertical traverse closure, and adjustment computations.

(4) Conflict of Interest: a conflict between one's duty to act for the benefit of the public or a specific individual or entity, and the interests of self or others; which conflict has the potential of influencing, or the appearance of influencing, the exercise of one's professional judgment in carrying out that duty.

(5) Corner: a point on a land boundary that designates a change in direction, for example: points of curvature, points of tangency, points of compound curvature and so forth.

(6) Faithful Agent: a licensee acting in professional surveying matters who safeguards as confidential any information obtained by the licensee as to the business affairs, technical methods or processes of a client or employer, and who avoids or discloses a conflict of interest that might influence the licensee's actions or judgment.

(7) Map of Survey (or Survey Map): a graphical or digital depiction of the facts of size, shape, identity, geodetic location, or legal location determined by a survey. The term "Map of Survey" (Survey Map) includes the terms: Sketch of Survey, Plat of Survey, or other similar titles. "Map of Survey" or "Survey Map" may also be referred to as "a map" or "the map."

(8) Measurement records: Sufficient data that can be used to reconstruct the measurements, including but not limited to angles and distances to determine locations of fixed improvements, property corners and other points on a survey. These records include field notes, angle and distance measurements and raw data files.

(9) Monument: an artificial or natural object that is permanent or semi-permanent, and used or presumed to occupy any real property corner, point on a boundary line, or reference point.

(10) Redundancy measurement: One or more measurements that independently verifies another set of measurement(s) to the same point, to identify and minimize errors.

(11) Remote Sensing: The process of acquiring knowledge about physical features by analyzing data obtained from instrumentation located at a distance from the features being examined.

(12) Survey: The result of any professional service or work resulting from the practice of Surveying and Mapping as defined in Chapter 472, F.S., which includes, As-built/Record Surveys, Boundary Surveys, Construction Layout Surveys, Condominium Surveys, Construction Control Surveys, Control Surveys, Hydrographic/Bathymetric Surveys, Tidal or non-tidal Water Surveys, Photogrammetric Surveys (including Orthorectified Imagery), Quantity Surveys, and Topographic Surveys, whether it is measured by direct or remote sensing methods.

(13) Survey and Map Report: a written or digital document, that adequately communicates the survey results to the public

through a map, (written or digital), or in a report form with an attached map and details methods used, measurements and computations made, accuracies obtained, and information obtained or developed by surveying and mapping techniques. The map and report shall identify the responsible surveyor and mapper.

(14) Work Product: the drawings, plans, specifications, plats, reports, and all related calculations and field notes, either hard copy or digital, of the professional surveyor and mapper in responsible charge or made under his/her supervision.

Rulemaking Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 9-1-81, Formerly 21HH-6.02, Amended 12-18-88, Formerly 21HH-6.002, Amended 12-25-95, 5-25-99, 3-25-01, 3-13-03, 4-4-06, Formerly 61G17-6.002, Amended 5-11-15, _____.

5J-17.051 Standards of Practice: General Survey, Map, and Report Content Requirements.

The following rules shall apply to all work products regardless of the method of data acquisition:

~~(1) Nothing in these rules shall preclude a surveyor and mapper from entering into a contract with a client which requires more stringent surveying and mapping standards than those set forth in this rule.~~

~~(2) Survey Data:~~

~~(a) Regulatory objective: The public must be able to rely on the accuracy of measurements and maps produced by a surveyor and mapper.~~

~~(1)(b) Surveyors and mappers must achieve the following minimum standards of accuracy, completeness, and quality:~~

~~(2)(1) The accuracy of the survey measurements shall be premised upon the type of survey and the expected use of the survey and map. The accuracy of data shall be independently verified.~~

~~All measurements must be in accordance with the United States standard, using either feet or meters.~~

~~(a) Vertical Accuracy:~~

~~All surveying and mapping products with elevation data shall state the datum and a description of the control upon which the surveying and mapping products are based. The data shall be supported with documentation describing the vertical accuracy and the methodology used to determine accuracy. Elevation data may be obtained on an assumed datum provided the base elevation of the assumed datum is obviously different than a publicly published datum and clearly noted.~~

~~(b) Horizontal Accuracy:~~

~~All surveying and mapping products expressing or displaying mapped features shall state the datum and a detailed description of the control upon which the surveying and mapping products are based. The data shall be supported with documentation describing the horizontal accuracy and the methodology used to determine accuracy. Mapped features may be obtained on an assumed datum provided the~~

numerical basis of the datum is obviously different than a publicly published datum.

(c) Assumed datum:

If data is collected on an assumed datum, then adequate control points shall be established and communicated in the surveying and mapping product in order that the survey may be independently reproduced and verified.

(d) Measurement and computation records shall be dated as of the date of acquisition and must contain sufficient data to substantiate the surveying and mapping products.

2. Records of these measurements shall be maintained for each survey by either the individual surveyor and mapper or the surveying and mapping business entity.

3. Measurement and computation records must be dated and must contain sufficient data to substantiate the surveying and mapping products and insure that the accuracy portion of these standards has been met.

(3) Surveys, Maps, and/or Survey Products Content.

(a) The licensee must adequately communicate the survey results to the public through a map or report with an attached map. Regulatory objective: In order to avoid misuse of a survey and map, the surveyor and mapper must adequately communicate the survey results to the public through a map, report, or report with an attached map. Any survey map or report must identify the responsible surveyor and mapper and contain standard content.

(b) Surveyors and mappers must meet the following minimum standards of accuracy, completeness, and quality:

(b)1. Each survey map and report shall state the type and/or purpose of the survey it depicts, consistent with the types of surveys defined in paragraphs 5J-17.050(10)(a)-(k), F.A.C. The purpose of a survey, as set out in paragraphs 5J-17.050(10)(a)-(k), F.A.C., dictates the type of survey to be performed and depicted, and a licensee may not avoid the minimum standards required by rule of a particular survey type merely by changing the name of the survey type to conform with what standards or lack of them the licensee chooses to follow.

(c)2. All survey maps and reports must bear the name, certificate of authorization number, and street and mailing address of the business entity issuing the map and report, along with the name and license number of the surveyor and mapper in responsible charge. The name, license number, and street and mailing address of a surveyor and mapper practicing independent of any business entity must be shown on each survey map and report.

(d)3. All survey maps must reflect a survey date, which is the last date of data acquisition. When the graphics of a map are revised, but the survey date stays the same, the map must list dates for all revisions.

(e)4. The survey map and report and the copies of the survey map and report, except those with electronic signature

and electronic seal, must contain a statement indicating that the survey map and report or the copies thereof are not valid without the original signature and the original raised seal of a Florida licensed surveyor and mapper.

(f) Abbreviations related to surveying matters shall be defined on the work product.

5. If either the business entity or the individual licensee does not possess professional liability insurance, then the map, report, and/or survey must contain the following printed statement in letters at least 1/4" high: The survey depicted here is not covered by professional liability insurance.

6. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

7. All computed data or plotted features shown on survey maps must be supported by accurate survey measurements unless clearly stated otherwise.

8. Bearings, distances, coordinates, and elevations shown on a survey map shall be substantiated by survey measurements unless clearly stated otherwise.

(g)9. A reference to all bearings shown on a survey map or report must be clearly stated, i.e., whether to "True North"; "Grid North as established by the NOS"; "Assumed North based on a bearing for a well defined line, such as the center line of a road or right of way, etc."; "a Deed Call for a particular line"; or "the bearing of a particular line shown upon a plat." References to Magnetic North should be avoided except in the cases where a comparison is necessitated by a Deed Call. In all cases, the bearings used shall be referenced to some well-established and monumented line.

(h)10. A designated "north arrow" and either a stated scale or graphic scale of the map shall be prominently shown upon the survey map.

11. Abbreviations will be defined on the work product. Abbreviations generally used by the public or in proper names that do not relate to matters of survey are excluded from the legend requirement.

a. Acceptable abbreviations on the face of survey maps are:

N = North

S = South

E = East

W = West

or any combination such as NE, SW, etc.

° = Degrees

' = Minutes when used in a bearing

" = Seconds when used in a bearing

' = Feet when used in a distance

" = Inches when used in a distance

AC = Acres

+/- = More or less (or Plus or Minus)

metric notation

b. Any other abbreviations relating to survey matters must be clearly shown within a legend or notes appearing on the face of the map or report.

12. When special conditions exist that effectively prevent the survey from meeting these minimum standards, the special conditions and any necessary deviation from the standards shall be noted upon the map or report.

~~(i)13.~~ The responsibility for all mapped features must be clearly stated on any map or report signed by a Florida licensed surveyor and mapper. When mapped features surveyed by the signing surveyor and mapper have been integrated with mapped features surveyed by others, then the map or report shall clearly state the individual primarily responsible for the map or report.

14. Report Items:

a. Report items are information, as required by other parts of this rule, such as: abbreviations, legends, accuracy statements, feature lists, datums used, and things done or not done as part of the survey and mapping process. ~~In addition, the map or report shall contain other items necessary for an adequate communication of survey methods and results as judged by the surveyor and mapper such as: data sources, measurement methods, history and lineage of data, and limitations pertaining to the information presented.~~

b. Text Report items shall be displayed either through notes on the map, report, or in a text report delivered with the map. When the report is produced as a text document and a map is attached, the report shall be signed and sealed. When the map is delivered in digital form only, then a report is required. An attached map must clearly reference the report by title, date and subject; and the report must likewise clearly refer to the map by title, date, and subject. Statements must be made on the map and in the report that neither is full and complete without the other.

15. Map Accuracy:

a. Vertical Feature Accuracy:

~~Vertical Control: Field measured control for elevation information shown upon survey maps or reports shall be based on a level loop or closure to a second benchmark. Closure in feet must be accurate to a standard of plus or minus .05' ft. times the square root of the distance in miles. All surveys and maps or reports with elevation data shall indicate the datum and a description of the benchmark(s) upon which the survey is based. Minor elevation data may be obtained on an assumed datum provided the base elevation of the datum is obviously different than the established datum.~~

b. Horizontal Feature Accuracy:

~~(1) Horizontal Control: All surveys and maps or reports expressing or displaying features in a publicly published coordinate system shall indicate the coordinate datum and a description of the control points upon which the survey is based. Minor coordinate data may be obtained and used on an assumed~~

~~datum provided the numerical basis of the datum is obviously different than a publicly published datum.~~

~~(II) The accuracy of control survey data shall be verified by redundant measurements or traverse closures. All control measurements shall achieve the following closures:~~

~~Commercial/High Risk Linear: 1' foot in 10,000' feet;~~

~~Suburban: Linear: 1 foot in 7,500' feet;~~

~~Rural: Linear: 1 foot in 5,000' feet;~~

~~(III) When statistical procedures are used to calculate survey accuracies, the maximum acceptable positional tolerance, based on the 95% confidence level, should meet the same equivalent relative distance standards as set forth in sub-subparagraph 5J-17.051(3)(b)15.b.ii., F.A.C.~~

~~(IV) Intended Display Scale: All maps or reports of surveys produced and delivered with digital coordinate files must contain a statement to the effect of: "This map is intended to be displayed at a scale of 1/___ or smaller".~~

~~Rulemaking Authority 472.008, 472.027 FS. Law Implemented 472.025, 472.027 FS. History—New 9-1-81, Amended 7-29-85, Formerly 21HH-6.03, Amended 12-18-88, 11-27-89, 5-26-91, Formerly 21HH-6.003, Amended 12-25-95, 5-13-96, 11-3-97, 5-25-99, 4-4-06, 8-31-06, 8-18-08, Formerly 61G17-6.003, Amended 5-11-15,_____.~~

~~5J-17.052 Boundary Survey Standards of Practice: Specific Survey, Map, and Report Requirements.~~

~~(1) As Built/Record Survey:~~

~~(a) When performing as built or record surveys, the surveyor and mapper shall obtain field measurements of vertical or horizontal dimensions of constructed improvements so that the constructed facility can be delineated in such a way that the location of the construction may be compared with the construction plans.~~

~~(b) When the surveyor and mapper prepare as built maps they will clearly show by symbols, notations, or delineations, those constructed improvements located by the survey.~~

~~(c) All maps prepared shall meet applicable Standards of Practice.~~

~~(d) The vertical and horizontal accuracy of the measurements made shall be such that it may be determined whether the improvements were constructed consistent with planned locations.~~

~~(2) Boundary Survey, Map, and Report:~~

~~(1)(a) Boundaries of Real Property:~~

~~(a)1.~~ The surveyor and mapper shall make a determination of the position of the boundary of real property in complete accord with the real property description shown on ~~or attached to the survey map or report~~ and map. In order to ensure adequate and defensible real property boundary locations:

1. Every parcel of land whose boundaries are surveyed shall be made to conform

with the record title boundaries of such land, taking into account relevant requirements of law concerning whether the survey is original or a resurvey.

2. Prior to making the survey, the licensee shall perform research of records with sufficient scope and depth to identify with reasonable certainty:

a. The location of the record boundaries;

b. Conflicting record and ownership boundary locations within, abutting or affecting the property or access to same;

c. None of the above is intended to require the surveyor to perform a title search.

3. A field survey shall be made locating monuments and evidence of occupation, appropriate or necessary and coordinate the facts of said survey with the analysis of the record title.

(b) Monuments shall be set or held as marking the corners after a well-reasoned analysis by the licensee.

(c)2- All boundary surveys shall result in a map (hardcopy and/or digital) and it shall be stated on the map that the survey is a "Boundary Survey".

(d)3- Any discrepancies between the survey map and the real property description shall must be shown.

(e)4- Survey data shall be shown to positively describe the boundaries of the surveyed property. For portions of the property bounded by an irregular line, distances and directions to the irregular boundary shall be shown with as much certainty as can be determined or as "more or less", if variable. All changes in direction, including curves, shall be shown on the survey map by angles, bearings or azimuths, and will be in the same form as the description or other recorded document referenced on the map.

5- Curved lines with circular curves shall show the radii, are distances and central angles, or radii, are distances, chord distances and chord bearings.

6. When intersecting lines are non radial to a curve, sufficient angular data shall be shown to relate the line to the curve.

(f)7- Surveys of all or part of a lot(s) which is part of a recorded subdivision shall show the lot(s) and block numbers or other designations, including those of adjoining lots. the following upon the map:

a. The lot(s) and block numbers or other designations, including those of adjoining lots.

b. A comparison between recorded directions and distances with field measured directions and distances when they vary.

c. A comparison between the recorded directions and distances with field measured directions and distances to the nearest street intersection, right of way intersection or other identifiable reference point.

d. The dimensioned remaining portion of a lot(s) when part of a lot is included within the description.

(g)8- Surveys of parcels described by metes and bounds shall show all information called for in the property description, including point of commencement, course bearings and distances, and point of beginning. the following upon the map:

(h) When the results of the survey differ significantly from the record, or if a fundamental decision related to the boundary resolution is not clearly reflected on the plat or map, the surveyor shall explain this information with notes on the face of the plat or map.

(i) Surveys of parcels with water boundaries shall describe the feature located including, top of bank, edge of water, mean high water line, ordinary high water line and the method used to locate the water boundary. Water boundaries may be located in their approximate position as long as this is adequately depicted and explained with notes on the face of the plat or map.

a. The relationship of the parcel(s) to at least one established identifiable real property corner;

b. All information called for in the property description, such as point of commencement, course bearings and distances, and point of beginning;

c. A comparison between recorded directions and distances and field measured directions and distances on the boundary when they vary;

d. The most current abutting recorded instrument or recorded plat either known by the surveyor and mapper or furnished to the surveyor and mapper.

(2)(b) Boundary Monuments:

(a)4- The surveyor and mapper shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions at such corners or unless a water boundary has been located in approximate position. The survey map shall clearly label all approximate water boundaries with notes and these shall be mapped in a distinctly different graphic fashion from water boundaries located to full survey accuracy.

(b)2- Every boundary monument set shall:

1.a. Be composed of a durable material;

2.b. Have a minimal length of 18 inches;

3.c. Have a minimum cross-section area of material of 0.20 ~~0.2~~ square inches;

4.d. Be identified with a durable marker or cap bearing either the Florida license number of the surveyor and mapper in responsible charge, the certificate of authorization number of the business entity; or name of the business entity;

5.e. Be detectable with conventional instruments for finding ferrous or magnetic objects.

6.f. When a corner falls in a hard surface such as asphalt or concrete, alternate monumentation may be used that is durable and identifiable.

7. When conditions require setting a monument on an offset, whenever possible, the location should be selected so the monument lies on a boundary line.

~~(c)3-~~ All monuments, found or placed, must be described on the survey map. The corner descriptions shall state the size, material, and cap identification of the monument as well as whether the monument was found or set. Offset monuments shall be noted as such on the survey map along with the offset distance to the true corner. Building corners are acceptable as monuments so long as use of the building corners as monumentation is clearly noted on the map.

(d) For irregular boundaries such as a water body or maintained right of way, a dimensioned meander or survey closure line shall be used and monuments shall be set at the meander or survey closure line's terminus points on real property boundary lines.

~~4. When a parcel has an irregular roadway as a boundary, such as a dirt road or a common law road, then a monumented meander or survey line shall be established along or near the feature.~~

~~5. For other irregular boundaries such as a river, lake, beach, marsh or stream, not identified as in subparagraph 5J-17.052(2)(a)1., F.A.C., a dimensioned meander or survey line may be used. When a meander or survey line is used, monuments shall be set at the meander or survey line's terminus points on real property boundary lines and dimensions shall be shown between a meander or survey line and the boundary line sufficient to show the relationship between the two.~~

~~(e)6-~~ A boundary survey updating a previous survey made by the same surveyor and mapper or business entity, and which is performed for the purpose of locating non-completed new improvements by measurements to the property lines or related offset lines placed on the property since the previous survey, need not have the property corners reset.

~~(f) 7-~~ Side ties to locate or set monuments shall be substantiated by a redundancy of measurements.

~~(3)(e)~~ Boundary Inconsistencies:

~~(a)4-~~ Potential boundary inconsistencies that the survey process did not attempt to detect shall be clearly indicated and explained on the survey map or in the report. Where evidence of inconsistency is found, the nature of the inconsistency shall be shown upon the survey map, such as:

~~1.a-~~ Overlapping descriptions or hiatuses;

~~2.b-~~ Excess or deficiency;

~~3.e-~~ Conflicting boundary lines or monuments; or

~~4.d-~~ Doubt as to the location on the ground of survey lines or property rights.

~~(b)2-~~ Open and notorious evidence of boundary lines, such as fences, walls, buildings, monuments or otherwise, shall be shown upon the map, together with dimensions sufficient to show their relationship to the boundary line(s).

~~(c)3-~~ All apparent physical use onto or from adjoining property must be indicated, with the extent of such use shown or noted upon the map.

~~(d)4-~~ In all cases where foundations may violate deed or easement lines and are beneath the surface, failure to determine their location shall be noted upon the map or report.

~~(4)(d)~~ Rights-of-Way, Easements, and Other Real Property Concerns:

~~(a)4-~~ All recorded public and private rights-of-way shown on applicable recorded plats adjoining or across the land being surveyed shall be located and shown upon the map.

~~(b)2-~~ Easements shown on applicable record plats or open and notorious evidence of easements or rights-of-way on or across the land being surveyed shall be located and shown upon the map.

~~(c)3-~~ When streets or street rights-of-way abutting the land surveyed are physically closed to travel, a note to this effect shall be shown upon the map.

~~(d)4-~~ When location of easements or rights-of-way of record, other than those on record plats, is required, this information must be furnished to the surveyor and mapper.

~~(e)5-~~ Human cemeteries and burial grounds located within the premises shall be located and shown upon the map when open and notorious, or when knowledge of their existence and location is furnished to the surveyor and mapper.

~~(5)(e)~~ Real Property Improvements:

~~(a)4-~~ Location of fixed improvements pertinent to the survey shall be graphically shown upon the map and their positions shall be dimensioned in reference to the boundaries, either directly or by offset lines.

~~(b)2-~~ When fixed improvements are not located or do not exist, a note to this effect shall be shown upon the map.

~~3. Building corners are acceptable as monumentation so long as use of building corners as monumentation is clearly noted on survey drawing.~~

~~(c)4-~~ When a boundary survey updating a previous boundary survey is made by the same surveyor or survey firm for purpose of locating non-completed new improvements, then property corners need not be reset; however, when a boundary survey is updating a previous survey made by the same surveyor or survey firm and is performed for purpose of locating completed new improvements then property corners must be recovered or reset. When a boundary survey updates a previous boundary survey made by a different surveyor or survey firm for the purpose of locating either non-completed or completed new improvements, then property corners must be recovered or reset.

~~(3) Construction Layout Survey:~~

~~(a) When the surveyor and mapper provides construction staking, these stakes must be based on controls established using the survey standards set out in Rules 5J-17.051 and 5J-17.052, F.A.C., of this chapter. The stakes provided should be adequate in number and position so that the physical items can be constructed from the plans as designed.~~

~~(b) Horizontal and Vertical Controls for Public and Private Construction Layout:~~

~~1. Section 472.003(3), F.S., provides an exemption from licensing for certain classes of individuals performing construction layout from boundary, horizontal and vertical controls that have been established by a licensed professional surveyor and mapper. This rule is designed to set out what constitutes horizontal and vertical controls:~~

~~a. Horizontal control monumentation for the purpose of this rule includes:~~

~~(I) Points of Curve, Points of Tangency, Points of Tangent Intersections, Points on Line and Points on Curve.~~

~~(II) Points of Intersection of other streets or roads.~~

~~(III) Angle points or changes in direction.~~

~~b. Horizontal control monumentation for road center lines, right of way lines, reference lines or base lines shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.~~

~~c. Horizontal control monumentation for main utility lines (such as water, sewer, storm drainage, electric, telephone, television, gas, etc.) when not constructed within or along a road right of way control in accordance with sub-subparagraph 5J-17.052(3)(b)1.b., F.A.C., shall be at least a minimum of two (2) points placed so that no point on the line being monumented is more than 700 feet from a control monument.~~

~~d. Horizontal control monumentation for buildings and/or primary constructions shall be at least:~~

~~(I) Boundaries, or~~

~~(II) Control or base lines (minimum of 2 points), or~~

~~(III) A minimum of a four corner envelope for non-residential construction improvement layout.~~

~~e. Horizontal control monumentation required by plans as a control for horizontal location not included in sub-subparagraphs 5J-17.052(3)(b)1.b., e., or d., F.A.C., shall meet the requirements of subparagraph 5J-17.052(3)(b)2., F.A.C.~~

~~(c) All construction requiring benchmarks shall have a minimum of two (2) existent or established benchmarks for vertical control.~~

~~(d) Vertical control for linear type construction sites such as roads and sewer lines shall have a maximum of 1,100' feet between existent or established benchmarks.~~

~~(e) Vertical control for acreage construction sites shall have two (2) existent or established benchmarks on the first ten (10) acres plus an additional benchmark for each additional ten (10) acres.~~

~~(f) The only required documentation for this type of survey product shall be field notes.~~

~~(4) Control Survey:~~

~~(a) Geodetic Control Surveys: When applicable, all geodetic control surveys, both vertical and horizontal, shall~~

~~conform to the Standards and Specifications for Geodetic Control Networks (1984) as set forth by the Federal Geodetic Control Committee (FGCC), which Standards and Specifications are incorporated herein by reference, effective 5-13-96, and the Geospatial Positioning Accuracy Standards Parts 1, 2, and 3, FGDC STD 007.1 1998, entitled "Geospatial Positioning Accuracy Standards Part 2: Standards for Geodetic Networks", and FGDC STD 007.3 1998, entitled "Geospatial Positioning Accuracy Standards Part 3: National Standard for Spatial Data Accuracy", which are hereby incorporated by reference, effective 5-18-00, copies of which may be obtained via the internet web site (http://fgdc.gov/standards_publications/). No use of the terminology of these standards may be made without completely adopting and following all the standards in their entirety. When these standards are not employed, then a survey, map, or report shall explain applicable standards used in the geodetic control survey. All geodetic control survey maps or reports shall show the horizontal and vertical datum used and shall contain adequate graphical or written descriptions of the locations, construction and marking of all marks used or set and shall explain methods employed in the survey and adjustment.~~

~~(b) Other Control Surveys: Any control survey map or report shall detail the datum used and control stations used in a manner consistent with the general survey and map provisions of subsection 5J-17.051, F.A.C.~~

~~(6)(5) Descriptions/Sketch to Accompany Description:~~

~~(a) Descriptions written by a surveyor and mapper to describe land boundaries by metes and bounds shall provide definitive identification of boundary lines.~~

~~(b) When a sketch accompanies the property description, it shall show all information referenced in the description and shall state that such sketch is not a survey. The initial point in the description shall be tied to either a government corner, a recorded corner, or some other well-established survey point.~~

~~(6) Digital Data:~~

~~(a) When survey information is provided in digital form only, the surveyor and mapper shall provide a signed and sealed report as set forth in sub-subparagraph 5J-17.051(3)(b)14.b., F.A.C.~~

~~(b) The digital file will reference the report and that the digital file is not full and complete without the report.~~

~~(7) Ortho Images/Photos:~~

~~(a) The survey, map, and/or report must contain a list of control points employed in geo-referencing the image along with the source of control positions used.~~

~~(b) Positional Accuracy: Feature accuracies shall be stated.~~

~~(c) The Ortho Image/Photo shall comply with the December 1996 US Department of the Interior, US Geological Survey National Mapping Divisions, "National Mapping Program Technical Instructions Part 2 Specifications Standards~~

for Digital Orthophotos,” which are incorporated herein by reference.

(8) ~~Quantity Survey: The surveyor and mapper shall obtain horizontal and vertical measurements adequate to delineate graphically geometric configurations and/or dimensions that can be mathematically computed.~~

(9) ~~Raster Imagery:~~

(a) ~~The survey and report must contain a list of control points employed in geo-referencing the image along with the source of control positions used. The survey and report must contain a statement clearly stating that “This is not an ortho-image or ortho-photo.”~~

(b) ~~Feature accuracies shall be stated.~~

(10) ~~Subdivision Record Plat: This rule shall not apply to plats being prepared for filing and recording pursuant to Chapter 177, F.S.; however, this rule shall apply to any boundary survey performed during the preparation of the plat.~~

(11) ~~Specific Purpose Survey:~~

(a) ~~Surveys which are performed for a purpose other than the purposes encompassed by the definitions in paragraphs 5J-17.050(10)(a) (i) or (k), F.A.C., shall be permitted only where unusual conditions make impracticable or impossible the performance of one of the types of surveys defined in paragraphs 5J-17.050(10)(a) (i) or (k), F.A.C.~~

(b) ~~Such purpose and conditions shall be clearly shown upon the survey map or in the survey report.~~

(c) ~~Surveys performed for purposes of monumenting, referencing, describing, and mapping centerline or baseline may be performed as Specific Purpose Surveys. Additionally, surveys performed for the purpose of monumenting official right of way lines may be performed as Specific Purpose Surveys.~~

(12) ~~Topographic Survey:~~

(a) ~~Topographic surveying and mapping by field methods shall meet general provisions applicable to all surveys and maps as set out in Rule 5J-17.051, F.A.C. A minimum of two site benchmarks on or near the survey shall be indicated upon the survey map.~~

(b) ~~Topographic Features:~~

1. ~~Intended Features. The surveyor and mapper shall devise a method of reporting which topographic features were intended to be surveyed and mapped, the style of cartographic representation employed for each, and the degree of intended completeness in the surveying and mapping of each feature. As with abbreviations, any symbols, line types, etc. shown on the survey map shall be explained and/or defined in a legend.~~

2. ~~Obscured Areas. Features in obscured areas where the desired points or surfaces being mapped are not clearly visible on source images shall be clearly labeled on the map as “interpolated” or “estimated” through the use of notes and shall~~

~~be depicted graphically clearly different from other surveyed features.~~

3. ~~Scale of Map. The scale of the map that is selected when provided in hard copy shall be sufficient to accurately and clearly show the results of the survey.~~

4. ~~Property Lines. Any depiction of property lines on a topographic map shall be accompanied with a statement as to the source of the property lines shown.~~

Rulemaking Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 9-1-81, Formerly 21HH-6.04, Amended 12-18-88, Formerly 21HH-6.004, Amended 12-25-95, 5-13-96, 5-25-99, 4-4-06, 8-31-06, 8-18-08, Formerly 61G17-6.004, Amended 5-11-15,

5J-17.053 Standards of Practice – Professional Matters in Surveying and Mapping.

In order to safeguard the health, safety and welfare of the public and to maintain integrity and high standards of skill and practice in the surveying and mapping profession, the rules of professional conduct provided in this section shall be binding upon every licensee and on all firms which offer or perform surveying and mapping services in Florida. Licensees shall at all times be cognizant of the public that they serve and shall govern themselves accordingly in the following professional matters:

(1) No change.

(2) Conflicts of Interest: Licensees shall avoid any professional conflicts of interest.

(a) through (b) No change.

(c) Examples of professional conflicts of interest include, but are not limited to:

1. A government county employee engaging in the private practice of surveying and mapping on a project over which that person, as a government county employee, has approval authority.

2. through 3. No change.

(d) through (e) No change.

(3) through (4) No change.

(5) Retention of Work Products.

(a) For each survey produced, all licensees, except for those who do not have an ownership right to the work product, shall maintain for a minimum of six years from the date of creation at least one copy of all signed and sealed ~~final~~ drawings, plans, specifications, plats, and reports as well as one copy of all related calculations and field notes. Additionally, the documented research of records and—written notification regarding lack of insurance shall be retained for a minimum of six years from the date of creation. These records may be kept in hard copy or electronic or digital format.

(b) Upon the discontinuance of the practice of surveying and mapping, licensees shall ensure the safe storage and reasonable accessibility to clients of all files and file materials

for a period of ~~six three~~ years. ~~in accordance with subparagraph 5J-17.051(2)(b)2., F.A.C.~~ The failure to do so shall constitute cause for discipline.

~~1. If an individual voluntarily relinquishes his/her professional surveyor and mapper license, the transfer and storage of files is not required.~~

(6) Signing and Sealing.

(a) through (b) No change.

(c) Licensees shall ~~may~~ not affix a signature and seal to any document depicting an area over which the licensee has insufficient knowledge, education, experience, or familiarity

(d) A licensee who allows another person to forge a signature on a map or surveyor's report purported to be prepared under the supervision of the licensee is guilty of misconduct.

Rulemaking Authority 472.027 FS. Law Implemented 472.027 FS. History--New 5-11-15, Amended .

5J-17.061 Seal and Signature.

Rulemaking Authority 472.025 FS. Law Implemented 472.025 FS. History--New 1-3-80, Amended 9-13-83, Formerly 21HH-7.02, 21HH-7.002, Amended 5-30-95, 5-13-96, 11-3-97, Formerly 61G17-7.002, Repealed .

5J-17.062 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) No change.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however, the final hard copy documents of such surveying or mapping work must contain an original signature and ~~raised~~ seal of the license holder and date or the documents must be accompanied by an electronic signature as described in this section. A scanned image of an original signature shall not be used in lieu of an original signature and ~~raised~~ seal or electronic signature. Surveying or mapping work that contains a computer generated seal shall be accompanied by the following text or similar wording: "The seal appearing on this document was authorized by [Example: Leslie H. Doe, P.E. 0112 on (date)]" unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature and ~~raised~~ seal. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

(a) through (d) No change.

(4) Alternatively, electronic files may be signed and sealed by creating a "signature" file that contains the surveyor and mapper's name and PSM number, a brief overall description of the surveying and mapping documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name ~~utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>.~~ Each file shall ~~and secure~~ have an authentication code computed by a cryptographic hash function defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.itl.nist.gov/fipspubs/fip180-1.htm>. A report shall be created that contains the surveyor and mapper's name and PSM number, a brief overall description of the surveyor and mapper documents in question and the secure authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional surveyor and mapper in responsible charge. The signature file is defined as sealed if its secure authentication code matches the secure authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed secure authentication code matches the file's computed secure authentication code.

Rulemaking Authority 472.008, 472.025 FS. Law Implemented 472.025 FS. History--New 2-1-00, Amended 12-16-07, Formerly 61G17-7.0025, Amended .

5J-17.063 Certificates of Authorization.

(1) through (6) No change.

(7) Business entities that wish to obtain a Certificate of Authorization must complete an application at <https://csapp.800helpfla.com/csrep/> and pay the appropriate fee. In lieu of completing an electronic application, applicants are permitted to complete "Board of Professional Surveyors and Mappers Application for Certificate of Authorization" FDACS-10054, Rev. 02/17, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at: <http://www.flrules.org/Gateway/reference> . Upon application to the Board, certificates of authorization shall be issued only to those business entities which:

(a) through (c) No change.

(8) through (10) No change.

Rulemaking Authority 472.021 FS. Law Implemented 472.021 FS. History--New 3-22-84, Formerly 21HH-7.03, Amended 3-12-92, Formerly 21HH-7.003, Amended 5-30-95, 5-21-00, 3-25-01, 5-24-06, Formerly 61G17-7.003, Amended .

5J-17.070 Fees.

(1) No change.

(2) The examination fee is for each of the examinations required for licensure shall be the actual cost incurred by the Department for the administration and scoring of each examination or the amount charged by the Department's designee or vendor to administer and score the examination. If the examination is administered by a designee of the Department or a vendor, applicants shall pay the examination fee directly to the designee or vendor \$120 each for each part of the examination.

(3) The fee for permanent licensure or permanent certificate of authorization is \$125.

(4) The nonrefundable application fee for continuing education provider status is \$200.

(5) The fee for continuing education provider status is \$250.

(6)(4) The renewal fee for licensure as a surveyor and mapper and for continuing education providers is \$250 per biennium.

(7)(5) The renewal fee for certificate of authorization is \$350 per biennium.

(8)(6) The fee to place an active license on inactive status is \$100.

(9)(7) The fee to reactivate an inactive license is \$50.

(10)(8) The fee for temporary certificate as a surveyor and mapper is \$25.

(11)(9) The fee for temporary certificate of authorization is \$50.

(12)(10) The fee for reexamination shall be the actual cost incurred by the Department for the administration and scoring of each part of the examination or the amount charged by the Department's designee or vendor to administer and score the examination. If the examination is administered by a designee of the Department or a vendor, applicants shall pay the examination fee directly to the designee or vendor is \$120 each for each part.

(13)(11) The fee for duplicate license or certificate of authorization is \$20.

(14)(12) The late renewal penalty for licensure or certificate of authorization is \$150.

(15)(13) The examination review fee for the Florida Jurisdictional Examination shall be \$75 based on the actual cost incurred by the Department to provide examination review.

(16)(14) The fee to renew an inactive license on inactive status is \$50.

(17)(15) The fee to change from inactive status to active status at any time other than at the time of biennial renewal is \$25, in addition to any additional licensure fees necessary to equal those imposed on an active status licensee. The fee to

~~change status at any time other than at the time of biennial renewal is \$25.~~

(18)(16) An individual applying to reinstate his or her null and void survey and mapper license pursuant to Section 472.0202(6)(b), F.S., must pay a non-refundable application fee of \$125 and also must pay \$255 for every licensure biennium that the individual failed to renew his or her surveyor and mapper license.

(19) The fee for the certification of a public record is \$25, in addition to any applicable fees or costs for the duplication of the public record.

(20) An honorably discharged veteran, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse requesting a waiver of the initial registration fee pursuant to Section 472.011(1), F.S., shall complete FDACS-10991, Military Veteran Fee Waiver Request, 10/16, incorporated by reference in Rule 5J-26.001, F.A.C. An applicant requesting a fee waiver shall submit a completed Military Veteran Fee Waiver Request and all required supporting documentation at the time the applicant submits their initial applications referenced in subsection (1). Rulemaking Authority 472.011, 472.013(2)(a) FS. Law Implemented 472.015, 472.011, 472.013(2)(a), 472.019(2), 472.023 FS. History—New 1-5-95, Amended 4-2-98, 7-27-00, 6-20-06, Formerly 61G17-8.0011, Amended _____.

5J-17.080 Citations.

The offenses enumerated in this rule may be disciplined by the issuance of a citation by the Department of Agriculture and Consumer Services. The citation shall impose the prescribed fine, and the Department may impose the costs of the investigation. If the citation option is accepted by the licensee, the offense will not be brought to the attention of the probable cause panel of the Board.

(1) Citations shall be issued pursuant to Sections 472.0345 and 472.036, F.S. The Department shall only issue citations on “Professional Surveyors and Mappers Uniform Disciplinary Citation” ~~Form FDACS-10060, Rev. 02/17 02/12 entitled “Professional Surveyors and Mappers Uniform Disciplinary Citation”~~, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at: <http://www.flrules.org/Gateway/Ref-01346>.

(2) through (7) No change.

(8) The Department may issue citations in lieu of administrative complaints for the following unlicensed activities and impose the following penalties:

(a) Advertising or otherwise holding ones self out as available to practice the profession of surveying and mapping, or otherwise provide a service, or engage in any activity that requires licensure. If a citation is issued, the subject must be assessed a fine of \$500 ~~\$1,000~~, plus costs of investigation and attorney's fees, if any.

(b) Contracting to perform or performing a service, or offering a bid to engage or engaging in any act or practice, that requires licensure. If a citation is issued, the subject must be assessed a fine of ~~\$1,000~~ \$2,500, plus costs of investigation and attorney's fees, if any.

(9) All citations issued to unlicensed persons under this part shall be accompanied by a Notice and Order to Cease and Desist, as provided by Section 472.036(1), F.S. The Department shall only issue Notice and Orders to Cease and Desist on "Notice to Cease And Desist Unlicensed Professional Surveying and Mapping", Form FDACS-10061, Rev. 02/12, ~~entitled "Notice To Cease And Desist Unlicensed Professional Surveying and Mapping"~~, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed ~~online~~ at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-01347>. Rulemaking Authority 472.008, 472.0345, 472.036 FS. Law Implemented 472.0345, 472.0351, 472.036 FS. History–New 1-16-92, Formerly 21HH-9.004, Amended 2-20-96, 10-29-06, 6-11-07, Formerly 61G17-9.004, Amended 10-17-12, _____.

5J-17.081 Notices of Noncompliance.

The offenses enumerated in this rule are eligible to shall be the subject of a notice of noncompliance before disciplinary action is taken:

(1) through (7) No change.

Rulemaking Authority 455.225(3) FS. Law Implemented 455.225(3) FS. History–New 12-25-95, Amended 10-1-97, 4-8-07, Formerly 61G17-9.0045, Amended _____.

5J-17.083 Probation.

(1) A licensee on probation shall:

(a) through (d) No change.

~~(e) Make corrections on surveys as required by the Probation Committee;~~

~~(f) Provide clients with corrected surveys at no cost, and submit documentation to demonstrate compliance with this provision within fourteen days of the date on which the corrections are ordered by the Probation Committee.~~

(2) A probationer's failure to comply with probation, or a probationer's failure to comply with probation on time, shall result in the case being referred to the Department for non-compliance with a final order of the Board and further disciplinary action ~~the lifting of the stay on the suspension imposed in the underlying disciplinary action.~~

~~(3) Should a probationer's license become suspended, the suspended probationer shall file a written petition for reinstatement of licensure with the board. The suspended probationer's written petition for reinstatement shall include the suspended probationer's grounds for reinstatement and also must demonstrate the suspended probationer's compliance with~~

~~the board's final order, which resulted in the suspension of the probationer's license.~~

Rulemaking Authority 472.008, 472.018 FS. Law Implemented 472.018, 472.0351 FS. History–New 12-25-95, Amended 10-27-05, Formerly 61G17-9.006, Amended _____.

5J-17.084 Surrender of Seal and Cancellation of Digital Signature.

Rulemaking Authority 472.025 FS. Law Implemented 472.025 FS. History–New 10-27-05, Formerly 61G17-9.0065, Repealed.

5J-17.085 Survey Review.

(1) A probationer ~~required to submitting~~ submit surveys for review shall:

(a) Provide the Board with a list of all signed and sealed surveys, which shall contain a minimum of ~~three (3) six (6)~~ three (3) surveys, that have been performed by the probationer, for or without compensation, within 120 days of the date of the final order. The survey list submitted by the probationer shall contain each survey's project name and/or number, the client name (if available), the date of the survey and the type of survey performed.

(b) The Board's Probation Chair will randomly select ~~three (3) six (6)~~ three (3) of the probationer's signed and sealed surveys for review from the survey list submitted by the probationer. Within five (5) calendar days of being notified by the Board of the surveys that have been selected for review, the probationer shall have post-marked and submitted to the Board office signed and sealed surveys for the surveyed properties selected for review, along with copies of the relevant field notes, the relevant full size record plats, all measurement and computational records, and all other documents necessary for a full and complete review of the surveys. If the probationer does not submit the surveys which have been post-marked within five (5) calendar days of being notified of what surveys have been selected for review, then the probationer will be referred to the Department for non-compliance with a final order of the Board ~~and the Board may lift the stay of suspension.~~

(c) through (d) No change.

(2) Upon receipt of the signed and sealed surveys and other documents by the Board, either a surveying and mapping consultant selected by the Board or a member of the Probation Review Committee of the Board shall conduct a review of the surveys supplied by the licensee and provide an evaluation report to the Board for review, with all costs associated with said review and report paid to the consultant or the Board by the licensee.

(3) After the first survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the

reviewed surveys are found to meet or exceed the standards of practice minimum levels of competency; or

(b) Require a second set of surveys for review as contemplated by paragraph (1)(d) ~~or~~

~~(c) If the Board's final order places a licensee on probation and suspends the licensee's license but stays the suspension pending the licensee's compliance with the terms of probation, then the Probation Committee will lift the stay on the suspension of the license if the reviewed and discussed surveys do not meet or exceed minimum levels of competency.~~

(4) After any second survey review, the Probation Committee will either:

(a) Release the probationer from the terms of the final order if the probationer has complied with all of its terms and if the reviewed surveys are found to meet the standards of practice minimum levels of competency; or

~~(b) If the reviewed and discussed surveys do not meet or exceed the standards of practice then the probationer will be referred to the Department for non-compliance with a final order of the Board and further disciplinary action. If the board's final order places a licensee on probation and suspends the licensee's license but stays the suspension pending the licensee's compliance with the terms of probation, then the Probation Committee will lift the stay on the suspension of the license if they do not meet minimum levels of competency and refer the reviewed and discussed surveys to the Department for possible further disciplinary action. If the stay is lifted, the licensee shall remain in suspended status until the probationer takes and passes the Florida jurisdictional examinations.~~

Rulemaking Authority 472.008 FS. Law Implemented 472.0351 FS. History--New 12-25-95, Amended 10-1-97, 5-17-99, 2-23-05, 6-20-06, Formerly 61G17-9.007, Amended 10-17-12, _____.

5J-17.086 Appointment to the Board.

Persons wishing to apply for appointment to serve as a member of the Board of Professional Surveyors and Mappers must complete "Board of Professional Surveyors and Mappers Appointment Questionnaire" FDACS-10059, Rev. 02/17, hereby incorporated by reference. Copies of the form may be obtained from the Board office or accessed online at: <http://www.flrules.org/Gateway/reference>.

Rulemaking Authority 472.006(6) FS. Law Implemented 472.007(2) FS. History--New _____.

5J-17.200 Definitions.

When used in Rule Chapter 5J-17, F.A.C., the following terms shall have the meanings provided:

(1) "Country" shall mean any independent or dependent governmental unit with established boundaries within the Western Hemisphere.

(2) "A country in the Western Hemisphere which lacks diplomatic relations with the United States" shall mean ~~the~~

~~Republic of Cuba and any other~~ country which the Secretary of State of the State of Florida confirms lacks diplomatic relations with the United States.

(3) "Western Hemisphere" shall mean the land masses known as North America, Central America and South America and the islands which are geographically related to such masses. Rulemaking Authority 472.0101 FS. Law Implemented 472.0101 FS. History--New 10-17-12, Amended _____.

5J-17.400 Special Assessment Fee.

Rulemaking Authority 472.006(5), 472.008, 472.011(12) FS. Law Implemented 472.011(12) FS. History--New 3-14-11, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jenna L. Harper, Executive Director, Board of Professional Surveyors and Mappers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner of Agriculture Adam H. Putnam

DATE PROPOSED RULE APROVED BY AGENCY HEAD: March 29, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 28, 2016

DEPARTMENT OF TRANSPORTATION

RULE NO.: RULE TITLE:

14-51.020 Supplemental Guide Signs

14-51.030 Destination Guide Signs

PURPOSE AND EFFECT: To allow for signage of large scale craft breweries in accordance with Chapter 2016-239, Laws of Florida.

SUMMARY: Authorizes installation of highway guide signs for large scale craft breweries.

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.

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

RULEMAKING AUTHORITY: 316.0745, FS.

LAW IMPLEMENTED: 316.0745, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Schwartz, Assistant General

Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-51.020 Supplemental Guide Signs.

- (1) No change.
- (2) No change.
- (3) Guidelines.
- (a) through (i) No change.

(i) Craft Breweries meeting the requirements of Section 563.13, F.S. shall be eligible for signing based on space availability. The Craft Brewery will be responsible for all signs and associated costs, including replacements, through the Department's permit system in accordance with 14-51.014, F.A.C.

- (j) through (r) renumbered as (j) through (s) No Change.
- (4) No Change.

Rulemaking Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended 11-24-11, 3-20-16,_____.

14-51.030 Destination Guide Signs.

- (1) No change.
- (2) No change.
- (3) Guidelines.
- (a) through (k) No change.

(l) Craft Breweries meeting the requirements of Section 563.13, F.S. shall be eligible for signing based on space availability. The Craft Brewery shall be responsible for all signs and associated costs, including replacements, through the Department's permit system in accordance with 14-51.014, F.A.C..

- (l) through (r) renumbered (m) through (s) No change.
- (4) No change

Rulemaking Authority 316.0745 FS. Law Implemented 316.0745 FS. History—New 3-27-05, Amended 11-24-11, 3-20-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alan El-Urfali, State Traffic Program Engineer

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Rachel D. Cone, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: March 29, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: October 24, 2016

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NO.: RULE TITLE:

60L-40.002: Equal Employment Opportunity and Affirmative Action

PURPOSE AND EFFECT: To implement the provisions of Chapter 2016-3, Laws of Florida. The proposed rule adds provisions requiring affirmative action planning for individuals who have a disability, clarifies the requirements for affirmative action planning for women and minorities, and adds language providing for the voluntary self-identification of individuals who have a disability.

SUMMARY: The proposed rule provides amendments that implement Chapter 2016-3, Laws of Florida; create or revise provisions regarding affirmative action planning; and adds language regarding voluntary self-identification of individuals who have a disability.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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: 110.1055, 110.112(2)(a), 110.112(3)(f), 110.201(1)(a), 110.403(1), 110.605(1), FS.

LAW IMPLEMENTED: 110.105(1), 110.112(2)(a), 110.112(3)(f), 110.403(1)(h), 110.605(1)(d), 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: April 25, 2017, 9:00 a.m.

PLACE: Department of Management Services, Division of Human Resource Management, 4050 Esplanade Way; Suite 101, Tallahassee, FL 32399-0950

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: Martina Rogers, Martina.Rogers@dms.myflorida.com or (850)487-1812. 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: Marian Deadwiley, Marian.Deadwiley@dms.myflorida.com, (850)488-3923

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-40.002 Equal Employment Opportunity and Affirmative Action.

(1) The Department shall assist agencies in ensuring equal employment opportunity (EEO) through affirmative action. ~~Toward this end, the Department shall:~~

~~(a) Provide technical assistance and training in agencies' development and implementation of the affirmative action plan required by subsection 60L 40.002(4), F.A.C.~~

~~(b) Provide technical assistance and training in equal employment opportunity and affirmative action principles for agency supervisory employees. The Department may provide these services directly or contract for them, with each participating agency reimbursing the Department for costs incurred through such contract. Once the Department approves the content of any training program, the Department may delegate the training to the agency.~~

~~(c) Report to the Governor each year on the implementation, continuance, revision, and results of each agency's affirmative action plan for the previous year. At the Department's request, agencies shall provide information necessary for this report.~~

(2) Each agency's affirmative action plan shall include the following provisions related to women, minorities and individuals who have a disability:

(a) A cover page that provides the agency name and address; name, title and phone number of person completing the plan; name, title, phone number and signature of the agency head and AA/EEO Officer; the source of data cited in the plan, and plan year.

(b) A table of contents that lists the major sections of the affirmative action plan and reflects the starting page number for each section.

(c) An organizational profile that displays the agency's organizational structure, identifying each major organizational unit. The agency shall provide demographic information for all supervisors and employees within each unit and shall provide a total employee count; a count by gender; a count by race or ethnicity; and a count of individuals who have a disability.

(d) An affirmation of policies on EEO, anti-harassment, and individuals who have a disability that states the agency's commitment to equal employment opportunity, promoting the employment of individuals who have a disability, providing reasonable accommodations, maintaining a work environment free of unlawful discrimination and harassment. The agency shall also include provisions that inform employees of the agency's complaint procedures and affirmative action program.

(e) A dissemination of policy statement that explains internal and external dissemination of the agency's equal employment opportunity policies.

(f) An outline of the agency's training plan for all employees on the principles of equal employment opportunity, including disability-related workplace issues designed to promote an inclusive culture. The outline of the training plan for managers and supervisors must show that the training includes the principles of equal employment opportunity and affirmative action.

(g) An identification of the individual(s) accountable for directing and implementing the affirmative action plan and a description of their duties and responsibilities as they relate to implementation of the affirmative action plan.

(h) A description of the agency's plan to periodically review its personnel processes to ensure equal access. The plan shall include a description of the personnel processes reviewed and any necessary modifications or development of new processes.

(i) An identification and description of the agency's audit and reporting system that is used to measure the effectiveness of its affirmative action program.

(j) The agency's statement as to the degree to which its goals and objectives are being met.

(k) The agency's identification of any needs for remedial action.

(l) An identification of the agency's impediments to providing equal employment opportunity. The agency shall include an analysis of the agency's employment processes to include personnel procedures and activities (e.g., hires, promotions, separations, accommodations, return-to-work, etc.), and any other areas that the agency finds may impact the success of the affirmative action program.

(m) A description of the steps the agency will take to eliminate or reduce the impact of the agency's impediments to providing equal employment opportunity.

(n) An evaluation of the progress made in reaching the agency's goals for the prior year. The agency shall provide a statistical representation of placements made toward the goals, a narrative explanation of goals met, and "good faith efforts" made in instances in which the agency was unable to meet its goals.

(o) An analysis that estimates the number of qualified minorities, women, or individuals with a disability available for employment in a given EEO job category, expressed as a percentage of all qualified persons available for employment in the EEO job category. In order to determine whether barriers to equal employment opportunity may exist within a particular EEO job category, the agency must use this availability determination to establish a benchmark against which the demographic composition of the agency's workforce can be compared.

(p) A comparison between the agency's actual workforce and the qualified available workforce in the relevant labor market. The agency shall establish goals where the agency has identified an underutilization in the workforce using an industry recognized calculation method for determining underutilization.

~~(2) Agencies shall not discriminate or take retaliatory action against an individual because that individual has opposed an unlawful employment practice or has made a charge, testified, or participated in any manner in an investigation, proceeding, or hearing relating to equal employment opportunity or affirmative action.~~

(3) Each agency shall include in its affirmative action plan as described in (2) the following additional components regarding individuals who have a disability:

(a) Documentation of the agency's review of physical and mental job qualification standards to ensure that physical and mental job qualification standards are job-related and consistent with business necessity. The agency shall also explain any actions it intends to take based on this review.

(b) The process by which the agency will review a request for an accommodation from an individual who has a disability and provide a reasonable accommodation in response to such a request.

(c) A description of how the agency will promote employment opportunities for individuals who have a disability. This description must include a description of the agency's strategies for outreach, recruitment, hiring and retention.

(d) Data collected on hiring and selection practices that have assisted the agency in identifying problem areas and meeting the reporting requirements of 110.112(2)(e), (3)(c)2., and (d), F.S. The agency must also provide data reports which must include:

1. A report on the number of requisitions, applicants, applicants interviewed, and applicants hired.

2. A report on the number of agency applicants, new hires, promotions, separations, demotions and original appointments.

~~(3) Each agency shall conduct an analysis of its work force to determine whether underrepresentation exists, that is, whether the percentage of an EEO group within an occupation or an EEO job category is lower than the corresponding percentage in the available labor market. If underrepresentation exists, the agency shall establish annual affirmative action goals in an effort to achieve full utilization of EEO groups underrepresented in its work force.~~

(4) When an individual is provided the opportunity to voluntarily self-identify whether he or she has a disability, the following options must be presented for the individual's selection:

(a) I do not have a disability;

(b) I do have a disability; or

(c) I choose not to answer.

~~(4) Each agency shall develop and implement a written plan to promote equal employment opportunity and to meet the agency's established affirmative action goals. The plan shall include the following elements:~~

~~(a) Effective date of the plan and the time period that it covers.~~

~~(b) Signature of agency head and EEO/AA officer.~~

~~(c) EEO/AA officer information.~~

~~(d) Policy statement concerning an internal agency complaint procedure, which procedure shall include provisions to advise employees of the procedure and to prohibit retaliation for employing the procedures.~~

~~(e) Description of agency organization.~~

~~(f) A list of the supervisory personnel to receive training and a schedule for such training.~~

~~(g) Work force analysis, which shall include:~~

~~1. Statistical comparison of current work force with available labor market in the relevant geographic recruitment area-~~

~~2. Previous year's goals and a statement as to whether these goals were met.~~

~~3. Measurable goals for the applicable time period for all EEO job categories with underrepresentation. Measurable goals may also be established in occupations with underrepresentation.~~

~~4. Recommendations for corrective action, where necessary.~~

(5) The opportunity for an individual to self-identify whether he or she has a disability under (4) shall advise the individual of the following:

(a) The information will be used solely in connection with affirmative action obligations and efforts;

(b) The information is being requested on a voluntary basis;

(c) The information will be kept confidential as medical information in accordance with the Americans with Disabilities Act (ADA); and

(d) The refusal to provide this information will not subject the individual to any adverse treatment.

Rulemaking Authority 110.1055, 110.112(2)(a), 110.112(3)(f)(2)(a), ~~110.1221~~, 110.201(1)(a), 110.403(1), 110.605(1) FS. Law Implemented 110.105(1)(2), 110.112(2)(a)(1), 110.112(3)(f)~~110.1221~~, ~~110.233(4)~~, 110.403(1)(h), 110.605(1)(d) FS. History--New 1-1-02, Amended 4-3-03, Formerly 60L-33.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sharon D. Larson, Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Erin Rock, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 16, 2016

AGENCY FOR STATE TECHNOLOGY

RULE NO.: RULE TITLE:
74-5.001 Purpose and Applicability; Definitions
74-5.003 Identity Management

PURPOSE AND EFFECT: To implement the provisions of Section 282.0051(2), F.S., to establish information technology architecture standards to provide for the most efficient use of the state’s information technology resources and to ensure compatibility and alignment with the needs of state agencies.

SUMMARY: The proposed rulemaking adopts new rules related to information technology identity, authentication, and interoperability of information technology resources.

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 economic review conducted by the Agency.

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: 282.0051(19) FS.

LAW IMPLEMENTED: 282.0051(2) FS.

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

DATE AND TIME: April 28, 2017, 3:00 p.m.

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Scott Jecko at (850)412-6058 or at Scott.Jecko@ast.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Scott Jecko at (850)412-6058 or at Scott.Jecko@ast.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

74-5.001 Purpose and Applicability; Definitions.

(1) Purpose. The purpose of the Identity Management rule is to ensure that Identity Management Services provide secure, reliable and interoperable mechanisms for authenticating the identity of devices, application services, and Users that consume state information and application resources.

(2) Applicability. This rule chapter applies to State Agencies.

(3) Definitions.

(a) The following terms are defined:

1. Agent – a non-human application or service acting in the digital environment on behalf of a human user.

2. Applicant – a party undergoing the processes of registration and identity proofing.

3. Assertion – a statement from an attribute provider to a relying party. Assertions may be used to communicate claims, attributes, identifiers, or digital identities.

4. AST – the Agency for State Technology.

5. Attribute – a named quality or characteristic that is claimed to be inherent in or ascribed to someone or something.

6. Authentication – a process of determining the validity of one or more credentials used to claim a digital identity.

7. Authentication Boundary – defines the scope of identities managed within a specific Identity Management service.

8. Authentication Protocol – a defined sequence of messages between a Claimant and the RP or CSP that demonstrates that the Claimant has control of a valid token to establish his or her identity.

9. Bona Fides – evidence that provides insight into an organization’s maturity, legitimacy, stability, and reputation.

10. Boundary – a physical or logical perimeter of an information system.

11. Cabinet Agency(ies) – the Department of Legal Affairs, the Department of Agriculture and Consumer Services, and the Department of Financial Services.

12. Claim – a statement about the user or agent asserting a property of the user or agent without necessarily containing identity information.

13. Claimant – a party whose identity is to be verified using an authentication protocol.

14. Compensating Control – a management, operational, and/or technical control (i.e., safeguard or countermeasure) employed by an organization in lieu of a recommended security control in the low, moderate, or high baselines that provides equivalent or comparable protection for an information system.

15. Credential - a set of data presented as evidence of a claimed digital identity.

16. Credential Service Provider (CSP) – a trusted entity that issues or registers subscriber tokens and issues electronic credentials to subscribers.

17. Credentialing – a process to bind an established digital identity with a credential.

18. Cryptography or Cryptographic – the practice and study of techniques for secure communication in the presence of third party adversaries.

19. Digital Identity – an attribute set that can be uniquely distinguished in a given context and can be used for a digital interaction.

20. Entity – any organization providing or using identity services.

21. Federation – an association comprising any number of credential service providers and identity providers.

22. Identity Assurance Level – the degree of confidence that an individual, organization, or device is who or what it claims to be.

23. Identity Management (IDM) Service – a registration, credentialing, authentication, identity proofing, or attribute management service that may be utilized by more than one relying party or system.

24. Identity Proofing – the process by which a CSP and a Registration Authority collect and verify information about a person for the purpose of issuing credentials to that person.

25. Identity Provider – an entity that creates, maintains, and manages trusted identity information.

26. Interoperability – the ability of independent systems to exchange meaningful information and initiate actions from each other, in order to operate together for mutual benefit. In particular, it envisages the ability for loosely-coupled independent systems to be able to collaborate and communicate.

27. Multifactor Authentication – authentication using two or more different factors. Factors include something one knows (e.g., password or personal identification number), something one has (e.g., cryptographic identification device, token), or something one is (e.g., physical location, biometric).

28. Open Standard – standards made available to the general public and are developed (or approved) and maintained via a collaborative and consensus driven process. Open Standards facilitate interoperability and data exchange among different products or services and are intended for widespread adoption.

29. Organization – an entity of any size, complexity, or positioning within an organizational structure.

30. Personal Information – see Sections 501.171(1)(g)1. and 817.568, F.S.

31. Registration – a process that establishes a digital identity for the purpose of issuing or associating a credential.

32. Registration Authority (RA) – a trusted entity that establishes and vouches for the identity or attributes of a subscriber to a CSP.

33. Relying Party (RP) – an agent or user that relies on an identity assertion or claim.

34. Security Control – the management, operational, and technical controls (i.e., safeguards or countermeasures) prescribed for an information system to protect the confidentiality, integrity, and availability of the system and its information.

35. Standard – a published statement on a topic specifying characteristics, usually measurable, that must be satisfied or achieved in order to comply with the Standard.

36. State Agency(ies) – any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; the Justice Administrative Commission; and the Public Service Commission. The term does not include university boards of trustees or state universities, the Department of Legal Affairs, the Department of Agriculture and Consumer Services, or the Department of Financial Services as defined in Section 282.0041(23), F.S. (See Cabinet Agency(ies)).

37. Subscriber – a party who has received a credential or token from a CSP.

38. Token – something that the claimant possesses and controls that is used to authenticate the claimant's digital identity.

39. Token Assurance Level – the degree of confidence that an individual, organization, or device has maintained control over what has been entrusted to him or her (e.g., token, identifier) and that the token has not been compromised (e.g., tampered with, corrupted, modified).

40. Token Control – the process of ensuring, through the use of a secure authentication protocol, that the token has

remained in control of and is being presented by the identity that the token was issued to and has not been modified.

41. Transaction – a specialized interaction that involves an exchange of some kind.

42. Trust Criteria – set of benchmarks used to measure identity providers and token provider technical and operational controls with respect to registration and issuance, tokens, token and credential management, the authentication process, and assertions.

43. Trust Relationship – arrangements that ensure confidence. The overall approach of governing these trust relationships are referred to as federation.

44. User – an individual human being (see Agent).

45. Verifier – an entity that verifies the claimant’s identity by verifying the claimant’s possession and control of a token using an authentication protocol.

Rulemaking Authority 282.0051(19) FS. Law Implemented 282.0051(2) FS. History-New

74-5.003 Identity Management.

(1) Assessment. Each State Agency shall:

(a) Identify all current State Agency owned or managed Identity Management (IDM) services that authenticate access to state managed data and application resources.

(b) Based on an assessment schedule developed by the agency, the agency shall perform and maintain an assessment that documents the gaps between requirements of the IDM rule and existing IDM services, applications, architectures and capabilities currently in place. At a minimum, the assessment must: identify any plans, target dates, and resources necessary to achieve compliance with each requirement of the IDM rule, and document any compensating controls or risk acceptance for requirements that are not applicable or cannot be met.

(c) Establish or identify a primary IDM service within each authentication boundary that complies with the requirements of this rule.

(d) Establish trust relationship criteria for any resources of the relying party being made available through a trust relationship.

1. Using the Federal Information Processing Standards (FIPS) Publication No. 199 (February 2004), which is hereby incorporated into this rule by reference and may be found at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-06498>, evaluate the criticality and sensitivity of the resources that will be made available by the relying party through the trust relationship to users with credentials issued by the trusted identity provider and credential service provider.

2. Define a minimum level of Identity proofing to be performed by the identity provider when enrolling users to obtain credentials issued by the trusted identity provider.

3. Define a minimum token assurance level and token control that is appropriate for the resources, data or services of the relying party being accessed by users through the trust relationship.

4. Define the documentation (bona fides) required to provide evidence of the trusted identity providers’ and credential service providers’ ability to meet the requirements of the criteria.

5. Define end-user requirements to meet the privacy, confidentiality, and security criteria for the resources being made available by the relying party through the trust relationship.

6. Define the criteria for the protocol and data exchange format between the relying party and the trusted credential service provider.

7. Define the audit, accountability, and logging criteria for the trusted identity provider and credential service provider.

8. Evaluate the identity provider and credential service provider to ensure compliance with the established criteria for the resources being made available through the trust relationship.

9. Document trust relationship criteria evaluations and make the documentation available to AST upon request.

10. Provide access to established trust relationship criteria for eligible users of resources of a relying party.

a. Establish interoperability between IDM services that will be used to provide access to resources of a relying party that meet the requirements of this rule and the requirements set by the relying party trust relationship criteria.

b. Implement compensating controls for IDM services that are unable to comply with a specific requirement due to the specific nature of a service or its environment. Compensating controls may include, but are not limited to, requiring users to utilize a compliant IDM service to access a non-compliant IDM service or application.

c. Submit assessments to AST upon request.

(2) Interoperability.

(a) Third Party Authentication. Relying Parties must be capable of accepting external users authenticated by trusted third-party Identity Providers.

(b) Standardized Credentials. Identity Provider services must be consumable by more than one Relying Party and must utilize one or more of the following Standards:

1. The Kerberos Network of Authentication Service Version 5, The Internet Society, 2005;

2. The OAuth 2.0 Authorization Framework, Internet Engineering Task Force, October 2012;

3. OpenID Standard Connect Version 1.0, The OpenID Foundation, 2013;

4. Organization for the Advancement of Structured Information Standards (OASIS) PKCS #11 Cryptographic

Token Interface Historical Mechanisms Specification, Version 2.4, Technical Committee, April 14, 2015;

5. Assertions and Protocol for the OASIS Security Assertion Markup Language, Version 1.1, Security Services Technical Committee; 2013;

6. Authentication Context for the OASIS Security Assertion Markup Language, Version 2.0, Security Services Technical Committee, 2005;

7. OASIS Web Service Security: Simple Object Access Protocol (SOAP) Message Security, Version 1.1, Web Services Security Technical Committee, February 1, 2006;

8. Universal Authentication Framework, Version 1.1, The FIDO Alliance, October 2016;

9. Universal 2nd Factor Overview, Version 1.1, The FIDO Alliance, September 2016;

10. OASIS Web Service Federation Language, Version 1.2, May 22, 2009;

11. Web Services Policy 1.2 – Framework (WS-Policy), World Wide Web Consortium (W3C), April 25, 2006;

12. OASIS WS-SecureConversation, Version 1.3, OASIS Technical Committee, March 1, 2007;

13. OASIS Web Services Security Kerberos Token Profile, Version 1.1.1, The Technical Committee, May 18, 2012;

14. OASIS Web Services Security Rights Expression Language (REL) Token Profile, Version 1.1.1, The Technical Committee, May 18, 2012;

15. OASIS Web Services Security SAML Token Profile, Version 1.1.1, The Technical Committee, May 18, 2012;

16. OASIS Web Services Security: SOAP Message Security, Version 1.1.1, The Technical Committee, May 18, 2012;

17. OASIS Web Services Security Username Token Profile Version 1.1.1; The Technical Committee, May 18, 2012;

18. OASIS Web Services Security X.509 Certificate Token Profile, Version 1.1.1, The Technical Committee, May 18, 2012;

19. OASIS WS-SecurityPolicy, Version 1.3, OASIS Standard incorporating Approved Errata 01, The Technical Committee, April 25, 2014;

20. OASIS WS-Trust, Version 1.4, The Technical Committee, April 25, 2012;

21. X.509 PKI, An Internet Attribute Certificate Profile for Authorization, Networking Working Group, April 2002;

22. X.509 PKI, Certificate Management Messages over CMS, Network Working Group, April 2000;

23. Internet X.509 Public Key Infrastructure Certificate Policy and Certification Practices Framework, Networking Working Group, March 1999;

24. Internet X.509 Certificate Request Message Format, Network Working Group, March 1999;

25. X.509 Internet Public Key Infrastructure Online Certificate Status Protocol – OCSP, Network Working Group, June 1999;

26. Internet X.509 Public Key Infrastructure (PKI) Proxy Certificate Profile, Network Working Group, June 2004;

27. Internet X.509 Public Key Infrastructure Qualified Certificates Profile, Network Working Group, January 2001;

28. Internet X.509 Public Key Infrastructure Time-Stamp Protocol (TSP), Network Working Group, August 2001;

29. W3C SOAP Version 1.2 Part 1: Messaging Framework (Second Ed.), April 27, 2007.

(c) Standardized Data Exchanges. Identity Provider services must use one or more of the following Standard Data Exchange Formats: Extensible Markup Language (XML); JavaScript Object Notation (JSON); Resource Description Framework (RDF).

(d) Documented Processes: Identity Providers and Relying Parties must use documented business policies and processes in conducting their digital identity management functions, including internally and in Transactions between Identity Providers and Relying Parties.

(e) Third Party Compliance: State managed or third party service providers that provide digital identity management functions to the State must comply with each of the requirements specified in this Standard that apply to the consumers of that service.

(f) User Redress: Identity Providers must provide mechanisms for redress of complaints or problems arising from identity Transactions or the failure of the identity provider to comply with each of the requirements specified in this Standard. These mechanisms must be easy for Relying Parties to find and access.

(g) Accountability: Identity Providers must satisfy the requirements specified in this Standard, by documenting compliance auditing, validation, and verification.

(3) Privacy.

(a) Data Minimization: Identity Providers providing Claims or Attributes must not provide any more personal information than what is requested. Where feasible, Identity Providers must provide technical mechanisms to satisfy information requests of variable granularity, to support data minimization.

(b) Purpose Limitation: Relying Parties must limit the personal information that is collected, used, transmitted, or stored to the specified purposes of that transaction.

(c) Attribute Minimization: Relying Parties requesting Attributes must request only Attributes necessary for a transaction. Where feasible, Attributes shall be used, transmitted and stored in the form of Claims instead of actual Attribute values.

(d) Credential Limitation: Relying Parties must not request a user's credentials unless necessary for the Transaction and then only as appropriate to the risk associated with the Transaction or to the risks to the parties associated with the Transaction.

(e) Data Storage Risk: Relying Parties must protect all stored Personally Identifiable Information in accordance with Chapter 74-2, F.A.C.

(f) Usage Notice: Relying Parties must provide concise, meaningful, and timely communication to Users describing how they collect, generate, use, transmit, and store and retain personal information.

(g) User Data Control: Identity Providers and Relying Parties must provide mechanisms to enable Users to access and correct Personal Information, unless prohibited by Chapter 119, F.S.

(h) Third-Party Limitations: Wherever Users make choices regarding the treatment of their Personal Information, those choices must be communicated effectively by Identity Providers or Relying Parties to any third-parties to which it transmits the Personal Information.

(i) User Notification of Changes: Identity Providers and Relying Parties must, upon any changes to a service or process that affects the prior or ongoing collection, generation, use, transmission, storage, or retention of users' Personal Information, notify those users in writing within 30 days, and provide them with compensating controls designed to mitigate privacy risks that may arise from those changes, which may include seeking express affirmative consent of users in accordance with relevant law or regulation.

(j) User Option to Decline: Users must have the opportunity to decline registration; decline credential provisioning; decline the presentation of their credentials; and decline release of their attributes or claims.

(k) Optional Information: Relying Parties must clearly indicate to Users what Personal Information is mandatory and what Personal Information is optional prior to the Transaction.

(l) Data Retention and Disposal: Relying Parties must limit the retention of Personal Information to the time necessary for providing and administering the functions and services to users for which the information was collected, and adhere to all applicable legal and record retention requirements . When no longer needed, Personal Information must be disposed of in accordance with all applicable legal and record retention requirements.

(m) Attribute Segregation: Wherever feasible, identifier data must be segregated from attribute data.

(4) Security.

(a) Security Practices. Agencies, State Managed, and Third Party Identity Providers must apply all Standards identified in

Chapter 74-2, F.A.C., for systems that support their identity functions and services.

(b) Data Integrity: The confidentiality and integrity of identity, token, and credential data must be protected while the data is at rest and during transit.

1. Identity, token, and credential data must be encrypted at rest via utilization of secure cryptographic methods, based on 256 bit (or greater) Advanced Encryption System (AES) algorithms.

2. Identity, token, and credential data must be protected during transit via x.509 public key infrastructure (PKI), utilizing digital certificates, certificate signatures, and asymmetric or symmetric encryption algorithms. The x.509 Standard identifies required fields and values to be used in the certificate.

3. Applicants must be able to verify that the RA is a trusted source.

4. RAs must be able to verify the identity of an applicant.

5. Claimants must be able to verify that the CSP is a trusted source.

6. CSPs must be able to verify that the claimant is who they claim to be.

7. CSPs must track the credentials issued to each Subscriber.

8. RPs must be able to verify that the Credential presented by the Subscriber is from a trusted CSP.

(c) Token Control: Identity services that authenticate a user (or agent) must prove, through a secure authentication protocol, that the user (or agent) is presenting the appropriate token(s). Token Control is best demonstrated by a user providing token value through the authentication protocol (e.g., password, personal identification number, or biometric data).

(d) Multifactor Authentication: Identity services or verification services that authenticate a User must offer authentication mechanisms which augment or are alternatives to a password. Examples include a physical thing a User carries with them (computing device, USB token, mobile phone, key fob), biometric authentication, or any combination of these.

(e) Key Management: Identity Providers that use cryptographic solutions as part of identity management must implement key management policies and processes that address the following:

1. Generating keys for different cryptographic systems and different applications.

2. Generating and obtaining public keys.

3. Distributing keys to intended users, including how keys should be activated when received.

4. Storing keys, including how authorized users obtain access to keys.

5. Changing or updating keys, including rules on when and how keys should be changed.

6. Addressing compromised keys.

7. Archiving, revoking, and specifying how keys should be withdrawn or deactivated.

8. Recovering keys that are lost or corrupted as part of business continuity management.

9. Logging the auditing of key management-related activities.

10. Instituting defined activation and deactivation dates, and limiting the usage period of keys.

(f) Security Logs: Identity Providers and Relying Parties conducting digital identity management functions must log their Transactions and security events, in a manner that supports system audits, security investigations and regulatory requirements. Timestamp synchronization and detail of logs must be appropriate to the level of risk associated with the environment and Transactions.

Rulemaking Authority 282.0051(19) FS. Law Implemented 282.0051(2) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eric Larson, Interim Executive Director
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Eric Larson, Interim Executive Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 17, 2017

Section III
Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:

69A-37.039 Prescribed Forms for Training and Certification

69A-37.065 Programs of Study and Vocational Courses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 43 No. 7, January 11, 2017 issue of the Florida Administrative Register.

69A-37.039 Prescribed Forms for Training and Certification.

(1) No change.

(2) The following forms are hereby adopted and incorporated by reference in this rule:

(a) through (i) No change.

(j) DFS-K4-1438, rev. 3/17 4/17, “Application for Fire Investigator Certification.”

(k) through (xx) No change.

Rulemaking Authority 633.104, 633.128(1)(l), 633.216(9), 633.406(2), 633.418(1), 633.508(2) FS. Law Implemented 633.112(1), 633.128, 633.138, 633.216, 633.406, 633.408, 633.412, 633.418, 633.508(2) FS. History—New 9-7-81, Formerly 4A-37.20, 4A-37.39, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 9-13-98, 12-10-01, Formerly 4A-37.039, Amended 3-19-09, 8-27-12, 8-20-13, 11-18-13, 2-15-15 (f), 2-15-15 (ee)-(ii), 7-13-16,_____.

69A-37.065 Programs of Study and Vocational Courses.

The following programs of study are developed and revised by the Florida State Fire College, pursuant to Sections 633.128 and 633.216, F.S.:

(1) through (3) No change

(4) Fire Investigator Program. This is a voluntary advanced training program designed for certified firefighters, certified law enforcement officers, law enforcement crime scene technicians, and certified firesafety inspectors who have fire investigation responsibilities. For the purposes of this subsection (4), “law enforcement crime scene technician” means a person who, as part of his or her job duties, reports to crime scenes to assist in the processing of evidence and who is employed to do such work by a governmental agency, or subunit thereof. A person claiming to be a law enforcement crime scene technician must include with the application for certification a statement from his or her direct supervisor confirming that he or she is employed as a law enforcement crime scene technician. This program is based on the National Fire Protection Association (NFPA) 1033 “Standard for Professional Qualifications for Fire Investigator.” This program is intended to prepare individuals for service as fire investigators in the public sector.

(a) Fire Investigator Certification for Individuals holding a Fire Investigator II Certification. For individuals holding a Fire Investigator II Certificate of Competency issued by the Division, the Division shall issue a Fire Investigator Certificate of Competency if the applicant:

1. through 2. No change.

3. Submitted a completed Form DFS-K4-1438, “Application for Fire Investigator Certification,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained as specified in subsection 69A-37.039(1), F.A.C., with all supporting documentation and fees, including the supervisor’s statement that he or she is employed as a law enforcement crime scene technician (if applicable), to the Bureau of Fire Standards and Training.

(b) Fire Investigator Certification for All Others. For all other individuals, including those who hold a Fire Investigator I Certificate of Competency issued by the Division, the Division shall issue a Fire Investigator Certificate of Competency if the individual meets the requirements of this paragraph (4)(b).

1. No change.

2. Approved Courses. Courses under subparagraph (4)(b)1. this paragraph (d) must be approved by the Bureau of Fire Standards and Training ~~and meet the curriculum requirements of the program~~. Approved courses are delivered by either the Division; a provider whose course is registered in the Florida Department of Education Statewide Course Numbering System; the United States Fire Administration – National Fire Academy; a regionally accredited or nationally accredited college or university as outlined in subsections 69A-37.084(5) and (6), F.A.C.; a provider whose course is recognized by the Fire and Emergency Services Higher Education program; or a provider whose course is determined by the Division to be equivalent to the Statewide Course Numbering System or Fire and Emergency Services Higher Education course. The courses “Latent Investigation,” “Arson Investigation,” “Fire Origin and Cause,” “Post Blast Investigation,” and “Legal Issues for Fire Investigators” shall be taught in a traditional classroom delivery method. The courses “Fire Chemistry,” “Fire Protection Systems,” and “Building Construction” may be taught by a provider using alternative delivery techniques, including online course delivery or blended learning. For each course, a provider shall:

a. No change.

~~b. Deliver the course using the corresponding syllabus found at the following link: <http://www.myfloridacfo.com/Division/SFM/BFST/Training/CourseSyllabi.htm>, which is hereby incorporated by reference; and~~

c. through d. are renumbered as b. and c. No other change.

3. No change.

4. Requirements for Certificate of Competency. The Division shall issue a Fire Investigator Certificate of Competency if the applicant:

a. through d. No change.

e. Submitted the required Form DFS-K4-1438, “Application for Fire Investigator Certification,” which is incorporated by reference in subsection 69A-37.039(2), F.A.C., and can be obtained as specified in subsection 69A-37.039(1), F.A.C., with all supporting documentation and fees, including the supervisor’s statement that he or she is employed as a law enforcement crime scene technician (if applicable), to the Bureau of Fire Standards and Training; ~~and;~~

(c) through (d) No change.

(5) through (10) No change.

Rulemaking Authority 633.104, 633.128, 633.406(2), 633.418, 633.508(2) FS. Law Implemented 633.128, 633.132, 633.406, 633.408, 633.418, 633.508(2) FS. History—New 12-10-01, Formerly 4A-37.065, Amended 8-27-12, 11-18-13, 2-15-15, 7-13-16, _____.

The Application for Fire Investigator Certification is being updated to add the employer statement required for law

enforcement crime scene technicians to the checklist. The remainder of the rules read as previously published.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER17-17: PICK 2™

SUMMARY: This emergency rule sets forth the provisions for the conduct of the draw lottery game, PICK 2™. This emergency rule replaces Emergency Rule 53ER16-35.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-17 PICK 2™.

(1) How to Play PICK 2™.

(a) PICK 2 is a draw lottery game (also known as an online lottery game) in which a player selects any two-digit number from 00 to 99 inclusive. The digits may be the same or different, for example, 11 and 12 are both valid selections. A player selects only one digit in a Front Number or Back Number play as further described in subparagraphs (1)(e)4. and 5., below.

(b) Players may choose play amounts of \$.50 or \$1.00 per play, per drawing.

(c) Players may make their PICK 2 ticket selections by marking a play slip or by telling the retailer their desired selections.

1. There are five panels on a play slip. Players electing to use a play slip to make their PICK 2 selections must mark one number in each column, or mark the Quick Pick (QP) box located at the bottom of each panel for the terminal to randomly select one or more of the numbers for each panel played. The player may also mark the play type, draw time and play amount; however, if the play type, play amount, or draw time is not marked by the player, the terminal will default to a \$1.00 straight play for the next available draw. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. Players may mark the \$5 “Quick Picks” box to receive five \$1.00 tickets, each with one set of two randomly selected numbers (straight play) for the next available PICK 2 drawing, or may mark the \$10 “Quick Picks” box to receive ten \$1.00 tickets, each with one set of two randomly selected numbers (straight play) for the next available PICK 2 drawing. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. The use of mechanical, electronic, computer generated or any other non-manual method of marking play slips is prohibited. Play

slips may be processed through a Florida Lottery full service vending machine or processed by a Florida Lottery retailer to obtain a ticket.

2. Retailers also are authorized to manually enter numbers selected by a player. Players electing to make their PICK 2 ticket selections by telling the retailer must specify the play type, play amount, draw time, and their desired number selections (or tell the retailer they desire to use the quick pick feature for the terminal to randomly select one or more of the numbers).

(d) Players may play future consecutive midday, evening or both drawings within a fourteen-day period or non-consecutive drawings within a seven-day period by using the "advance play" feature. To use the advance play feature, players may either mark the play slip or tell the retailer the advance play selections and draw time(s) they desire. For purposes of this paragraph (1)(d), both a fourteen-day and a seven-day period begin on the date of the next available PICK 2 drawing for the draw time(s) selected and continue through the next thirteen /six consecutive days for the draw time(s) selected. The advance play options are described more fully in subparagraphs 1 and 2 below.

1. Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings for the draw time(s) selected only. Players shall mark the desired number of consecutive drawings in the "Days" section and the desired draw time(s) in the "Draw Time" section of the play slip. The number of consecutive drawings marked will include the next available drawing for the draw time(s) selected and will apply to each panel (A-E) played. Advance play does not apply to selections in the Quick Picks box.

a. If the midday (MID) box is selected, the ticket will be entered into the next available midday draw and consecutive midday draws through the selected number of days.

b. If the evening (EVE) box is selected, the ticket will be entered into the next available evening draw and consecutive evening draws through the selected number of days.

c. If the both (BOTH) box is selected, the ticket will be entered into the next available draw and consecutive midday and evening draws through the selected number of days.

2. Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one of the following advance play parameters:

a. Any single day for the draw time(s) selected in a seven-day period;

b. Any two non-consecutive days for the draw time(s) selected in a seven-day period;

c. Any two or more consecutive days for the draw time(s) selected in a seven-day period, not including the next available drawing.

d. Up to fourteen consecutive days for the draw time(s) selected, including the next available drawing.

In the event that a planned change in the PICK 2 game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Florida Lottery's website.

(e) PICK 2 can be played and won as follows:

1. "Straight" play. In a straight play, if a player's digits as printed on the player's ticket match, in exact order, the official PICK 2 winning numbers for the drawing, the player wins \$25 for a 50-cent play or \$50 for a \$1.00 play.

2. "Box" play. A box play allows a player to win if the player's digits match, in any order, the official PICK 2 winning numbers for the drawing. A "box" play pays a winner \$12.50 for a 50-cent play or \$25 for a \$1.00 play.

3. "Straight and Box" play. A straight and box play combines a 50-cent straight play and a 50-cent box play for a \$1.00 play. A "Straight and box" play pays a winner \$37.50 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 2 winning numbers of the drawing, or \$12.50 if the player's digits match, in any order, the official PICK 2 winning numbers for the drawing.

4. "Front Number" play. A front number play allows a player to select only one digit and pays \$2.50 for a 50-cent play or \$5.00 for a \$1.00 play if the first digit as printed on the ticket matches the first number of the official PICK 2 winning numbers for the drawing.

5. "Back Number" play. A back number play allows a player to select only one digit and pays \$2.50 for a 50-cent play or \$5.00 for a \$1.00 play if the last digit as printed on the ticket matches the last number of the official PICK 2 winning numbers for the drawing.

6. "1-OFF[®]" play. A 1-OFF play allows a player to win if the two-digit number chosen by the player matches, in exact order, the official PICK 2 winning numbers for the drawing ("straight win") or if, in exact order, one or both of the digits are one number higher or lower than the official PICK 2 winning numbers for the drawing ("1-OFF win"). A PICK 2 1-OFF ticket will contain the two-digit number (player-selected or Quick Pick) that qualifies for the straight win and a chart that shows the straight match and corresponding 1-OFF digits. In PICK 2, there are a total of eight possible 1-OFF combinations. A \$1.00 play pays as follows:

a. \$25 for a straight win

b. \$3 for a 1-OFF on one digit win- (one digit matches, one digit is off by one)

c. \$3 for a 1-OFF on two digits win- (both digits are off by one)

A 50-cent play amount is not available for a 1-OFF play.

(f) On occasion, increases in the prize amounts set forth in paragraph (1)(e) above will be offered for promotional purposes.

(g) A liability limit of \$1 million is established for PICK 2. When the play of a particular two digit number for a drawing reaches the Florida Lottery's PICK 2 liability limit of \$1 million, no further ticket sales for any type of play that would involve that two-digit number will be allowed for that drawing. In addition, no Front Number or Back Number play that involves the first or last digit of the two-digit number will be allowed for that drawing.

(2) PICK 2 Drawings.

(a) PICK 2 drawings are conducted twice daily.

(b) The equipment shall be configured so that one ball is drawn from each of two units of balls numbered zero (0) through nine (9).

(c) Two balls will be selected in the drawing, one each into two separate display devices. The numbers shown on the two balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(d) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) PICK 2 Odds of Winning.

The odds of winning in PICK 2 are as follows:

(a) Straight 1 in 100

(b) Box 1 in 50

(c) Straight and Box 1 in 100 and 1 in 50

(d) Front Number 1 in 10

(e) Back Number 1 in 10

(f) 1-OFF

1. Straight 1 in 100

2. 1-OFF on one digit 1 in 25

3. 1-OFF on two digits 1 in 25

(4) PICK 2 Rules and Prohibitions.

(a) By purchasing a PICK 2 ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) PICK 2 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and on-line system availability, PICK 2 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(d) The scheduled time for the daily PICK 2 drawing is approximately 1:30 p.m. ET for the midday draw and 7:57 p.m. ET for the evening draw. Ticket sales for a specific PICK 2

drawing will close approximately thirteen minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next available PICK 2 draw date and draw time, unless the player specifies another PICK 2 draw date and draw time within the selection parameters.

(e) Retailer cancellations of PICK 2 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no PICK 2 ticket can be canceled after game close for the related drawing. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related PICK 2 close of game.

(f) It is the responsibility of the player to determine the accuracy of the selected panels of numbers, draw date(s) and time(s), and play types on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of a player, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of a player by the "quick pick" method of number selection.

(5) The effective date of this emergency rule is April 3, 2017.

Rulemaking Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.124(1) FS. History-New 4-3-17, Replaces 53ER16-35.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 4-3-17.

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER17-18: PICK 3™

SUMMARY: This emergency rule sets forth the provisions for the conduct of the draw lottery game PICK 3™. This emergency rule replaces Emergency Rule 53ER16-36.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-18 PICK 3™.

(1) How to Play PICK 3™.

(a) PICK 3 is a draw lottery game (also known as an online lottery game) in which a player selects any three-digit number from 000 to 999 inclusive. The digits may be the same, different or combination thereof; for example, 111, 122, and 123 are all valid selections. A player selects only two digits in a Front Pair

or Back Pair play as further described in subparagraphs (1)(g)5. and 6., below.

(b) Players may choose play amounts of \$.50 or \$1.00 per play, per drawing.

(c) Players may make their PICK 3 ticket selections by marking a play slip or by telling the retailer their desired selections.

1. There are five panels on a play slip. Players electing to use a play slip to make their PICK 3 selections must mark one number in each column or mark the Quick Pick (QP) box located at the bottom of each panel for the terminal to randomly select one or more of the numbers for each panel played. The player may also mark the play type, draw time and play amount; however, if the play type, play amount, or draw time is not marked by the player, the terminal will default to a \$1.00 straight play for the next available draw. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. Players may mark the \$5 "Quick Picks" box to receive five \$1.00 tickets, each with one set of three randomly selected numbers (straight play) for the next available PICK 3 drawing, or may mark the \$10 "Quick Picks" box to receive ten \$1.00 tickets, each with one set of three randomly selected numbers (straight play) for the next available PICK 3 drawing. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. The use of mechanical, electronic, computer generated or any other non-manual method of marking play slips is prohibited. Play slips may be processed through a Florida Lottery full service vending machine or processed by a Florida Lottery retailer to obtain a ticket.

2. Retailers also are authorized to manually enter numbers selected by a player. Players electing to make their PICK 3 ticket selections by telling the retailer must specify the play type, play amount, draw time, and their desired number selections (or tell the retailer they desire to use the quick pick feature for the terminal to randomly select one or more of the numbers).

(d) A player who selects the combo play type and who elects to use the quick pick feature will not be able to select the total cost of the ticket. The total cost will be determined by whether the quick pick numbers selected by the terminal comprise a 3-way combo or 6-way combo play type as described in paragraph (1)(g) below.

(e) A player who selects the box play type or the straight/box play type and who elects to use the quick pick feature will not be able to select the type of box play. The type of box play will be determined by whether the quick pick numbers selected by the terminal comprise a 3-way or 6-way box combination as described below.

(f) Players may play future consecutive midday, evening or both drawings within a fourteen-day period or non-consecutive drawings within a seven-day period by using the "advance play" feature. To use the advance play feature, players may either mark the play slip or tell the retailer the advance play selections and draw time(s) they desire. For purposes of this paragraph (1)(f), both a fourteen-day and a seven-day period begin on the date of the next available PICK 3 drawing for the draw time(s) selected and continue through the next thirteen /six consecutive days for the draw time(s) selected. The advance play options are described more fully in subparagraphs 1. and 2. below.

1. Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings for the draw time(s) selected only. Players shall mark the desired number of consecutive drawings in the "Days" section and the desired draw time(s) in the "Draw Time" section of the play slip. The number of consecutive drawings marked will include the next available drawing for the draw time(s) selected and will apply to each panel (A-E) played. Advance Play does not apply to selections in the Quick Picks box.

a. If the midday (MID) box is selected, the ticket will be entered into the next available midday draw and consecutive midday draws through the selected number of days.

b. If the evening (EVE) box is selected, the ticket will be entered into the next available evening draw and consecutive evening draws through the selected number of days.

c. If the both (BOTH) box is selected, the ticket will be entered into the next available draw and consecutive midday and evening draws through the selected number of days.

2. Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one of the following advance play parameters:

a. Any single day for the draw time(s) selected in a seven-day period;

b. Any two non-consecutive days for the draw time(s) selected in a seven-day period;

c. Any two or more consecutive days for the draw time(s) selected in a seven-day period, not including the next available drawing.

d. Up to fourteen consecutive days for the draw time(s) selected, including the next available drawing.

In the event that a planned change in the PICK 3 game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Florida Lottery's website.

(g) PICK 3 can be played and won as follows:

1. "Straight" play. In a straight play, if a player's digits as printed on the player's ticket match, in exact order, the official

PICK 3 winning numbers for the drawing, the player wins \$250.00 for a 50-cent play or \$500 for a \$1.00 play.

2. “Box” play. A box play allows a player to win if the player’s digits match, in any order, the official PICK 3 winning numbers for the drawing.

a. A “3-way box” is a play in which the player has selected a number with two identical digits and one different digit (example 112) and covers the three possible combinations of the three digits. A 3-way box pays a winner \$80.00 for a 50-cent play or \$160.00 for a \$1.00 play.

b. A “6-way box” is a play in which the player has selected a number in which all three digits are different (example 123) and covers the six possible combinations of the three digits. A 6-way box pays a winner \$40.00 for a 50-cent play or \$80.00 for a \$1.00 play.

3. “Straight and Box” play. A straight and box play combines a 50-cent straight play and a 50-cent box play for a \$1.00 play.

a. A “Straight and 3-way box” play pays a winner \$330.00 if a player’s digits as printed on the player’s ticket, match, in exact order, the official PICK 3 winning numbers for the drawing, or \$80.00 if the player’s digits match, in any other order, the official PICK 3 winning numbers for the drawing.

b. A “Straight and 6-way box” play pays a winner \$290.00 if a player’s digits as printed on the player’s ticket match, in exact order, the official PICK 3 winning numbers for the drawing, or \$40.00 if the player’s digits match, in any other order, the official PICK 3 winning numbers for the drawing.

4. “Combo” play. A combo is a play covering all straight combinations of a 3-digit number and will cost \$1.50 to \$6.00 depending upon the amount played (50 cents or \$1.00) and the number of like digits in the 3-digit number selected.

a. A “3-way combo” is a play in which the player has selected a number with two identical digits and one different digit. The combo involves three straight play combinations; for example, a (122) 3-way combo covers the combinations 122, 212, and 221. A “3-way combo” pays \$250 for a \$1.50 play (\$.50 per combination) or \$500 for a \$3.00 play (\$1.00 per combination).

b. A “6-way combo” is a play in which the player has selected a number in which all three digits are different. The combo involves six straight play combinations; for example, a (123) 6-way combo covers the combinations 123, 132, 213, 231, 312, and 321. A “6-way combo” pays \$250 for a \$3.00 play (\$.50 per combination) or \$500 for a \$6.00 play (\$1.00 per combination).

5. “Front Pair” play. A front pair play allows a player to select only two digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two digits as printed on the player’s ticket match, in exact order, the first two numbers of the official PICK 3 winning numbers for the drawing.

6. “Back Pair” play. A back pair play allows a player to select only two digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two digits as printed on the player’s ticket match, in exact order, the last two numbers of the official PICK 3 winning numbers for the drawing.

7. “1-OFF[®]” play. A 1-OFF play allows a player to win if the three-digit number chosen by the player matches, in exact order, the official PICK 3 winning numbers for the drawing (“straight win”) or if, in exact order, one, two or three of the digits are one number higher or lower than the official PICK 3 winning numbers for the drawing (“1-OFF win”). A PICK 3 1-OFF ticket will contain the three-digit number (player-selected or Quick Pick) that qualifies for the straight win and a chart that shows the straight match and corresponding 1-OFF digits. In PICK 3, there are a total of twenty-six possible 1-OFF combinations. A \$1.00 play pays as follows:

a. \$250 for a straight win

b. \$20 for a 1-OFF on one digit win- (two digits match, one digit is off by one)

c. \$10 for a 1-OFF on three digits win- (all three digits are off by one)

d. \$5 for a 1-OFF on two digits win- (one digit matches, two digits are off by one)

A 50-cent play amount is not available for a 1-OFF play.

(h) On occasion, increases in the prize amounts set forth in paragraph (1)(g) above will be offered for promotional purposes.

(i) A liability limit of \$ 8 million is established for PICK 3. When the play of a particular three-digit number for a drawing reaches the Florida Lottery’s PICK 3 liability limit of \$8 million, no further ticket sales for any type of play that would involve that three-digit number will be allowed for that drawing. In addition, no Front Pair or Back Pair play that involves the first two or last two digits, respectively, of the three-digit number will be allowed for that drawing.

(2) PICK 3 Drawings.

(a) PICK 3 drawings are conducted twice daily.

(b) The equipment shall be configured so that one ball is drawn from each of three units of balls numbered zero (0) through nine (9).

(c) Three balls will be selected in the drawing, one each into three separate display devices. The numbers shown on the three balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(d) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) PICK 3 Odds of Winning.

The odds of winning in PICK 3 are as follows:

(a) Straight 1 in 1000

- (b) Box 3-Way 1 in 333.33
- (c) Box 6-Way1 in 166.67
- (d) Straight and Box 3-Way 1 in 1000 and 1 in 333.33
- (e) Straight and Box 6-Way 1 in 1000 and 1 in 166.67
- (f) Combo 3-Way 1 in 333.33
- (g) Combo 6-Way 1 in 166.67
- (h) Front Pair 1 in 100
- (i) Back Pair 1 in 100

(j) 1-OFF

- 1. Straight 1 in 1,000
- 2. 1-OFF on one digit 1 in 166.67
- 3. 1-OFF on three digits 1 in 125
- 4. 1-OFF on two digits 1 in 83.33

(4) PICK 3 Rules and Prohibitions.

(a) By purchasing a PICK 3 ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) PICK 3 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and on-line system availability, PICK 3 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(d) The scheduled time for the daily PICK 3 drawing is approximately 1:30 p.m. ET for the midday draw and 7:57 p.m. ET for the evening draw. Ticket sales for a specific PICK 3 drawing will close approximately eleven minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next available PICK 3 draw date and draw time, unless the player specifies another PICK 3 draw date and draw time within the selection parameters.

(e) Retailer cancellations of PICK 3 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no PICK 3 ticket can be canceled after game close for the related drawing. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related PICK 3 close of game.

(f) It is the responsibility of the player to determine the accuracy of the selected panels of numbers, draw date(s) and time(s), and play types on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of a player, the retailer shall make a good faith effort to cancel the ticket. A retailer is

not required to cancel a ticket produced upon request of a player by the "quick pick" method of number selection.

(5) The effective date of this emergency rule is April 3, 2017.

Rulemaking Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.124(1) FS. History-New 4-3-17, Replaces 53ER16-36.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 4-3-17.

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER17-19: PICK 4™

SUMMARY: This emergency rule sets forth the provisions for the conduct of the draw Lottery game PICK 4™. This emergency rule replaces Emergency Rule 53ER16-37.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-19 PICK 4™.

(1) How to Play PICK 4™.

(a) PICK 4 is a draw lottery game (also known as an online lottery game) in which a player selects any four-digit number from 0000 through 9999 inclusive. The digits may be the same, different or combination thereof; for example, 1111, 1213, and 1234 are all valid selections. A player selects only two digits in a Front Pair, Mid Pair or Back Pair play as further described in subparagraphs (1)(g)5., 6., and 7., below.

(b) Players may choose play amounts of \$.50 or \$1.00 per play, per drawing.

(c) Players may make their PICK 4 ticket selections by marking a play slip or by telling the retailer their desired selections.

1. There are five panels on a play slip. Players electing to use a play slip to make their PICK 4 ticket selections must mark one number in each column or mark the Quick Pick (QP) box located at the bottom of each panel for the terminal to randomly select one or more of the numbers for each panel played. The player may also mark the play type, draw time and play amount; however, if the play type, play amount, or draw time is not marked by the player, the terminal will default to a \$1.00 straight play for the next available draw. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. Players may mark the \$5 "Quick Picks" box to receive five \$1.00 tickets each with one set of four randomly selected numbers (straight play) for the next PICK 4 drawing, or may

mark the \$10 "Quick Picks" box to receive ten \$1.00 tickets, each with one set of four randomly selected numbers (straight play) for the next available PICK 4 drawing. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. The use of mechanical, electronic, computer generated or any other non-manual method of marking play slips is prohibited. Play slips may be processed through a Florida Lottery full service vending machine or processed by a Florida Lottery retailer to obtain a ticket.

2. Retailers also are authorized to manually enter numbers selected by a player. Players electing to make their PICK 4 ticket selections by telling the retailer must specify the play type, draw time, play amount, and their desired number selections (or tell the retailer they desire to use the quick pick feature for the terminal to randomly select one or more of the numbers).

(d) A player who selects the combo play type and who elects to use the quick pick feature will not be able to select the total cost of the ticket. The total cost will be determined by whether the quick pick numbers selected by the terminal comprise a 4-way combo, 6-way combo, 12-way combo, or 24-way combo play type as described below.

(e) A player who selects the box play type or the straight/box play type and who elects to use the quick pick feature will not be able to select the type of box play. The type of box play will be determined by whether the quick pick numbers selected by the terminal comprise a 4-way box, 6-way box, 12-way box, or 24-way box combination as described in paragraph (1)(g) below.

(f) Players may play future consecutive midday, evening, or both drawings within a fourteen-day period or non-consecutive drawings within a seven-day period by using the "advance play" feature. To use the advance play feature, players may either mark the play slip or tell the retailer the advance play selections and draw times they desire. For purposes of this paragraph (1)(f), both a fourteen-day and a seven-day period begin on the date of the next available PICK 4 drawing for the draw time selected and continue through the next thirteen /six consecutive days for the draw time selected. The advance play options are described more fully in subparagraphs 1 and 2, below.

1. Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings for the draw time(s) selected only. Players shall mark the desired number of consecutive drawings in the "Days" section and the desired draw time(s) in the "Draw Time" section of the play slip. The number of consecutive drawings marked will include the next available drawing for the draw time(s) selected and will apply to each panel (A-E) played. Advance play does not apply to selections in the Quick Picks box.

a. If the midday (MID) box is selected, the ticket will be entered into the next available midday draw and consecutive midday draws through the selected number of days.

b. If the evening (EVE) box is selected, the ticket will be entered into the next available evening draw and consecutive evening draws through the selected number of days.

c. If the both (BOTH) box is selected, the ticket will be entered into the next available draw and consecutive midday and evening draws through the selected number of days.

2. Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one (1) of the following advance play parameters:

a. Any single day for the draw time(s) selected in a seven-day period;

b. Any two non-consecutive days for the draw time(s) selected in a seven-day period;

c. Any two or more consecutive days for the draw time(s) selected in a seven-day period, not including the next available drawing.

d. Up to fourteen consecutive days for the draw times selected, including the next available drawing.

In the event that a planned change in the PICK 4 game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Florida Lottery's website.

(g) PICK 4 can be played and won as follows:

1. "Straight" play. In a straight play, if a player's digits as printed on the player's ticket match, in exact order, the official PICK 4 winning numbers for the drawing, the player wins \$2,500 for a 50-cent play or \$5,000 for a \$1.00 play.

2. "Box" play. A box play allows a player to win if the player's digits match, in any order, the official PICK 4 winning numbers for the drawing.

a. A "4-way box" is a play in which the player has selected a number with three identical digits and one different digit (example 1112) and covers the four possible combinations of the four digits. A 4-way box pays a winner \$599 for a 50-cent play or \$1,198 for a \$1.00 play.

b. A "6-way box" is a play in which the player has selected a number with two different pairs of identical digits (example 1122) and covers the six possible combinations of the four digits. A 6-way box pays a winner \$400 for a 50-cent play or \$800 for a \$1.00 play.

c. A "12-way box" is a play in which the player has selected a number with two identical digits and two different digits (example 1123) and covers the twelve possible combinations of the four digits. A 12-way box pays a winner \$200 for a 50-cent play or \$400 for a \$1.00 play.

d. A "24-way box" is a play in which the player has selected a number with four different digits (example 1234) and covers

the twenty-four possible combinations of the four digits. A 24-way box pays a winner \$100 for a 50-cent play or \$200 for a \$1.00 play.

3. "Straight and Box" play. A straight and box play combines a 50-cent straight play and a 50-cent box play for a \$1.00 play.

a. A "Straight and 4-way box" play pays a winner \$3,099 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 4 winning numbers for the drawing, or \$599 if the player's digits match, in any other order, the official PICK 4 winning numbers for the drawing.

b. A "Straight and 6-way box" play pays a winner \$2,900 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 4 winning numbers for the drawing, or \$400 if the player's digits match, in any other order, the official PICK 4 winning numbers for the drawing.

c. A "Straight and 12-way box" play pays a winner \$2,700 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 4 winning numbers for the drawing, or \$200 if the player's digits match, in any other order, the official PICK 4 winning numbers for the drawing.

d. A "Straight and 24-way box" play pays a winner \$2,600 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 4 winning numbers for the drawing, or \$100 if the player's digits match, in any other order, the official PICK 4 winning numbers for the drawing.

4. "Combo" play. A combo is a play covering all straight combinations of a four-digit number and will cost \$2.00 to \$24.00 depending upon the amount played (50 cents or \$1.00) and the number of like digits in the four-digit number selected.

a. A "4-way combo" is a play in which the player has selected a number with three identical digits. The 4-way combo is comprised of four straight play combinations; for example, a (1112) 4-way combo covers the combinations 1112, 1121, 1211, and 2111 and pays a winner \$2,500 for a \$2.00 play or \$5,000 for a \$4.00 play.

b. A "6-way combo" is a play in which the player has selected a number with two different pairs of digits. The 6-way combo is comprised of six straight play combinations; for example, a (1122) 6-way combo covers the combinations 1122, 1212, 1221, 2112, 2121, and 2211, and pays a winner \$2,500 for a \$3.00 play or \$5,000 for a \$6.00 play.

c. A "12-way combo" is a play in which the player has selected a number with two identical digits and two different digits. The 12-way combo is comprised of twelve straight play combinations; for example, a (1123) 12-way combo covers combinations 1123, 1132, 1213, 1231, 1312, 1321, 2113, 2131, 2311, 3112, 3121, and 3211, and pays a winner \$2,500 for a \$6.00 play or \$5,000 for a \$12.00 play.

d. A "24-way combo" is a play in which the player has selected a number with four unique digits. The 24-way combo

is comprised of twenty-four straight play combinations; for example, a (1234) 24-way combo covers the combinations 1234, 1243, 1324, 1342, 1423, 1432, 2134, 2143, 2314, 2341, 2413, 2431, 3124, 3142, 3214, 3241, 3412, 3421, 4123, 4132, 4213, 4231, 4312, and 4321, and pays a winner \$2,500 for a \$12.00 play or \$5,000 for a \$24.00 play.

5. "Front Pair" play. A front pair play allows a player to select only two digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two digits as printed on the player's ticket match, in exact order, the first two numbers of the official PICK 4 winning numbers for the drawing.

6. "Mid Pair" play. A mid pair play allows a player to select only two digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two digits as printed on the player's ticket match, in exact order, the middle two numbers of the official PICK 4 winning numbers for the drawing.

7. "Back Pair" play. A back pair play allows a player to select only two digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two digits as printed on the player's ticket match, in exact order, the last two numbers of the official PICK 4 winning numbers for the drawing.

8. "1-OFF[®]" play. A 1-OFF play allows a player to win if the four-digit number chosen by the player matches, in exact order, the official PICK 4 winning numbers for the drawing ("straight win") or if, in exact order, one, two, three or four of the digits are one number higher or lower than the official PICK 4 winning numbers for the drawing ("1-OFF win"). A PICK 4 1-OFF ticket will contain the four-digit number (player-selected or Quick Pick) that qualifies for the straight win and a chart that shows the straight match and corresponding 1-OFF digits. In PICK 4, there are a total of eighty possible 1-OFF combinations. A \$1.00 play pays as follows:

- a. \$2,500 for a straight win
- b. \$100 for a 1-OFF on one digit win- (three digits match, one digit is off by one)
- c. \$50 for a 1-OFF on four digits win- (all four digits are off by one)
- d. \$25 for a 1-OFF on two digits win- (two digits match, two digits are off by one)
- e. \$15 for a 1-OFF on three digits win- (one digit matches, three digits are off by one)

A 50-cent play amount is not available for a 1-OFF play.

(h) On occasion, increases in the prize amounts set forth in paragraph (1) (g) above will be offered for promotional purposes.

(i) A liability limit of \$7 million is established for PICK 4. When the play of a particular four digit number for a drawing reaches the Florida Lottery's PICK 4 liability limit of \$7 million, no further ticket sales for any type of play that would involve that four digit number will be allowed for that drawing.

(2) PICK 4 Drawings.

(a) PICK 4 drawings are conducted twice daily.

(b) The equipment shall be configured so that one ball is drawn from each of four units of balls numbered zero (0) through nine (9).

(c) Four balls will be selected in the drawing, one each into four separate display devices. The numbers shown on the four balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(d) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) PICK 4 Odds of Winning.

The odds of winning in PICK 4 are as follows:

- (a) Straight 1 in 10,000
- (b) Box 4-Way 1 in 2,500
- (c) Box 6-Way 1 in 1,666.67
- (d) Box 12-Way 1 in 833.33
- (e) Box 24-Way 1 in 416.67
- (f) Straight/ Box 4-Way 1 in 10,000 and 1 in 2,500
- (g) Straight/ Box 6-Way 1 in 10,000 and 1 in 1,666.67
- (h) Straight/ Box 12-Way 1 in 10,000 and 1 in 833.33
- (i) Straight/ Box 24-Way 1 in 10,000 and 1 in 416.67
- (j) Combo 4-Way 1 in 2,500
- (k) Combo 6-Way 1 in 1,666.67
- (l) Combo 12-Way 1 in 833.33
- (m) Combo 24-Way 1 in 416.67
- (n) Front Pair 1 in 100
- (o) Middle Pair 1 in 100
- (p) Back Pair 1 in 100
- (q) 1-OFF
 - 1. Straight 1 in 10,000
 - 2. 1-OFF on one digit 1 in 1,250
 - 3. 1-OFF on four digits 1 in 625
 - 4. 1-OFF on two digits 1 in 416.67
 - 5. 1-OFF on three digits 1 in 312.50

(4) PICK 4 Rules and Prohibitions.

(a) By purchasing a PICK 4 ticket a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) PICK 4 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer’s hours of operation and on-line system availability, PICK 4 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(d) The scheduled time for the daily PICK 4 drawing is approximately 1:30 p.m. ET for the midday draw and 7:57 p.m., ET for the evening draw. Ticket sales for a specific PICK 4 drawing will close approximately ten minutes prior to that

drawing. Any ticket sold after the close of game will be printed with the next available PICK 4 draw date and time unless the player specifies another PICK 4 draw date and time within the selection parameters.

(e) Retailer cancellations of PICK 4 tickets can only be performed by the retailer who sold the ticket, using the selling terminal’s optical mark reader, and within two hours after printing, except that no PICK 4 ticket shall be canceled after close of game for the related drawing. The two-hour ticket cancellation period may be reduced due to the selling retailer’s hours of business operation, the hours of on-line system availability, or the time of the related PICK 4 close of game.

(f) It is the responsibility of the player to determine the accuracy of the selected panels of numbers, draw date(s), draw time(s) and play types on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player’s selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of a player, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of a player by the “quick pick” method of number selection.

(5) The effective date of this emergency rule is April 3, 2017.

Rulemaking Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.124(1) FS. History-New 4-3-17, Replaces 53ER16-37.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 4-3-17.

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER17-20 PICK 5™

SUMMARY: This emergency rule sets forth the provisions for the conduct of the draw lottery game PICK 5™. This emergency rule replaces Emergency Rule 53ER16-38.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-20 PICK 5™.

(1) How to Play PICK 5™.

(a) PICK 5 is a draw lottery game (also known as an online lottery game) in which a player selects any five-digit number from 00000 through 99999 inclusive. The digits may be the same, different or combination thereof; for example, 11111, 12123, and 12345 are all valid selections.

(b) Players may choose play amounts of \$.50 or \$1.00 per play, per drawing.

(c) Players may make their PICK 5 ticket selections by marking a play slip or by telling the retailer their desired selections.

1. There are five panels on a play slip. Players electing to use a play slip to make their PICK 5 ticket selections must mark one number in each column or mark the Quick Pick (QP) box located at the bottom of each panel for the terminal to randomly select one or more of the numbers for each panel played. The player may also mark the play type, draw time and play amount; however, if the play type, play amount, or draw time is not marked by the player, the terminal will default to a \$1.00 straight play for the next available draw. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. Players may mark the \$5 "Quick Picks" box to receive five \$1.00 tickets each with one set of five randomly selected numbers (straight play) for the next PICK 5 drawing, or may mark the \$10 "Quick Picks" box to receive ten \$1.00 tickets, each with one set of five randomly selected numbers (straight play) for the next available PICK 5 drawing. Players may mark Quick Picks in addition to panel plays. Players must use only blue or black ink or pencil for making selections. The use of mechanical, electronic, computer generated or any other non-manual method of marking play slips is prohibited. Play slips may be processed through a Florida Lottery full service vending machine or processed by a Florida Lottery retailer to obtain a ticket.

2. Retailers also are authorized to manually enter numbers selected by a player. Players electing to make their PICK 5 ticket selections by telling the retailer must specify the play type, draw time, play amount, and their desired number selections (or tell the retailer they desire to use the quick pick feature for the terminal to randomly select one or more of the numbers).

(d) A player who selects the box play type or the straight/box play type and who elects to use the quick pick feature will not be able to select the type of box play. The type of box play will be determined by whether the quick pick numbers selected by the terminal comprise a 5-way box, 10-way box, 20-way box, or 30-way, 60-way or 120-way box combination as described in paragraph (1)(f) below.

(e) Players may play future consecutive midday, evening, or both drawings within a fourteen-day period or non-consecutive drawings within a seven-day period by using the "advance play" feature. To use the advance play feature, players may either mark the play slip or tell the retailer the advance play selections and draw times they desire. For purposes of this paragraph (1)(e), both a fourteen-day and a seven-day period begin on the date of the next available PICK 5 drawing for the

draw time selected and continue through the next thirteen /six consecutive days for the draw time selected. The advance play options are described more fully in subparagraphs 1. and 2., below.

1. Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings for the draw time(s) selected only. Players shall mark the desired number of consecutive drawings in the "Days" section and the desired draw time(s) in the "Draw Time" section of the play slip. The number of consecutive drawings marked will include the next available drawing for the draw time(s) selected and will apply to each panel (A-E) played. Advance play does not apply to selections in the Quick Picks box.

a. If the midday (MID) box is selected, the ticket will be entered into the next available midday draw and consecutive midday draws through the selected number of days.

b. If the evening (EVE) box is selected, the ticket will be entered into the next available evening draw and consecutive evening draws through the selected number of days.

c. If the both (BOTH) box is selected, the ticket will be entered into the next available draw and consecutive midday and evening draws through the selected number of days.

2. Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one (1) of the following advance play parameters:

a. Any single day for the draw time(s) selected in a seven-day period;

b. Any two non-consecutive days for the draw time(s) selected in a seven-day period;

c. Any two or more consecutive days for the draw time(s) selected in a seven-day period, not including the next available drawing.

d. Up to fourteen consecutive days for the draw times selected, including the next available drawing.

In the event that a planned change in the PICK 5 game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Florida Lottery's website.

(f) PICK 5 can be played and won as follows:

1. "Straight" play. In a straight play, if a player's digits as printed on the player's ticket match, in exact order, the official PICK 5 winning numbers for the drawing, the player wins \$25,000 for a 50-cent play or \$50,000 for a \$1.00 play.

2. "Box" play. A box play allows a player to win if the player's digits match, in any order, the official PICK 5 winning numbers for the drawing.

a. A "5-way box" is a play in which the player has selected a number with four identical digits and one different digit (example 11112) and covers the five possible combinations of

the five digits. A 5-way box pays a winner \$5,000 for a 50-cent play or \$10,000 for a \$1.00 play.

b. A "10-way box" is a play in which the player has selected a number with three identical digits and two identical different digits (example 11122) and covers the ten possible combinations of the five digits. A 10-way box pays a winner \$2,500 for a 50-cent play or \$5,000 for a \$1.00 play.

c. A "20-way box" is a play in which the player has selected a number with three identical digits and two different digits (example 11123) and covers the twenty possible combinations of the five digits. A 20-way box pays a winner \$1,250 for a 50-cent play or \$2,500 for a \$1.00 play.

d. A "30-way box" is a play in which the player has selected a number with two different pairs of identical digits and one different digit (example 11223) and covers the thirty possible combinations of the five digits. A 30-way box pays a winner \$830 for a 50-cent play or \$1,660 for a \$1.00 play.

e. A "60-way box" is a play in which the player has selected a number with two identical digits and three different digits (example 11234) and covers the sixty possible combinations of the five digits. A 60-way box pays a winner \$415 for a 50-cent play or \$830 for a \$1.00 play.

f. A "120-way box" is a play in which the player has selected a number with five different digits (example 12345) and covers the one hundred twenty possible combinations of the five digits. A 120-way box pays a winner \$208 for a 50-cent play or \$416 for a \$1.00 play.

3. "Straight and Box" play. A straight and box play combines a 50-cent straight play and a 50-cent box play for a \$1.00 play.

a. A "Straight and 5-way box" play pays a winner \$30,000 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 5 winning numbers for the drawing, or \$5,000 if the player's digits match, in any other order, the official PICK 5 winning numbers for the drawing.

b. A "Straight and 10-way box" play pays a winner \$27,500 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 5 winning numbers for the drawing, or \$2,500 if the player's digits match, in any other order, the official PICK 5 winning numbers for the drawing.

c. A "Straight and 20-way box" play pays a winner \$26,250 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 5 winning numbers for the drawing, or \$1,250 if the player's digits match, in any other order, the official PICK 5 winning numbers for the drawing.

d. A "Straight and 30-way box" play pays a winner \$25,830 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 5 winning numbers for the drawing, or \$830 if the player's digits match, in any other order, the official PICK 5 winning numbers for the drawing.

e. A "Straight and 60-way box" play pays a winner \$25,415 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 5 winning numbers for the drawing, or \$415 if the player's digits match, in any other order, the official PICK 5 winning numbers for the drawing.

f. A "Straight and 120-way box" play pays a winner \$25,208 if a player's digits as printed on the player's ticket match, in exact order, the official PICK 5 winning numbers for the drawing, or \$208 if the player's digits match, in any other order, the official PICK 5 winning numbers for the drawing.

4. "1-OFF[®]" play. A 1-OFF play allows a player to win if the five-digit number chosen by the player matches, in exact order, the official PICK 5 winning numbers for the drawing ("straight win") or if, in exact order, one, two, three four, or five of the digits are one number higher or lower than the official PICK 5 winning numbers for the drawing ("1-OFF win"). A PICK 5 1-OFF ticket will contain the five-digit number (player-selected or Quick Pick) that qualifies for the straight win and a chart that shows the straight match and corresponding 1-OFF digits. In PICK 5, there are a total of two hundred forty-two possible 1-OFF combinations. A \$1.00 play pays as follows:

a. \$25,000 for a straight win

b. \$500 for a 1-OFF on one digit win- (four digits match, one digit is off by one)

c. \$150 for a 1-OFF on five digits win- (all five digits are off by one)

d. \$100 for a 1-OFF on two digits win- (three digits match, two digits are off by one)

e. \$75 for a 1-OFF on three digits win- (two digits match, three digits are off by one)

f. \$75 for a 1-OFF on four digits win- (one digit matches, four digits are off by one)

A 50-cent play amount is not available for a 1-OFF play.

(g) On occasion, increases in the prize amounts set forth in paragraph (1) (f) above will be offered for promotional purposes.

(h) A liability limit of \$5 million is established for PICK 5. When the play of a particular five digit number for a drawing reaches the Florida Lottery's PICK 5 liability limit of \$5 million, no further ticket sales for any type of play that would involve that five digit number will be allowed for that drawing.

(2) PICK 5 Drawings.

(a) PICK 5 drawings are conducted twice daily.

(b) The equipment shall be configured so that one ball is drawn from each of five units of balls numbered zero (0) through nine (9).

(c) Five balls will be selected in the drawing, one each into five separate display devices. The numbers shown on the five balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing.

(d) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(3) PICK 5 Odds of Winning.

The odds of winning in PICK 5 are as follows:

<u>(a) Straight</u>	<u>1 in 100,000</u>
<u>(b) Box 5-way</u>	<u>1 in 20,000</u>
<u>(c) Box 10-way</u>	<u>1 in 10,000</u>
<u>(d) Box 20-way</u>	<u>1 in 5,000</u>
<u>(e) Box 30-way</u>	<u>1 in 3,333.33</u>
<u>(f) Box 60-way</u>	<u>1 in 1,666.67</u>
<u>(g) Box 120-way</u>	<u>1 in 833.33</u>
<u>(f) Straight/ Box 5-way</u>	<u>1 in 100,000 and 1 in 20,000</u>
<u>(g) Straight/ Box 10-way</u>	<u>1 in 100,000 and 1 in 10,000</u>
<u>(h) Straight/ Box 20-way</u>	<u>1 in 100,000 and 1 in 5,000</u>
<u>(i) Straight/ Box 30-way</u>	<u>1 in 100,000 and 1 in 3,333.33</u>
<u>(j) Straight/ Box 60-way</u>	<u>1 in 100,000 and 1 in 1,666.67</u>
<u>(k) Straight/ Box 120-way</u>	<u>1 in 100,000 and 1 in 833.33</u>
<u>(l) 1-OFF</u>	
<u>1. Straight</u>	<u>1 in 100,000</u>
<u>2. 1-OFF on one digit</u>	<u>1 in 10,000</u>
<u>3. 1-OFF on five digits</u>	<u>1 in 3,125</u>
<u>4. 1-OFF on two digits</u>	<u>1 in 2,500</u>
<u>5. 1-OFF on three digits</u>	<u>1 in 1,250</u>
<u>6. 1-OFF on four digits</u>	<u>1 in 1,250</u>

(4) PICK 5 Rules and Prohibitions.

(a) By purchasing a PICK 5 ticket a player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(b) PICK 5 prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and on-line system availability, PICK 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET).

(d) The scheduled time for the daily PICK 5 drawing is approximately 1:30 p.m. ET for the midday draw and 7:57 p.m., ET for the evening draw. Ticket sales for a specific PICK 5 drawing will close approximately twelve minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next available PICK 5 draw date and time unless the player specifies another PICK 5 draw date and time within the selection parameters.

(e) Retailer cancellations of PICK 5 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no PICK 5 ticket shall be canceled after close of game for the related drawing. The two-hour ticket cancellation period may be reduced due to the selling retailer's

hours of business operation, the hours of on-line system availability, or the time of the related PICK 5 close of game.

(f) It is the responsibility of the player to determine the accuracy of the selected panels of numbers, draw date(s), draw time(s) and play types on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of a player, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of a player by the "quick pick" method of number selection.

(5) The effective date of this emergency rule is April 3, 2017.

Rulemaking Authority 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105(2), 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.124(1) FS. History-New 4-3-17, Replaces 53ER16-38.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 4-3-17.

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-4.010: Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On March 20, 2017 the Division of Hotels and Restaurants received a Petition for an Emergency Variance for Subparagraph 3-305.11(A)(2), 2009 FDA Food Code, Section 3-305.14, 2009 FDA Food Code, Section 6-202.15, 2009 FDA Food Code, Section 6-202.16, 2009 FDA Food Code, Paragraph 61C-4.010(1), Florida Administrative Code, and Paragraph 61C-4.010(6), Florida Administrative Code from Ximena's Food Truck Services LLC located in Clearwater. The above referenced F.A.C. addresses the requirement for proper handling and dispensing of food. They are requesting to dispense bulk time/temperature control for safety foods from an open air mobile food dispensing vehicle.

The Petition for this variance was published in Vol. 43/56 on March 22, 2017. The Order for this Petition was signed and approved on March 30, 2017. After a complete review of the variance request, the Division finds that the application of this

Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring that each pan within the steam table is properly covered with an individual lid; the steam table is enclosed within a cabinet with tight-fitting doors, and is protected by an air curtain installed and operated according to the manufacturer’s specifications that protects against flying vermin or other environmental contaminants; all steam table foods must be properly reheated for hot holding at approved commissaries and held hot at the proper minimum temperature per the parameters of the currently adopted FDA Food Code; and steam table food is to be dispensed by the operator with no customer self-service. The Petitioner shall also strictly adhere to the operating procedures and copies of the variance and operating procedures are to be present on the MFDV during all periods of operation.

A copy of the Order or additional information may be obtained by contacting Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 28, 2017, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for St Lucie Power Plant at 6501 Ocean Drive, Jensen Beach, FL. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.27.3.2 and Section 3003.2, FBC, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that requires upgrading the elevators with firefighters’ emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013 (VW2017-049).

A copy of the Petition for Variance or Waiver may be obtained by contacting Michelle Comingore, Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, dhr.elevators@myfloridalicense.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Beaches and Coastal Systems

RULE NO.: RULE TITLE:

62B-33.002: Definitions

62B-33.0051: Coastal Armoring and Related Structures

NOTICE IS HEREBY GIVEN that on March 13, 2017, the Department of Environmental Protection, received a petition for variance or waiver from Petitioner, Dale Putz. The petition requested a variance/waiver from the rule provisions of subsections 62B-33.002(18) and 62B-33.002(43), F.A.R., and subparagraph 62B-33.0051(1)(a)1, F.A.C, which requires that, in order to qualify for a permit for coastal armoring, the structure proposed to be protected must be an eligible structure. The property is located at 3069 South Ponte Vedra Boulevard, Ponte Vedra, Florida 32082. The petition has been assigned OGC No. 17-0149.

A copy of the Petition for Variance or Waiver may be obtained by contacting Celora Jackson, Department of Environmental Protection, MS 3522, 2600 Blair Stone Road, Tallahassee, Florida 32399, (850)245-7668, Celora.A.Jackson@dep.state.fl.us, during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Center and Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 19, 2017, 5:00 p.m.

PLACE: Peterson & Smith Equine Hospital Conference Room; 4747 SW 60th Avenue, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Board of Directors to discuss general business.

A copy of the agenda may be obtained by contacting: Emily Holmes at (352)307-6699 or email at events@flhorsepark.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 2 days before the workshop/meeting by contacting: Emily Holmes at (352)307-6699 or email at events@flhorsepark.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF REVENUE

Property Tax Oversight Program

The Department of Revenue announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 12, 2017, 11:00 a.m.
 PLACE: Conference call number 1(888)670-3525, participant code 9401759921#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will present the recommended list of applicants for the Certified Florida Appraiser, Certified Cadastralist of Florida, and Certified Florida Evaluator designations. Interested parties can attend by telephone. The agenda includes instructions to attend by telephone. Please refer to the Certified Florida Appraiser Admissions and Certifications Committee Agenda on the Department's website at <http://floridarevenue.com/dor/property/training/> before attending the meeting.

A copy of the agenda may be obtained by contacting: Kelly McLane, Property Tax Oversight Program, Department of Revenue, P.O. Box 3294, Tallahassee, Florida 32315-3294, (850)941-6024, kelly.mclane@floridarevenue.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Kelly McLane at (850)941-6024 or kelly.mclane@floridarevenue.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF REVENUE
 Property Tax Oversight Program
 The Department of Revenue announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 12, 2017, 11:30 a.m.
 PLACE: Conference call number 1(888)670-3525, participant code 9401759921#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department will present the recommended list of applicants for the Certified Florida Collector and Certified Florida Collector Assistant designations. Interested parties can attend by telephone. The agenda includes instructions to attend by telephone. Please refer to the Certified Florida Collector Admissions and Certifications Committee Agenda on the Department's website at <http://floridarevenue.com/dor/property/training/> before attending the meeting.

A copy of the agenda may be obtained by contacting Kelly McLane, Property Tax Oversight Program, Department of Revenue, P.O. Box 3294, Tallahassee, Florida 32315-3294, (850)941-6024, kelly.mclane@floridarevenue.com. Pursuant to the provisions of the Americans with Disabilities

Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Kelly McLane at (850)941-6024 or kelly.mclane@floridarevenue.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

The Department of Highway Safety and Motor Vehicles (DHSMV) Office of Motorist Modernization announces a public meeting to which all persons are invited.

DATE AND TIME: April 11, 2017, 1:00 p.m. – 3:00 p.m. ET
 PLACE: Neil Kirkman Building, Conference Room B-203, 2900 Apalachee Parkway, Tallahassee Florida 32399; GoToMeeting call-in information is also provided below.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Motorist Modernization Advisory Board is meeting to receive an update on Phase 1 of the Motorist Modernization Program. System functionality and requirements will also be presented to the group for consideration and input.

AGENDA

- Roll Call
- Welcome
- Review and Approval of Last Meeting Minutes
- IV&V Update
- Stakeholder Outreach Update
- Policy and Decisions Review
- MM Phase I Program Update
 - o Status Update and Financial Review
 - o Change Request Review
 - o Project Updates
- Q&A
- Adjourn

Join the meeting from your computer, tablet or smartphone at <https://global.gotomeeting.com/join/630034677>. Attend by phone at: United States, +1(646)749-3129; United States (toll-free), 1(877)309-2073; access code 630-034-677; audio PIN: shown after joining the meeting.

A copy of the agenda may be obtained by contacting: The agenda is included above.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Terrence Samuel, 2900 Apalachee Parkway, Room D315, Tallahassee, FL 32399, (850)617-2100, terrencesamuel@flhsmv.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).

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

The Central Florida Regional Planning Council (CFRPC) announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2017, 1:30 p.m.

PLACE: Hardee County Board of County Commission Chambers

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly meeting and/or public hearing of the Transportation Disadvantaged (TD) Local Coordinating Board (LCB).

A copy of the agenda may be obtained by contacting: Ken Harley at (863)534-7130 or kharley@cfrpc.org.

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

REGIONAL PLANNING COUNCILS

Central Florida Regional Planning Council

The Heartland Regional Transportation Planning Organization (HRTPO) announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2017, 10:00 a.m.

PLACE: Highlands County Board of County Commissioners Board Room, 600 South Commerce Avenue, Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Heartland Regional Transportation Planning Organization (HRTPO).

A copy of the agenda may be obtained by contacting: Marybeth Soderstrom at (863)534-7130 or at msoderstrom@cfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marybeth Soderstrom at (863)534-7130 or at msoderstrom@cfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

REGIONAL 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: Monday, April 17, 2017, 9:00 a.m.

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Workshop and Regular Meeting

A copy of the agenda may be obtained by contacting: Records Department (727)796-2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Records Department (727)796-2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Records Department (727)796-2355.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: April 12, 2017, 8:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room A, Tallahassee, FL 32308; telephone conference for those unable to attend in person: dial-in number 1(877)218-8845, conference code 497-971-21#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration is hosting a public meeting to address questions about the Statewide Medicaid Managed Care Data Book released on March 30, 2017 and published at

http://ahca.myflorida.com/medicaid/statewide_mc/Re-Procurer_databook.shtml. The data book provides relevant background information that prospective plans will find useful in the development of their response to the Invitation to Negotiate (ITN). The ITN will be released on or around June 30, 2017. For more information about the Statewide Medicaid Managed Care program, visit http://ahca.myflorida.com/Medicaid/statewide_mc/index.shtml.

If you would like to submit questions regarding the Statewide Medicaid Managed Care Data Book prior to the public meeting, email them to MDA_ACTUARIAL@ahca.myflorida.com by April 7, 2017.

A copy of the agenda may be obtained by contacting MDA_ACTUARIAL@ahca.myflorida.com or by visiting the

following link:
http://ahca.myflorida.com/medicaid/statewide_mc/Re-Procure_databook.shtml.

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 MDA_ACTUARIAL@ahca.myflorida.com or by calling (850)412-4277. 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 MDA_ACTUARIAL@ahca.myflorida.com or call (850)412-4277.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 RULE NO.: RULE TITLE:

62-304.505: Middle St. Johns River Basin TMDLS.

The Florida Department of Environmental Protection announces a workshop to which all persons are invited.

DATE AND TIME: April 14, 2017, 10:00 a.m.

PLACE: DHQ-Governing Board-Executive Bldg, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This technical meeting is for interested stakeholders to discuss with the department the model development and total maximum daily load (TMDL) approach for Lake George and two downstream stream segments of the St. Johns River in the Middle St. Johns River basin. The meeting will provide an opportunity for the department to present steps they will take to establish TMDLs and site specific numeric interpretations of the narrative nutrient criterion for these waters. Written comments on the approach will be accepted by the department through April 28, 2017. These comments should be directed to: Erin Rasnake, Program Administrator, Florida Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Erin.Rasnake@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Shamyah Gibson, Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Shamyah Gibson, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF CHILDREN AND FAMILIES
 Refugee Services

The Department of Children and Families, Refugee Services announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 25, 2017, 5:00 p.m.

PLACE: Florida Department of Children and Families, 1317 Winewood Blvd., Bldg. 6, Refugee Services Lobby, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Public Meeting #2

Title: Reply Opening and Review of Mandatory Requirements for Adult Education Services for Refugees and Entrants in Duval County (ITN# 01K17BS1).

Description: As provided for in Sections 2.5 and 2.9 of this ITN which was published to the Vendor Bid System (VBS) on January 27, 2017. The VBS can be accessed at: http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

The purpose of the Reply Opening and Review of Mandatory Requirements is to ensure prospective Vendors have complied with all Mandatory Requirements as required in Section 5.2 in order to be considered for selection under this ITN.

A copy of the agenda may be obtained by contacting: David.Draper@myflfamilies.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Lisa Stephany, email: Lisa_Stephany@myflfamilies.com or (850)717-4557. 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: David.Draper@myflfamilies.com

DEPARTMENT OF CHILDREN AND FAMILIES
 Refugee Services

The Department of Children and Families, Refugee Services Program announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 27, 2017, 4:50 p.m.

PLACE: 1317 Winewood Blvd, Bldg 6, Suite 200, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Reply Opening and Review Mandatory Requirements for Integration Assistance Services for Refugees and Entrants in Broward & Palm Beach Counties ITN# 01K17BS2

A copy of the agenda may be obtained by contacting: Jenifer L. Fonseca at jenifer.fonseca@myflfamilies.com

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

agency at least 3 days before the workshop/meeting by contacting: Jenifer L. Fonseca at jenifer.fonseca@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jenifer L. Fonseca at jenifer.fonseca@myflfamilies.com

DEPARTMENT OF CHILDREN AND FAMILIES

Office on Homelessness

The Office on Homelessness announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 5, 2017, 10:00 a.m.

PLACE: Toll free: 1(888)670-3525, enter participant code 701-539-8451#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee call: this conference call will address the committees' continued development of policy recommendations and work tasks to address the Council's Annual Report on recommendations to end homelessness in Florida.

A copy of the agenda may be obtained by contacting Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

Mid-Florida Area Agency on Aging

The Mid-Florida Area Agency on Aging announces a public meeting to which all persons are invited.

DATE AND TIME: May 3, 2017 10:00 a.m.

PLACE: 100 S.W. 75th Street, Suite 301, Gainesville, Florida 32607, Conference Room A

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled meeting of the Grant Review Committee of the Elder Options Board of Directors. The Grant Review Committee will discuss and adopt recommendations regarding the applications received by Elder Options for funding for the program year beginning July 1, 2017. Programs funded for this period include Community Care for the Elderly (CCE), Alzheimer's Disease Initiative (ADI), Home Care for the Elderly (HCE), Local

Service Programs (LSP), and the Model Day Care program. The committee will also consider programs that begin in January 2018 that are funded through the Older Americans Act (OAA). Based upon its review and discussion of applications, the Committee will make funding recommendations for consideration by the full Board of Directors during the June 7, 2017, Board Meeting at 10:00 am.

Should any person wish to appeal any decision with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

A copy of the agenda may be obtained by contacting Kathy Dorminey at (352)692-5214 or dormineyk@agingresources.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 48 hours before the workshop/meeting by contacting Kathy Dorminey at (352)692-5214 or dormineyk@agingresources.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact Kathy Dorminey at (352)692-5214 or dormineyk@agingresources.org.

Enterprise Florida, Inc.

The Florida Defense Support Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 20, 2017, 09:00 a.m. ET – 11:00 a.m. ET

PLACE: Conference call: phone number 1(800)501-8979, access code 1869945

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

A copy of the agenda may be obtained by contacting Michelle Griggs, (850)298-6640, mgriggs@enterpriseflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting Michelle Griggs, (850)298-6640, mgriggs@enterpriseflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Terry McCaffrey, (850)878-4578, tmccaffrey@enterprise-florida.com.

Carpe Diem Community Solutions, Inc.

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

DATE AND TIME: Tuesday, April 11, 2017, 5:30 p.m. to 6:30 p.m. CDT

PLACE: The meeting will be held at Pensacola Grand Hotel Grand Ballroom, 200 East Gregory Street, Pensacola.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Alternatives public meeting is for the U.S. 98 (Gregory Street) and State Road 196 (Bayfront Parkway) at 17th Avenue intersection Project Development and Environment (PD&E) Study. The intent of this meeting is to present the results from analysis conducted on the single-build alternative. Public input received will be incorporated into the final re-evaluation report and will be used to help identify a preferred alternative for further development. The purpose of this study is to analyze and improve safety conditions as well as travel efficiencies along the corridor in conjunction with the new Pensacola Bay Bridge.

Maps, drawings, and other information will be on display. FDOT representatives will be available to answer questions and receive comments concerning this project; there will be no formal presentation.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

A copy of the agenda may be obtained by contacting: Joy Swanson Pleas, FDOT Project Manager, toll-free at (888)638-0250, extension 1505, or via email at joy.swansonpleas@dot.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 7 days before the workshop/meeting by contacting: Joy Swanson Pleas, FDOT Project Manager, toll-free at (888)638-0250 extension 1505, or via email at joy.swansonpleas@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: Ian Satter, District Three Public Information Director, toll-free at (888)638-0250, extension 1205 or via email at ian.satter@dot.state.fl.us.

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Jean Mesler, In Re: Isla Merita Homeowners' Condominium Association II, Inc., Docket No. 2017015111, filed on March 29, 2017. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(f), Florida Statutes, and Chapter 61B-22, Florida Administrative Code, as they apply to the petitioner.

Can the members of the association (qualified voters) eliminate the "Common Ground Reserve" that is required to be maintained by Section 718.112(2)(f), Florida Statutes, and Chapter 61B-22, Florida Administrative Code, without actually waiving this reserve? Can the members of the association (qualified voters) reallocate the funds from the "Common Ground Reserve" to be divided equally between the existing pool reserve and the existing sprinkler reserve/irrigation reserve when the sprinkler reserve is already fully funded? Can the members of the association (qualified voters) eliminate the road reserve and the unallocated reserve and transfer the funds to a shoreline restoration reserve when this has already been accomplished? Can the signed limited proxies submitted on March 15, 2017 be counted in a later Meeting of the Membership or must new proxies be signed and submitted?

A copy of the Petition for Declaratory Statement may be obtained by contacting Danielle Walker, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-1030; (850)717-1539, Danielle.Walker@myfloridalicense.com.

Please refer all comments to: Megan Silver, Senior Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

NOTICE IS HEREBY GIVEN that the Board of Physical Therapy Practice has declined to rule on the petition for declaratory statement filed by the Florida Physical Therapy Association on July 10, 2013. The following is a summary of the agency's declination of the petition:

The Board of Physical Therapy Practice hereby gives notice of the withdrawal of the Petition for Declaratory Statement, filed on July 10, 2013, by the Florida Physical Therapy Association. The Notice of Petition for Declaratory Statement was published in Vol. 39, No. 136, of the July 15, 2013 Florida Administrative Register. The Petitioner withdrew its petition at a duly-noticed public meeting on August 9, 2012.

A copy of the Board's meeting minutes for August 8-9, 2013 may be obtained by contacting Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253, Allen.Hall@flhealth.gov.

Section VIII

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

Shands Jacksonville Medical Center, Inc., d/b/a UF Health Jacksonville vs. Department of Health and JFK Medical Center Limited Partnership, d/b/a JFK Medical Center; The Public Health Trust of Miami-Dade County, Florida, d/b/a Jackson South Community Hospital; and Orange Park Medical Center, Inc., d/b/a Orange Park Medical Center, Intervenors; Case No.: 16-5837RP; Rule Nos.: 64J-2.010, 64J-2.012, 64J-2.013, 64J-2.016

Shands Jacksonville Medical Center, Inc., d/b/a UF Health Jacksonville vs. Department of Health and JFK Medical Center Limited Partnership, d/b/a JFK Medical Center; The Public Health Trust of Miami-Dade County, Florida, d/b/a Jackson South Community Hospital; and Orange Park Medical Center, Inc., d/b/a Orange Park Medical Center, Intervenors; Case No.: 16-5837RP; Rule Nos.: 64J-2.010, 64J-2.012, 64J-2.013, 64J-2.016; Petitioners demonstrated that the Proposed Rules contravene chapter 395, Florida Statutes

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

School Board of Polk County, Florida vs. State Board of Education, Department of Education, State of Florida, and Florida Charter Educational Foundation, Inc., Intervenor; Case No.: 17-0113RX; Rule No.: 6A-6.0781(3)(a); Settled and/or Dismissed prior to entry of RO/FO

Section IX

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

Stephen J. Williams, as a trustee for the Sparkhill Trust vs. Florida Department of Highway Safety and Motor Vehicles; Case No.: 16-6127RU

Stephen J. Williams, as a trustee for the Sparkhill Trust vs. Florida Department of Highway Safety and Motor Vehicles; Case No.: 16-6127RU; Petitioner proved, by a preponderance of the evidence, that two agency statements were unadopted rules that violate section 120.54(1)(a)

Emma Elizabeth Boswell vs. Department of Highway Safety and Motor Vehicles; Case No.: 17-1612RU

Section X

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

NONE

Section XI

**Notices Regarding Bids, Proposals and
Purchasing**

DISTRICT BOARD OF TRUSTEES
MIAMI DADE COLLEGE
P U B L I C A N O U N C E M E N T
REGARDING SOLICITING APPLICATIONS
FOR

Request for Qualifications
PROFESSIONAL SERVICES AND TRADE
CONTRACTORS

Scope of Services: Pursuant to sections 255.0525, 255.20 and 1013.45 Florida Statutes the District Board of Trustees of Miami Dade College (the "Board") is soliciting applications for Professional Services and Trade Contractors

Application Packet: Interested parties can obtain application materials by visiting Miami Dade College Purchasing website on or after March 7, 2017 at <http://www.mdc.edu/purchasing/bids.asp> or by contacting the Purchasing Dept. at (305)237-0011.

2016-6-20-A Mechanical Contractors and related trades (to add new vendors. Vendors currently prequalified need not to reapply)

2017-RB-09 Architectural Services

2017-RB-10 Engineering Services
 2017-RB-11 Construction Management Services
 2017-RB-12 General Contractors
 2017-RB-13 ACCESS Control, IP Cameras and Alarms
 2017-RB-14 Plumbing Services
 2017-RB-15 Commercial Painting
 2017-RB-16 Moving, Storage and Relocation Services
 2017-RB-17 Fire Sprinklers, Inspections and Alarms
 2017-RB-18 Pool Repairs, Equipment and Supplies
 2017-RB-19 Fencing and Gates
 2017-RB-20 Asphalt, Concrete and Site Works
 2017-RB-21 Electrical Contractors (Low and High Voltage)
 2017-RB-22 Commercial Roofing
 Please direct questions to:
 Ramon S. Bristol Castrillon, MA, CPPO, FCCN
 Assistant Purchasing Director, Facilities/Plant Maintenance
 Tel: (305)237-0011 Fax (305)-237-0024
 Email: rbristol@mdc.edu

DISTRICT BOARD OF TRUSTEES

MIAMI DADE COLLEGE
 11011 S.W. 104th STREET
 MIAMI, FL 33176-3393

Bid listed below will be accepted in the PURCHASING DEPARTMENT, Room 9254, by 3:00 p.m. on Monday, May 1, 2017.

Prospective bidders may view bid forms, and related documents, at College’s Purchasing Department website, www.mdc.edu/purchasing.

BID NUMBER BID TITLE
 2017-RB-23 Elevators Modernization - North Campus and Kendall Campus

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. A copy of the agenda may be obtained by writing to: Miami Dade College, Office of the Purchasing Director, 11011 S.W. 104 Street, Miami, FL 33176 or by calling (305)237-2402.

**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 8:00 a.m., Monday March 27, 2017 and 3:00 p.m., Friday, March 31, 2017. An improved electronic publication system is

forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
40D-8.624	3/31/2017	4/20/2017
40D-8.624	3/31/2017	4/20/2017
53ER17-16	3/30/2017	3/30/2017
53ER17-17	3/30/2017	4/3/2017
53ER17-18	3/30/2017	4/3/2017
53ER17-19	3/30/2017	4/3/2017
53ER17-20	3/30/2017	4/3/2017
60S-11.004	3/28/2017	4/17/2017
61K1-3.016	3/28/2017	4/17/2017
64B16-32.021	3/30/2017	4/19/2017
64B18-14.002	3/30/2017	4/19/2017
65C-35.002	3/31/2017	4/20/2017
65C-35.003	3/31/2017	4/20/2017
65C-35.004	3/31/2017	4/20/2017
65C-35.005	3/31/2017	4/20/2017
65C-35.006	3/31/2017	4/20/2017
65C-35.007	3/31/2017	4/20/2017
65C-35.008	3/31/2017	4/20/2017
65C-35.009	3/31/2017	4/20/2017
65C-35.010	3/31/2017	4/20/2017
65C-35.011	3/31/2017	4/20/2017
65C-35.012	3/31/2017	4/20/2017
65C-35.013	3/31/2017	4/20/2017

65C-35.014	3/31/2017	4/20/2017
69P-5.002	3/29/2017	4/18/2017
69P-5.004	3/29/2017	4/18/2017
69P-5.005	3/29/2017	4/18/2017
69P-5.006	3/29/2017	4/18/2017
69P-5.008	3/29/2017	4/18/2017
69P-5.012	3/29/2017	4/18/2017
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
40B-9.021	12/21/2016	**/**/*****
40B-9.041	12/21/2016	**/**/*****
40B-9.126	12/21/2016	**/**/*****
40B-9.131	12/21/2016	**/**/*****
40B-9.1381	12/21/2016	**/**/*****
40B-9.1411	12/21/2016	**/**/*****
40B-9.142	12/21/2016	**/**/*****
40B-9.145	12/21/2016	**/**/*****
40B-9.123	12/9/2016	**/**/*****
58M-2.009	2/9/2017	**/**/*****
60FF1-5.009	7/21/2016	**/**/*****
64B8-9.009	6/15/2016	**/**/*****
64B8-10.003	12/9/2015	**/**/*****
69L-7.100	12/19/2016	**/**/*****
69L-7.501	12/19/2016	**/**/*****

5M-1.008: Implementation Verification
 5M-1.009: Best Management Practices Implementation Assistance

A Notice of Rule Development for the above referenced rules was published in the Vol. 42, No. 237, December 8, 2016 issue of the Florida Administrative Register wherein the Department proposed to adopt rules to implement Section 403.067(7)(d)2.c., F.S., which was created by the 2016 Florida Legislature. The statute required the Department to initiate rulemaking by January 1, 2017. These rules were listed in the Department’s Proposed Regulatory Plan as 5M-1.021 and 5M-1.022. A rule workshop was held on February 3, 2017, and the Department is currently awaiting a second round of comments from interested parties to determine if further workshops will be required. Therefore, the Department will exercise the extension provided by Section 120.74(5), F.S. and will not publish the Notice of Proposed Rule for the above referenced rules. The Department expects to publish the Notice of Proposed Rule before June 30, 2017.

DEPARTMENT OF TRANSPORTATION

Proposed Site Approval Order for TGH Brandon Medical Center Helistop

The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

TGH Brandon Medical Center Helistop, a private airport, in Hillsborough County, at Latitude 27° 55' 45.74" and Longitude 82° 20' 13.14", to be owned and operated by Hillsborough County Hospital Authority, Tampa General Hospital / Aeromed, 1 General Circle Tampa, FL 33601.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us.

Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy
 Best Management Practices for Agriculture

RULE NO.: RULE TITLE:

5M-1.001: Definitions

Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

The Collection LLC, d/b/a Ferrari of Miami for the establishment of Ferrari cars

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ferrari North America, Inc. intends to allow the establishment of The Collection LLC, d/b/a Ferrari of Miami as a dealership for the sale and service of Ferrari cars (line-make FERR) at 1550 Biscayne Boulevard, Miami, (Miami-Dade County), Florida, 33132, on or after May 3, 2017.

The name and address of the dealer operator(s) and principal investor(s) of The Collection LLC, d/b/a Ferrari of Miami are dealer operator(s): Ken Gorin, 200 Bird Road, Coral Gables, Florida 33146; principal investor(s): Ugo Colombo, 1550 Biscayne Boulevard, Suite 300, Miami, Florida 33132, Ken Gorin, 200 Bird Road, Coral Gables, Florida 33146.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Lance Ball, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: David M. Wertheim, Ferrari North America, Inc., 250 Sylvan Avenue, Englewood Cliffs, New Jersey, 07632.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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.
