

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: **RULE TITLE:**

12A-1.097 Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to adopt, by reference, changes to Form DR-5, Application for Consumer’s Certificate of Exemption. Changes to this form allow for automatic renewals of expiring exemption certificates, clarify and simplify documentation requirements for applications, provide that the Department will confirm exemptions using publicly available information when possible, bring the forms into compliance with current administrative procedures, update contact information for the Department, and allow the form to be accessed electronically through the Department of State’s website.

SUBJECT AREA TO BE ADDRESSED: The subject of the rule workshop is the proposed revisions to Form DR-5, Application for Consumer’s Certificate of Exemption.

RULEMAKING AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (n)4., (o)4., (7), 212.11(5)(b), 212.12(1)(a)2., 212.17(6), 212.18(2), (3), 212.183, 213.06(1), 288.1258(4)(c), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 119.071(5), 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(4), (5), 212.17, 212.18(2), (3), 212.183, 213.235, 213.29, 213.37, 288.1258, 365.172(9), 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 18, 2015, 9:00 a.m.

PLACE: 2450 Shumard Oak Boulevard, Building One, Room 1820, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tonya Fulford at (850)717-6799. 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: Kimberly Bevis, Technical Assistance and Dispute Resolution, Department of Revenue, P.O. Box 7443, Tallahassee, Florida 32314-7443, telephone: (850)717-7082
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Published on the Department’s Internet site at www.myflorida.com/dor/rules.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: **RULE TITLE:**

59A-3.240 Nutritional Services

59A-3.241 Pharmacy Services

59A-3.242 Laboratory, Radiology, and Respiratory Services

59A-3.243 Nursing Services

59A-3.244 Ambulatory, Obstetrical, and Special Care Units

59A-3.245 Surgical and Anesthesia Departments

59A-3.246 Licensed Programs

59A-3.247 Housekeeping Services

59A-3.248 Mobile Surgical Facility

PURPOSE AND EFFECT: The Agency proposes to divide Rule 59A-3.2085, F.A.C., into multiple rules to group like sections together. Minor revisions will modify the rules to correct rule and statutory references. A sister rule has been noticed in Issue 41/203 regarding the dividing of Rule 3.2085, F.A.C. into these new rules.

SUBJECT AREA TO BE ADDRESSED: General requirements of hospital departments.

RULEMAKING AUTHORITY: 395.1055, 395.3038, 395.401, 408.036, 408.036(1), 408.036(2) FS.

LAW IMPLEMENTED: 395.001, 395.1055, 395.1065, 395.3038, 395.401, 408.036, 408.036(1), 957.05 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: November 23, 2015, 1:30 p.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration, Conference Room C & D, 2727 Mahan Drive, Building #3, Tallahassee, FL 32308

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: Jessica Munn, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)412-4359. 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: Jessica Munn at (850)412-4359 or email: Jessica.Munn@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.026 Bariatric Surgery Services

PURPOSE AND EFFECT: The purpose of Rule 59G-4.026, F.A.C. is to incorporate by reference the Florida Medicaid Bariatric Surgery Services Coverage Policy, _____. The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.026, F.A.C., Bariatric Surgery Services; 59G-4.164, F.A.C., Hysterectomy Services; 59G-4.108, F.A.C., General and Pediatric Surgery Services; and 59G-4.032, F.A.C., Breast Surgery Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-4.164, 59G-4.108, 59G-4.032, and 59G-4.026, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: November 18, 2015, 10:00 a.m. – 11:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kathleen Core. 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: Kathleen Core, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4221, e-mail: Kathleen.Core@ahca.myflorida.com

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

Comments will be received until 5:00 p.m., November 19, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.026 Bariatric Surgery Services.

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

(2) All persons or entities described in subsection (1) must be in compliance with the provisions of the Florida Medicaid Bariatric Surgery Services Coverage Policy, _____, incorporated by reference. The policy is available from the Florida Medicaid fiscal agent's Web site at <http://portal.flmmis.com/flpublic>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS. History—New _____

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.032 Breast Surgery Services

PURPOSE AND EFFECT: The purpose of Rule 59G-4.032, F.A.C. is to incorporate by reference the Florida Medicaid Breast Surgery Services Coverage Policy, _____. The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.032, F.A.C., Breast Surgery Services; 59G-4.164, F.A.C., Hysterectomy Services; 59G-4.108, F.A.C., General and Pediatric Surgery Services; and 59G-4.026, F.A.C., Bariatric Surgery Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-4.032, 59G-4.164, 59G-4.108, and 59G-4.026, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: November 18, 2015, 10:00 a.m. – 11:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Shameria Davis. 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: Shameria Davis, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4235, e-mail: Shameria.Davis@ahca.myflorida.com

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

Comments will be received until 5:00 p.m., November 19, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.032 Breast Surgery Services.

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

(2) All persons or entities described in subsection (1) must be in compliance with the provisions of the Florida Medicaid Breast Surgery Services Coverage Policy, _____, incorporated by reference. The policy is available from the Florida Medicaid fiscal agent’s Web site at <http://portal.flmmis.com/flpublic>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS. History-
New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.108 General and Pediatric Surgery Services

PURPOSE AND EFFECT: The purpose of Rule 59G-4.108, F.A.C. is to incorporate by reference the Florida Medicaid General and Pediatric Surgery Services Coverage Policy, _____. The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.108, F.A.C., General and Pediatric Surgery; 59G-4.164, F.A.C., Hysterectomy Services; 59G-4.032, F.A.C., Breast Surgery Services; and 59G-4.026, F.A.C., Bariatric Surgery Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-4.108, 59G-4.164, 59G-4.032, and 59G-4.026, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: November 18, 2015, 10:00 a.m. – 11:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Shameria Davis. 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: Shameria Davis, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4235, e-mail: Shameria.Davis@ahca.myflorida.com

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>. Comments will be received until 5:00 p.m., on November 19, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.108 General and Pediatric Surgery Services.

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

(2) All persons or entities described in subsection (1) must be in compliance with the provisions of the Florida Medicaid General and Pediatric Surgery Services Coverage Policy, _____, incorporated by reference. The policy is available from the Florida Medicaid fiscal agent's Web site at <http://portal.flmmis.com/flpublic>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:

59G-4.164 Hysterectomy Services

PURPOSE AND EFFECT: The purpose of Rule 59G-4.164, F.A.C. is to incorporate by reference the Florida Medicaid Hysterectomy Services Coverage Policy, _____. The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUBJECT AREA TO BE ADDRESSED: Rules 59G-4.164, F.A.C., Hysterectomy Services; 59G-4.108, F.A.C., General and Pediatric Surgery Services; 59G-4.032, F.A.C., Breast Surgery Services; and 59G-4.026, F.A.C., Bariatric Surgery Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rules 59G-4.164, 59G-4.108, 59G-4.032, and 59G-4.026, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathleen Core, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4221, e-mail: Kathleen.Core@ahca.myflorida.com.

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

Comments will be received until 5:00 p.m., November 19, 2015.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.164 Hysterectomy Services.

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

(2) All persons or entities described in subsection (1) must be in compliance with the provisions of the Florida Medicaid Hysterectomy Services Coverage Policy, _____, incorporated by reference. The policy is available from the Florida Medicaid fiscal agent's Web site at <http://portal.flmmis.com/flpublic>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS. History—New

Section II Proposed Rules

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NOS.: RULE TITLES:

61G14-14.0041 Unauthorized Practice Fee

61G14-14.005 Examination Review Fee

PURPOSE AND EFFECT: The Board proposes the repeal of the rules due to unnecessary or outdated language.

SUMMARY: The rules will be repealed due to unnecessary or outdated language.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board determined that a SERC was not necessary and that the rule will not require ratification by the Legislature because the fees required by the rules are no longer being collected. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 310.185, 455.2235 FS.

LAW IMPLEMENTED: 455.2235, 455.2281 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: Thomas Campbell, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-14.0041 Unauthorized Practice Fee.

Rulemaking Specific Authority 310.185 FS. Law Implemented 455.2281 FS. History–New 6-23-02, Repealed.

61G14-14.005 Examination Review Fee.

Rulemaking Specific Authority 310.185, 455.2235 FS. Law Implemented 455.2235 FS. History–New 9-27-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-4.010 Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: To update and clarify requirements for supervision and training of registered trainee appraisers.

SUMMARY: Update and clarify requirements for supervision and training of registered trainee appraisers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 475.614, 475.615, 475.619 FS.

LAW IMPLEMENTED: 475.613, 475.611, 475.615, 475.618, 475.619, 475.6221, 475.6222, 475.628 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: Juana Watkins, Executive Director, Florida Real Estate Appraisal Board, 400 W. Robinson Street, #N801, Orlando, FL 32801, (407)481-4662

THE TEXT OF THE PROPOSED RULE IS:

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) No change.

(a) A supervisory appraiser must accept, acknowledge and recognize full ~~responsibility~~ ~~responsibility~~ for compliance with the USPAP, Florida law or regulation for any and all research data collection, analysis, development or communication of any appraisal, appraisal review or appraisal report prepared, or with the assistance of, a registered trainee appraiser as if the work was performed personally by the supervisory appraiser;

(b) through (c) No change.

(d) Prior to registering as a supervisor to any registered trainee appraiser, a certified appraiser shall complete a board approved supervisory course of a ~~minimum~~ ~~minimum~~ of three (3) hours, within the preceding four (4) years. The course must comply with the course content adopted by the Appraiser Qualifications Board of the Appraisal Foundation on December 9, 2011, pursuant to Section 475.615(2), F.S. Trainee appraisers who took the course to qualify for the trainee appraiser registration will not be required to complete the course once certified in order to supervise.

(2) through (2)(e) No change.

(f) Registering the appraiser trainee with Department through use of DBPR FREAB 14, Supervisor Designation/Termination Form RE-2060, entitled Request for Change of Status—Registered Trainee Appraiser, effective ~~April 2012~~ ~~September 14, 2009~~, hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-01987> <http://www.myfloridalicense.com/dbpr/re/documents/RE-2060.pdf>.

(3) through (10) No change.

(11) A supervisory appraiser must include the following statement in any report in which a registered trainee appraiser contributed to the development of the appraisal or the writing of the appraisal report: "I, the supervisory appraiser of a registered trainee appraiser who contributed to the development or communication of this appraisal, hereby ~~accept~~ ~~accepts~~ full and complete responsibility for any work performed by the registered trainee appraiser ~~trainee~~ named in this report as if it were my own work."

Rulemaking Authority 475.614, 475.615 FS. Law Implemented 475.611, 475.615, 475.6221, 475.6222 FS. History—New 2-16-04, Amended 3-1-06, 12-4-06, 8-12-07, 11-25-07, 5-3-10, 12-11-11, 6-3-13, 4-15-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 21, 2015

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:

62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications

62-4.242 Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement

62-4.244 Mixing Zones: Surface Waters

PURPOSE AND EFFECT: The proposed rules: (1) revise subparagraph 62-4.242(3)(a)2., F.A.C., to delete text related to mixing zones in Outstanding Natural Resource Waters, (2) delete subsection 62-4.242(4), F.A.C., which pertains to equitable abatement, and (3) clarify that the fee in subparagraph 62-4.050(4)(q)1., F.A.C., for Site Specific Alternative Criteria, applies to each application instead of each parameter.

SUMMARY: The Department is amending Chapter 62-4, F.A.C., to: (1) revise subparagraph 62-4.242(3)(a)2., F.A.C., to delete text related to mixing zones in Outstanding Natural Resource Waters, (2) delete subsection 62-4.242(4), F.A.C., which pertains to equitable abatement, and (3) clarify that the fee in subparagraph 62-4.050(4)(q)1., F.A.C., for Site Specific Alternative Criteria, applies to each application instead of each parameter.

The Department conducted an initial set of public workshops on June 10 and June 11, 2015, in Tallahassee and Orlando, respectively, followed by public workshops on September 15, September 16, and September 17, 2015, in West Palm Beach, Orlando, and Tallahassee, respectively.

OTHER RULES INCORPORATING THIS RULE: Chapter 62-4, F.A.C., is referenced by the following rules: 62-4.001, 62-4.020, 62-4.021, 62-4.030, 62-4.040, 62-4.050, 62-4.052, 62-4.053, 62-4.055, 62-4.060, 62-4.070, 62-4.080, 62-4.090, 62-4.100, 62-4.110, 62-4.120, 62-4.130, 62-4.150, 62-4.160, 62-4.200, 62-4.210, 62-4.220, 62-4.240, 62-4.241, 62-4.242, 62-4.243, 62-4.244, 62-4.246, 62-4.249, 62-4.250, 62-4.510, 62-4.520, 62-4.530, 62-4.540, 62-25.020, 62-25.025, 62-

25.035, 62-25.060, 62-25.801, 62-25.900, 62-40.120, 62-40.210, 62-45.030, 62-45.050, 62-45.070, 62-45.110, 62-45.170, 62-110.106, 62-110.107, 62-113.200, 62-204.800, 62-210.200, 62-210.300, 62-210.310, 62-210.700, 62-210.900, 62-212.720, 62-213.205, 62-213.420, 62-213.430, 62-213.440, 62-214.350, 62-296.570, 62-296.600, 62-302.200, 62-302.300, 62-302.530, 62-302.700, 62-302.800, 62-303.200, 62-303.320, 62-330.100, 62-330.200, 62-330.201, 62-330.405, 62-330.630, 62-330.901, 62-343.020, 62-343.070, 62-343.090, 62-343.100, 62-343.130, 62-346.030, 62-346.050, 62-346.051, 62-346.071, 62-346.301, 62-520.470, 62-528.200, 62-528.300, 62-528.305, 62-528.307, 62-528.400, 62-528.415, 62-528.440, 62-528.455, 62-529.630, 62-528.705, 62-528.710, 62-555.401, 62-555.405, 62-555.520, 62-555.528, 62-555.530, 62-555.533, 62-555.536, 62-600.120, 62-600.200, 62-600.300, 62-600.430, 62-600.520, 62-604.300, 62-604.600, 62-610.200, 62-610.300, 62-610.554, 62-610.555, 62-610.650, 62-610.670, 62-610.810, 62-610.820, 62-610.830, 62-610.850, 62-610.860, 62-610.890, 62-611.200, 62-611.450, 62-611.500, 62-611.700, 62-620.100, 62-620.300, 62-620.310, 62-620.320, 62-620.325, 62-620.335, 62-620.610, 62-620.620, 62-620.625, 62-620.705, 62-620.710, 62-621.300, 62-621.303, 62-621.500, 62-624.100, 62-624.300, 62-624.810, 62-625.420, 62-625.600, 62-640.300, 62-650.200, 62-650.300, 62-650.400, 62-650.500, 62-660.200, 62-660.400, 62-660.801, 62-660.802, 62-660.803, 62-660.804, 62-660.805, 62-660.806, 62-671.310, 62-673.310, 62-673.320, 62-673.340, 62-673.630, 62-701.315, 62-701.320, 62-701.710, 62-701.803, 62-709.300, 62-710.210, 62-710.800, 62-711.300, 62-711.801, 62-713.800, 62-730.200, 62-730.220, 62-730.290, 62-730.293, 62-737.800, 62B-34.030, 62B-49.005, 62B-49.006, and 62B-49.012. Rule 62-4.050, F.A.C., is referenced by the following rules: 62-4.050, 62-4.052, 62-4.053, 62-4.080, 62-45.110, 62-110.107, 62-113.200, 62-210.300, 62-210.310, 62-210.900, 62-213.420, 62-330.200, 62-330.201, 62-343.020, 62-343.070, 62-343.100, 62-343.130, 62-346.071, 62-528.300, 62-528.440, 62-528.455, 62-528.630, 62-555.401, 62-555.405, 62-555.520, 62-555.528, 62-555.536, 62-604.600, 62-620.100, 62-620.310, 62-620.320, 62-620.325, 62-620.335, 62-620.710, 62-621.300, 62-621.500, 62-624.100, 62-624.300, 62-624.310, 62-673.320, 62-701.315, 62-701.320, 62-709.300, 62-710.800, 62-711.300, 62-730.220, 62-737.800, and 62B-49.006, F.A.C. Rule 62-4.242, F.A.C., is referenced by the following rules: 62-4.050, 62-4.242, 62-40.120, 62-40.210, 62-302.530, 62-302.700, 62-330.200, 62-330.405, 62-330.630, 62-346.050, 62-346.051, 62-346.301, 62-600.300, 62-600.520, 62-610.300, 62-610.554, 62-610.555, 62-610.810, 62-610.820, 62-610.830, 62-610.860, 62-611.500, 62-650.500, F.A.C. Rule 62-4.244, F.A.C., is referenced by the following rules: 62-4.241, 62-4.244, 62-110.106, 62-302.530, 62-302.800, 62-330.200, 62-346.050, 62-346.051, 62-346.301, 62-600.430, 62-600.520, 62-620.620, 62-620.625, 62-621.303, 62-650.300, F.A.C.

EFFECT ON THOSE OTHER RULES: The proposed amendments are not expected to have any effect on these other 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: the proposed revisions clarify that the fee in subparagraph 62-4.050(4)(q)1., F.A.C., for Site Specific Alternative Criteria, applies to each application instead of each parameter, since the analysis and workload for multiple parameter applications is similar to single parameter applications. The proposed revisions to subparagraph 62-4.242(3)(a)2., F.A.C., delete text related to mixing zones in Outstanding Natural Resource Waters. The U.S. Environmental Protection Agency has specifically disapproved this rule provision as inconsistent with the federal Clean Water Act. There is no effect from deletion of this provision, since there are no Outstanding National Resource Waters in Florida. The proposed revisions delete subsection 62-4.242(4), F.A.C., which pertains to equitable abatement. This rule provision allows a new source to an impaired water to petition the Department to (re)allocate the relative levels of abatement responsibility among existing discharges. This is inconsistent with both the Total Maximum Daily Load and Basin Management Action Plan process, since allowable loads are equitably allocated under that process. The provision could undermine both efforts. The provision is also inconsistent with Water Quality Credit Trading under Chapter 62-306, F.A.C., and Section 403.067, F.S. The Department also notes that this provision has rarely, if ever, been used, despite being in effect for a number of decades. There are no additional costs to the public or the Department as a result of any of the proposed revisions.

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

RULEMAKING AUTHORITY: 373.016, 373.026, 373.043, 373.109, 373.171, 373.4131, 373.414, 373.418, 373.421, 403.051, 403.061, 403.062, 403.087, 403.088, 403.0882, 403.504, 403.704, 403.704(30), 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.016, 373.109, 373.171, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.021, 403.051, 403.061, 403.087, 403.0877, 403.088, 403.0882, 403.0885, 403.101, 403.111, 403.121, 403.141, 403.161, 403.182, 403.201, 403.502, 403.702, 403.708, 403.722, 403.861(7) FS.

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

DATE AND TIME: Wednesday, December 9, 2015, 9:00 a.m.
 PLACE: Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429 or the below information. 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: Eric Shaw, Department of Environmental Protection, Water Quality Standards Program, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 62-4
 PERMITS

62-4.050 Procedures to Obtain Permits and Other Authorizations; Applications.

- (1) through (3) No change.
- (4) Processing fees are as follows:
 - (a) through (p) No change.
 - (q) Unless otherwise specified in this rule, the fee for applications for relief mechanisms shall be as follows:
 - 1. Site specific alternative criteria for each application ~~water quality criteria~~ \$15,000
 - 2. through 6. No change.
 - (r) through (z) No change.
 - (5) through (8) No change.

Rulemaking Authority 373.026, 373.043, 373.109, 373.4131, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805 FS. Law Implemented 373.109, 373.309, 373.409, 373.413, 373.4135, 373.414(9), (11), (12)(a), (13), (14), (15), (16), 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.861(7) FS. History—New 5-17-72, Amended 6-19-74, 7-8-82, Formerly 17-4.05, Amended 11-15-87, 8-31-88, 10-3-88, 4-4-89, 3-19-90, 6-11-90, 3-7-91, 3-18-91, 5-30-91, 10-30-91, 11-16-92, 12-21-92, 7-11-93, 2-2-94, Formerly 17-4.050, Amended 11-23-94,

4-30-95, 7-4-95, 12-15-98, 10-22-00, 6-1-01, 1-30-03, 2-19-03, 4-3-03, 5-1-03, 2-7-06, 10-31-07, 4-21-09, 5-9-13, 10-1-13, - - -

62-4.242 Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; ~~Equitable Abatement.~~

- (1) through (2) No change.
- (3) Standards Applying to Outstanding National Resource Waters:

(a) All discharges or activities that may cause degradation of water quality in Outstanding National Resource Waters are prohibited, other than:

- 1. No change.
- 2. Those discharges or activities described in subparagraphs 62-4.242(2)(a)1.b., 62-4.242(2)(a)1.c., and 62-4.242(2)(a)2.b., and 62-4.242(2)(b)2., F.A.C.

(b) – (e) No change.
~~(4) Equitable Abatement.~~

~~(a) It shall be Department policy to further protect and enhance the quality of those surface waters whose quality has been artificially lowered below the quality necessary to support their designated uses. For such waters, no new activity or discharge shall be issued a Department license to construct unless the applicant affirmatively demonstrates that:~~

- ~~1. Water quality standards once achieved would not be violated as a result of the proposed activity or discharge;~~
- ~~2. The proposed activity or discharge is necessary or desirable under federal standards; and~~
- ~~3. The proposed activity or discharge is clearly in the public interest.~~

~~(b) To allocate equitably the relative levels of responsibility for abatement among persons directly discharging significant amounts of pollutants into waters which fail to meet one or more of the water quality criteria applicable to those waters, it is necessary to determine the amounts of those pollutants contributed by each of those persons and to consider all factors relevant to the equitable allocation of that responsibility. The following provisions of this section prescribe the means by which the Department, upon the petition of a license applicant, will equitably allocate among such persons the relative levels of abatement responsibility of each for abatement of those pollutants and by which it will establish for each of those persons, if necessary, an abatement program and schedule to accomplish any abatement determined necessary under the provisions of this section.~~

~~(c)1. For a surface water body, or portion thereof, which is determined by the Department to fail to meet one or more of the water quality criteria applicable to that water body, an applicant for a license to construct or operate a stationary installation to discharge wastes which contributes, or will~~

contribute, to that failure may petition the Department in writing for an equitable allocation of the relative levels of responsibility for abatement among the stationary installations which discharge significant amounts of one or more of the pollutants which contribute to the failure of those waters to meet the water quality criterion (a) specified in the petition.

2. The applicant shall identify in the petition the location of each of the existing stationary installations which it wishes the Department to consider and the legal name and mailing address of the owners of each of those stationary installations.

3. The county government within which each stationary installation identified under subparagraphs 1. and 2. of this paragraph is located shall be given notice of the proceeding, as shall the municipality, if the stationary installation is located within a municipality.

4. The Department may identify any other owners of existing stationary installations which it deems necessary to allocate equitably the relative levels of responsibility for abatement of pollutants which contribute to the failure of those waters to meet any criterion specified in the petition.

5. Those owners identified by the petitioner and the Department shall be joined as parties in the licensing proceeding. Nothing shall preclude any party from requiring the joinder, as a party to the proceeding, of the owner of any other existing stationary installation upon written motion and an affirmative demonstration that such stationary installation is discharging significant amounts of one or more pollutants which contribute to the failure of the subject water body to meet any criterion specified in the petition. A motion for joinder shall be filed within 20 days of receipt by the movant of notice that it has been joined in the proceeding.

(d) License applications filed by the petitioner, or any other party, for waste discharges which are identified pursuant to paragraph (2)(c) above in the equitable allocation process under this section shall be deemed incomplete or the subject of a dispute of material fact for purposes of Chapter 120, F.S. However, if an application for renewal of an existing license has been timely filed with the Department, the existing license shall remain in full force and effect until such time as a new or modified license has been issued pursuant to paragraph (2)(k).

(e) Prior to determining the most equitable allocation of responsibility for abatement under paragraph (f), the Department shall determine the percentage and quantification of the total contribution and the contribution by each of the stationary installations identified under paragraph (c) of the pollutants identified under paragraph (c) which contributes to the failure of the subject waters to meet the water quality criterion specified in the petition. Provided, however, that the Department, upon petition by an affected party pursuant to Rule 62.3.031, F.A.C., may establish more appropriate less stringent criteria upon which to base quantification

calculations. For the purpose of performing quantification calculations, the Department shall assume waste discharges entering the water body from an adjacent state as a separate point source of pollution.

(f) The following factors shall be considered by the Department in determining the most equitable allocation among the parties identified pursuant to paragraph (c) of the relative levels of responsibility of each for abatement of the pollutants with which the petition is concerned:

1. The percentage and quantification of the abatement achieved by abatement techniques previously undertaken, if any, by each of those stationary installations and the costs previously incurred, if any, with respect to each, along with any economic or production benefits gained from said abatement techniques.

2. The identification and estimated cost of alternative abatement techniques available for each stationary installation. Identified techniques shall include:

a. Those techniques which would abate the level of pollutants to the degree required by the quantities of contributed pollutants determined under paragraph (e), or the maximum degree possible, if the degree required is not presently attainable.

b. Those techniques which would abate additional quantities of pollutants beyond the quantities determined under paragraph (e) and the approximate percentage of additional abatement which could be provided.

3. The economic and production impacts of additional abatement on each party, if any.

4. Other environmental impacts of available abatement techniques.

(g) In determining the percentages and quantities under paragraph (e), the Department shall use the best scientific and technical information, methods, and data in the possession of the Department.

(h) Each party to the licensing proceeding shall provide the Department, and each other party except as provided by Section 403.111, F.S., with any information which is requested by the Department and necessary for the determination under paragraphs (e) and (f). With regard to the determination under sub-subparagraph (f)2.ii., however, parties shall only be required to provide that information within their possession at the time of the Department's request. The Department shall make available to a party any information in its possession, and shall provide reasonable assistance to any party in identifying that information which would assist the party in complying with the Department's request.

(i) Each party shall undertake a program approved by the Department to abate the quantity of contributed pollutants for which it is determined responsible under paragraph (e). Such

~~abatement program shall include but not be limited to, a quantified effluent limitation, best management practices or specific techniques for abatement, and a schedule for commencement and completion of the required abatement. In establishing an abatement schedule, the Department shall consider the previous abatement efforts and their costs, the reasonable remaining usable life of the discharge facility, and any commitments for phasing out the discharge from the facility.~~

~~(j) An abatement program required under paragraph (i) may include the agreement of one owner to undertake additional abatement on behalf of another owner. When such an agreement has been executed fully and filed in writing with the Department within a reasonable period of time set by the Department, the agreement shall be recognized in the licenses of the signatory parties to the extent that it satisfies the levels of abatement, determined for those parties under paragraph (e).~~

~~(k) Each party shall be issued an appropriate license or modified license, which shall include any abatement program required of the party and approved under paragraph (i), as well as any other conditions authorized by Chapter 403, F.S.~~

~~Rulemaking Authority 373.016, 373.171, 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 373.016, 373.171, 403.021, 403.061, 403.087, 403.088, 403.101, 403.111, 403.121, 403.141, 403.161, 403.182, 403.502, 403.702 FS. History—New 3-1-79, Amended 5-14-81, 9-30-82, 3-31-83, 4-9-84, 11-29-84, 12-11-84, 5-8-85, 7-22-85, 8-31-88, 9-13-89, 10-4-89, Formerly 17-4.242, Amended 1-23-95, 5-15-02, 8-1-13, - - .~~

62-4.244 Mixing Zones: Surface Waters.

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

(b) Except for open ocean discharges described in paragraph (c) and ionic imbalanced demineralization concentrate discharges, described in paragraph (d) below, the maximum concentration of wastes in the mixing zone may exceed the 96 hr. LC₅₀ only when all of the following conditions are satisfied.

- 1. through 2. No change.

3. Toxicity must be less than acute [as defined in subsection ~~62-302.200(1)~~ ~~62-3.021(1)~~, F.A.C.] no more than a distance of 50 times the discharge length scale in any spatial direction. The discharge length scale is defined as the square root of the cross-sectional area of any discharge outlet. In the case of a multiport diffuser, this requirement must be met for each port, using the appropriate discharge length scale for that port. This restriction will ensure a dilution factor of at least 10 within this distance under all possible circumstances, including situations of severe bottom interaction, surface interaction, or lateral merging.

- 4. through 5. No change.

(c) through (d) No change.

(4) through (6) No change.

(7) Additional relief from mixing zone restrictions necessary to prevent significant impairment of a designated use is through:

(a) through (b) No change.

(c) Modification of the requirements of this section for specific criteria by the Secretary upon compliance with the notice and hearing requirements for mixing zones set forth in paragraph (1)(c) above and upon affirmative demonstration by an applicant that the applicant's discharge from a source existing on the effective date of this rule complies with best technology economically achievable, best management practices, or other requirements set forth in Chapter ~~62-600~~ ~~62-6~~, F.A.C., and the economic, environmental and social costs of compliance with the existing criteria outweigh the social, environmental, and economic benefits of compliance with more stringent discharge limitations necessary to comply with mixing zone requirements of subsection 62-4.244(1), F.A.C., and the provisions relating to dissolved oxygen in Rule 62-4.244, F.A.C.

1. through 2. No change.

(d) No change.

Rulemaking Authority 403.051, 403.061, 403.062, 403.087, 403.0882, 403.804, 403.805 FS. Law Implemented 403.021, 403.051, 403.061, 403.087, 403.088, 403.0882, 403.101, 403.121, 403.141, 403.161, 403.182, 403.201, 403.502, 403.702, 403.708 FS. History—Formerly part of 17-3.05, Revised and Renumbered 3-1-79, Amended 10-2-80, 1-1-83, 2-1-83, 2-19-84, 4-26-87, 8-31-88, 10-17-90, Formerly 17-4.244, Amended 3-26-00, 12-13-05, 8-1-13, - - .

NAME OF PERSON ORIGINATING PROPOSED RULE:

Tom Frick

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Jonathan P. Steverson

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: May 19, 2015

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

62-302.200: Definitions

62-302.300: Findings, Intent, and Antidegradation Policy for Surface Water Quality

62-302.400: Classification of Surface Waters, Usage, Reclassification, Classified Waters

62-302.530: Table: Surface Water Quality Criteria

62-302.531: Numeric Interpretations of Narrative Nutrient Criteria

62-302.532: Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion

62-302.533: Dissolved Oxygen Criteria for Class I, Class II, Class III, and Class III-Limited Waters

62-302.800: Site Specific Alternative Criteria

PURPOSE AND EFFECT: The proposed rules revise several definitions used in Chapter 62-302, F.A.C., by updating reference information as well as updating a number of biological standard operating procedures that are incorporated by reference. The proposed rules change the classification of a number of estuarine waters around the state from Class III to Class II (shellfish propagation or harvesting) waters, with specific areas identified by incorporation of maps by reference. The water quality criteria for alkalinity are revised to address waterbodies with naturally low levels of alkalinity. The water quality criteria for un-ionized ammonia in fresh water are replaced with criteria for total ammonia. The water quality criteria for bacteriological quality (fecal coliform) are replaced with criteria for *Escherichia coli* bacteria (fresh water) and Enterococci bacteria (marine waters), although Class II waters still also retain fecal coliform criteria as well. New water quality criteria are established for nonylphenol, carbaryl (fresh water only), chlorpyrifos, and diazinon. The proposed rules clarify the methodology for determining lake color and alkalinity when assessing nutrients in lakes. The estuarine nutrient region boundaries for Naples Bay and Tampa Bay are slightly revised. Clarification is made to the total nitrogen methodology for Sarasota Bay. The proposed rules also clarify how to calculate annual geometric and arithmetic means for nutrients in marine waters. The proposed rules also update several rule references.

SUMMARY: The Department is amending Chapter 62-302, F.A.C., to: (1) update a number of biological standard operating procedures, (2) reclassify a number of estuarine waterbodies from Class III to Class II, (3) replace criteria for un-ionized ammonia (fresh water) with criteria for total ammonia, (4) replace criteria for bacteriological quality (fecal coliform) with criteria for *Escherichia coli* bacteria (fresh water) and Enterococci bacteria (marine water), (5) establish new water quality criteria for nonylphenol, carbaryl (fresh water only), chlorpyrifos, and diazinon, (6) clarify the methodology for determining lake color and alkalinity when

assessing nutrients in lakes, (7) revise the estuarine nutrient region boundaries for Naples Bay and Tampa Bay, (8) clarify the calculation of annual geometric and arithmetic means for nutrients in marine waters, and (9) update several rule references.

The Department conducted an initial set of public workshops on June 10 and June 11, 2015, in Tallahassee and Orlando, respectively, followed by public workshops on September 15, September 16, and September 17, 2015, in West Palm Beach, Orlando, and Tallahassee, respectively.

OTHER RULES INCORPORATING THIS RULE: Chapter 62-302, F.A.C., is referenced by the following rules:

18-2.021, 62-4.160, 62-4.241, 62-4.242, 62-4.244, 62-4.246, 62-25.001, 62-25.025, 62-25.080, 62-40.120, 62-40.210, 62-45.070, 62-45.170, 62-110.106, 62-113.200, 62-301.100, 62-302.200, 62-302.300, 62-302.400, 62-302.500, 62-302.520, 62-302.530, 62-302.531, 62-302.532, 62-302.540, 62-302.700, 62-302.800, 62-303.100, 62-303.200, 62-303.320, 62-303.330, 62-303.351, 62-303.352, 62-303.353, 62-303.354, 62-303.370, 62-303.390, 62-303.400, 62-303.430, 62-303.450, 62-303.720, 62-304.310, 62-304.335, 62-312.400, 62-330.100, 62-330.200, 62-330.405, 62-330.410, 62-330.412, 62-330.630, 62-340.700, 62-346.050, 62-346.051, 62-346.301, 62-348.200, 62-520.200, 62-520.520, 62-528.610, 62-528.630, 62-600.120, 62-600.200, 62-600.300, 62-600.400, 62-600.430, 62-600.440, 62-600.500, 62-600.520, 62-610.200, 62-610.300, 62-610.310, 62-610.554, 62-610.555, 62-610.650, 62-610.670, 62-610.810, 62-610.820, 62-610.830, 62-610.850, 62-610.860, 62-611.110, 62-611.200, 62-611.450, 62-611.500, 62-611.600, 62-611.650, 62-611.700, 62-620.320, 62-620.620, 62-621.303, 62-624.800, 62-625.400, 62-640.400, 62-650.300, 62-660.300, 62-673.340, 62-673.610, 62-701.200, 62-709.500, 62-711.540, 62-761.200, 62-762.201, 62-770.200, 62-771.100, 62-777.150, 62-777.170, 62-780.200, 62-782.200, 62-785.200, 62B-49.008, 62B-49.012, 62C-16.0051, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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 been prepared by the Agency. Costs resulting from surface water reclassifications were estimated at \$193 over five years for the one facility that would be required to do additional disinfection. Costs per year resulting from revisions to the criteria for ammonia and bacteria were estimated at \$27,536 (ammonia) and \$521,100 (bacteria). However, there is an estimated reduction in costs (statewide) for dischargers to waterbodies that would no longer be listed as impaired under the proposed criteria. This reduction in

costs is estimated at \$565,200 per year. The estimated aggregate savings statewide per year is \$16,564.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department relied upon the SERC to determine whether legislative ratification would be required. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 373.414, 403.021, 403.021(11), 403.031, 403.061, 403.062, 403.067, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708, 403.802 FS.

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

DATE AND TIME: Wednesday, December 9, 2015, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429 or the below information. 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: Eric Shaw, Department of Environmental Protection, Water Quality Standards Program, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 62-302

SURFACE WATER QUALITY STANDARDS

62-302.200 Definitions.

As used in this chapter:

(1) through (16) No change.

(17) "Lake Vegetation Index (LVI)" shall mean a Biological Health Assessment that measures lake biological health in predominantly freshwaters using aquatic and wetland plants, performed and calculated using the Standard Operating Procedures for the LVI in the document titled *LVI 1000: Lake Vegetation Index Methods* (DEP-SOP-003/11 LVI 1000),

dated 3/1/14

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-06037>), and the methodology in *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), both dated 10-24-11 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06038>), which are incorporated by reference herein. Copies of the documents may be obtained ~~from the Department's internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm~~ or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(18) No change.

(19) "Natural background" shall mean the condition of waters in the absence of man-induced alterations based on the best scientific information available to the Department. The establishment of natural background for an altered waterbody may be based upon a similar unaltered waterbody, historical pre-alteration data, paleolimnological examination of sediment cores, or examination of geology and soils. When determining natural background conditions for a lake, the lake's location and regional characteristics as described and depicted in the U.S. Environmental Protection Agency document titled *Lake Regions of Florida* (EPA/R-97/127, dated 1997, U.S. Environmental Protection Agency, National Health and Environmental Effects Research Laboratory, Corvallis, OR), which is incorporated by reference herein, shall also be considered. The lake regions in this document are grouped according to ambient total phosphorus and total nitrogen concentrations in the following lake zones:

(a) through (j) No change.

(k) The TN5 nitrogen zone consists of the USEPA Lake Regions 75-07,75-08, 75-25, 75-28, 75-30, 75-35, 75-36, 75-37, 76-01 and 76-04.

The Lake Regions document may be obtained ~~from the Department's internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm~~ or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(20) through (24) No change.

(25) "Nutrient Watershed Region" shall mean a drainage area over which the nutrient thresholds in paragraph 62-302.531(2)(c), F.A.C., apply.

(a) through (e) No change.

(f) The South Florida region consists of those areas south of the Peninsula region, such as the Cocohatchee River Watershed, Naples Bay Watershed, Rookery Bay Watershed, Ten Thousand Islands Watershed, Lake Worth Lagoon

Watershed, Southeast Coast – Biscayne Bay Watershed, Everglades Watershed, Florida Bay Watershed, and the Florida Keys.

A map of the Nutrient Watershed Regions, dated October 17, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06033>), is incorporated by reference herein and may be obtained from the Department’s internet site at http://www.dep.state.fl.us/water/wqssp/swq_does.htm or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(26) through (36) No change.

(37) “Stream Condition Index (SCI)” shall mean a Biological Health Assessment that measures stream biological health in predominantly freshwaters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures for the SCI in the document titled *SCI 1000: Stream Condition Index Methods* (DEP-SOP-003/11 SCI 1000), dated 3/1/14 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06039>), and the methodology in *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), both dated 10-24-11 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06040>), which are incorporated by reference herein. Copies of the documents may be obtained from the Department’s internet site at http://www.dep.state.fl.us/water/wqssp/swq_does.htm or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient Watershed Region.

(38) through (44) No change.

Rulemaking Authority 403.061, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021(11), 403.031, 403.061, 403.062, 403.085, 403.086, 403.087, 403.088, 403.502, 403.802 FS. History—New 5-29-90, Amended 2-13-92, Formerly 17-302.200, Amended 1-23-95, 5-15-02, 4-2-08, 7-3-12, 8-1-13, - - .

Editorial Note: Rule subsections 62-302.200(1)-(3), (5), (7), (9)-(15), (18)-(21), (29)-(30), (34), (38), (40), (42), and (44) became effective on 7-3-12, 20 days after filing the rule certification package for Florida’s numeric nutrient standards. Rule subsections 62-302.200(4), (16)-(17), (22)-(25), (35)-(37), and (39) will become effective upon approval by EPA in their entirety, conclusion of rulemaking by EPA to repeal its federal numeric nutrient criterion for Florida, and EPA’s determination that Florida’s rules address its January 2009 determination that numeric nutrient criteria are needed in Florida.

62-302.300 Findings, Intent, and Antidegradation Policy for Surface Water Quality.

(1) through (18) No change.

(19) The implementation of numeric nutrient standards under Rules 62-302.531 and 62-302.532, F.A.C., shall be implemented consistent with the document titled “Implementation of Florida’s Numeric Nutrient Standards,” dated April 2013 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02905>), which is incorporated by reference herein. Copies of this document may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. This document references the following documents, which are incorporated by reference in Rule 62-302.531, F.A.C. which is not yet effective—see editorial note for Rule 62-302.531, F.A.C.

(a) The following documents are incorporated by reference herein and may be obtained from the address above:

1. through 2. No change.

3. SCI 1000 Stream Condition Index Methods (DEP-SOP-003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06039>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02908>);

4. LVI 1000 Lake Vegetation Index Methods (DEP-SOP-003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06037>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02909>);

5. FS 7000 General Biological Community Sampling (DEP-SOP-001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06041>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02910>);

6. FT 3000 Aquatic Habitat Characterization (DEP-SOP-001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06042>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02911>);

7. through 12. No change.

(b) The following documents, each of which is incorporated by reference herein, are cited in *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP-SAS-001/11), dated October 24, 2011

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02906>):

1. SCI 1000 Stream Condition Index Methods (DEP-SOP-003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06039>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02908>);

2. LVI 1000 Lake Vegetation Index Methods (DEP-SOP-003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06037>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02909>);

3. FS 7000 General Biological Community Sampling (DEP-SOP-001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06041>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02910>);

4. FT 3000 Aquatic Habitat Characterization (DEP-SOP-001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06042>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02911>);

5. through 6. No change.

(c) The following document, which is incorporated by reference herein, is cited in Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP-SAS-002/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02907>): LVI 1000 Lake Vegetation Index Methods (DEP-SOP-003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04334>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02909>).

(d) The following documents, each of which is incorporated by reference herein, are cited in one of the Standard Operating Procedures identified above in paragraph 62-302.300(19)(a), F.A.C.

1. SCI 1000 Stream Condition Index Methods (DEP-SOP-003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06039>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02908>):

a. through b. No change.

c. FT 3100 Stream and River Habitat Assessment (DEP-SOP-001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06035>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02944>).

2. LVI 1000 Lake Vegetation Index Methods (DEP-SOP-003/11), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06037>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02909>):

a. through b. No change.

3. FS 7000 General Biological Community Sampling (DEP-SOP-001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06041>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02910>): Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP-SAS-002/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02907>).

4. FT 3000 Aquatic Habitat Characterization (DEP-SOP-001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06042>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02911>): FA 5720, Section 1, Training for Habitat Assessment Testing, in DEP-SOP-001/01, dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06036>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02945>).

(e) The following documents, each of which is incorporated by reference herein, are cited in Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients, (DEP-SAS-004/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02912>), identified above in Subsection 62-302.300(19), F.A.C.

1. FT 3000 Aquatic Habitat Characterization (DEP-SOP-001/01), dated March 1, 2014 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06042>) September 19, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02911>):

2. through 7. No change.

(f) through (g) No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 373.414, 403.021(11), 403.061, 403.085, 403.086, 403.087, 403.088, 403.101, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708, 403.802 FS. History—Formerly 17-3.041, Amended 1-28-90, Formerly 17-3.042, 17-302.300, Amended 12-19-94, 1-23-95, 12-26-96, 5-15-02, 12-7-06, 7-17-13, - - -.

62-302.400 Classification of Surface Waters, Usage, Reclassification, Classified Waters.

(1) through (7) No change.

(8) A petition for reclassification shall reference and be accompanied by the information necessary to support the affirmative findings required in this section, as described in the DEP document titled, "Process for Reclassifying the Designated Uses of Florida Surface Waters" (DEP-SAS-001/10), dated June 2010 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02960>), incorporated by reference herein. Copies of the Process document may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(9) through (14) No change.

(15) Unless otherwise specified, the following shall apply:

(a) No change.

(b) Water quality classifications shall be interpreted to include associated water bodies such as tidal creeks, coves, bays and bayous. Notwithstanding paragraph 62-302.400(15)(a), F.A.C., above, the boundaries of Class II waters shall be limited to "Predominantly Marine Waters" as defined in subsection 62-302.200(30), F.A.C.

(16) Exceptions to Class III:

(a) No change.

(b) The following listed waterbodies are classified as Class I, Class II, Class III-Limited, or Class V: Copies of the maps referenced below may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. The written waterbody descriptions are to be read in conjunction with the incorporated maps; however, the maps will take precedence if any conflict is identified between the written descriptions and the maps.

1. through 4. No change.

5. Brevard County.

Class I

St. Johns River and Tributaries – Lake Washington Dam south through and including Sawgrass Lake, Lake Hellen Blazes, to Indian River County Line.

Class II

All or portions of the Mosquito Lagoon, Banana River, Newfound Harbor, Indian River, and Goat, Kid and Trout Creeks, as shown on the maps titled "Class II waters in Brevard County, October 2015," which are incorporated by reference herein.

~~Goat Creek~~

~~Indian River—South from a line due east of Barnes Blvd. (SR 502) to South Section Line of Section 29, T26S, R37E, Palm Shores.~~

~~Indian River—From a line from Cape Malabar northeastward through Intracoastal Waterway marker 16, to shore, then southward to S. Brevard County Line.~~

~~Indian River—N. Brevard County Line south to Florida East Coast Railroad Crossing (vicinity of Jay Jay).~~

~~Kid Creek.~~

~~Mosquito Lagoon—North Brevard County Line south to Beach Road.~~

~~Trout Creek.~~

~~Indian River—The east side of the Intracoastal Waterway from SR 405 northward, to a line from the southern point of land at the mouth of Brock Creek to Intracoastal Waterway Channel Marker 33.~~

~~Indian River—From SR 405 south to SR 528.~~

6. through 8. No change.

9. Citrus County

Class II

All coastal waters and tidal creeks within the county, excluding (a) waters landward of the mouths of Bungalou Pass, East Pass, Johns Creek, Trout Creek, and the Cross Florida Barge Canal entrance next to Trout Creek, (b) Crystal River, (c) a portion of the Salt River south of the northern juncture of Salt Creek, and (d) the St. Martins River from its mouth to Greenleaf Bay, all as shown on the map titled "Class II waters in Citrus County, October 2015," which is incorporated by reference herein.

~~Class II Coastal Waters—From the southern side of the Cross Florida Barge Canal southward to the Hernando County line, with the exception of Crystal River (from the southern shore at the mouth of Cedar Creek to Shell Point to the westernmost tip of Fort Island), Salt River (portion generally east and southward along the eastern edge of the islands bordering the Salt River and Dixie Bay to St. Martins River), and St. Martins River from its mouth to Greenleaf Bay.~~

10. through 14. No change.

15. Dixie County

Class II

All coastal waters within the county, excluding the mouth of the Suwannee River and its passes, as shown on the map titled "Class II waters in Dixie County, October 2015," which is incorporated by reference herein.

~~Coastal Waters—From an east-west line through Stuart Point southward to the County line, excluding the mouth of the Suwannee River and its passes.~~

- 16. No change.
- 17. Escambia County

Class II

~~Escambia Bay – Louisville and Nashville Railroad Trestle south to Pensacola Bay (Line from Emanuel Point east northeasterly to Garcon Point).~~

~~Pensacola Bay – East of a line connecting Emanuel Point on the north to the south end of the Pensacola Bay Bridge (U.S. Highway 98).~~

~~Santa Rosa Sound – East of a line connecting Gulf Breeze approach to Pensacola Beach (Pensacola Beach Baseule Bridge), and Sharp Point with exception of the Navarre Beach area from a north-south line through Channel Marker 106 to Navarre Bridge~~

- 18. No change.
- 19. Franklin.

Class II

All or portions of Alligator Harbor, Apalachicola Bay, East Bay and its tributaries, the coastal waters north of a line from Peninsula Point on Alligator Point to the southeastern tip of Dog Island, Ochlockonee Bay, St. George Sound, and St. Vincent Sound, as shown on the maps titled “Class II waters in Franklin County, October 2015,” which are incorporated by reference herein.

~~Alligator Harbor—East from a line from Peninsula Point north to St. James Island to mean high water.~~

~~Apalachicola Bay—with exception of an area encompassed within a 2-mile radius from Apalachicola entrance of John Gorrie Memorial Bridge.~~

~~East Bay and Tributaries—with the exception of area encompassed within 2-mile radius from Apalachicola entrance of John Gorrie Memorial Bridge.~~

~~Gulf of Mexico—North of a line from Peninsula Point on Alligator Point to the southeastern tip of Dog Island and bounded on the east by Alligator Harbor and west by St. George Sound.~~

~~Ochlockonee Bay—From the confluence of Sopechoppy and Ochlockonee Rivers eastward to a line through the two flashing beacons marking the end of the main channel and south channel, to the shoreline south of Bald Point north to the county line.~~

~~St. George Sound—Gulf of Mexico westerly to Apalachicola Bay.~~

~~St. Vincent Sound—Apalachicola Bay to Indian Pass.~~

- 20. through 28. No change.
- 29. Hillsborough County.

Class I

~~Cow House Creek – Hillsborough River to source.~~

~~Hillsborough River – City of Tampa Water Treatment Plant Dam to Flint Creek.~~

Class II

All or portions of Tampa Bay, Old Tampa Bay, and Mobbly Bay, excluding waters in the Tampa Harbor Channel and waters north of SR 580 in Rocky and Double Branch Creeks, as shown on the map titled “Class II waters in Hillsborough County, October 2015,” which is incorporated by reference herein.

~~Old Tampa Bay—Waters within Hillsborough County between SR 60 (Courtney Campbell Parkway), and Interstate 275 (Howard Frankland Bridge), to the line of mean high water.~~

~~Old Tampa Bay and Mobbly Bay—Beginning at the intersection of the north shore of SR 60 (Courtney Campbell Parkway) and Longitude 82°35'45" west, thence due north to the line of mean high water, thence westward along the line of mean high water, (except Rocky and Double Branch Creeks which are included only to SR 580), and up Channel A to a line connecting the lines of mean high water on the outer sides of the canal banks, to the county line, thence southerly along the county line to SR 60, thence along the north shore of SR 60 to the point of beginning.~~

~~Tampa Bay—Beginning at Gadsden Point, thence along a line connecting Gadsden Point and the intersection of Gadsden Point Cut and Cut “A” to a point one-half nautical mile inside said intersection, thence westward along a line one-half nautical mile inside and parallel to Gadsden Point Cut, Cut “G”, Cut “J”, Cut “J2”, and Cut “K”, to the line of mean high water, thence along the line of mean high water to the point of beginning.~~

~~Tampa Bay—Beginning at the intersection of the Hillsborough County Line and the line of mean high water, thence to the rear range marker of Cut “D”, thence northerly along the line of Cut “D” range to a point one-half nautical mile inside the southern boundary of Cut “C”, thence along a line one-half mile inside and parallel to Cut “C”, Cut “D”, and Cut “E” to a point with Latitude 27°45'40" north and Longitude 82°30'40" west, thence to a point Latitude 27°47' north and Longitude 82°27' west, thence on a true bearing of 140° to the line of mean high water, thence along the line of mean high water southward to the western tip of Mangrove Point, thence to the northwestern tip of Tropical Island, thence eastward along the line of mean high water to the eastern tip of Goat Island, thence due south to the line of mean high water, thence generally southward along the line of mean high water to the point of beginning.~~

~~Tampa Bay—Hillsborough County portion west of the Sunshine Skyway (excluding Tampa Harbor Channel) up to the line of mean high water.~~

- 30. No change.

31. Indian River County.

Class I

St. Johns River and Tributaries – Brevard County Line south through and including Blue Cypress Lake to SR 60.

Class II

Portions of Indian River, as shown on the maps titled “Class II waters in Indian River County, October 2015,” which are incorporated by reference herein.

~~Indian River—Indian River County Line south to SR 510 east of the Intracoastal Waterway channel centerline.~~

~~Indian River—SR 510 south to an east west line from the north side of the North Relief Canal.~~

~~Indian River—From an east west line through the northernmost point of Round Island south to county line and east of Intracoastal Waterway centerline.~~

32. through 37. No change.

38. Levy County.

Class II

All coastal waters and tidal creeks in the county, excluding the mouth of the Suwannee River and its passes, portions of Alligator Pass and Cedar Key, and the mouth of the Withlacoochee River, as shown on a map titled “Class II waters in Levy County, October 2015,” which is incorporated by reference herein.

~~Coastal Waters and Tidal Creeks—Within the county excluding:~~

~~a. The mouth of the Suwannee River, and its passes;~~

~~b. Alligator Pass to a line connecting the seawardmost points of the islands connecting Alligator Pass with the Gulf;~~

~~c. Cedar Key area— from SR 24 bridge at the northernmost point of Rye Key, southwestward to the northernmost point of Gomez Key, then southward to the westernmost point of Seahorse Key, then along the southern shoreline of Seahorse Key to its easternmost point, then northeastward to the southernmost point of Atsena Otie Key, then northward along the eastern shoreline of Atsena Otie Key to its northeasternmost point, then northward to the southernmost point of Dog Island, northwestward to the westernmost point of Scale Key, northwestward to the boundary marker piling, then northward to the point of beginning;~~

~~d. The mouth of the Withlacoochee River~~

39. through 55. No change.

56. St. Lucie County.

Class II

Portions of Indian River, as shown on the map titled “Class II waters in St. Lucie County, October 2015,” which is incorporated by reference herein.

~~Indian River—From Middle Point south to S. St. Lucie County Line, east of Intracoastal Waterway Channel centerline.~~

~~Indian River—N. St. Lucie County Line south to an east west line through the southern point of Fishhouse Cove.~~

57. Santa Rosa County

Class II

Blackwater Bay – From a line connecting Robinson’s Point to Broad River south to East Bay (line due west from Escribano Point).

East Bay and Tributaries – Blackwater Bay (line due west from Escribano Point) southerly to Pensacola Bay (line from Garcon Point on the north to Redfish Point on the south).

Escambia Bay – Louisville and Nashville Railroad Trestle south to Pensacola Bay (Line from Emanuel Point east northeasterly to Garcon Point).

Pensacola Bay – East of a line connecting Emanuel Point on the north to the south end of the Pensacola Bay Bridge (U.S. Highway 98).

Santa Rosa Sound – From a line connecting Gulf Breeze approach to Pensacola Beach (Pensacola Beach Baseule Bridge), and Sharp Point, east to Santa Rosa/Okaloosa County line with exception of the Navarre Beach area from a north-south line through Channel Marker 106 eastward to Navarre Beach Toll Road.

58. through 63. No change.

64. Volusia County

Class II

All or portions of Indian River North, Indian River Lagoon, and Mosquito Lagoon, as shown on the maps titled “Class II waters in Volusia County, October 2015,” which are incorporated by reference herein.

~~Indian River North, Indian River Lagoon, and Mosquito Lagoon from an east west line through Intracoastal Waterway Channel Marker 57 south to S. Volusia County Line.~~

~~Indian River—North of County Line.~~

65. No change.

66. Walton County.

Class II

Portions of Choctawhatchee Bay and its tributaries, as shown on the map titled “Class II waters in Walton County, October 2015,” which is incorporated by reference herein.

~~Choctawhatchee Bay and Tributaries—Except waters north of a line from Alaqua Point to Wheeler Point.~~

67. No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.088, 403.504, 403.704, 403.804 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.504, 403.702, 403.708 FS. History—Formerly 28-5.06, 17-3.06, Amended and Renumbered 3-1-79, Amended 1-1-83, 2-1-83, Formerly 17-3.081, Amended 4-25-93, Formerly 17-302.400, Amended 12-26-96, 8-24-00, 12-7-06, 8-5-10, 8-1-13, - - .

62-302.530 Table: Surface Water Quality Criteria.

The following table contains both numeric and narrative surface water quality criteria to be applied except within zones of mixing. The left-hand column of the Table is a list of constituents for which a surface water criterion exists. The headings for the water quality classifications are found at the top of the Table, and the classification descriptions for the headings are specified in subsection 62-302.400(1), F.A.C. Applicable criteria lie within the Table. The individual criteria should be read in conjunction with other provisions in water quality standards, including Rule 62-302.500, F.A.C. The criteria contained in Rule 62-302.500, F.A.C., also apply to all waters unless alternative or more stringent criteria are specified in Rule 62-302.530, F.A.C. Unless otherwise stated, all criteria express the maximum not to be exceeded at any time except within established mixing zones or in accordance with site-specific effluent limitations developed pursuant to Rule 62-620.620, F.A.C. In some cases, there are separate or additional limits, which apply independently of the maximum not to be exceeded at any time. For example, the criteria for carcinogens, which are expressed as an annual average (denoted as “annual avg.” in the Table), are applied as the maximum allowable annual average concentration at the long-term harmonic mean flow (see subsection 62-302.200(2), F.A.C.). Numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., shall be expressed as spatial averages and applied over a spatial area consistent with their derivation. In applying the water quality standards, the Department shall take into account the variability occurring in nature and shall recognize the statistical variability inherent in sampling and testing procedures. The Department’s assessment methodology, set forth in Chapter 62-303, F.A.C., accounts for such natural and statistical variability when used to assess ambient waters pursuant to sections 305(b) and 303(d) of the Federal Clean Water Act.

Criteria for Surface Water Quality Classifications							
Parameter	Units	Class I	Class II	Class III and Class III-Limited (see Note 4)		Class IV	Class V
				Predominantly Fresh Waters	Predominantly Marine Waters		
(1) Alkalinity	Milligrams/L as CaCO ₃	Shall not be depressed below 20. In waterbodies with natural alkalinity levels below 20 mg/L, alkalinity shall not be reduced by more than 25%.		Shall not be depressed below 20. In waterbodies with natural alkalinity levels below 20 mg/L, alkalinity shall not be reduced by more than 25%.		≤ 600	
(2) No change.							
(3) Ammonia (Total Ammonia Nitrogen) (Class I, Class III fresh water, and Class III-Limited fresh water)	Milligrams/L as Total Ammonia Nitrogen (TAN = NH ₄ ⁺ + NH ₃)	The 30-day average TAN value shall not exceed the average of the values calculated from the following equation, with no single value exceeding 2.5 times the value from the equation: $30 - \text{day Average} = 0.8876 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right)$					
For waterbodies where an affirmative demonstration has been made that freshwater mussels in the Order Unionoida are naturally absent, the 30-day average TAN value shall not exceed the average of the values calculated from the following equation, with no single value exceeding 2.5 times the value from the equation: $30 - \text{day Average} = 0.9405 \times \left(\frac{0.0278}{1 + 10^{7.688 - pH}} + \frac{1.1994}{1 + 10^{pH - 7.688}} \right)$							
The affirmative demonstration shall follow the methods described in <i>Technical Support Document for Conducting and Reviewing Freshwater Mussel Occurrence Surveys for the Development of Site-specific Water Quality Criteria for Ammonia</i> , EPA-800-R-13-003, U.S. Environmental Protection Agency, August 2013 (http://www.flrules.org/Gateway/reference.asp?No=Ref-06047), and follow the sensitive species deletion process described in <i>Revised Deletion Process for the Site-Specific Recalculation Procedure for Aquatic Life Criteria</i> , EPA-823-R-13-001, U.S. Environmental Protection Agency, April 2013 (http://www.flrules.org/Gateway/reference.asp?No=Ref-06048), which are incorporated by reference herein.							
T and pH are defined as the paired temperature (°C) and pH associated with the TAN sample. For purposes of total ammonia nitrogen criterion calculations, pH is subject to the range of 6.5 to 9.0. The pH shall be set at 6.5 if measured pH is < 6.5 and set at 9.0 if the measured pH is > 9.0.							
(3) Ammonia (un-ionized)	Milligrams/L as-NH ₃	≤ 0.02		≤ 0.02			
(4) through (5) No change.							

(6) (a)	Bacteriological Quality (Fecal Coliform Bacteria)	Number per 100 ml (Most Probable Number or Membrane Filter (MF))	MPN or MF counts shall not exceed a monthly average of 200, nor exceed 400 in 10% of the samples, nor exceed 800 on any one day. Monthly averages shall be expressed as geometric means based on a minimum of 5 samples taken over a 30-day period.	MPN or MF counts shall not exceed a monthly average of 14 with not more than 10% of the samples exceeding the Ten Percent Threshold Value (TPTV) of 43 (for MPN) or 31 (for MF), nor exceed 800 on any one day. To determine the percentage of samples exceeding the criteria when there are both MPN and MF samples for a waterbody, the percent shall be calculated as $100 * (n_{mpn} + n_{mf}) / N$, where n_{mpn} is the number of MPN samples greater than 43, n_{mf} is the number of MF samples greater than 31, and N is the total number of MPN and MF samples.	MPN or MF counts shall not exceed a monthly average of 200, nor exceed 400 in 10% of the samples, nor exceed 800 on any one day. Monthly averages shall be expressed as geometric means based on a minimum of 10 samples taken over a 30-day period.	MPN or MF counts shall not exceed a monthly average of 200, nor exceed 400 in 10% of the samples, nor exceed 800 on any one day. Monthly averages shall be expressed as geometric means based on a minimum of 10 samples taken over a 30-day period.			
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(6) (b)	Bacteriological Quality (<i>Escherichia coli</i> Bacteria)	Number per 100 ml (Most Probable Number or Membrane Filter (MF))	MPN or MF counts shall not exceed a monthly geometric mean of 126 nor exceed the Ten Percent Threshold Value (TPTV) of 410 in 10% or more of the samples during any 30-day period. Monthly geometric means shall be based on a minimum of 5 samples taken over a 30-day period.	MPN or MF counts shall not exceed a monthly geometric mean of 126 nor exceed the Ten Percent Threshold Value (TPTV) of 410 in 10% or more of the samples during any 30-day period. Monthly geometric means shall be based on a minimum of 10 samples taken over a 30-day period.					
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(6)(c)	Number per 100 ml		MPN or MF counts shall not exceed a monthly geometric mean of 35		MPN or MF counts shall not exceed a monthly geometric mean of 35		
Bacteriological Quality (Enterococci Bacteria)	Number per 100 ml (MPN) or Membrane Filter (MF)		nor exceed the Ten Percent Threshold Value (TPTV) of 130 in 10% or more of the samples during any 30-day period. Monthly geometric means shall be based on a minimum of 10 samples taken over a 30-day period.		nor exceed the Ten Percent Threshold Value (TPTV) of 130 in 10% or more of the samples during any 30-day period. Monthly geometric means shall be based on a minimum of 10 samples taken over a 30-day period.		
(7) through (45) No change.							
(46)	Micrograms/L	< 6.6	< 1.7	< 6.6	< 1.7		
Nonylphenol (4-nonylphenol)							
(46) through (50) renumbered as (47) through (51) No change.							
(50)(a) through (50)(d) renumbered as (51)(a) through (51)(d) No change.							
(51)(e)	Micrograms/L	< 2.1		< 2.1			
Carbaryl							
(50)(e) renumbered as (51)(f) No change.							
(51)(g)	Micrograms/L	< 0.041	< 0.0056	< 0.041	< 0.0056		
Chlorpyrifos							
(50)(f) through (50)(g) renumbered as (51)(h) through (51)(i) No change.							
(51)(j)	Micrograms/L	< 0.17	< 0.82	< 0.17	< 0.82		
Diazinon							
(50)(h) through (50)(r) renumbered as (51)(k) through (51)(u) No change.							
(51) through (70) renumbered as (52) through (71) No change.							

Notes: (1) “ln H” means the natural logarithm of total hardness expressed as milligrams/L of CaCO₃. For metals criteria involving equations with hardness, the hardness shall be set at 25 mg/L if actual hardness is < 25 mg/L and set at 400 mg/L if actual hardness is > 400 mg/L. (2) This criterion is protective of human health not of aquatic life. (3) For application of dissolved metals criteria see paragraph 62-302.500(2)(d), F.A.C. (4) Class III-Limited waters have at least one Site Specific Alternative Criterion as established under Rule 62-302.800, F.A.C.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 1-28-90, Formerly 17-3.065, Amended 2-13-92, 6-17-92, Formerly 17-302.540, 17-302.550, 17-302.560, 17-302.570, 17-302.580, Amended 4-25-93, Formerly 17-302.530, Amended 1-23-95, 1-15-96, 5-15-02, 7-19-04, 12-7-06, 8-5-10, 7-3-12, 8-1-13, - -

62-302.531 Numeric Interpretations of Narrative Nutrient Criteria.

(1) No change.

(2) The narrative water quality criterion for nutrients in paragraph 62-302.530(47)(b), F.A.C., shall be numerically interpreted for both nutrients and nutrient response variables in a hierarchical manner as follows:

(a) Where a site specific numeric interpretation of the criterion in paragraph 62-302.530(47)(b), F.A.C., has been established by the Department, this numeric interpretation shall be the primary interpretation. If there are multiple interpretations of the narrative criterion for a waterbody, the most recent interpretation established by the Department shall apply. A list of the site specific numeric interpretations of paragraph 62-302.530(47)(b), F.A.C., may be obtained from the Department’s internet site at <http://www.dep.state.fl.us/water/wqssp/swq-docs.htm> or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

1. through 2. No change.

(b) If site specific numeric interpretations, as described in paragraph 62-302.531(2)(a), F.A.C., above, have not been established for a waterbody, but there is an established, quantifiable cause-and-effect relationship between one or more nutrients and nutrient response variables linked to a value that protects against an imbalance in the natural populations of the aquatic flora or fauna, then the numeric values for the nutrients or nutrient response variables, set forth in this paragraph (2)(b), shall be the applicable interpretations. Absent a numeric interpretation as established in paragraph

62-302.531(2)(a), F.A.C., site specific numeric interpretations are established as follows:

1. For lakes, the applicable numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., for chlorophyll *a* are shown in the table below. The applicable interpretations for TN and TP will vary on an annual basis, depending on the availability of chlorophyll *a* data and the concentrations of nutrients and chlorophyll *a* in the lake, as described below. The applicable numeric interpretations for TN, TP, and chlorophyll *a* shall not be exceeded more than once in any consecutive three year period.

a. through b. No change.

c. For the purpose of subparagraph 62-302.531(2)(b)1., F.A.C., color shall be assessed as true color and shall be free from turbidity. Lake color and alkalinity shall be the long-term geometric mean of all of the data for the period of record, based on a minimum of ten data points over at least three years with at least one data point in each year. If insufficient alkalinity data are available, long-term geometric mean specific conductance values of all of the data for the period of record shall be used, with a value of <100 micromhos/cm used to estimate the 20 mg/L CaCO₃ alkalinity concentration until such time that alkalinity data are available. Long-term geometric mean specific conductance shall be based on a minimum of ten data points over at least three years with at least one data point in each year.

2. No change.

(c) No change.

(3) Except for data used to establish historical chlorophyll *a* levels, chlorophyll *a* data assessed under this chapter shall be measured according to the DEP document titled "Applicability of Chlorophyll *a* Methods" (DEP-SAS-002/10), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06043>), which is incorporated by reference herein. Copies of the chlorophyll *a* document may be obtained ~~from the Department's internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or~~ by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Chlorophyll *a* data collected after [7-3-12] shall be corrected for or free from the interference of pheophytin ~~phaeophytin~~.

(4) through (9) No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021, 403.061, 403.067, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 7-3-12, Amended - - .

EPA to repeal its federal numeric nutrient criterion for Florida, and EPA's determination that Florida's rules address its January 2009 determination that numeric nutrient criteria are needed in Florida.

62-302.532 Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion.

(1) Estuary-specific numeric interpretations of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., are in the table below. The concentration-based estuary interpretations are open water, area-wide averages. Numeric values listed below for nutrient and nutrient response values do not apply to wetlands or to tidal tributaries that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions unless specifically provided by name below. The interpretations expressed as load per million cubic meters of freshwater inflow are the total load of that nutrient to the estuary divided by the total volume of freshwater inflow to that estuary. The numeric values listed below will be superseded if, pursuant to subsection 62-302.531(2), F.A.C., a more recent numeric interpretation of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., such as a Level II Water Quality Based Effluent Limitation (WQBEL), Site Specific Alternative Criterion (SSAC), Total Maximum Daily Load (TMDL), or Reasonable Assurance Demonstration, is established by the Department.

Editorial Note: Rule 62-302.531 will become effective upon approval by EPA in its entirety, conclusion of rulemaking by

Estuary	Total Phosphorus	Total Nitrogen	Chlorophyll a
(a) through (b) No change.			
(c) Sarasota Bay	Criteria expressed as annual geometric mean (AGM) values for nutrients and annual arithmetic means for chlorophyll <i>a</i> are not to be exceeded more than once in a three year period. Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.		
1. No change.			
2. Sarasota Bay (Total Phosphorus and Chlorophyll <i>a</i>)	0.19 mg/L as AGM	See paragraph 62-302.532(1)(b)(i), F.A.C.	6.1 µg/L as annual mean
3. through 5. No change.			
(d) through (h) No change.			
(i) Sarasota Bay	<p>For TN, the annual geometric mean target is calculated from monthly arithmetic mean color by region and season. Annual geometric means that shall not be exceeded more than once in a three year period. The Sarasota Bay regions are defined as north (Manatee County) and south (Sarasota County). The wet season for Sarasota Bay is defined as July through October and the dry season is defined as all other months of the year. The seasonal region targets are calculated using monthly color data and shall be calculated as follows:</p> $NW_i = \ln[(13.35 - (0.32 * CN_i)) / 3.58]$ $ND_i = \ln[(10.39 - (0.32 * CN_i)) / 3.58]$ $SW_i = \ln[(8.51 - (0.32 * CS_i)) / 3.58]$ $SD_i = \ln[(5.55 - (0.32 * CS_i)) / 3.58]$ <p>Where, <i>NW_i</i> is the TN target for <i>i</i>th month calculated for the north region during the wet season <i>ND_i</i> is the TN target for <i>i</i>th month calculated for the north region during the dry season <i>SW_i</i> is the TN target for <i>i</i>th month calculated for the south region during the wet season <i>SD_i</i> is the TN target for <i>i</i>th month calculated for the south region during the dry season <i>CN_i</i> is the arithmetic mean color during the <i>i</i>th month within the north region <u>During the wet season, <i>CN_i</i> shall be set to 41 PCU if the monthly arithmetic mean color is greater than 41 PCU</u> <u>During the dry season, <i>CN_i</i> shall be set to 32 PCU if the monthly arithmetic mean color is greater than 32 PCU</u> <i>CS_i</i> is the arithmetic mean color during the <i>i</i>th month within the south region <u>During the wet season, <i>CS_i</i> shall be set to 26 PCU if the monthly arithmetic mean color is greater than 26 PCU</u> <u>During the dry season, <i>CS_i</i> shall be set to 16 PCU if the monthly arithmetic mean color is greater than 16 PCU</u></p> <p>The annual TN target is calculated as the geometric mean of all monthly regional and season targets as follows:</p> $e^{24 \left(\frac{NW_i + ND_i + SW_i + SD_i}{24} \right)}$ <p>Nutrient and nutrient response values do not apply to tidally influenced areas that fluctuate between predominantly marine and predominantly fresh waters during typical climatic and hydrologic conditions.</p>		
(j) through (cc) No change.			

report titled “Technical Support Document for U.S. EPA’s Proposed Rule for Numeric Nutrient Criteria for Florida’s Estuaries, Coastal Waters, and South Florida Inland Flowing Waters, Volume 2: Coastal Waters,” U.S. Environmental Protection Agency, November 30, 2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03018>), the specified pages of which are incorporated by reference herein. If MODIS or MERIS satellite data are used, the data shall be normalized using the standardization factors provided in the table below, consistent with the process described in Section 1.6.3, pages 26 through 33 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-03019>), in the above referenced EPA document, the specified pages of which are incorporated herein. A copy of the Map of Florida Coastal Segments and the referenced pages from EPA’s document above are available by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

Coastal Segment	Annual Geometric Mean Remotely Sensed Chlorophyll <i>a</i>	MODIS Standardization Factor	MERIS Standardization Factor
1 through 74 No change.			

(3) Estuarine and marine areas for the estuaries listed in subsection 62-302.532(1), F.A.C., are delineated in the maps of the Florida Estuary Nutrient Regions, dated October 2014 and October 2015 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06050> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-05420>~~), which are incorporated by reference herein. Copies of these maps may be obtained by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS #6511, Tallahassee, FL 32399-2400.

(4) To calculate an annual geometric or arithmetic mean for TN, TP, or chlorophyll *a*, there shall be at least four temporally-independent samples per year with at least one sample taken between May 1 and September 30 and at least one sample taken during the other months of the calendar year. To be treated as temporally-independent, samples must be taken at least one week apart.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History—New 7-3-12, Amended 12-20-12, 8-1-13, 8-20-13, 6-7-15, -

Editorial Note: Paragraphs 62-302.532(1)(a)-(j) became effective on 7-3-12, and paragraphs 62-302.532(1)(k)-(p) became effective on 12-20-12, 20 days after filing the rule certification packages for these numeric nutrient criteria. In

accordance with Section 4 of 2013-71, Laws of Florida, and subsection 62-302.531(9), F.A.C., paragraphs 62-302.532(1)(q)-(w), subsections 62-302.532(2) and (4), and the maps delineating these Florida Estuary Nutrient Regions in subsection 62-302.532(3) will become effective upon approval by EPA in their entirety, conclusion of rulemaking by EPA to repeal its federal numeric nutrient criterion for Florida, and EPA's determination that Florida's rules address its January 2009 determination that numeric nutrient criteria are needed in Florida.

62-302.533 Dissolved Oxygen Criteria for Class I, Class II, Class III, and Class III-Limited Waters.

(1) Class I, Class III predominantly freshwaters, and Class III-Limited predominantly freshwaters.

(a) No more than 10 percent of the daily average percent dissolved oxygen (DO) saturation values shall be below the following values:

1. through 2. No change.

3. 34 percent in the Northeast and Big Bend bioregions. A map of the bioregions is contained in *SCI 1000: Stream Condition Index Methods* (DEP-SOP-003/11 SCI 1000), dated March 1, 2014

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-06039>)

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02959>), which is incorporated by reference herein. in Rule 62-160.800, F.A.C.

(b) through (d) No change.

(e) The baseline distributions and maps showing the specific areas utilized by the Gulf Sturgeon and the Oval Pigtoe Mussel are provided in Appendix I of the "Technical Support Document for the Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida's Fresh and Marine Waters" (DEP-SAS-001/13), dated March 2013 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02955>), which is incorporated by reference herein. Copies of Appendix I may be obtained from the Department's internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(2) through (3) No change.

(4) For predominately marine waters, a decrease in magnitude of up to 10 percent from the natural background condition is allowed if it is demonstrated that sensitive resident aquatic species will not be adversely affected using the procedure described in the DEP document titled Appendix H of the "Technical Support Document for the Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida's

Fresh and Marine Waters: Determination of Acceptable Deviation from Natural Background Dissolved Oxygen Levels in Fresh and Marine Waters" (DEP-SAS-001/13), dated March 2013

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-02956>), which is incorporated by reference herein. Copies of Appendix H may be obtained from the Department's internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(5) No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS. History--New 8-1-13, Amended - - .

62-302.800 Site Specific Alternative Criteria.

(1) No change.

(2) Type II Site Specific Alternative Criteria: In accordance with the procedures set forth below, affected persons may petition the Department, or the Department may initiate rulemaking, to adopt an alternative water quality criterion for a specific waterbody, or portion thereof, on the basis of site-specific reasons other than those set forth above in subsection 62-302.800(1), F.A.C. The Department shall process any such petition as follows:

(a) through (c) No change.

(d) The provisions of this subsection do not apply to criteria contained in Rule 62-302.500, F.A.C., or criteria that apply to:

1. Biological ~~Health Integrity~~ (subsection 62-302.530(10), F.A.C.).

2. through 6. No change.

7. Substances, other than nutrients, in concentrations that result in the dominance of nuisance species (subsection ~~62-302.200(20)~~ ~~62-302.530(20)~~, F.A.C.).

8. through 9. No change.

(e) through (f) No change.

(3) Type III Site Specific Alternative Criteria (SSAC) for Nutrients: Upon petition by an affected person or upon initiation by the Department, the Department shall establish, by Secretarial Order, site specific numeric nutrient criteria when an affirmative demonstration is made that the proposed criteria achieve the narrative nutrient criteria in paragraph 62-302.530(47)(b), F.A.C., and are protective of downstream waters. Public notice and an opportunity for public hearing shall be provided prior to adopting any order establishing alternative criteria under this subsection.

(a) The Department shall establish a Type III SSAC if all of the following conditions are met:

1. No change.

2. The petitioner provides sufficient data to characterize water quality conditions, including temporal variability, that are representative of the biological data used to support the SSAC. The water quality data shall be collected in the same waterbody segment as the biological monitoring stations and at a frequency and duration consistent with the study design concepts described in the document titled *Development of Type III Site Specific Alternative Criteria (SSAC) for Nutrients*, (DEP-SAS-004/11), dated October 24, 2011 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06044>), which is incorporated by reference herein. Copies of this document may be obtained from the Department's internet site at http://www.dep.state.fl.us/water/wqssp/swq_does.htm or by writing to the Florida Department of Environmental Protection, Water Quality Standards Program and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Water quality data associated with extreme climatic conditions, such as floods, droughts, and hurricanes, shall be excluded from the analysis.

3. No change.

(b) No change.

(4) through (6) No change.

Rulemaking Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.502 FS. History—Formerly 17-3.05(4), Amended 3-1-79, 10-2-80, 2-1-83, Formerly 17-3.031, Amended 6-17-92, Formerly 17-302.800, Amended 5-15-02, 1-9-06, 6-28-06, 12-7-06, 8-5-07, 8-5-10, 7-3-12, 8-1-13, 10-6-14, - - .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Frick

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jonathan P. Steverson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 19, 2015

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-303.100	Scope and Intent
62-303.150	Relationships Among Planning, Study and Verified Lists
62-303.200	Definitions
62-303.300	Methodology to Develop the Planning List
62-303.310	Evaluation of Aquatic Life Use Support
62-303.320	Aquatic Life-Based Water Quality Criteria
62-303.330	Biological Assessment
62-303.350	Assessments of Numeric Interpretations of Narrative Nutrient Criteria
62-303.351	Nutrients in Freshwater Streams
62-303.352	Nutrients in Freshwater Lakes
62-303.353	Nutrients in Estuaries and Open Coastal Waters
62-303.354	Nitrate-nitrite in Freshwater Spring Vents
62-303.360	Primary Contact and Recreation Use Support
62-303.370	Fish and Shellfish Consumption Use Support
62-303.380	Drinking Water Use Support and Protection of Human Health
62-303.390	The Study List
62-303.400	Methodology to Develop the Verified List
62-303.420	Aquatic Life-Based Water Quality Criteria Assessment
62-303.430	Biological Impairment
62-303.450	Assessments of Numeric Interpretations of Narrative Nutrient Criteria
62-303.460	Primary Contact and Recreation Use Support
62-303.470	Fish and Shellfish Consumption Use Support
62-303.480	Drinking Water Use Support and Protection of Human Health
62-303.500	Prioritization
62-303.600	Evaluation of Pollution Control Mechanisms
62-303.700	Listing Cycle
62-303.710	Format of Verified List and Verified List Approval
62-303.720	Delisting Procedure

PURPOSE AND EFFECT: The proposed revisions to Chapter 62-303, F.A.C., are intended to provide additional clarity in the assessment of recently adopted or concurrently proposed water quality criteria in Chapter 62-302, F.A.C. The rule revisions are adopted as part of the Triennial Review of Florida water quality standards.

SUMMARY: The Department proposes a number of revisions to Chapter 62-303, F.A.C., designed to clarify the assessment methodology for identifying impaired surface waters. New provisions primarily relate to: (1) the assessment of the concurrently proposed bacteria criteria and (2) clarification of the scope of waters on the Study List. There are some changes to the rule text describing the listing cycle and the delisting requirements for certain parameters, as well as some formatting changes and changes to text related to documents incorporated by reference.

The Department conducted an initial set of public workshops on June 10 and June 11, 2015, in Tallahassee and Orlando, respectively, followed by public workshops on September 15, September 16, and September 17, 2015, in West Palm Beach, Orlando, and Tallahassee, respectively.

OTHER RULES INCORPORATING THIS RULE: Chapter 62-303, F.A.C., is referenced by the following rules: 62-40.210, 62-40.430, 62-40.540, 62-302.300, 62-302.530, 62-302.531, 62-302.800, 62-303.100, 62-303.150, 62-303.200, 62-303.300, 62-303.310, 62-303.320, 62-303.330, 62-303.350, 62-303.351, 62-303.352, 62-303.353, 62-303.354, 62-303.360, 62-303.370, 62-303.380, 62-303.390, 62-303.400, 62-303.410, 62-303.420, 62-303.430, 62-303.450, 62-303.460, 62-303.470, 62-303.480, 62-303.500, 62-303.600, 62-303.700, 62-303.710, 62-303.720, 62-303.810, 62-304.100, 62-305.200, 62-672.780, F.A.C. Rule 62-303.100 is referenced by the following rules: 62-302.300, and 62-303.100, F.A.C. Rule 62-303.150 is referenced by the following rule: 62-303.150, F.A.C. Rule 62-303.200 is referenced by the following rules: 62-303.200, 62-303.330, and 62-303.430, F.A.C. Rule 62-303.300 is referenced by the following rule: 62-303.300, F.A.C. Rule 62-303.310 is referenced by the following rule: 62-303.310, F.A.C. Rule 62-303.320 is referenced by the following rules: 62-303.310, 62-303.320, 62-303.330, 62-303.350, 62-303.360, 62-303.370, 62-303.380, 62-303.420, 62-303.460, 62-303.470, 62-303.480, and 62-303.720, F.A.C. Rule 62-303.330 is referenced by the following rules: 62-303.310, 62-303.330, 62-303.420, 62-303.430, and 62-303.720, F.A.C. Rule 62-303.350 is referenced by the following rules: 62-302.300, 62-303.310, 62-303.350, and 62-303.450, F.A.C. Rule 62-303.351 is referenced by the following rules: 62-303.350, 62-303.351, 62-303.352, 62-303.353, 62-303.450, and 62-303.390, F.A.C. Rule 62-303.352 is referenced by the following rules: 62-303.352, 62-303.390, and 62-303.450, F.A.C. Rule 62-303.353 is referenced by the following rules: 62-302.300, 62-303.353, 62-303.390, and 62-303.450, F.A.C. Rule 62-303.354 is referenced by the following rules: 62-303.350, 62-303.354, 62-303.390, and 62-303.450, F.A.C. Rule 62-303.360 is referenced by the following rules: 62-303.360, 62-303.390, and 62-303.720, F.A.C. Rule 62-303.370 is referenced by the following rule: 62-303.370,

F.A.C. Rule 62-303.380 is referenced by the following rules: 62-303.380, 62-303.480 and 62-303.720, F.A.C. Rule 62-303.390 is referenced by the following rules: 62-302.300, 62-303.200, 62-303.390, and 62-303.450, F.A.C. Rule 62-303.400 is referenced by the following rule: 62-303.400, F.A.C. Rule 62-303.420 is referenced by the following rules: 62-303.390, 62-303.400, 62-303.410, 62-303.420, 62-303.460, 62-303.470, 62-303.480, and 62-303.720, F.A.C. Rule 62-303.430 is referenced by the following rules: 62-303.390, 62-303.430, and 62-303.720, F.A.C. Rule 62-303.450 is referenced by the following rules: 62-302.300, 62-303.450 and 62-303.720, F.A.C. Rule 62-303.460 is referenced by the following rules: 62-303.406, 62-303.470, 62-303.480, and 62-303.720, F.A.C. Rule 62-303.470 is referenced by the following rules: 62-303.470 and 62-303.720, F.A.C. Rule 62-303.480 is referenced by the following rules: 62-303.480 and 62-303.720, F.A.C. Rule 62-303.500 is referenced by the following rule: 62-303.500, F.A.C. Rule 62-303.600 is referenced by the following rules: 62-302.531, 62-303.390, 62-303.600, and 62-303.720, F.A.C. Rule 62-303.700 is referenced by the following rule: 62-303.700, F.A.C. Rule 62-303.710 is referenced by the following rule: 62-303.710, F.A.C. Rule 62-303.720 is referenced by the following rule: 62-303.720, F.A.C.

EFFECT ON THOSE OTHER RULES: These amendments are not expected to have an effect on other rules because the amendments are primarily clarifying in nature.

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: Chapter 62-303, F.A.C. sets forth a scientific assessment methodology for the identification of impaired surface waters. The Department's proposed revisions to Chapter 62-303, F.A.C., are primarily designed to simply clarify existing assessment methodologies or to address the assessment methodology for recently adopted numeric nutrient criteria or new water quality criteria being concurrently proposed in Chapter 62-302, F.A.C. The rule chapter is implemented by Department staff, and there is no additional cost to the public or the Department as a result of the proposed revisions. The placement of waters on the Planning and Study Lists are precursors to confirming an impairment (in addition

to its cause) and inclusion on the Verified List of impaired waters. Waters on the Verified List are prioritized for development of Total Maximum Daily Loads (TMDLs). The Department adopts TMDLs by rule in Chapter 62-304, F.A.C. Costs to develop TMDLs for verified impaired waters will be borne by the Department using existing staff, and costs to implement resultant TMDLs will be addressed as part of individual TMDL rulemakings. Therefore, the proposed amendments to Chapter 62-303, F.A.C., are not anticipated to have adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, or regulatory costs. 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: 403.061, 403.067 FS.

LAW IMPLEMENTED: 403.021(11), 403.062, 403.067 FS.

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

DATE AND TIME: Wednesday, December 9, 2015, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429 or the below information. 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: Eric Shaw, Department of Environmental Protection, Water Quality Standards Program, MS 6511, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, (850)245-8429 or e-mail: eric.shaw@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

CHAPTER 62-303

IDENTIFICATION OF IMPAIRED SURFACE WATERS

PART I GENERAL

- 62-303.100 Scope and Intent
- 62-303.150 Relationships Among Planning, Study and Verified Lists
- 62-303.200 Definitions

PART II THE PLANNING LIST

- 62-303.300 Methodology to Develop the Planning List

~~PART II THE PLANNING LIST~~

- 62-303.310 Evaluation of Aquatic Life Use Support

- 62-303.320 Aquatic Life-Based Water Quality Criteria
- 62-303.330 Biological Assessment
- 62-303.340 Toxicity (Repealed)
- 62-303.350 Assessments of Numeric Interpretations of Narrative Nutrient Criteria
- 62-303.351 Nutrients in Freshwater Streams
- 62-303.352 Nutrients in Freshwater Lakes
- 62-303.353 Nutrients in Estuaries and Open Coastal Waters
- 62-303.354 Nitrate-nitrite in Freshwater Spring Vents
- 62-303.360 Primary Contact and Recreation Use Support
- 62-303.370 Fish and Shellfish Consumption Use Support
- 62-303.380 Drinking Water Use Support and Protection of Human Health

PART III THE STUDY LIST

- 62-303.390 The Study List

PART IV THE VERIFIED LIST

- 62-303.400 Methodology to Develop the Verified List
- 62-303.410 Determination of Aquatic Life Use Support

~~PART IV THE VERIFIED LIST~~

- 62-303.420 Aquatic Life-Based Water Quality Criteria Assessment
- 62-303.430 Biological Impairment
- 62-303.440 Toxicity (Repealed)
- 62-303.450 Assessments of Numeric Interpretations of Narrative Nutrient Criteria
- 62-303.460 Primary Contact and Recreation Use Support
- 62-303.470 Fish and Shellfish Consumption Use Support
- 62-303.480 Drinking Water Use Support and Protection of Human Health

PART V MISCELLANEOUS PROVISIONS

- 62-303.500 Prioritization
- 62-303.600 Evaluation of Pollution Control Mechanisms
- 62-303.700 Listing Cycle

~~PART V MISCELLANEOUS PROVISIONS~~

- 62-303.710 Format of Verified List and Verified List Approval
- 62-303.720 Delisting Procedure
- 62-303.810 Impairment of Interstate and Tribal Waters (Repealed)

PART I
GENERAL

- 62-303.100 Scope and Intent.

(1) This chapter establishes a methodology to identify surface waters of the state that will be included on the state's Planning List ~~planning list~~ of waters that will be assessed pursuant to Sections 403.067(2) and (3), Florida Statutes (F.S.), and a methodology to identify surface waters that will be included on the Study List. It also establishes a methodology to identify impaired waters based on

representative data that will be included on the state's Verified List ~~verified list~~ of impaired waters, for which the Department will calculate Total Maximum Daily Loads (TMDLs), pursuant to Section 403.067(4), F.S., and which will be submitted to the United States Environmental Protection Agency (EPA) pursuant to paragraph 303(d)(1) of the Clean Water Act (CWA).

(2) ~~Subsection 303(d) of the CWA and Section 403.067, F.S., describe impaired waters as those not meeting applicable water quality standards, which is a broad term that includes designated uses, water quality criteria, the Florida antidegradation policy, and moderating provisions. However, as recognized when the water quality standards were adopted, M~~many waterbodies ~~water bodies~~ naturally do not meet one or more established water quality criteria at all times, even though they meet their designated use. It is not the intent of this chapter to include waters that do not meet otherwise applicable water quality criteria solely due to natural conditions or physical alterations of the ~~waterbody~~ ~~water body~~ not related to pollutants. Similarly, it is not the intent of this chapter to include waters on the Verified List where designated uses are being met and where water quality criteria exceedances are limited to those parameters for which permitted mixing zones or other moderating provisions [(such as site-specific alternative criteria (SSAC)] are in effect. Waters that do not meet otherwise applicable water quality standards due to natural conditions or to pollution not related to pollutants shall be noted in the state's water quality assessment prepared under subsection 305(b) of the CWA [305(b)/303(d) Integrated Report].

(3) This chapter is intended to evaluate attainment of water quality standards as set forth in Chapter 62-302, F.A.C., for the purposes of identifying ~~waterbodies~~ ~~water bodies~~ or segments for which TMDLs will be established. It is the intent of this chapter to establish requirements that would apply solely for purposes of assessment and listing under CWA sections 303(d) ~~and 305(b)~~. However, it is not the intent of this chapter to establish requirements for other purposes under Florida law. In cases where this chapter relies on numeric indicators of ambient water quality as part of the methodology for determining whether existing narrative criteria are being met ~~and the numeric indicators have not been adopted as numeric criteria~~, these numeric values are intended to be used only in the context of developing ~~the lists a planning list and identifying an impaired water~~ pursuant to this chapter. As such, exceedances of these numeric values shall not, by themselves, constitute violations of Department rules that would warrant enforcement action.

(4) No change.

(5) Pursuant to Section 403.067, F.S., impaired waters shall not be listed on the Verified List ~~verified list~~ if reasonable assurance is provided that, as a result of existing or proposed technology-based effluent limitations and other pollution control programs under local, state, or federal authority, they will attain water quality standards in the future and reasonable progress towards attainment of water quality standards will be made by the time the next 303(d) list for the basin is scheduled to be submitted to EPA.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.021(11), 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06,_____.

62-303.150 Relationships Among Planning, Study and Verified Lists.

(1) The Department shall follow the methodology in Part II to develop a Planning List ~~planning list~~ and the methodology in Part III to develop a Study List ~~study list~~ pursuant to subsection 403.067(2), F.S. As required by Section 403.067(2), F.S., the Planning List ~~planning list~~ and the Study List ~~study list~~ shall not be used in the administration or implementation of any regulatory program. The Planning List ~~planning list~~ shall be submitted to EPA for informational purposes only. Waters on the Planning List ~~this planning list~~ will be assessed pursuant to Section 403.067(3), F.S., as part of the Department's watershed management approach. During this assessment, the Department shall determine whether the waterbody is impaired and whether the impairment is due to pollutant ~~loads~~ ~~discharges~~ using the methodology in Part IV. In cases where a waterbody on the Planning List ~~planning list~~ is determined to be impaired but the Department cannot determine the cause of the impairment, the waterbody shall be placed on a Study List ~~study list~~ for further analysis to determine the causative pollutant(s) or other factors contributing to the impairment. The Study List ~~study list~~ also addresses increasing nutrient or nutrient response variable trends in waterbodies. The Department shall only place a waterbody on the Verified List ~~verified list~~ if pollutant loading or concentrations cause or contribute to nonattainment of water quality standards. The resultant Verified List ~~verified list~~ of impaired waters, which is the list of waters for which TMDLs will be developed by the Department pursuant to Section 403.067(4), F.S., will be adopted by Secretarial Order and will be subject to challenge under Sections 120.569 and 120.57, F.S. Once adopted, the list will be submitted to the EPA pursuant to paragraph 303(d)(1) of the Federal Clean Water Act.

(2) Consistent with state and federal requirements, opportunities for public participation, including workshops, meetings, and periods to submit comments on draft lists, will be provided as part of the basin assessment cycle development of planning, study, and verified lists.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Repromulgated 1-2-07, Amended 7-2-12,___.

62-303.200 Definitions.

As used in this chapter:

(1) “Biological Health Assessment” shall mean one of the following aquatic community-based biological evaluations: Stream Condition Index (SCI), Lake Vegetation Index (LVI), or Shannon-Weaver Diversity Index.

(2) “Biological Reconnaissance (BioRecon)” shall mean a biological assessment that measures stream health in predominantly fresh waters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures (SOP) for the Biological Reconnaissance BioRecon as described in Rule 62-160.800, F.A.C. ~~in the document titled BRN 1000: Biological Reconnaissance Field Method (DEP SOP 003/11 BRN 1000), dated 10-24-11, which is incorporated by reference herein. Copies of the SOP may be obtained from the Department’s internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.~~

(3) “Clean techniques” shall mean those applicable field sampling procedures and analytical methods referenced in “Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels, July 1996, USEPA, Office of Water, Engineering and Analysis Division, Washington, D.C.”

(<http://www.flrules.org/Gateway/reference.asp?No=Ref-06032>) which is incorporated by reference. Copies of the procedures and methods may be obtained ~~from the Department’s internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.~~

(4) through (8) No change.

(9) “Lake Vegetation Index (LVI)” shall mean a Biological Health Assessment that measures ~~lake~~ biological health in predominantly freshwaters lakes using aquatic and wetland plants, performed and calculated using the Standard Operating Procedures for the LVI as described in Rule 62-160.800, F.A.C. in the document titled LVI 1000: Lake Vegetation Index Methods (DEP SOP 003/11 LVI 1000) and

~~the methodology in Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer (DEP SAS 002/11), both dated 10-24-11, which are incorporated by reference herein. Copies of the documents may be obtained from the Department’s internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.~~

(10) No change.

~~(11) “Open coastal waters” shall mean all gulf or ocean waters that are not classified as estuaries or open ocean waters.~~

~~(11)(12) “Nutrient” shall mean total nitrogen (TN), total phosphorus (TP), nitrate-nitrite (NO₃ + NO₂), or other their organic or inorganic forms of nitrogen or phosphorus.~~

~~(12)(13) “Nutrient response variable” shall mean a biological variable, such as chlorophyll *a*, or biomass, or structure of the phytoplankton, periphyton or vascular plant community, that responds to nutrient load or concentration in a predictable and measurable manner. For purposes of interpreting paragraph 62-302.530(47)(b), F.A.C., ~~d~~Dissolved oxygen (DO) shall also be considered a nutrient response variable if it is demonstrated for the waterbody that DO conditions result in biological imbalance and the DO responds to a nutrient load or concentration in a predictable and measurable manner.~~

~~(13)(14) “Nutrient Watershed Region” shall mean a drainage area over which the nutrient thresholds in paragraph 62-302.531(2)(c), F.A.C., apply.~~

(a) through (e) No change.

(f) The South Florida region consists of those areas south of the Peninsula region, such as the Cocohatchee River Watershed, Naples Bay Watershed, Rookery Bay Watershed, Ten Thousand Islands Watershed, Lake Worth Lagoon Watershed, Southeast Coast – Biscayne Bay Watershed, Everglades Watershed, Florida Bay Watershed, and the Florida Keys.

A map of the Nutrient Watershed Regions (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06033>) is incorporated by reference herein and may be obtained ~~from the Department’s internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.~~

~~(14) “Open coastal waters” shall mean all gulf or ocean waters that are not classified as estuaries or open ocean waters.~~

(15) through (16) No change.

(17) “Planning List” shall mean the list of potentially impaired surface waters or segments identified pursuant to Part II of this chapter where additional information is needed

~~for which assessments will be conducted~~ to evaluate whether the water is impaired and a TMDL is needed, as provided in Section 403.067(2), F.S.

(18) No change.

(19) "Pollution" shall be as defined in subsection 502(19) of the CWA and Section 403.031(7)(2), F.S.

(20) "Predominantly fresh waters" shall mean surface waters in which the chloride concentration is less than 1,500 milligrams per liter or specific conductance is less than 4,580 µmhos/cm. Measurements for making this determination shall be taken within the bottom half of the water column.

(21) "Predominantly marine waters" shall mean surface waters in which the chloride concentration is greater than or equal to 1,500 milligrams per liter or specific conductance is greater than or equal to 4,580 µmhos/cm. Measurements for making this determination shall be taken within the bottom half of the water column.

(22) through (26) No change.

(27) "Stream" shall mean a predominantly fresh surface waterbody ~~that the~~ flows in a defined channel with banks., Streams do not include wetlands or portions of streams that exhibit lake characteristics (e.g., long water residence time, increased width, and predominance of biological taxa typically found in non-flowing conditions).

(28) "Stream Condition Index (SCI)" shall mean a Biological Health Assessment that measures stream biological health in predominantly fresh waters using benthic macroinvertebrates, performed and calculated using the Standard Operating Procedures for the SCI as described in Rule 62-160.800, F.A.C. in the document titled *SCI 1000: Stream Condition Index Methods* (DEP SOP 003/11 SCI 1000) and the methodology in *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP SAS 001/11), both dated 10-24-11, which are incorporated by reference herein. Copies of the documents may be obtained from the Department's internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or by writing to the Florida Department of Environmental Protection, Standards and Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. For water quality standards purposes, the Stream Condition Index shall not apply in the South Florida Nutrient Watershed Region.

(29) "Study List" shall mean the list of surface waters or segments where additional information is needed, as identified in Rule 62-303.390, F.A.C., that do not attain surface water quality standards, but the cause of nonattainment is unknown and requires further study to identify the cause of nonattainment, or exhibit a clear adverse trend in nutrients or nutrient response variables where a site specific numeric interpretation has not been established pursuant to paragraph 63-302.531(2)(a), F.A.C.

(30) No change.

(31) "Total Maximum Daily Load" (TMDL) for an impaired waterbody or waterbody segment shall mean the sum of the individual wasteload allocations for point sources and the load allocations for nonpoint sources and natural background. Prior to determining individual wasteload allocations and load allocations, the maximum amount of a pollutant that a waterbody or waterbody segment can assimilate from all sources without exceeding water quality standards must first be calculated. ~~A TMDL shall include either an implicit or explicit margin of safety and a consideration of seasonal variations.~~

(32) "Verified List" shall mean the list of impaired ~~waterbodies~~ water bodies or segments for which TMDLs will be developed ~~calculated~~, as provided in Section 403.067(4), F.S., and which will be submitted to EPA pursuant to paragraph 303(d)(1) of the CWA.

(33) No change.

(34) "Water quality standards" shall mean standards composed of designated present and future most beneficial uses (classification of waters), the numerical and narrative criteria, including Site Specific Alternative Criteria, applied to the specific water uses or classification, the Florida antidegradation policy, and the moderating provisions, such as variances, mixing zone rule provisions, or exemptions.

(35) "Water segment" shall mean a portion of a waterbody that the Department will assess and evaluate for purposes of determining whether the waterbody is impaired and whether the impairment is due to pollutant discharges, a TMDL will be required. Water segments previously evaluated as part of the Department's 1998 305(b) Report are depicted in the map titled "Water Segments of Florida," which is incorporated by reference.

(36) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History--New 6-10-02, Amended 6-5-06, 12-11-06, 7-2-12, ____.

PART II THE PLANNING LIST

62-303.300 Methodology to Develop the Planning List.

This part establishes a methodology for developing a Planning List ~~planning list~~ of waters to be assessed pursuant to Sections 403.067(2) and (3), F.S. Unless information presented to the Department demonstrates otherwise, data older than 10 years are not representative of current conditions and shall not be used except to evaluate historical trends. Any determinations by the Department to use data older than 10 years shall be documented, and the documentation shall include the basis for the decision.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 8-1-13, _____.

PART II
THE PLANNING LIST

62-303.310 Evaluation of Aquatic Life Use Support.

A Class I, II, ~~or III~~, or III-Limited water shall be placed on the Planning List ~~planning list~~ for assessment of aquatic life use support (propagation and maintenance of a healthy, well-balanced population of fish and wildlife) if, based on sufficient quality and quantity of data, the waterbody is:

(1) through (2) No change.

(3) Exceeds nutrient impairment thresholds or numeric nutrient standards as outlined in Rules 62-303.350 through 62-303.354, F.A.C.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, _____.

62-303.320 Aquatic Life-Based Water Quality Criteria Assessment.

(1) Water segments shall be placed on the Planning List ~~planning list~~ if, using objective and credible data, as defined by the requirements specified in this section, the number of samples that do not meet an applicable water quality criterion due to pollutant discharges is greater than or equal to the number listed in Table 1 for the given sample size. For sample sizes up to 500, waters are placed on the Planning List ~~planning list~~ when 10 percent or more of the samples do not meet the applicable criteria with a minimum of an 80 percent confidence level using a binomial distribution. For sample sizes greater than 500, the Department shall calculate the number of samples not meeting the criterion that are needed to list the waterbody with an 80 percent confidence level for the given sample size using the binomial distribution.

Table 1: Planning List

Sample sizes			Are listed if they have at least this # of samples that do not meet a criterion	Sample sizes			Are listed if they have at least this # of samples that do not meet a criterion
From	To			From	To		
10	15		3	256	264		31
16	23		4	265	273		32
24	31		5	274	282		33
32	39		6	283	292		34
40	47		7	293	301		35
48	56		8	302	310		36
57	65		9	311	320		37

66	73	10
74	82	11
83	91	12
92	100	13
101	109	14
110	118	15
119	126	16
127	136	17
137	145	18
146	154	19
155	163	20
164	172	21
173	181	22
182	190	23
191	199	24
200	208	25
209	218	26
219	227	27
228	236	28
237	245	29
246	255	30

321	329	38
330	338	39
339	348	40
349	357	41
358	367	42
368	376	43
377	385	44
386	395	45
396	404	46
405	414	47
415	423	48
424	432	49
433	442	50
443	451	51
452	461	52
462	470	53
471	480	54
481	489	55
490	499	56
500	500	57

(2) The Department’s Florida Storage and Retrieval (FLASTORET) database, or its successors, shall be the primary source of data used for determining whether samples do not meet water quality criteria. As required by subsection 62-40.540(3), F.A.C., the Department, other state agencies, the Water Management Districts, and local governments collecting surface water quality data in Florida shall enter the data into FLASTORET, or its successors, within one year of collection. Other sampling entities that want to ensure their data will be considered for evaluation should ensure their data are entered into FLASTORET. The Department shall consider data submitted to the Department from other sources and databases if the data meet the sufficiency and data quality requirements of this section.

(3) Unless information presented to the Department demonstrates otherwise, data older than ten years ~~at the time the water segment is proposed for listing on the planning list~~ are not representative of current conditions and shall not be used to develop Planning Lists ~~planning lists~~, except to evaluate historical trends ~~in chlorophyll a or TSIs~~. Any determinations by the Department to use data older than 10 years shall be documented, and the documentation shall include the basis for the decision that the data are representative of current conditions. Further, more recent data shall take precedence over older data if:

(a) The newer data indicate a change in water quality and this change is related to changes in anthropogenic pollutant loading to the watershed or improved pollution control mechanisms in the watershed contributing to the assessed area, or

(b) No change.

(4) To place a water segment on the Planning List ~~planning list~~ using Table 1, a water segment shall have a minimum of ten samples for the ten-year period, with at least five temporally independent samples. To be treated as a temporally independent sample, samples shall be at least one week apart, regardless of whether the samples are collected at different locations within the segment.

(a) No change.

(b) For lakes, the daily average DO level shall be calculated as the average of measurements collected in the upper two meters of the water column at the same location and on the same day. For all other fresh_waters, the daily average freshwater DO level shall be calculated as the average of all measurements collected in the water column at the same location and on the same day. If any individual DO measurement is greater than 100 percent saturation, 100 percent shall be substituted for that value for the purpose of calculating daily averages.

(c) through (f) No change.

(g) In making the determination to list water segments, the Department shall consider ambient background conditions, including seasonal and other natural variations.

Lead	ug/L	$\exp((1.273(\ln H))-1.460)$	221
Lindane	ug/L	0.95	0.16
Nickel	ug/L	$\exp((0.8460(\ln H))+2.255)$	75
Nonylphenol	ug/L	28	7
Parathion	ug/L	0.065	N/A
Pentachlorophenol	ug/L	$\exp(1.005(\text{pH})-4.869)$	13
Selenium	ug/L	N/A	290
Silver	ug/L	$\exp((1.72(\ln H))-6.59)$	2.2
Toxaphene	ug/L	0.73	0.21
Zinc	ug/L	$\exp((0.8473(\ln H))+0.884)$	95

(5) For assessment of the portions of the Suwannee, Withlacoochee (North), and Santa Fe Rivers utilized by the Gulf Sturgeon, and in the portions of the Santa Fe and New Rivers utilized by the Oval Pigtoe Mussel, waters will be listed on the Planning List ~~planning list~~ when more than 50 percent of the measurements are below the applicable median or more than 10 percent of the daily average values are below the applicable 10th percentile value at a minimum of a 80 percent confidence level using the binomial distribution. The applicable median and 10th percentile values are specified by river segment in Appendix I of the “*Technical Support Document: Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida’s Fresh and Marine Waters*” (DEP-SAS-001/13), dated March, 2013 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02961>), which is incorporated by reference herein. Copies of Appendix I may be obtained by writing to the Florida Department of Environmental Protection, ~~Standards and Assessment Section~~, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(6) For predominantly marine waters, the Department shall evaluate the daily average DO criterion using Table 1 set forth in subsection 62-303.320(1), F.A.C., above, and shall also evaluate whether the 7-day ~~seven-day~~ and 30-day average criteria have been achieved during the planning period. A water segment shall be placed on the Planning List ~~planning list~~ for potential DO impairment if the number of samples that do not meet the daily average DO criterion is greater than or equal to the number listed in Table 1 for the given sample size, or if it has a weekly average value below the 7-day ~~weekly~~ average DO criterion or a monthly average value below the 30-day ~~monthly average~~ DO criterion in the planning period.

(a) through (b) No change.

(c) For assessment purposes, the 7-day ~~seven-day~~ average DO percent saturation shall be calculated as a weekly average using a minimum of three full days of diel data collected within a week, or a minimum of ten grab samples collected over at least three days within a week, with each sample measured at least four hours apart.

Parameter	Units	Freshwater Value	Marine Value
Aldrin	ug/L	3	1.3
Aluminum	ug/L	750	N/A
Arsenic	ug/L	340	69
Cadmium	ug/L	$\exp((1.0166*(\ln H))-3.924)$	40
Carbaryl	ug/L	2.1	1.6
Chlordane	ug/L	2.4	0.09
Chlorine	ug/L	19	13
Chlorpyrifos	ug/L	0.083	0.011
Chromium III	ug/L	$\exp((0.8190(\ln H))+3.7256)$	N/A
Chromium VI	ug/L	16	1100
Copper	ug/L	$\exp((0.9422*(\ln H))-1.700)$	5.8
Cyanide	ug/L	22	1
DDT	ug/L	1.1	0.13
Diazinon	ug/L	0.17	0.82
Dieldrin	ug/L	0.24	0.71
Endosulfan	ug/L	0.22	0.034
Endrin	ug/L	0.086	0.037
Heptachlor	ug/L	0.52	0.053

(d) through (e) No change.

(7) Notwithstanding the requirements of subsection (4), water segments shall be included on the Planning List ~~planning list~~ if:

(a) through (b) No change.

(8) No change.

(9) The Department shall consider all readily available water quality data collected and analyzed in accordance with Chapter 62-160, F.A.C. If requested, the sampling agency must provide to the Department all of the data quality assessment elements listed in Table 2 of the Department's Guidance Document "Data Quality Assessment Elements for Identification of Impaired Surface Waters" (DEP EAS 01-01, April 2001) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-06034>), which is incorporated by reference herein. Copies of the document may be obtained by writing to the Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(10) No change.

(11) For the assessment of the DO criteria, any DO data collected as a concentration in mg/l shall be converted to percent saturation using the temperature and salinity measured at the same location within fifteen minutes of the DO measurement. Percent DO saturation shall be calculated using the method in Section 5.4 of the "Technical Support Document: Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida's Fresh and Marine Waters," (DEP-SAS-001/13), dated March, 2013 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02958>), which is incorporated by reference herein. Copies of Section 5.4 may be obtained by writing to the Florida Department of Environmental Protection, ~~Standards and Assessment Section~~, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(12) Surface water data with values below the applicable practical quantification limit (PQL) or method detection limit (MDL) shall be assessed in accordance with paragraphs 62-4.246(6)(b) and (c)(4) and subsection 62-303.320(8), F.A.C. Results reported by a laboratory with the "U" data qualifier code according to rule 62-160.340, F.A.C., shall be assessed as half the reported result or half the criterion, whichever is lower.

(a) If sampling entities want to ensure that their data will be considered for evaluation, they should review the Department's list of approved MDLs and PQLs developed pursuant to Rule 62-4.246, F.A.C., and, if available, use approved analytical methods with MDLs below the applicable water quality criteria. If there are no approved methods with MDLs below a criterion, then the method with the lowest MDL should be used. Analytical results listed as below

detection or below the MDL shall not be used for developing Planning Lists ~~planning lists~~ if the MDL was above the criteria and there were, at the time of sample collection, approved analytical methods with MDLs below the criteria on the Department's list of approved MDLs and PQLs.

(b) No change.

(13) No change.

(14) A water segment shall be placed on the Planning List ~~planning list~~ for DO impairment if there has been a statistically significant decreasing trend in DO levels or increasing trend in the range of daily DO fluctuations over the planning period at the 90 percent confidence level using a one-sided Seasonal Kendall test for trend, as described in Helsel, D.R. and R.M. Hirsch, 2002, Statistical Methods in Water Resources, USGS, pages 338 ~~through though~~ 340 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02962>), which are incorporated by reference herein, after controlling for or removing the effects of confounding variables, such as climatic and hydrologic cycles, quality assurance issues, and changes in analytical methods, and except as provided for under Rules 62-302.300 and 62-4.242, F.A.C. A copy of pages 338 through 340 may be obtained by writing to the Florida Department of Environmental Protection, ~~Standards and Assessment Section~~, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400.

(15) For assessment of the 30-day average total ammonia criterion, the monthly average total ammonia shall be calculated for a station using a minimum of four samples collected within the month. A water segment shall be placed on the Planning List for potential total ammonia impairment if a station within the segment has a monthly average value above the 30-day average criterion in the planning period. Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 8-1-13,_____.

62-303.330 Biological Assessment.

(1) No change.

(2) Biological Health Assessments used to evaluate predominantly freshwater ~~fresh water~~ streams and lakes under this rule shall include the Stream Condition Index (SCI), the Lake Vegetation Index (LVI), and the Shannon-Weaver Diversity Index. BioRecons can also be used to evaluate predominantly freshwater ~~fresh water~~ streams under this rule. Because these Biological Health Assessment procedures require specific training and expertise, persons conducting a BioRecon, SCI or LVI must comply with the quality assurance requirements of Chapter 62-160, F.A.C. ~~(including adherence to Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer (DEP SAS 001/11), which was incorporated by reference in subsection 62-~~

~~303.200(29), F.A.C., and *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP-SAS-002/11), which was incorporated by reference in subsection 62-303.200(9), F.A.C.,~~ attend at least eight hours of Department field training, and pass a Department field audit that verifies the sampler follows the applicable SOPs, as set forth in Chapter 62-160, F.A.C., before their Biological Health Assessment data will be considered valid for use under this rule.

(3) A water segment shall be included on the Planning List ~~planning list~~ if it meets any of the following conditions, given a minimum sample size of one bioassessment:

(a) No change.

(b) One of the two most recent SCI Stream Condition Index ~~Index~~ scores is:

1. through 2. No change.

(c) One of the two most recent BioRecon has a scores is ~~is~~ ≤ 4 .

(d) No change.

(4) The “historic maximum value” shall be the highest mean of any three consecutive, temporally independent Stream Condition Index (SCI) scores or Lake Vegetation Index (LVI) scores at the same location that are collected prior to the most recent sample being considered for evaluation with this provision. For the purposes of setting historic maximum values, the “same location” for a stream shall be defined as being within 200 meters.

(5) To qualify as temporally independent samples, each Biological Health Assessment shall be conducted at least three months apart. Biological Health Assessments collected at the same location water segment ~~water segment~~ less than three months apart shall be considered one sample, with the mean value used to represent the sampling period.

~~(6)(5)~~ Other information relevant to the biological health of the water segment, including toxicity tests and information about alterations in the type, nature, or function of a waterbody, shall also be considered when assessing aquatic life use support.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, ____.

62-303.350 Assessments of Numeric Interpretations of Narrative Nutrient Criterion ~~Criteria~~.

(1) The numeric interpretations of the narrative nutrient criterion in sections 62-302.531 and 62-302.532, F.A.C., and the nutrient impairment thresholds identified in Rules 62-303.351 through 62-303.354, F.A.C., shall be the primary means for assessing whether a water should be assessed further for nutrient impairment. Other information indicating an imbalance in flora or fauna due to nutrient enrichment, such

as algal blooms or mats, excessive nuisance macrophyte growth, decrease in the distribution (either in density or areal coverage) of seagrasses or other submerged aquatic vegetation, adverse changes in algal species composition, and excessive diel oxygen swings, shall also be considered for placing waters on the Planning List ~~planning list~~.

(2) To be used to determine whether a waterbody should be assessed further for nutrient enrichment, data

~~(a) Data~~ must meet the requirements of subsections and paragraphs (2), (3), (4)(a), (4)(e)-(g), (2) (4), (7), and (8), (9), (12), and (13) in Rule 62-303.320, F.A.C.;

~~(3)(b)~~ To calculate an annual geometric or arithmetic mean for TN, TP, NO₃-NO₂, or chlorophyll *a*, there shall be at least four temporally-independent samples per year with at least one sample collected between May 1 and September 30 and at least one sample collected during the other months of the calendar year. To be treated as temporally-independent, samples must be collected at least one week apart, ~~and~~

(4) To assess nutrient criteria expressed as a long-term average of annual means for TN, TP, NO₃-NO₂, or chlorophyll *a*, the long-term average of annual means shall be based on data from at least 3 years meeting the minimum data requirements of subsection 62-303.350(3), F.A.C.

(5) To assess nutrient criteria expressed as a long-term average for TN, TP, NO₃-NO₂, or chlorophyll *a*, the long-term average for nutrients shall be based on a minimum of 10 data points over at least 3 years, with at least two temporally independent samples per year, with at least one sample collected between May 1 and September 30 and at least one sample collected during the other months of the calendar year.

~~(6)(e)~~ To be assessed under this chapter, except for data used to establish historical chlorophyll *a* levels, chlorophyll *a* data shall be determined using Department-approved methods as measured according to the DEP document titled, “Applicability of Chlorophyll *a* Methods” (DEP-SAS-002/10), dated October 24, 2011, incorporated by reference herein, unless an alternative method is specifically approved by the Department under Chapter 62-160, F.A.C. Copies of the chlorophyll *a* document may be obtained ~~from the Department’s~~ internet ~~site~~ at ~~http://www.dep.state.fl.us/water/wqssp/swq_docs.htm~~ or by writing to the Florida Department of Environmental Protection, ~~Standards and Assessment Section~~, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Chlorophyll *a* data shall be corrected for or free from the interference of pheophytin.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, ____.

62-303.351 Nutrients in Freshwater Streams.

A stream or stream segment shall be included on the Planning List ~~planning list~~ for nutrients if:

(1) The applicable numeric interpretation of the narrative nutrient criterion established in subsection 62-302.531(2), F.A.C., is exceeded for any parameter;

(2) For streams meeting the definition in subsection 62-302.200(36), F.A.C., that do not have a site specific numeric interpretation of the narrative nutrient criterion, the nutrient thresholds in subparagraph 62-302.531(2)(c)2., F.A.C., are exceeded and insufficient Biological Health Assessment data are available to fully assess achievement of the nutrient provisions in subparagraph 62-302.531(2)(c)1., F.A.C.;

(3) No change.

(4) An aAnnual geometric mean chlorophyll *a* is ~~concentrations are~~ greater than 20 ug/l; or

(5) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP or chlorophyll *a* over the planning period using a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which are incorporated by reference herein. Copies of these pages may be obtained ~~from the Department's internet site at http://www.dep.state.fl.us/water/wqssp/swq_docs.htm or~~ by writing to the Florida Department of Environmental Protection, ~~Standards and Assessment Section~~, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400. Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Repromulgated 1-2-07, 7-2-12, ____.

62-303.352 Nutrients in Freshwater Lakes.

(1) Lakes or lake segments shall be included on the Planning List ~~planning list~~ for nutrients if:

~~(a)~~(1) The numeric interpretation of the narrative nutrient criterion established in subsection 62-302.531(2), F.A.C., is exceeded for any parameter;

(2) through (3) renumbered as (b) through (c) No change.

~~(d)~~ There are insufficient data to calculate the long-term geometric mean for color, alkalinity or specific conductance for a lake, the lake shall be included on the Planning List if the annual geometric mean chlorophyll *a* value is greater than 20 ug/L in at least one year.

(2) Color, alkalinity, and specific conductance data used to establish the applicable lake criteria are subject to the data sufficiency requirements in sub-subparagraph 62.302.531(2)(b)1.c., F.A.C.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, ____.

62-303.353 Nutrients in Estuaries and Open Coastal Waters.

Estuaries, estuary segments, or open coastal waters shall be included on the Planning List ~~planning list~~ for nutrients if:

(1) The numeric interpretation of the narrative nutrient criterion established in subsection 62-302.531(2) or 62-302.532(2), F.A.C., is exceeded for any parameter; or

(2) For estuaries, including tidal creeks, ~~or open coastal waters~~ without a numeric interpretation of the narrative nutrient criterion, their annual geometric mean chlorophyll *a* for any year is greater than 11 ug/l,

(3) No change.

(4) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in TN, TP, or chlorophyll *a* over the planning period using a Mann's one-sided, upper-tail test for trend as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in subsection 62-303.351(5), F.A.C., or

(5) For estuaries with nutrient criteria expressed as not to be exceeded in more than 10 percent of the samples, the nutrient data exceed the listing thresholds in Rule 62-303.320(1), F.A.C. Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 8-1-13, ____.

62-303.354 Nitrate-nitrite in Freshwater Spring Vents.

A spring vent in predominantly fresh waters shall be included on the Planning List ~~planning list~~ for nitrate-nitrite if:

(1) The numeric interpretation of the narrative nutrient criterion established in subsection 62-302.531(2), F.A.C., is exceeded; or

(2) No change.

(3) There is a statistically significant increasing trend in the annual geometric means at the 95 percent confidence level in nitrate-nitrite over the planning period using a Mann's one-sided, upper-tail test for trend, as described in Nonparametric Statistical Methods by M. Hollander and D. Wolfe (1999 ed.), pages 376 and 724, which were incorporated by reference in Rule 62-303.351, F.A.C.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 7-2-12, Amended ____.

62-303.360 Primary Contact and Recreation Use Support.

(1) A Class I, II, III or III-Limited (if primary contact and recreational use is not limited) water shall be placed on the Planning List ~~planning list~~ for evaluating primary contact and recreation use support based on bacteriological data if:

(a) There is a sufficient number of samples from the water segment that do not meet the applicable water quality criteria for *E. coli* for predominantly freshwaters or enterococci for predominantly marine waters expressed as a Ten Percent Threshold Value (TPTV) bacteriological quality based on the methodology described in subsection Rule 62-303.320(1), F.A.C. Data must meet the requirements of subsections 62-303.320(2), (3), (4)(e) – (4)(g), (8), and (9), F.A.C., ~~with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples~~ Samples collected on different days ~~within any four day period~~ will be assessed as individual samples and samples collected on the same day shall be averaged, or

(b) The waterbody includes a sampling location that has one or more monthly geometric mean values above the monthly geometric mean *E. coli* criterion for predominantly freshwaters or enterococci criterion for predominantly marine waters during the planning period. To calculate a monthly geometric mean, there shall be at least ten samples collected within that month, with at least one sample from each full week of the month. Data must meet the requirements of Rules 62-303.320(2), (3), (4)(e) – (4)(g), (8), and (9), F.A.C., and samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged.

(2) A Class I, II, III, or III-Limited water shall be placed on the Planning List for evaluating primary contact and recreation use support based on bathing area closures, advisories, or warnings issued by a local health department or county government if:

~~(a)(b)~~ The water segment includes a bathing area that was closed by a local health Department or county government for more than one week or more than once during a calendar year based on bacteriological data, or

~~(b)(e)~~ The water segment includes a bathing area for which a local health Department or county government has issued closures, advisories, or warnings totaling 21 days or more during a calendar year based on bacteriological data, or

~~(c)(d)~~ The water segment includes a bathing area that was closed or had advisories or warnings for more than 12 weeks during a calendar year by a local health Department or county government based on previous bacteriological data or on derived relationships between bacteria levels and rainfall or flow, ~~or~~

~~(e)~~ The water segment includes a sampling location that has one or more monthly geometric mean values above the monthly geometric mean fecal coliform or enterococci criterion during the planning period. To calculate a monthly geometric mean, there shall be at least ten samples collected within that month, with at least one sample from each full week of the month, or

~~(2) When evaluating a water segment for bacteriological quality under paragraph (1)(a), the criterion used for fecal coliforms shall be that the Most Probable Number (MPN) or Membrane Filter (MF) shall not exceed 400 counts per 100 ml.~~

(3) ~~For data collected after August 1, 2000,~~ The Florida Department of Health (DOH) database shall be the primary source of data used for determining bathing area closures, advisories, and warnings.

(4) Advisories, warnings, and closures based on red tides, rip tides, dangerous aquatic life sharks, hurricanes, or short-term releases of pollutants, such as sewage spills, sewer line breaks, that have been repaired and medical wastes, shall not be included when assessing primary contact and recreation use support. However, the Department shall note for the record that closures, advisories, or warnings data were excluded and explain why they were excluded.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, _____.

62-303.370 Fish and Shellfish Consumption Use Support.

(1) A Class I, II, III or III-Limited water shall be placed on the Planning List ~~planning list~~ for fish and shellfish consumption if:

~~(1) There is a sufficient number of samples from the water segment that do not meet the applicable Class II water quality criteria for bacteriological quality based on the methodology described in Rule 62-303.320, F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days within any four day period will be assessed as individual samples, or~~

~~(2) there~~ There is either a limited or no consumption fish consumption advisory, issued by the DOH, or other authorized governmental entity, in effect for the water segment, ~~or~~

(2) A Class II water shall be placed on the Planning List for shellfish consumption based on its shellfish harvesting classification if

~~(3) For Class II waters,~~ the water segment includes an area that is classified by the Department of Agriculture and Consumer Services' Shellfish Environmental Assessment Section (SEAS) in one of the following shellfish harvesting classifications:

(a) through (c) No change.

(3) A Class II water shall be placed on the Planning List for shellfish consumption based on bacteriological data if:

(a) There is a sufficient number of samples from the water segment that do not meet the applicable Class II water quality criteria for fecal coliforms based on the methodology described in subsection 62-303.320(1), F.A.C. Data must meet the requirements of subsections 62-303.320(2), (3), (4)(e)-

~~(4)(g), (8), and (9), F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days will be assessed as individual samples, or~~

~~(b)(4) For Class II waters, the water segment includes a sampling location that has a median fecal coliform Most Probable Number (MPN) or Membrane Filter (MF) value that exceeds 14 counts per 100 ml for the planning period. To calculate a median value for a sampling location, there shall be at least 10 samples collected during the planning period. Data must meet the requirements of subsections (2)-(4), (8), and (9) in Rule 62-303.320, F.A.C., however samples collected on different days within any four day period will be assessed as individual samples and samples collected on the same day shall be averaged.~~

~~(c)(5) When evaluating a water segment for bacteriological quality under subsection (1), the criteria criterion in paragraph subsection 62-302.530(6)(a), F.A.C., used for fecal coliform shall be that the MPN shall not exceed 43 counts per 100 ml and the MF shall not exceed 31 counts per 100 ml.~~

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, ____ .

62-303.380 Drinking Water Use Support and Protection of Human Health.

(1) A Class I water shall be placed on the Planning List ~~planning list~~ for potential impairment of drinking water use support and the protection of human health based on bacteriological data if:

(a) There is a sufficient number of *E. coli* samples from the water segment that do not meet the applicable Class I water quality criteria for bacteriological quality expressed as a Ten Percent Threshold Value (TPTV) based on the methodology described in Rule 62-303.320, F.A.C. Data must meet the requirements of subsections 62-303.320(2), (3), (4)(e)-(g), (8), and (9), F.A.C. ~~with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples~~ Samples collected on different days ~~within any four day period~~ will be assessed as individual samples and samples collected on the same day shall be averaged, or

~~(b) A public water system demonstrates to the Department that either:~~

~~1. Treatment costs to meet applicable drinking water criteria have increased by at least 25% to treat contaminants that exceed Class I criteria or to treat blue-green algae or other nuisance algae in the source water, or~~

~~2. The system has changed to an alternative supply because of additional costs that would be required to treat their surface water source.~~

~~(b)(e) The water segment includes a sampling location that has one or more monthly geometric mean values above the monthly geometric mean *E.coli* fecal coliform criterion during the planning period. To calculate a monthly geometric mean value for a sampling location, there shall be at least five samples collected within that month, with at least one sample from each full week of the month. Data must meet the requirements of subsections 62-303.320(2), (3), (4)(e)-(4)(g), (8), and (9), F.A.C. Samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged.~~

~~(2) A Class I water shall be placed on the Planning List for potential impairment of drinking water use support and the protection of human health based on information provided by public water systems if a public water system demonstrates to the Department that either:~~

~~(a) Treatment costs to meet applicable drinking water criteria have increased by at least 25% to treat contaminants that exceed Class I criteria or to treat blue-green algae or other nuisance algae in the source water, or~~

~~(b) The system has changed to an alternative supply because of additional costs that would be required to treat their surface water source.~~

~~(2)When determining increased treatment costs described in paragraph (b), costs due solely to new, more stringent drinking water requirements, inflation, or increases in costs of materials shall not be included.~~

~~(3) A water shall be placed on the Planning List ~~planning list~~ for assessment of the threat to human health if:~~

~~(a) No change.~~

~~(b) For human health-based criteria expressed as annual averages, the annual average concentration for any year of the assessment period exceeds the criteria. To be used to determine whether a water should be assessed further for human-health impacts, data must meet the requirements of paragraphs or subsections (2), (3), (6), and (7)(a), (8) and (9) in Rule 62-303.320, F.A.C.~~

~~(4) When evaluating a water segment for bacteriological quality under paragraph (1)(a), the criterion used for fecal coliforms shall be that the MPN or MF shall not exceed 400 counts per 100 ml.~~

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13, ____ .

PART III
THE STUDY LIST

62-303.390 The Study List.

(1) The Study List contains waters where additional information or Department review is needed before the water

~~is placed on the Verified List for TMDL development but available evidence indicates there is a clear adverse trend in nutrients or nutrient response variables with a reasonable expectation that the water will become impaired within 10 years, or evidence indicates nonattainment of water quality standards or stream nutrient thresholds. but the Department does not have enough information to determine the causative pollutant(s) and therefore cannot determine the appropriate remedy, and waters where a site specific numeric interpretation has not been established pursuant to paragraph 63-302.531(2)(a), F.A.C., and there is a clear adverse trend in nutrients or nutrient response variables.~~ Causes of nonattainment can include excess pollutant loading or concentrations, habitat or hydrologic alterations, or natural conditions. ~~Waters that do not attain water quality standards due to natural conditions pursuant to paragraph 62-303.420(1)(b), F.A.C., shall not be added to the Study List.~~ To conform to the expectations of Section 303(d) of the Federal Clean Water Act and federal regulations at 40 C.F.R. 130.7(b), waters and associated parameters ~~identified~~ identified in the Study List will be submitted to EPA as water quality limited segments. However, pursuant to paragraph 403.067(2)(a), F.S., the Study List cannot be used in the administration or implementation of any regulatory program. A TMDL shall not be established for a waterbody placed on the Study List pursuant to subsection 62-303.390(2), F.A.C., until such time as it is placed on the Verified List ~~verified list~~ pursuant to Part IV of this chapter.

(2) A Class I, II, III or Class III-Limited water shall be placed on the Study List ~~study list~~ if:

(a) For waters with a statistically-significant increasing trend in TN, TP, nitrate-nitrite, or chlorophyll *a* pursuant to subsection 62-303.351(5), 62-303.352(3), 62-303.353(4), or 62-303.354(3), F.A.C., the Department confirms the water does not exceed an applicable numeric nutrient criterion and there is:

1. through 2. No change.

(b) A waterbody ~~segment~~ does not achieve the Biological Health Assessment provisions in Rule 62-303.430, F.A.C., but a cause has not been identified;

(c) A waterbody ~~segment~~ is verified as not meeting the dissolved oxygen criterion pursuant to Part IV of this chapter, but a cause has not been identified;

(d) A waterbody ~~segment~~ where pollution control mechanisms are in place or planned that meet the requirements of subsection Rule 62-303.600(1) and (3), F.A.C., except that there is uncertainty when water quality standards will be attained and the waterbody segment requires additional study;

or

(e) For streams meeting the definition in subsection 62-302.200(36), F.A.C., that do not have a site specific numeric interpretation of the narrative nutrient criterion, the nutrient thresholds in subparagraph 62-302.531(2)(c)2., F.A.C., are exceeded based on data from the last 7.5 years and insufficient Biological Health Assessment, chlorophyll *a*, or other response variable data are available to fully assess achievement of the nutrient provisions in paragraph 62-302.531(2)(c), F.A.C.; A TMDL shall not be established for the waterbody prior to the collection of additional response variable data and the conclusion of the next assessment cycle.

(f) There are fewer than twenty samples for a bacteriological water quality criterion expressed as a TPTV, but there are five or more samples that do not meet an applicable water quality criterion based on data from at least five temporally independent sampling events;

(g) A waterbody segment is verified as not meeting the bacteriological water quality criterion pursuant to Part IV of this Chapter, but the Department determines that additional study is needed to evaluate whether the exceedances are due to natural sources given the predominance of natural land uses in the watershed or based on information submitted to the Department; or

(h) A waterbody exceeds a generally applicable criteria, but the Department receives a petition for a SSAC pursuant to Rule 62-302.800, F.A.C., and additional time is needed to review and process the petition.

(3) For wWaters placed on the Study List based on an increasing trend in nutrients or chlorophyll *a* pursuant to that fall under paragraph 62-303.390(2)(a), F.A.C., the Department shall notify local stakeholders about the increasing trend, and do not have a site specific numeric interpretation of the narrative pursuant to paragraph 62-302.351(2)(a), F.A.C., A water shall be removed from the Study List upon development of a new site-specific interpretation of the narrative nutrient criteria for the waterbody that would address the trend, determination that there was a flaw in the original analysis, determination that the trend is no longer statistically significant, development of a restoration plan meeting the requirements of subsection 62-303.600(1), F.A.C., or placement of the water on the Verified List. Those waters subject to a site specific interpretation of the narrative that meet the provisions of subparagraph 62-303.390(2)(a)1., F.A.C., will be reevaluated by the Department to determine whether adjustments are necessary to provide for the attainment and maintenance of water quality standards in downstream waterbodies.

(4) For waters that ~~meet the listing requirements fall~~ under paragraph 62-303.390(2)(b) ~~or (c)~~, F.A.C., above, a stressor identification study shall be conducted to identify the causative pollutant(s) or other factor(s) responsible for nonattainment. A stressor identification study includes collection and analysis of physical, chemical, and biological data necessary to determine the causative pollutant(s) or other factor(s) causing nonattainment.

(5) For waters placed on the Study List pursuant to paragraph 62-303.390(2)(d), F.A.C., the Department shall evaluate progress towards attainment of water quality standards.

(6) For waters placed on the Study List based on exceedances of the nutrient stream thresholds pursuant to paragraph 62-303.390(2)(e), F.A.C., sufficient biological health assessments shall be collected to determine whether the stream attains the stream nutrient standard in paragraph 62-302.531(2)(c), F.A.C.

(7) For waters that fall under paragraph 62-303.390(2)(f), F.A.C., above, additional samples shall be collected to meet a minimum of 20 samples to re-assess the waterbody.

(8) For waters that fall under paragraph 62-303.390(2)(g), F.A.C., above, a bacterial source tracking study shall be conducted to evaluate whether anthropogenic sources are causing exceedances of the bacteriological criteria. The water shall be removed from the Study List if the Department confirms the exceedances are due to non-anthropogenic sources or shall be verified as impaired if at least ten percent of the exceedances are demonstrated to be due to anthropogenic sources.

(9) For waterbodies placed on the Study List to provide time to complete the review and otherwise process a petition for a SSAC, the Department shall reassess the waterbody during the next applicable assessment cycle for the basin.

(10)(5)—It is the Department's goal to collect the additional data needed for waters placed on the Study List pursuant to paragraphs 62-303.390(2)(a)-(c), and (2)(e)-(h), F.A.C., as part of its watershed management approach, with the data collected during either the same cycle that the water is initially listed on the Study List ~~study list~~ or during the subsequent cycle. After collecting the additional data, the Department shall either list the waterbody on the Verified List or remove the waterbody from the Study List, as appropriate. Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 7-2-12, Amended.

PART IV THE VERIFIED LIST

62-303.400 Methodology to Develop the Verified List.

(1) Waters shall be verified as being impaired if they meet the requirements for the Planning List ~~planning list~~ in Part II and the additional requirements of Rules 62-303.420-.480, F.A.C. A waterbody ~~water body~~ that fails to meet the minimum criteria for surface waters established in Rule 62-302.500, F.A.C.; any of its designated uses, as described in this part; or applicable water quality criteria, as described in this part, shall be determined to be impaired.

(2) Additional data and information collected after the development of the Planning List ~~planning list~~ will be considered when assessing waters on the Planning List ~~planning list~~, provided it meets the requirements of this chapter. In cases where additional data are needed for waters on the Planning List ~~planning list~~ to meet the data sufficiency requirements for the Verified List ~~verified list~~, it is the Department's goal to collect this additional data as part of its watershed management approach, with the data collected during either the same cycle that the water is initially listed on the Planning List ~~planning list~~ (~~within 1 year~~) or during the subsequent cycle (~~six years~~).

(3) Unless information presented to the Department demonstrates otherwise, data more than 7.5 years old at the time the water segment is assessed ~~proposed for listing on the verified list~~ are not representative of current conditions and shall not be used except to evaluate historical trends ~~in chlorophyll a or TSIs~~. Any determinations by the Department to use data older than 7.5 years shall be documented, and the documentation shall include the basis for the decision.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06,

PART IV THE VERIFIED LIST

62-303.420 Aquatic Life-Based Water Quality Criteria Assessment.

(1) The Department shall reexamine the data used in Rule 62-303.320, F.A.C., to determine whether water quality criteria are met.

(a) If values exceeding the criteria are not due to pollutant discharges or reflect natural background conditions, including seasonal or other natural variations, the water shall not be listed on the Verified List ~~verified list~~. In such cases, the Department shall note for the record why the water was not listed and provide the basis for its determination that the exceedances were not due to pollutant discharges.

(b) If the Department has information suggesting that the values not meeting the dissolved oxygen (DO) criterion are due to natural background conditions, it is the Department’s intent to support that conclusion through the use of Biological Health Assessment procedures referenced in Rule 62-303.330, F.A.C. The waterbody or segment shall not be included on the Verified List ~~verified list~~ for DO if two or more temporally independent Biological Health Assessments indicate the waterbody supports the protection and maintenance of a healthy, well-balanced population of fish and wildlife. ~~In addition,~~ ~~the~~ Biological Health Assessments shall be conducted either in the same waterbody segment, or for streams, in the contiguous adjacent downstream ~~contiguous adjacent downstream~~ waterbody segment downstream of the segment where the water quality samples were taken. These Biological Health Assessments shall be conducted on the same day or after the water quality samples were collected.

(2) If the water was listed on the Planning List ~~planning list~~ and there were insufficient data from the most recent last ~~most recent last~~ five years of preceding ~~of preceding~~ the Planning List ~~planning list~~ assessment to meet the data distribution requirements of subsection 62-303.320(4), F.A.C., and to meet a minimum sample size for verification of twenty samples, additional data will be collected as needed to provide a minimum sample size of twenty. Once these additional data are collected, the Department shall re-evaluate the data using the approach outlined in subsection 62-303.320(1), F.A.C., but using Table 3, and place waters on the Verified List ~~verified list~~ when 10% or more of the samples do not meet the applicable criteria, with a minimum of a 90% confidence level using a binomial distribution. The Department shall limit the analysis to data collected during the last 7.5 ~~last 7.5~~ five years preceding the planning ~~preceding the planning~~ list assessment ~~and the additional data collected pursuant to this paragraph~~. For sample sizes greater than 500, the Department shall calculate the number of samples not meeting the criterion that are needed for the given sample size using the binomial distribution.

Table 3: Verified List

Minimum number of samples not meeting an applicable water quality criterion needed to put a water on the <u>Verified List</u> list with at least 90% confidence.					
Sample sizes		Are listed if they have at least this # of samples that do not meet a criterion	Sample sizes		Are listed if they have at least this # of samples that do not meet a criterion
From	To		From	To	
20	25	5	254	262	33
26	32	6	263	270	34
33	40	7	271	279	35
41	47	8	280	288	36
48	55	9	289	297	37
56	63	10	298	306	38
64	71	11	307	315	39
72	79	12	316	324	40
80	88	13	325	333	41
89	96	14	334	343	42
97	104	15	344	352	43
105	113	16	353	361	44
114	121	17	362	370	45
122	130	18	371	379	46
131	138	19	380	388	47
139	147	20	389	397	48
148	156	21	398	406	49
157	164	22	407	415	50
165	173	23	416	424	51
174	182	24	425	434	52
183	191	25	435	443	53
192	199	26	444	452	54
200	208	27	453	461	55
209	217	28	462	470	56
218	226	29	471	479	57
227	235	30	480	489	58
236	244	31	490	498	59
245	253	32	499	500	60

(3) If the waterbody was placed on the Planning List ~~planning list~~ based on worst case values used to represent multiple samples taken during a four day period, the Department shall evaluate whether the worst case value should be excluded from the analysis pursuant to subsections (4) and (5). If the worst case value should not be used, the Department shall then re-evaluate the data following the methodology in subsection 62-303.420(2), F.A.C., using the more representative worst case value or, if all valid values are below acutely toxic levels, the median value.

(4) If the waterbody was listed on the Planning List ~~planning list~~ based on samples that do not meet water quality criteria for metals, the metals data shall be excluded if it is determined that the quality assurance requirements of subsection 62-303.320(10)(~~8~~), F.A.C., were not met or that the sample was not collected and analyzed using clean techniques, if the use of clean techniques is appropriate. The Department shall re-evaluate the remaining valid data using the methodology in subsection 62-303.420(2), F.A.C., excluding any data that cannot be validated.

(5) Values that exceed possible physical or chemical measurement constraints (pH greater than 14, for example) or that represent data transcription errors, outliers the Department determines are not valid measures of water quality, water quality criteria exceedances due solely to violations of specific effluent limitations contained in state permits authorizing discharges to surface waters, water quality criteria exceedances within permitted mixing zones for those parameters for which the mixing zones are in effect, and water quality data collected during extended drought or following contaminant spills, discharges due to upsets or bypasses from permitted facilities, or rainfall in excess of the 25-year, 24-hour storm, shall be excluded from the assessment carried out under this rule. However, the Department shall note for the record that the data were excluded and explain why they were excluded.

(6) Once the additional data review is completed pursuant to subsections (1) through (5), the Department shall re-evaluate the data and shall include waters on the Verified List ~~verified list~~ that meet the criteria in subsection 62-303.420(2) or paragraph 62-303.320(7)(~~6~~)(b), F.A.C.

(7) Notwithstanding the requirements of subsection (2), water segments shall also be included on the Verified List ~~verified list~~ if, based on representative data collected and analyzed in accordance with Chapter 62-160, F.A.C.:

(a) For parameters other than bacteriological water quality criteria, there ~~There~~ are less than twenty samples, but there are five or more samples that do not meet an applicable water quality criterion based on data from at least five temporally independent sampling events, or

(b) No change.

(c) For any water chemistry data used to list waters under ~~this~~ paragraph 62-303.420(7)(b), F.A.C., the Department shall include in the administrative record all of the applicable data quality assessment elements listed in Table 2 of the Department's Guidance Document "Data Quality Assessment Elements for Identification of Impaired Surface Waters" (DEP EAS 01-01, April 2001), which was incorporated by reference in subsection 62-303.320(9), F.A.C.

(8) For lakes, the daily average DO level shall be calculated as the average of measurements collected in the upper two meters of the water column at the same location on the same day. For all other fresh_waters, the daily average freshwater DO level shall be calculated as the average of all measurements collected in the water column at the same location and on the same day. If any individual DO measurement is greater than 100 percent saturation, 100 percent shall be substituted for that value for the purpose of calculating daily averages.

(9) The daily average freshwater DO criteria shall be assessed preferentially using daily average values calculated from full days of diel monitoring data. A full day of diel data shall consist of 24 hours of measurements collected at a regular time interval of no longer than one hour. If diel monitoring data are not available, instantaneous samples may be used to assess the DO criterion by comparing the instantaneous ~~instantaneous~~ value with a time-of-day-specific translation of the daily average criterion. To determine the time-of-day-specific translation of the daily average criterion, the time (T) at which the DO sample was taken (in minutes past midnight) is entered into the appropriate equation below for the applicable region and waterbody type. The actual DO measurement collected at a given time is assessed against the calculated time-of-day-specific translation for that time, and if the instantaneous DO is greater than or equal to the calculated value, the daily average DO criterion is achieved.

Region	Equations for Time-of-Day-Specific Translation of the Daily Average DO Criterion
Streams	
Northeast + Big Bend	$1.1844 \times 10^{-13} \cdot T^5 - 4.1432 \times 10^{-10} \cdot T^4 + 4.7729 \times 10^{-7} \cdot T^3 - 1.9692 \times 10^{-4} \cdot T^2 + 0.02314 \cdot T + 31.24$
Peninsula + Everglades	$1.9888 \times 10^{-13} \cdot T^5 - 6.8941 \times 10^{-10} \cdot T^4 + 7.8373 \times 10^{-7} \cdot T^3 - 3.1598 \times 10^{-4} \cdot T^2 + 0.03551 \cdot T + 33.43$
Panhandle West	$9.0851 \times 10^{-14} \cdot T^5 - 2.9941 \times 10^{-10} \cdot T^4 + 3.1560 \times 10^{-7} \cdot T^3 - 1.0851 \times 10^{-4} \cdot T^2 + 0.006285 \cdot T + 65.61$
Lakes	
Northeast + Big Bend	$1.4578 \times 10^{-13} \cdot T^5 - 5.5607 \times 10^{-10} \cdot T^4 + 7.0683 \times 10^{-7} \cdot T^3 - 3.1879 \times 10^{-4} \cdot T^2 + 0.02817 \cdot T + 34.19$
Peninsula + Everglades	$1.3709 \times 10^{-13} \cdot T^5 - 5.0496 \times 10^{-10} \cdot T^4 + 6.1352 \times 10^{-7} \cdot T^3 - 2.5817 \times 10^{-4} \cdot T^2 + 0.01960 \cdot T + 37.14$
Panhandle West	$7.1190 \times 10^{-14} \cdot T^5 - 2.6420 \times 10^{-10} \cdot T^4 + 3.2247 \times 10^{-7} \cdot T^3 - 1.3607 \times 10^{-4} \cdot T^2 + 0.01071 \cdot T + 66.35$

If multiple instantaneous DO samples are available in a day, the time-of-day-specific translation of the daily average criterion will be calculated for each individual sample. Achievement of the daily average DO criterion will be assessed by comparing the average of the actual DO measurements collected at each time against the average of the calculated time-of-day-specific translations for each time. If the average of the measured DO values is greater than or equal to the average of the time-of-day-specific translations of the criteria, the daily average DO criterion is achieved. An average of multiple daily values calculated in this manner will be considered as a single sample for assessment purposes.

(10) For predominantly marine waters, the Department shall evaluate the daily average DO criterion using Table 3 set forth in subsection 62-303.420(1), F.A.C., above, and shall also evaluate whether the seven-day and 30-day average criteria have been achieved during the verified period. A water segment shall be placed on the Verified List ~~verified list~~ for DO impairment if the number of samples below that do not meet the daily average DO criterion is greater than or equal to the number listed in Table 3 for the given sample size, or if there is more than one weekly average value below the weekly average DO criterion in any twelve week period of the verified period or more than one monthly average value below the monthly average DO criterion in any calendar year of the verified period. Prior to placing a waterbody on the Verified List ~~verified list~~, the Department shall identify the causative pollutant(s) responsible for the exceedances of the DO criteria. Before assessing the weekly and monthly average DO criterion, the DO data shall be evaluated pursuant to subsections 62-303.420(3) and (5), F.A.C.

(a) through (e) No change.

(11) For assessment of the DO criteria for the portions of the Suwannee, Withlacoochee (North), and Santa Fe Rivers utilized by the Gulf Sturgeon, and in the portions of the Santa Fe and New Rivers utilized by the Oval Pigtoe Mussel, waters will be placed on the Verified List ~~verified list~~ when more than 50 percent of the measurements are below the applicable median or more than 10 percent of the daily average values are below the applicable 10th percentile values, specified in Appendix I of the “*Technical Support Document: Derivation of Dissolved Oxygen Criteria to Protect Aquatic Life in Florida’s Fresh and Marine Waters*,” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02972>) which was incorporated by reference in subsection 62-303.320(5), F.A.C, at a minimum of a 90 percent confidence level using the binomial distribution.

(12) No change.

(13) A water segment shall be placed on the Verified List ~~verified list~~ for DO impairment if there has been a statistically significant decreasing trend in DO levels or an increasing trend in the range of daily DO fluctuations over the verified period at the 95 percent confidence level using a one-sided Seasonal Kendall test for trend, as described in Helsel, D.R. and R.M. Hirsch, 2002, *Statistical Methods in Water Resources*, USGS, pages 338 through 340 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02973>), which were incorporated by reference in subsection 62-303.320(14) F.A.C., after controlling for or removing the effects of confounding variables, such as climatic and hydrologic cycles, quality assurance issues, and changes in analytical methods. Water segments shall not be placed on the Verified List ~~verified list~~ for DO impairment until the

Department has identified a pollutant causing the decrease or if the decrease in DO levels was authorized under Rules 62-302.300 and 62-4.242, F.A.C.

(14) For assessment of the 30-day average total ammonia criterion, the monthly average total ammonia shall be calculated for a station using a minimum of four samples collected within the month. A water segment shall be placed on the Verified List for total ammonia impairment if a station within the segment has more than one monthly average value above the 30-day average criterion in any calendar year of the verified period.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.021(11), 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 8-1-13, ____.

62-303.430 Biological Impairment.

(1) All Biological Health Assessments used to list a water on the Verified List ~~verified list~~ shall be conducted and interpreted in accordance with Chapter 62-160, F.A.C., including Department-approved Standard Operating Procedures and ~~the~~ Department documents that are incorporated by reference in Chapter 62-160, F.A.C., for the SCI, LVI, and Shannon-Weaver Diversity Index. *Sampling and Use of the Stream Condition Index (SCI) for Assessing Flowing Waters: A Primer* (DEP SAS 001/11), which was incorporated by reference in subsection 62-303.200(29), F.A.C., and *Sampling and Use of the Lake Vegetation Index (LVI) for Assessing Lake Plant Communities in Florida: A Primer* (DEP SAS 002/11), which was incorporated by reference in subsection 62-303.200(9), F.A.C. To be used for placing waters on the verified list, any Biological Health Assessments conducted before the adoption of applicable SOPs for such Biological Health Assessments as part of Chapter 62-160, F.A.C., shall substantially comply with the subsequent SOPs. Biological Health Assessments conducted during conditions inconsistent with the applicable primer shall be excluded from the assessment.

(2) If the water met the requirements for placement on the Planning List ~~was listed on the planning list~~ based on Biological Health Assessment results, the water shall be determined to be biologically impaired if any of the following conditions occur, given a minimum sample size of two temporally independent bioassessments:

(a) The average score of all the at least two temporally independent SCIs Biological Health Assessments is below 40, ~~for the SCI~~ or if either of the two most recent temporally independent SCI scores is less than 35, ~~or 43 for the LVI~~. If there are only two SCIs Biological Health Assessments and the difference between the two scores is greater than 20 points, then an additional SCI ~~or LVI~~ shall be required and the average of all three scores shall be used.

(b) The average score of all the temporally independent LVIs is below 43 for a lake segment. If there are only two LVIs for a lake segment and the difference between the two scores is greater than 20 points, then an additional LVI shall be required and the average of all three scores shall be used.

~~(c)(b)~~ The historic maximum SCI value, as defined in subsection 62-303.330(4), F.A.C., is above 64 and the average of the two most recent temporally independent SCI scores is 20 or more points below the historic maximum value.

~~(d)(e)~~ The historic maximum value LVI, as defined in subsection 62-303.330(4), F.A.C., is above 78 and the average of the two most recent temporally independent LVI scores is 20 or more points below the historic maximum value.

(d) renumbered as (e) No change.

(3) If the water was listed on the Planning List ~~planning list~~ based on BioRecon data, two or more temporally independent SCIs shall be conducted. If the water segment was listed on the Planning List ~~planning list~~ based on other information specified in subsection 62-303.330(6) ~~(5)~~, F.A.C., indicating biological impairment, two or more temporally independent Biological Health Assessments appropriate for the waterbody type shall be conducted in the waterbody segment to verify whether the water is impaired. If available, the Department shall consider other scientifically credible biological assessment methods in predominantly marine waters to verify that the water is biologically impaired. Results from these biological assessments shall be evaluated in accordance with subsection 62-303.430(2), F.A.C., as applicable.

(4) If a waterbody was listed on the Planning List ~~planning list~~ based on failure of the Shannon-Weaver Diversity Index under subsection 62-302.530(10), F.A.C., a minimum of two Biological Health Assessments shall be conducted in accordance with the methodology in Rule 62-303.330, F.A.C., to verify whether the water is impaired. If an SCI or LVI is not applicable for the waterbody type, then the Biological Health Assessment shall be the Shannon-Weaver Diversity Index or other scientifically credible method.

(5) Following verification that a waterbody is biologically impaired, a waterbody shall be included on the Verified List ~~verified list~~ for biological impairment if:

(a) through (b) No change.

(6) If a waterbody is verified as biologically impaired, but a causative pollutant has not been identified, the waterbody shall be included on the Study List ~~study list~~.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, ____.

62-303.450 Assessments of Numeric Interpretations of Narrative Nutrient Criteria.

(1) A stream or estuary without applicable numeric criteria in subsection 62-302.531(2), F.A.C., shall be placed on the Verified List ~~verified list~~ for impairment due to nutrients if it exceeds the chlorophyll *a* thresholds in subsection 62-303.351(4), F.A.C., or subsection 62-303.353(2), F.A.C., more than once in any consecutive three year period, and there are sufficient data from the last 7.5 years, ~~combined with historical data (if needed to establish historical chlorophyll *a* levels)~~, to meet the data sufficiency requirements of subsections 62-303.350(2)-(6), F.A.C. If there are insufficient data, additional data shall be collected as needed to meet the requirements. Once these additional data are collected, the Department shall determine if there is sufficient information, ~~including paleoecological data~~, to develop a site-specific chlorophyll *a* threshold that better reflects conditions beyond which an imbalance in flora or fauna occurs in the water segment. If there is sufficient information, the Department shall re-evaluate the data using the site-specific thresholds. If there is insufficient information, the Department shall re-evaluate the data using the thresholds provided in subsections 62-303.351(4) and 62-303.353(2) ~~(4)~~, F.A.C., for streams and estuaries and verify impairment if there is more than one exceedance in any consecutive three year period. In any case, the Department shall limit its analysis to the use of data collected during the last 7.5 years. If alternative thresholds are used for the analysis, the Department shall provide the thresholds for the record and document how the alternative threshold better represents conditions beyond which an imbalance in flora or fauna is expected to occur.

(2) If the waterbody was listed on either the Planning or Study List ~~study list~~ for nutrient enrichment based on other information indicating an imbalance in flora or fauna, as provided in paragraphs or subsection 62-303.350(1), 62-303.351(3), 62-303.352(1)(b) ~~(2)~~ or 62-303.353(3), F.A.C., the Department shall verify the imbalance before placing the water on the Verified List ~~verified list~~ for impairment due to nutrients and shall provide documentation supporting the imbalance in flora or fauna.

(3) If the waterbody was listed on the Planning List ~~planning list~~ based on paragraphs or subsections 62-303.351(1), 62-303.352(1)(a) and (d), 62-303.353(1) and (5), or 62-303.354(1), F.A.C., ~~upon confirming the imbalance of flora or fauna based on the last 7.5 years of data~~, the Department shall place the waterbody on the Verified List ~~verified list~~ for exceedances of the narrative nutrient criteria in paragraph 62-302.530(47)(b), F.A.C., if the applicable numeric interpretation of the narrative nutrient criterion is exceeded based on the last 7.5 years of data.

(4) If a lake was listed on the Planning List based on subsection 62-303.352(2), F.A.C., and there are still insufficient data to determine the long-term geometric mean color or alkalinity, the Department shall place the lake on the Verified List for exceedances of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., if the annual geometric mean chlorophyll *a* exceeds the applicable criterion for a colored lake in subparagraph 62-302.531(2)(b)1.b., F.A.C., more than once in a three year period in the last 7.5 years.

(5)(4) If the waterbody was listed on the Study List ~~study list~~ for an adverse trend in nutrient response variables pursuant to paragraph 62-303.390(2)(a), F.A.C., the Department shall analyze the potential risk of nonattainment of the narrative nutrient criteria in ~~at~~ paragraph 62-302.530(47)(b), F.A.C. This analysis shall take into consideration the current concentrations of nutrient response variables, the slope of the trend, and the potential sources of nutrients (natural and anthropogenic). If there is a reasonable expectation that the waterbody will become impaired within 5 years, the Department shall place the waterbody on the Verified List ~~verified list~~ to develop a TMDL that establishes a numeric interpretation pursuant to paragraph 62-302.531(2)(a), F.A.C.

(6)(5) The thresholds for impairment due to nutrients in paragraph 62-302.531(2)(c) and subsections 62-303.351(4) and 62-303.353(2) (4), F.A.C., are not required to be used during development of wasteload allocations or TMDLs where a site-specific interpretation of the narrative nutrient criterion in paragraph 62-302.530(47)(b), F.A.C., is established.

(7)(6) When assessing waters for nutrient impairment, the Department shall evaluate whether the data were collected under extreme climatic conditions, such as floods, droughts, and hurricanes. If the needed supporting information is provided to the Department, the Department shall also evaluate whether the data were collected under conditions that are representative of the type of waterbody used to derive the applicable criteria, and whether the samples are biased towards specific non-representative flow conditions. When assessing estuary specific numeric interpretations of the narrative nutrient criterion in Rule 62-302.532, F.A.C., the Department shall also evaluate whether the current ambient monitoring network is representative of the network that was the basis for the numeric interpretation of the narrative nutrient criterion in Rule 62-302.532, F.A.C. The Department will consider this information when developing the final ~~Verified List verified list~~ and shall not list waters as impaired based solely on extreme climatic conditions, ~~non-representative data~~, or changes in the monitoring network.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, 8-1-13,____.

PART V

MISCELLANEOUS PROVISIONS

62-303.460 Primary Contact and Recreation Use Support.

(1) The Department shall review the data used by the DOH as the basis for bathing area closures, advisories or warnings and verify that the values exceeded the applicable DOH thresholds and the data meet the requirements of Chapter 62-160, F.A.C. If the segment is listed on the ~~Planning List planning list~~ based on bathing area closures, advisories, or warnings issued by a local health department or county government, ~~the~~ closures, advisories, or warnings based on red tides, rip tides, sewage spills, sewer line breaks, dangerous aquatic life sharks, medical wastes, hurricanes, or other factors not related to chronic discharges of pollutants shall not be included when verifying primary contact and recreation use support. The Department shall then re-evaluate the remaining data using the methodology in subsection paragraph 62-303.360(2)(4)(e), F.A.C. Water segments that meet the criteria in subsection paragraph 62-303.360(2)(4)(e), F.A.C., shall be included on the Verified List verified list as impaired.

(2) If the water segment was listed on the ~~Planning or Study List planning list~~ due to samples that do not meet water quality criteria for bacteriological quality, the Department shall, to the extent practical, evaluate the source of bacteriological contamination and shall verify that the impairment is due to chronic sources discharges of human-induced bacteriological pollutants before verifying listing the water segment is impaired on the verified list. The Department shall take into account the proximity of municipal stormwater outfalls, septic tanks, ~~and~~ domestic wastewater facilities, and other anthropogenic discharges when evaluating potential sources of bacteriological pollutants. For water segments that contain municipal stormwater outfalls, the impairment documented for the segment shall be presumed to be due, at least in part, to chronic discharges of bacteriological pollutants. The Department shall then re-evaluate the data using the methodology in subsection 62-303.320(1), F.A.C., excluding any values that have been demonstrated to be are elevated solely due to non-anthropogenic sources wildlife, or for enterococci in coastal recreational waters, adjusting the values based on the human health related risk factors for wildlife based enterococci upon meeting the relevant requirements of 40 CFR 131.41(e)(2). If information is provided to the Department indicating that the exceedances may be due to natural sources but there is uncertainty whether anthropogenic sources contributed to the exceedances, the water segment shall be placed on the Study List pursuant to paragraph 62-303.390(2)(g), F.A.C.

(3) Water segments shall be included on the Verified List ~~verified list~~ if:

(a) The number of samples that ~~exceed do not meet~~ the applicable ~~single sample~~ bacteriological water quality criteria expressed as a TPTV meets the requirements in subsection 62-303.420(6), F.A.C. ~~Data must meet the data requirements of subsections and paragraphs 62-303.320(2), (3), (4)(e)-(4)(g), (8), and (9), F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples~~ Samples collected on different days ~~within any four day period~~ will be assessed as individual samples and samples collected on the same day shall be averaged, or

(b) There are one or more exceedances of a bacteriological water quality criterion expressed as a monthly geometric mean during the verified period. Data must meet the requirements of subsections and paragraphs 62-303.320(2), (3), (4)(e) – (4)(g), (8), and (9), F.A.C. Samples collected on different days will be assessed as individual samples and samples collected on the same day shall be averaged. To assess the monthly data for a sampling location, there shall be at least ten samples collected within that month, with at least one sample from each full week of the month.

~~(4) When evaluating a water segment for bacteriological quality under paragraph 62-303.460(3)(a), F.A.C., the criterion used for fecal coliforms shall be that the Most Probable Number (MPN) or Membrane Filter (MF) shall not exceed 400 counts per 100 ml.~~

(5) renumbered (4) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13,_____.

62-303.470 Fish and Shellfish Consumption Use Support.

(1) ~~In order to be used under this part, the~~ The Department shall review the fish consumption advisories and the data used by the DOH as the basis for the fish consumption advisories and shall only use the advisories and data under this part if the following requirements are met determine whether it meets the following requirements:

(a) The advisory is based on the statistical evaluation of fish tissue data from at least twelve fish collected from the specific water segment or waterbody ~~water body~~ to be listed,

(b) through (c) No change.

(2) Waters with advisories determined to meet the requirements of this section or waters where scientifically credible and compelling information meeting the requirements of Chapter 62-160, F.A.C., indicates the applicable human health-based water quality criteria are not met shall be listed on the Verified List ~~verified list~~. Any determinations to list waters based on this provision shall be documented, and the documentation shall include the basis for the decision.

(3) Class II waters shall be included on the Verified List ~~verified list~~ for fecal coliform ~~impairment~~ if, following review of the available data as described in subsection 62-303.460(2), F.A.C.:

(a) The number of samples above 43 counts per 100 ml meet the requirement in subsection 62-303.420(6), F.A.C. Data must meet the data requirements of subsections and paragraphs 62-303.320(2), (3), (4)(e)-(4) (g), (8), and (9), F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and s~~Samples~~ collected on different days ~~within any four day period~~ will be assessed as individual samples, or

(b) The water segment includes a sampling location that has a median fecal coliform MPN or MF value that exceeds 14 counts per 100 ml for the verified period. To calculate a median value for a sampling location, there shall be at least 20 samples collected during the verified period.

(4) Waters that qualify for placement on the Planning List ~~planning list~~ based on shellfish harvesting classification information shall be verified as impaired for fecal coliforms. Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13,_____.

62-303.480 Drinking Water Use Support and Protection of Human Health.

If the water segment was listed on the Planning List ~~planning list~~ due to exceedances of a human health-based water quality criterion, the Department shall re-evaluate the data using the methodology in subsections 62-303.380(1) and (3), F.A.C., and limit the analysis to data collected within 7.5 years of the time the water segment is proposed for listing on the Verified List ~~verified list~~. Data older than 7.5 years shall be used if it is demonstrated to be representative of current conditions. Any determinations to use older data shall be documented by the Department, and the documentation shall provide the basis for the decision that the data are representative of current conditions. For this analysis, the Department shall exclude any data meeting the requirements of subsection 62-303.420(5), F.A.C. The following water segments shall be listed on the Verified List ~~verified list~~:

(1) through (2) No change.

(3) For bacteriological water quality criteria, water segments shall be ~~included on the~~ verified as impaired list if, following review of the available data as described in subsections 62-303.460(2) and (5), F.A.C.:

(a) The number of months ~~samples~~ that do not meet the applicable ~~single sample~~ bacteriological water quality criteria expressed as a TPTV meet the requirements in subsection 62-303.420(6), F.A.C. Data must meet the data requirements of subsections 62-303.320(2), (3), (4)(e)-(4)(g), and (8), F.A.C.

~~with the exception that paragraph 62 — 303.320(4)(a), F.A.C., does not apply and s~~ Samples collected on different days ~~within any four day period~~ will be assessed as individual samples and samples collected on the same day shall be averaged, or

(b) No change.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 8-1-13,_____.

PART V

MISCELLANEOUS PROVISIONS

62-303.500 Prioritization for TMDL Development.

(1) When establishing the TMDL development schedule for water segments on the Verified List ~~verified list~~ of impaired waters, the Department shall prioritize impaired water segments according to the severity of the impairment and the designated uses of the segment, taking into account the most serious water quality problems; most valuable and threatened resources; and risk to human health and aquatic life. Impaired waters shall be prioritized as high, medium, or low priority.

(2) No change.

(3) The following waters shall be designated low priority:

(a) No change.

(b) Water segments that are not designated as high priority, and the Department has concluded that local stakeholders are diligently working on a demonstration per subsection 62-303.600(1) and (2), F.A.C., by the next listing cycle for the basin. ~~were not on a planning list of impaired waters, but which were identified as impaired during the second phase of the watershed management approach and were included in the verified list, unless the segment meets the criteria in subsection (2) for high priority.~~

(4) All segments not designated high or low priority shall be medium priority and shall be prioritized based on the following factors:

(a) through (b) No change.

~~(c) The presence of water segments with greater than twenty five percent of the samples not meeting an applicable water quality criterion or alternative threshold with a minimum of a 90 percent confidence level.~~

(d) renumbered as (c) No change.

~~(d)(e)~~ Administrative needs of the TMDL program, including meeting a TMDL development schedule agreed to with EPA, focusing TMDL development where it is the most effective approach to restoration, and basin priorities related to following the Department's watershed management approach, and the number of administratively continued permits in the basin.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 8-1-13,_____.

62-303.600 Evaluation of Pollution Control Mechanisms.

(1) Upon determining that a waterbody ~~water body~~ is impaired or determining there is an increasing trend in nutrients with a reasonable expectation that the waterbody will become impaired within 5 years, the Department shall evaluate whether existing or proposed technology-based effluent limitations and other pollution control programs under local, state, or federal authority are sufficient to result in the attainment of applicable water quality standards.

(2) If, after evaluation of the pollution control mechanisms as a result of the factors set forth in subsection (1), the water segment is expected to attain water quality standards in the future and is expected to make reasonable progress towards attainment of water quality standards by the time the next 303(d) list for the basin is scheduled to be submitted to EPA, the segment shall not be listed on the Verified List ~~verified list~~. The Department's ~~shall document the basis for its decision~~ shall be based on a plan that provides reasonable assurance that, noting any proposed pollution control mechanisms and expected improvements in water quality in that provide reasonable assurance that the water segment will attain applicable water quality standards.

(3) For water segments with planned or on-going restoration activities that will address the non-attainment of water quality standards, stakeholders may submit information to the Department demonstrating pollutant reduction mechanisms to address the non-attainment.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Repromulgated 1-2-07, Amended _____.

62-303.700 Listing Cycle.

The Department shall, to the extent practical, develop basin-specific Verified Lists ~~verified lists~~ of impaired waters as part of its watershed management approach, which rotates through the State's surface water basins on a five year cycle. ~~At the end of the first phase of the cycle, which is designed to develop a preliminary assessment of the basin, the Department shall update the planning list for the basin and shall include the planning list in the status report for the basin, which will be noticed to interested parties in the basin.~~ If the specific pollutant(s) or response variables contributing to causing the impairment in a particular water segment is not known at the time the Planning or Study List ~~planning list~~ is prepared, information in the lists shall provide the basis for including the water segment on the applicable ~~planning~~ list. ~~In these cases,~~ the pollutant and concentration(s) causing the impairment shall be identified before the water segment is included on the

~~Verified List verified list~~ to be adopted by Secretarial Order. During the ~~listing second phase of the cycle, which is designed to collect additional data on waters in the basin,~~ interested parties shall be provided the opportunity to work with the Department to collect and evaluate additional water quality data and provide comments to the Department on the basin-specific lists. At any time during the listing cycle ~~Alternatively,~~ interested parties may develop proposed water pollution control mechanisms that may affect the final ~~Verified List verified list~~ adopted by the Secretary ~~at the end of the second phase.~~ To ensure that data or information will be considered in the preliminary basin assessment, it must be submitted to the Department or entered into FLASTORET, or its successors, or, if applicable, the DOH database no later than 60 days after the end of the verified period ~~September 30~~ during the year of the assessment.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, .

62-303.710 Format of Verified List and Verified List Approval.

(1) The Department shall follow the methodology established in this chapter to develop basin-specific Verified List verified lists of impaired water segments. The Verified List verified list shall specify the pollutant or pollutants causing the impairment and the concentration of the pollutant(s) causing the impairment. If the water segment is listed based on numeric water quality criteria, then the Verified List verified list shall provide the applicable criteria. However, if the listing is based on narrative or biological criteria, or impairment of other designated uses, and the water quality criteria are met, the list shall specify the concentration of the pollutant relative to the water quality criteria and explain why the numerical criterion is not adequate.

(2) Segments impaired for pollutants that are no longer legally allowed to be used or discharged shall not be placed on the Verified List verified list because the TMDL will be zero for the pollutant.

(3) For waters impaired for biological health or dissolved oxygen, the Department shall identify the pollutants causing or contributing to the impairment ~~and list both the pollutant and dissolved oxygen~~ on the Verified List verified list. If the factor(s) causing the impairment cannot be identified, the water shall be placed on the Study List study list.

~~(4) For waters impaired by nutrients, the Department shall identify whether nitrogen or phosphorus, or both, are the limiting nutrients for the verified period, and specify the limiting nutrient(s) in the verified list.~~

~~(4)(5)~~ The Verified List verified list shall also include the priority and the schedule for TMDL development established for the water segment, as required by federal regulations.

~~(6) The verified list shall also note any waters that are being removed from the current planning list and any previous verified list for the basin.~~

~~(5)(7)~~ The Verified List verified basin specific 303(d) list shall be approved by order of the Secretary, and the order shall also note any waters that are being removed from the Verified List.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 7-2-12, ____.

62-303.720 Delisting Procedure.

(1) Waters on Planning planning or Study Lists study lists developed under this chapter that are verified to not be impaired during development of the Verified List verified list shall be removed from the State's Planning planning or Study List study list. ~~Once a waterbody segment is verified to not be impaired pursuant to Part IV of this chapter, the data used to place the waterbody on the planning or study list shall not be the sole basis for listing that waterbody segment on future planning lists.~~

(2) Waterbody segments shall be removed from the State's Verified List verified list only after adoption of a TMDL, a Department determination that pollution control programs provide reasonable assurance that water quality standards will be attained pursuant to Rule 62-303.600 F.A.C., or upon a demonstration that the waterbody meets the waterbody quality standard that was previously established as not being met.

(a) For waters listed due to failure to meet aquatic life use support based on water quality criteria or due to threats to human health based on single sample water quality criteria, the water shall be delisted when:

1. through 2. No change.
3. Following demonstration that the water was inappropriately listed due to flaws in the original analysis, evaluation of available data indicates the water does not meet the criteria for listing established in Rule 62-303.420, F.A.C.

(b) New data evaluated under subparagraph 62-303.720(2)(a)1., F.A.C., must meet the following requirements:

- a. through b. renumbered as 1. through 2. No change.
3. e. The data must meet the requirements of subsections 62-303.320(4), ~~(8)(6)~~ and ~~(9)(7)~~, F.A.C.

~~(c)(b)~~ For waters listed due to failure to meet aquatic life use support based on biological data pursuant to Rule 62-303.430, F.A.C., the waterbody shall be delisted when two temporally independent follow-up Biological Health

Assessments have been conducted and the waterbody no longer qualifies for the Planning List ~~planning list~~ pursuant to subsection 62-303.330(3), F.A.C. The follow-up tests must meet the following requirements:

1. No change.

~~2. The Biological Health Assessments must be conducted during similar conditions (same seasons and general flow conditions) under which the previous Biological Health Assessments used to determine impairment were collected.~~

~~2.3-~~ The data must meet the requirements of subsections 62-303.330(1) and (2), F.A.C.

(c) through (f) renumbered as (d) through (g) No change.

~~(h)(g)~~ For waters listed based on bacteriological water quality criteria expressed as a monthly geometric mean or a median pursuant to paragraph 62-303.460(3)(b), 62-303.470(3)(b), or 62-303.480(3)(b), F.A.C., the water shall be delisted when:

1. For listings based on bacteriological water quality criteria expressed as a monthly geometric mean, ~~t~~The criteria applicable to those sections are met for three consecutive years and there are sufficient new data available to calculate monthly values for at least the same seasons in which the exceedances occurred, ~~or~~

2. For listings based on bacteriological water quality criteria expressed as a median, the criteria applicable to those sections are met for the verified period, or

~~3.2-~~ Following a demonstration that the water was inappropriately listed due to flaws in the original analysis, including the use of a non-representative sample set.

~~(i)(h)~~ For waters listed based on single-sample bacteriological water quality criteria pursuant to paragraph 62-303.460(3)(a), 62-303.470(3)(a), or 62-303.480 (3)(a), F.A.C., the water shall be delisted upon meeting the delisting provisions in paragraph 62-303.720(2)(a), F.A.C.

~~(j)(i)~~ No change.

~~(k)(j)~~ For waters listed based on nutrient impairment, the waterbody shall be delisted if:

1. It was listed based on exceedances of a nutrient threshold in subsection 62-303.450(1), F.A.C., but it does not meet the listing thresholds in subsection Rule 62-303.450(1), F.A.C., for three consecutive years; ~~or~~

2. It was listed based on exceedances of a numeric nutrient criterion expressed as an annual geometric mean or annual mean, and the water attains the criterion for three consecutive years;

3. It was listed based on other information indicating an imbalance in flora or fauna pursuant to subsection 62-303.450(2), F.A.C, and it is demonstrated to not exceed the narrative nutrient criteria at paragraph 62-302.530(47)(b), F.A.C., pursuant to the provisions of subsection 62-303.450(2)(3), F.A.C.;

4. It was listed based on exceedances of a numeric nutrient criterion expressed as a long-term average or long-term average of annual means, and the long-term average over the verified period no longer exceeds the criterion;

5. It was listed based on exceedances of a numeric nutrient criterion expressed as not to be exceeded in more than 10 percent of the measurements, and the water meets the delisting requirements of subsection 62-303.720(2)(a)1., F.A.C.;

6. It was listed based on exceedance of a loading based numeric nutrient criterion and the water attains the criterion for three consecutive years; or

7. It was listed based on an increasing trend in chlorophyll a and based on additional data and analysis the trend is no longer statistically significant or the water is no longer expected to become impaired within 5 years.

~~(l)(k)~~ No change.

~~(m)(l)~~ For waters listed due to failure to meet aquatic life use support based on paragraph 62-303.420(7)(b), F.A.C., or due to failure to meet fish consumption use support based on subsection 62-303.470(2)(3), F.A.C., the waterbody shall be delisted if the Department determines the waterbody is no longer impaired, based on scientifically credible and compelling information comparable in quantity and quality to the information used to make the initial listing decision. Any determinations to delist waters based on this provision shall be documented, and the documentation shall include the basis for the decision.

Table 4. Delisting					
Maximum number of samples that do not meet an applicable water quality criterion allowable to DELIST with at least 90% confidence.					
Sample Sizes		Maximum # of Samples not meeting a criterion allowable for delisting	Sample sizes		Maximum # of Samples not meeting a criterion allowable for delisting
From	To		From	To	
30	37	0	279	289	21
38	51	1	290	300	22
52	64	2	301	311	23
65	77	3	312	323	24
78	90	4	324	334	25
91	103	5	335	345	26
104	115	6	346	356	27
116	127	7	357	367	28
128	139	8	368	378	29
140	151	9	379	389	30
152	163	10	390	401	31
164	174	11	402	412	32
175	186	12	413	423	33
187	198	13	424	434	34
199	209	14	435	445	35
210	221	15	446	456	36
222	232	16	457	467	37
233	244	17	468	478	38
245	255	18	479	489	39
256	266	19	490	500	40
267	278	20			

(n)(m) For waters listed due to failure to meet aquatic life use support pursuant to paragraph 62-303.320(7) (6)(b), F.A.C., the water shall be delisted when the applicable criteria are met for at least three consecutive years and there are new data available for the same seasons in which the previous exceedances occurred.

(o)(n) For waterbodies listed on the Verified List ~~verified list~~, the water shall be delisted from the Verified List ~~verified list~~ for a given parameter and added to the Study List ~~study list~~ when subsequent analysis demonstrates that the cause of the impairment was incorrect and therefore, the cause of the impairment is unknown ~~or otherwise demonstrates that a TMDL is not appropriate~~.

(p)(e) For waters listed based on the 30-day monthly average DO criterion for predominantly marine waters ~~or the 30-day average ammonia criterion~~, the waterbody shall be delisted when the monthly average meets the ~~DO~~ criterion is ~~met~~ for at least three consecutive years and there are new data available for the same seasons in which the criterion was previously not achieved.

(q)(p) No change.

(3) Any delisting of waters from the Verified List ~~verified list~~ shall be approved by order of the Secretary at such time as the requirements of this section are met.

Rulemaking Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, 9-4-07, 7-2-12, 8-1-13,____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Frick

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jonathan P. Stevenson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 19, 2015

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NOS.: RULE TITLES:
64B6-4.008 Unlicensed Activity Fee
64B6-4.011 Special Assessment Fee

PURPOSE AND EFFECT: The Board proposes the repeal of the rules due to unnecessary or outdated language.

SUMMARY: Due to unnecessary or outdated language, the Board proposes the repeal of the 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: During discussion of the economic impact of the rules at its Board meeting, the Board determined that a SERC was not necessary and that the rules will not require ratification by the Legislature because the fees required in the rules are no longer collected. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.025(5), 456.065, 484.044 FS.

LAW IMPLEMENTED: 456.025(5), 456.065 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-4.008 Unlicensed Activity Fee.

Rulemaking Specific Authority 456.065 FS. Law Implemented 456.065 FS. History—New 6-16-94, Formerly 61G9-4.016, Repealed.

64B6-4.011 Special Assessment Fee.

Rulemaking Specific Authority 456.025(5), 484.044 FS. Law Implemented 456.025(5) FS. History—New 4-11-04, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2015

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:

73B-10.037 Public Use Forms

PURPOSE AND EFFECT: To update Reemployment Tax Forms by amending forms so that they clarify the information needed and when the form should be filed

SUMMARY: These rules will address the Reemployment Tax of the Florida Reemployment Assistance Program. These rules will provide forms for individuals and employers to file documents necessary for the administration of Reemployment Tax in Florida.

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 performed a review of the statutory requirements and has determined that its proposed rule 73B-10.037, has no adverse impact or regulatory costs which exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The rule is therefore expected be able to take effect without the need of being ratified by the Legislature.

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: 443.1317 FS.

LAW IMPLEMENTED: 443.131, 443.141, 443.171(5) 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: Michael Golen, Office of General Counsel, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

73B-10.037 Public Use Forms.

(1) No Change.

(2) No Change.

Form Number	Title	Effective Date

(3)(a) – (c). No Change.
 (d): RT-6N Employer’s Quarterly Report Instructions (R. ~~XX/15 01/15~~ XX-XX-15 11-25-14)

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

)

(3)(e). No Change.

(4) through (6). No Change.

(6)(a): RT-28 Election of Nonprofit Organization Method of Payment

Under the Florida Reemployment Tax Law (R. XX/15 05/14) XX-XX-15 11-25-14

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

_____)

(b): RT-28G Election of Public Employer Method of Payment

Under the Florida Reemployment Tax Law (R. XX/15 04/14) XX-XX-15 11-25-14

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

_____)

(c): RT-28T Indian Tribe Election of Payment Method

Under the Florida Reemployment Tax Law (R. XX/15 05/14) XX-XX-15 11-25-14

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

_____)

(7). No Change.

(8): RT-89 Reemployment Tax Instructions for Excess Wage Computation (R. XX/15 01/15)

XX-XX-15 11-25-14

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

)

(9). No Change.

(10)(a): RTS-1S Report to Determine Succession and Application

for Transfer of Experience Rating Records (R. XX/15 01/13) XX-XX-15 11-25-14

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

)

(b): RTS-1SA List of Employees to be Transferred (R. XX/15 01/13) XX-XX-15 11-25-14

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

)

(11) No Change.

(12): RTS-3 Employer Account Change Form (R. XX/15 01/15) XX-XX-15 11-25-14

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

)

(13) through (19). No Change.

(20): RTS-72 Affidavit of Concurrent Employment (R. ~~XX/15 01/13~~ ~~XX-XX-15 11-25-14~~)

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

(21). No Change.

Rulemaking Authority 443.1317 FS. Law Implemented 443.131, 443.141, 443.171(5), 443.171(5) FS. History—New 1-19-03, Amended 7-8-04, 7-18-06, 12-27-06, Formerly 60BB-2.037, Amended 6-2-14, 11-25-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Michael Golen, Office of General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jesse Panuccio

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 10/30/15

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/1/2015

Section III Notice of Changes, Corrections and Withdrawals

ADMINISTRATION COMMISSION

RULE NOS.:	RULE TITLES:
28-24.003	Electrical Generating Facilities and Transmission Lines
28-24.004	Hospitals
28-24.005	Industrial Plants and Industrial Parks
28-24.006	Mining Operations
28-24.008	Petroleum Storage Facilities
28-24.009	Port Facilities
28-24.017	Hospitals
28-24.018	Industrial Plants and Industrial Parks
28-24.019	Mining Operations
28-24.021	Petroleum Storage Facilities
28-24.022	Port Facilities
28-24.026	Hotel or Motel Development
28-24.029	Industrial Plants, Industrial Parks and Distribution, Warehousing or Wholesaling Facilities
28-24.030	Port Facilities
28-24.033	Port Facilities
28-24.034	Port Facilities
28-24.036	Port Facilities

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 195, October 7, 2015 issue of the Florida Administrative Register.

The Summary of Statement of Estimated Regulatory Costs and Legislative Ratification Section of the previously published Notice of Proposed Rule has been corrected as follows:

After staff review of the proposed rule repeals, it has been determined that there will be no increased regulatory cost. There is no need for Legislative ratification of these rule repeals.

The person to be contacted regarding the proposed rule repeal is: Barbara Leighty, Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida, (850)717-9513.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.831 **RULE TITLE:** Standards of Practice for the Dispensing of Controlled Substances for Treatment of Pain
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. 41 No. 199, October 13, 2015 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee, submitted public comments, and a discussion and vote by the Board at its meeting held October 30, 2015. The Notice of Change is a further substantial rewording of the originally proposed rule that published on October 13, 2015. See Florida Administrative Code for present text.

The rule shall now read as follows:

64B16-27.831 Standards of Practice for the Filling of Controlled Substance Prescriptions; Electronic Prescribing; Mandatory Continuing Education.

The Board of Pharmacy recognizes that it is important for the patients of the State of Florida to be able to fill valid prescriptions for controlled substances. In filling these prescriptions, the Board does not expect pharmacists to take any specific action beyond exercising sound professional judgment. Pharmacists should not fear disciplinary action from the Board or other regulatory or enforcement agencies for dispensing controlled substances for a legitimate medical purpose in the usual course of professional practice. Every patient's situation is unique and prescriptions for controlled substances shall be reviewed with each patient's unique situation in mind. Pharmacists shall attempt to work with the patient and the prescriber to assist in determining the validity of the prescription.

(1) Definitions: For purposes of this rule the following definitions shall apply.

(a) Valid Prescription. A prescription is valid when it is based on a practitioner-patient relationship and when it has been issued for a legitimate medical purpose.

(b) Invalid Prescription. A prescription is invalid if the pharmacist knows or has reason to know that the prescription was not issued for a legitimate medical purpose.

(c) Validating a Prescription. Validating a prescription means the process implemented by the pharmacist to determine that the prescription was issued for a legitimate medical purpose.

(2) General Standards for Validating a Prescription: Each prescription may require a different validation process and no singular process can fit each situation that may be presented to the pharmacist. There are circumstances that may cause a pharmacist to question the validity of a prescription for a controlled substance; however, a concern with the validity of a prescription does not mean the prescription shall not be filled. Rather, when a pharmacist is presented with a prescription for a controlled substance, the pharmacist shall attempt to determine the validity of the prescription and shall attempt to resolve any concerns about the validity of the prescription by exercising his or her independent professional judgment.

(a) When validating a prescription, neither a person nor a licensee shall interfere with the exercise of the pharmacist's independent professional judgment.

(b) When validating a prescription, the pharmacist shall ensure that all communication with the patient is not overheard by others.

(c) When validating a prescription, if at any time the pharmacist determines that in his or her professional judgment, concerns with the validity of the prescription cannot be resolved, the pharmacist shall refuse to fill or dispense the prescription.

(3) Minimum Standards Before Refusing to Fill a Prescription:

(a) Before a pharmacist can refuse to fill a prescription based solely upon a concern with the validity of the prescription, the pharmacist shall attempt to resolve those concerns and shall attempt to validate the prescription by performing the following:

1. Initiate communication with the patient or the patient's representative to acquire information relevant to the concern with the validity of the prescription.

2. Initiate communication with the prescriber or the prescriber's agent to acquire information relevant to the pharmacist's concern with the validity of the prescription.

(b) In lieu of either subparagraph 1. or 2., but not both, the pharmacist may elect to access the Prescription Drug Monitoring Program's Database to acquire information relevant to the pharmacist's concern with the validity of the prescription.

(c) In the event that a pharmacist is unable to comply with paragraph (a) due to a refusal to cooperate with the pharmacist, the minimum standards for refusing to fill a prescription shall not be required.

(4) Duty to Report: If a pharmacist has reason to believe that a prescriber is involved in the diversion of controlled substances, the pharmacist shall report such prescriber to the Department of Health.

(5) Electronic Prescriptions: All controlled substances listed in Schedule II through V may be electronically prescribed pursuant to the provisions of s. 456.42(2), Fla. Stat. (2015), and pursuant to applicable federal law. For more information related to the federal requirements, access <http://www.deadiversion.usdoj.gov/ecom/index.html>

(6) Mandatory Continuing Education: All pharmacists shall complete a Board-approved 2-hour continuing education course on the Validation of Prescriptions for Controlled Substances. The course content shall include the following:

(a) Ensuring access to controlled substances for all patients with a valid prescription;

(b) Use of the Prescription Drug Monitoring Program's Database;

(c) Assessment of prescriptions for appropriate therapeutic value;

(d) Detection of prescriptions not based on a legitimate medical purpose; and

(e) The laws and rules related to the prescribing and dispensing of controlled substances.

All licensed pharmacists shall complete the required course during the biennium ending on September 30, 2017. A 2-hour course shall be taken every biennium thereafter. The course shall count towards the mandatory 30 hours of CE required for licensure renewal. All newly licensed pharmacists must complete the required course before the end of the first biennial renewal period.

(7) Summary Record: Every pharmacy permit holder shall maintain a computerized record of controlled substance prescriptions dispensed. A hard copy printout summary of such record, covering the previous 60 day period, shall be made available within 72 hours following a request for it by any law enforcement personnel entitled to request such summary under authority of Section 893.07(4), F.S. Such summary shall include information, from which it is possible to determine the volume and identity of controlled substances being dispensed under the prescription of a specific prescriber, and the volume and identity of controlled substances being dispensed to a specific patient.

Rulemaking Specific Authority 456.013(9), 465.005, 465.0155, 465.009, 465.022(12) FS. Law Implemented 456.013(9), 456.42, 456.072(1)(i), 465.0155, 465.003, 465.009, 465.016(1)(i),(e), 465.017(2), 465.022(12), 893.04 FS. History--New 8-29-02, Amended 2-24-03, 11-18-07,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allison Dudley, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF FINANCIAL SERVICES

Securities

- RULE NOS.: RULE TITLES:
- 69W-600.0018 Notice-Filing and Requirements for Florida Intrastate Crowdfunding Issuers
- 69W-600.0019 Registration of Florida Intrastate Crowdfunding Intermediaries
- 69W-600.0145 Requirements for Florida Intrastate Crowdfunding Intermediaries

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 209, October 27, 2015 issue of the Florida Administrative Register.

The following changes were omitted from the Notice of Change published on October 27, 2015. Following comments made by the Joint Administrative Committee, the following amendments are made to the rules:

For the Notice of Crowdfunding Issuer Offering (Form FL-CI), the instructions on this form were amended as follows:

This form, ~~which includes its instructions, is and instructions are~~ incorporated by reference in Rule 69W-600.0018, Florida Administrative Code as a rule, and define terms used in s. 517.0611(5), F.S.

For the Registration of Crowdfunding Intermediary Application (Form FL-INT), the instructions on this form were amended as follows:

This form, ~~which includes its instructions, is and instructions are~~ incorporated by reference in Rule 69W-600.0019, Florida Administrative Code, as a rule, and define terms used in s. 517.0611 and s. 517.12, F.S.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

The Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco hereby gives notice:

On October 29, 2015, an Order was issued Granting the Petition for Waiver of Florida Administrative Code Rule 61A-3.039 filed by Petitioner, Publix Supermarkets, Inc. on July 30, 2015. Based on the information provided by the Petitioner, the Division concludes that the Petitioner’s request for variance meets the burden of demonstrating that the purposes provided by Rule 61A-3.039, F.A.C., will otherwise be met, and that the application of the rule would result in substantial hardship to Petitioner.

A copy of the Order or additional information may be obtained by contacting: kelly.vickery@myfloridalicense.com.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009 Applications

NOTICE IS HEREBY GIVEN that on November 2, 2015, the Board of Medicine received a petition for waiver or variance filed by Mangesh Shukla, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner’s medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: André Ourso, J.D., M.P.H., Executive Director, Board of Medicine, at the above address or telephone: (850)245-4131.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-16.003 Facility at Which Training Takes Place.

NOTICE IS HEREBY GIVEN that on November 3, 2015, the Board of Nursing Home Administrators received a petition for variance or waiver of subsection 64B10-16.003(3), F.A.C., filed by Negovan Mamic regarding the requirement that Petitioner’s Administrator-in-Training program take place in a facility with at least 60 beds. The Board will consider this petition at its meeting currently scheduled for November 20, 2015.

Comments on this petition should be filed with the Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony Spivey, Executive Director, at the above address or telephone: (850)245-4393.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-11.004 Food Protection

NOTICE IS HEREBY GIVEN that on October 27, 2015, the Department of Health received a petition for Variance from subsection 64E-11.004(2), F.A.C., from Blu Sushi Express LLC, 10501 FGCU Blvd. S, Ft. Myers, Florida 33965. This rule requires all potentially hazardous foods to be kept at 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above, except during necessary periods of preparation and storage. Comments on this petition should be filed with Jamie Briggs, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sharon Saulter, Bureau of Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4250.

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-5.004 Selection of Housing.

NOTICE IS HEREBY GIVEN that on October 23, 2015, the Agency for Persons with Disabilities received a petition for a waiver from paragraph 65G-5.004(2)(b), F.A.C., from T. S. (Petitioner). The rule states in part, “Neither the supported living provider nor the immediate family of the supported living provider shall serve as landlord or have any interest in the ownership of the housing unit.” Petitioner is seeking a

waiver from paragraph 65G-5.004(2)(b), F.A.C., and states that, “[her daughter] has been living in the housing owned by her provider...for more than 20 years, and [the provider] has provided intense specialized care for [her] for the same period...It would result in a substantial hardship for [her daughter] to be uprooted to a new environment and to alter the support system to which [her daughter] has become accustomed for such a long period.”

Any interested person or other agency may submit written comments within 14 days after the publication of this notice. Comments received will be made a part of the record regarding the petition for rule waiver.

A copy of the Petition for Variance or Waiver may be obtained by contacting: David De La Paz, Agency Clerk, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399-0950, david.delapaz@apdcares.org.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Friends of the Museums of Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 13, 2015, 9:00 a.m.

PLACE: R.A. Gray Building, First Floor, 500 S. Bronough St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Elyse Cornelison, Museum of Florida History, (850)245-6413.

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: Elyse Cornelison, Museum of Florida History, (850)245-6413. 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: Elyse Cornelison, Museum of Florida History, (850)245-6413.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 2, 2015, 12:00 Noon – 1:00 p.m., ET

PLACE: Conference call: 1(888)670-3525, passcode: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Executive Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 9, 2015, 9:00 a.m. – 11:00 a.m., ET

PLACE: Conference call: 1(888)670-3525, passcode: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Legislative Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 10, 2015, 9:00 a.m. – 10:00 a.m., ET

PLACE: Conference call: 1(888)670-3525, passcode: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Evaluation Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 15, 2015, 2:30 p.m. – 4:30 p.m., ET

PLACE: Conference call: 1(888)670-3525, passcode: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Planning/Coordination Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove, (850)245-3317, roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF LAW ENFORCEMENT

The Criminal and Juvenile Justice Information Systems (CJJIS) Council announces a public meeting to which all persons are invited.

DATE AND TIME: November 12, 2015, 9:00 a.m.

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The CJJIS Council committee chairs will provide status reports to the Council chair.

A copy of the agenda may be obtained by contacting: Brenda Boyd, (850)410-7112, brendaboyd@fdle.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Brenda Boyd, (850)410-7112, brendaboyd@fdle.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Brenda Boyd, (850)410-7112, brendaboyd@fdle.state.fl.us.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: December 3, 2015, 9:30 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

The Florida Public Service Commission Conference's Notice, Agenda, related documents, and contact information may be obtained from www.floridapsc.com. Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

Changes to this notice will be published at the earliest practicable time on the Commission's website.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces its Internal Affairs Meeting for November 17, 2015, to which all interested persons are invited.

DATE AND TIME: November 17, 2015, Immediately following the Special Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

PLACE: Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Room 105, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

Internal Affairs Agendas and Florida Public Service Commission's contact information may be obtained from www.floridapsc.com. Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

Changes to this notice will be published at the earliest practicable time on the Commission's website.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a Special Commission Conference in the following docket to which all interested persons are invited.

DOCKET NO. 150171-EI

DATE AND TIME: November 17, 2015, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding the petition for issuance of nuclear asset-recovery financing order, by Duke Energy Florida, Inc. d/b/a Duke Energy.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

The Florida Public Service Commission Conference's Notice, Agenda, related documents, and contact information may be obtained from www.floridapsc.com. Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the conference via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service.

Changes to this notice will be published at the earliest practicable time on the Commission's website.

REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The West Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 16, 2015, 3:30 p.m., Executive Committee meeting 3:00 p.m.

PLACE: Crestview City Hall, 198 N. Wilson St., Crestview, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the West Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Tamie.Mahan@wfrpc.org, 1(800)226-8914, ext. 260.

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: Tamie.Mahan@wfrpc.org, 1(800)226-8914, ext. 260. 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: Tamie.Mahan@wfrpc.org, 1(800)226-8914, ext. 260.

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

The South Florida Regional Council Executive Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 7, 2015, 10:30 a.m.

PLACE: South Florida Regional Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting. Any Generally Consistent Comprehensive Plan Amendment Review received prior to the meeting. Any Generally Inconsistent Comprehensive Plan Amendment Review received prior to the meeting. Meeting on monthly Council business; call-in number: 1(888)670-3525, conference code: 2488435943 then #. Council related committees may meet periodically before 9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

A copy of the agenda may be obtained by contacting: (954)985-4416.

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: (954)985-4416. 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: (954)985-4416.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, December 9, 2015, 5:00 p.m. – 6:30 p.m.

PLACE: Frostproof City Hall, 111 West First Street, Frostproof, Florida 33843

GENERAL SUBJECT MATTER TO BE CONSIDERED: An updated draft report on the proposed levels for Lake Clinch will be available before the meeting and will replace the draft 2008 report for the lake currently posted on the District's Minimum Flows and Levels (Environmental Flows) Documents and Reports web page. Comments received during and subsequent to the workshop will be summarized for consideration by the Governing Board. Staff anticipate seeking Board approval for rulemaking concerning the proposed levels at the December 15, 2015 Board meeting.

A copy of the agenda may be obtained by contacting: Keith Kolasa, Senior Environmental Scientist, SWFWMD, 7601 U.S. Highway 301 North, Tampa, FL 33637, (813)985-7481, ext. 4236.

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702; or email: ADACoordinator@swfwmd.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: Keith Kolasa, Senior Environmental Scientist, SWFWMD, 7601 U.S. Highway 301 North, Tampa, FL 33637, (813)985-7481, ext. 4236. (OGC# 2015038-1).

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority

Tampa Bay Water - A Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 16, 2015, 1:30 p.m. – 5:00 p.m. or until completed

PLACE: Tampa Bay Water Administrative Offices – First Floor, 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for the Request for Proposals for Graphic Design and Creative Services Contract No.: 2015-016. As a part of the selection process, the Selection Committee will meet to view presentations and conduct question and answer sessions with top-ranked firms. The Committee will finalize the rankings for their recommendation.

A copy of the agenda may be obtained by contacting: Records Department at (727)796.2355.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: the Records Department at (727)796.2355. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Records Department at (727)796.2355.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Nominating Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 19, 2015, 9:30 a.m.

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: to nominate a chair and vice chair for 2016 and/or any other business of the committee. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500, ext. 114, at least 48 hours prior to the date of the meeting. The call-in number: 1(888)392-4560 (you will need to contact Ms. Sammons for the participant code).

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: November 19, 2015, 9:00 a.m.

PLACE: Conference Room A, Douglas Building, Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Tallahassee, Florida 32399; conference call: 1(888)670-3525, participant code: 4161964727, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FCT Governing Board will consider the August 28, 2015 meeting minutes and any other business deemed necessary, workshop with general overview of FCT program and project site examples ending with site visit to Fred George Basin Park: 3091 Capital Circle NW, Tallahassee, FL 32303. Public welcome.

A copy of the agenda may be obtained by contacting: Linda Reeves at the Florida Department of Environmental Protection, Office of Operations, Land and Recreation Grant Programs, 3800 Commonwealth Blvd., Mail Station 103, Tallahassee, Florida 32399, (850)245-2702, Linda.Reeves@dep.state.fl.us. A copy of the agenda may also be obtained at http://dep.state.fl.us/lands/FL_Communities_Trust.

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 2, 2015, 9:00 a.m.

PLACE: 1(888)670-3525, conference code: 4552635641

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting with Reconsiderations.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258. If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay system at 1(800)955-8770 (voice) or 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Massage Therapy

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

DATE AND TIME: December 9, 2015, 9:00 a.m., ET

PLACE: Omni Orlando Resort at ChampionsGate, 1500 Masters Boulevard, ChampionsGate, FL 33986, (407)390-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting notice replaces notice ID 15486455.

General business of the board. Meetings may be cancelled prior to the meeting date. Please check the Board website at <http://floridasmassagetherapy.gov/> for cancellations or changes to meeting dates or times.

A copy of the agenda may be obtained by contacting: Alexandra Alday at (850)245-4161 or Alexandra.Alday@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Alexandra Alday at (850)245-4161 or Alexandra.Alday@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF HEALTH

Board of Optometry

The Board of Optometry announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, December 4, 2015, 9:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida; telephone conference: 1(888)670-3525, participant code: 7342425515

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General board business.

A copy of the agenda may be obtained by contacting: Edith Rogers at edith.rogers@flhealth.gov or by visiting the board's website at: <http://floridasoetry.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Edith Rogers at edith.rogers@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Edith Rogers at edith.rogers@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support
The Division of Emergency Preparedness and Community Support announces a public meeting to which all persons are invited.

DATES AND TIMES: November 18, 2015, 1:00 p.m. – 5:00 p.m.; November 19, 2015, 8:00 a.m. – 12:00 Noon

PLACE: Orlando Marriott Lake Mary, 1501 International Parkway, Lake Mary, Florida 32746

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The meeting objectives of the Florida Injury Prevention Advisory Council are to:

- Establish goals, objectives and initiatives that support Florida's Injury Prevention program.

- Provide a forum for collaboration, networking and sharing of best practices and evidence-based interventions.

A copy of the agenda may be obtained by contacting: Bethany Lowe, (850)245-4055 or Bethany.Lowe@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Bethany Lowe, (850)245-4055 or Bethany.Lowe@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Bethany Lowe, (850)245-4055 or Bethany.Lowe@flhealth.gov.

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support
The Bureau of Emergency Medical Oversight/Injury Prevention Section announces telephone conference calls to which all persons are invited.

DATES AND TIMES: Friday, November 13, 2015, 11:00 a.m. – 12:00 Noon; Monday, November 16, 2015, 10:00 a.m. – 11:00 a.m., Eastern Time

PLACE: Bureau of Emergency Medical Oversight/Injury Prevention Section, 4042 Bald Cypress Way, Second Floor, Tallahassee, Florida 32399; conference call: United States toll-free: 1(888)670-3525, access code: 6082454114

GENERAL SUBJECT MATTER TO BE CONSIDERED: FIPAC meeting November 18-19, state office model discussion and Safe Kids coalition updates.

A copy of the agenda may be obtained by contacting: Mary Crew, mary.crew@flhealth.gov or (850)245-4982.

DEPARTMENT OF CHILDREN AND FAMILIES

Office on Homelessness

The Office on Homelessness announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 4, 2015, 10:00 a.m.

PLACE: Telephone conference: 1(888)670-3525 toll-free, participant code: 701-539-8451#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This call has been cancelled: Executive Committee call.

A copy of the agenda may be obtained by contacting: no agenda.

For more information, you may contact: Erik Braun, Director, Office on Homelessness, (850)922-9850, erik.braun@myflfamilies.com.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE NO.: RULE TITLE:

68C-22.016 Pinellas County Zones

The Florida Fish and Wildlife Conservation Commission announces a hearing to which all persons are invited.

DATES AND TIMES: November 18, 2015, 8:30 a.m.; November 19, 2015, 8:30 a.m.

PLACE: Majestic Beach Resort, 10901 Front Beach Road, Panama City Beach, FL 32407

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public hearing on amendments to the manatee protection rule for Pinellas County (68C-22.016, FAC). A Notice of Proposed Rule was published in the FAR on December 22, 2014 (Vol. 40, No. 246) and a Notice of Change was published on July 23, 2015 (Vol. 41, No. 54). This hearing will be a part of the regular 2-day meeting held by the Commission. The agenda for the full meeting is available at: <http://myfwc.com/about/commission/commission-meetings>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 5 days before the meeting by contacting the FWC 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).

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: Mr. Scott Calleson, FWC Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Audit Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 12, 2015, 10:00 a.m., Eastern Time

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items shall include a committee & financial overview, 2016 meeting schedule and Audit Committee Charter procedures checklist.

A copy of the agenda may be obtained by contacting Kathy Coyne or from www.fwcjua.com.

Florida Workers' Compensation Joint Underwriting Association, Inc.

The FWCJUA Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: November 19, 2015, 10:00 a.m., Eastern Time

PLACE: Contact Kathy Coyne at (941)378-7408 to participate

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include an investment marketplace update; portfolio compliance review; and investment policy & guidelines review.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

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 declined to rule on the petition for declaratory statement filed by David H. Rogel, Esq., In Re: Coco Plum Beach Yacht Club

Condominium Association, Inc., Docket No. 2015044470, on October 6, 2015. The following is a summary of the agency’s declination of the petition:

The Division declined to issue a Declaratory Statement because the Condominium does not meet the statutory definition of “residential condominium”, and the Division does not have jurisdiction over condominiums that do not fall within Chapter 718, Florida Statutes. The order was filed with the Agency Clerk on October 29, 2015.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Rikki Anderson, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1415, Rikki.Anderson@myfloridalicense.com.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RFSOQ 2016025C - Professional Architectural and
Environmental Services

for the Mashas Sands Park Improvements

NOTICE OF Request for Statement of Qualifications: On behalf of the Florida Department of Environmental Protection’s the Procurement Office is soliciting formal, competitive, sealed bids from contractors for bid number RFSOQ 2016025C, Professional Architectural and Environmental Services for the Mashas Sands Park Improvements.

The Department will post notice of any changes or additional meeting(s) on the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise any notice in the Florida Administrative Register (FAR). Access the VBS at: http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

DEPARTMENT OF HEALTH

Design & Construction, Florida Department of Health, General Contractor for Project #11448100 Orlando Health Physics Lab-Office Renovations (Orange County)

ADVERTISEMENT FOR BIDS

THE DEPARTMENT OF HEALTH-DESIGN AND CONSTRUCTION, HEREIN AFTER REFERRED TO AS OWNER, IS SOLICITING FORMAL, COMPETITIVE, SEALED BIDS FROM QUALIFIED GENERAL CONTRACTORS, LICENSED TO WORK IN THE JURISDICTION FOR THE PROJECT LISTED BELOW:

PROJECT NO: 11448100 SAMAS CODE: 64-30-2-531003-64200800-00-081108-15

PROJECT NAME & LOCATION: Orlando Health Physics Lab-Office Renovations (Orange County)

2100 All Children’s Way,

Orlando, FL 32818

FOR: All labor, materials, equipment, supervision and permits to successfully complete all selective demolition and construction of an office facility as per the construction documents.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date. If not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years, please verify pre-qualification is still valid. Call (850)488-6233 for information on prequalification with the Department of Management Services. After the bid opening, the low bidder must qualify in accordance with Chapter 60D-5.004.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in § 287.017, Florida Statutes for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

E-VERIFY: Vendor/Contractor shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment eligibility of all persons employed by the Vendor/Contractor during the term of the Contract to perform employment duties within Florida and all persons, including subcontractors, assigned by the Vendor/Contractor to perform work pursuant to the contract with the Department.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

BID BOND: If the Base Bid or the Base Bid plus the sum of any alternates exceed \$100,000, the bidder shall enclose a certified check, cashier's check, treasurer's check, bank draft or Bid Bond in the amount of not less than five percent (5%) of the Bid, payable to the Owner as a guarantee for the purpose set out in Instructions to Bidders. (Failure to submit a bid bond will result in disqualification).

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount exceeds \$100,000.00, a Performance Bond and a Labor and Material Payment Bond will be required and will be issued with the award of contract.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Architect at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

MANDATORY PRE-BID MEETING: The Owner and Architect shall conduct a pre-bid meeting as indicated below:

Meeting Date: Tuesday, November 17, 2015

Meeting Time: 2:00 pm (ET)

Location: At the Project Site: 2100 All Children's Way, Orlando, FL 32818

Attendance by the prime bidders (General Contractors) is mandatory. Bids shall only be accepted from prime bidders represented on the pre-bid meeting sign in sheet.

SEALED BIDS WILL BE RECEIVED, PUBLICLY OPENED AND READ ALOUD ON: Tuesday, December 8, 2015 at 2:00 p.m. (ET) at the following address: Health Physics Laboratory-2044 All Children's Way, Orlando, FL 32818.

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Addendum, Bidding Conditions and Contractual Conditions, which may be examined and obtained from:

Hanson Professional Services Inc. 720 North Maitland Avenue, Maitland, FL 32751, (407)622-2050.

Full sets of drawings and specifications in electronic PDF format may be acquired from the Architect listed above.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting on the DMS website at http://vbs.dms.state.fl.us/vbs/vbs_www.main_menu Failure to file a protest within the time prescribed in § 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5 by the Owner.

DEPARTMENT OF HEALTH
 STATE OF FLORIDA, DEPARTMENT OF HEALTH,
 Project #20152000

STATE OF FLORIDA, DEPARTMENT OF HEALTH
 PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
 SERVICES FOR
 ARCHITECTURE-ENGINEERING
 CONTINUING CONTRACTS FOR SOUTH FLORIDA
 REGION

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Design and Construction Section, announces that professional services are required for the Contract listed below. These services may be used for projects anywhere in the state of Florida at the sole discretion of the Department of Health, however, it is anticipated that the vendors selected will primarily be activated for projects in the southern region of the state. For this contract, the South Region is defined as all counties south of and including, Lee, Hendry and Palm Beach. Multiple firms may be selected under this Continuing Contract and may be activated at the sole discretion of the Department as workload may on occasion be sufficient enough to warrant the use of several firms. Selected firms may be assigned projects having estimated construction cost of each individual project under the contract not to exceed \$2 million and for study activity if the fee for professional services for each individual study under the contract does not exceed \$200,000, as provided for in Section 287.055, Florida Statutes. This contract will be for an initial period of two (2) years with an option to renew.

QUALIFICATIONS SELECTION CRITERIA: Firms must be properly licensed in the State of Florida at the time of submittal. Selections will be made in accordance with Chapter 287.055, Florida Statutes. The Selection Committee will conduct interviews with and may require public presentation by no fewer than three (3) firms regarding their qualifications, understanding of program/requirements and approach and methodology for providing required services.

SELECTION OF FINALIST FOR INTERVIEW: Selection for interview will be made on the basis of professional services qualifications including relevant experience and ability, location, recent experience, current and projected workloads of the firms, technical and Florida licensed professional staff and volume of Florida Departments of Health and Management Services work. The firm or firms selected must be registered with MyFloridaMarketPlace (MFMP) prior to execution of a contract. However, they will be exempt from the one percent MFMP fee.

Applications being sent via the U. S. Mail or via overnight express service shall be sent to, Kathryn Vowell, Office Consultant, Florida Department of Health, Design and Construction Section, 4052 Bald Cypress Way, BIN # B06,

Tallahassee, Florida 32399-1734, (850)245-4066,
 Kathryn.Vowell@flhealth.gov.

PROJECT NUMBER: 20152000

PROJECT NAME: South Region Continuing Contracts for Architectural – Engineering Services

SERVICES TO BE PROVIDED: Architecture-Engineering Services

RESPONSE DUE DATE: Friday, November 13, 2015 at 4:00 PM ET. Any Responses received after the due date and time will be deemed non-responsive and will not receive further consideration. Unsealed and/or unsigned responses received by telegram, facsimile transmission or other similar means are not acceptable, and will be declared non-responsive and will not be further evaluated. Submittals that do not comply with the requirements or instructions of this solicitation document will be declared non-responsive and will not be further evaluated.

INSTRUCTIONS: Submit three (3) bound copies of the following information:

- Table of contents
- Letter of interest

A copy of the current Department of Health Professional Qualifications Supplement (PQS) Form DBC5112 Revised 7/1/04. A copy of this form can be obtained by calling (850)245-4066 and at the following Website: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the firm’s current Florida Professional License registration. (Proper registration at the time of application is required.

(CORPORATIONS ONLY) Current Corporate Certificate providing evidence of validation date and designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.

Completed Standard Form 330

*In Article 19, Relevant Projects, and Article 23, Project Owner’s Information, list only projects designed, under construction, and/or completed within the past five (5) years.

7. All future notices regarding this solicitation and results of selection will be posted at the following website: http://vbs.dms.state.fl.us/vbs/main_menu.

* All applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and any section dividers. However, this is not a mandatory requirement.

EVALUATION: All proposals submitted shall become the property of the Florida Department of Health. The submitted proposals will be placed on file and not returned. The Department reserves the right to deem proposals that do not comply with the above instructions and/or do not include the required qualification data non-responsive. The applicant will not receive further consideration.

POSTING OF RESULTS: Results of the short listing evaluation will be posted on the DMS Vendor Bid System at http://vbs.dms.state.fl.us/vbs/main_menu within 48 hours after the committee's recommendation. In the event that this information cannot be posted within this time frame, then the applicant firms will be notified of the results by email. Proposals shall include, in the cover letter of each submission, the name of the contact person, email address and direct phone number to be used. All future announcements, results and information about the selection for this project will be posted on the DOH Website at http://vbs.dms.state.fl.us/vbs/main_menu.

Special Instructions to access website:

Go to link above – open – Go to “Search Advertisements” and click to open.

In “Advertisement Type”, select “Competitive Solicitation”.

In “Agency”, select “Department of Health”

Do not fill in any other boxes.

At the bottom of the page click “Advertisement Search”.

Advertisement is located in the list shown in the boxes.

Section XII Miscellaneous

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No.: DEO-15-175A

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-175A on October 29, 2015, in response to an application submitted by Markham Place Homeowners Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization, and corrected a scrivener's error in the initial final order of approval.

Copies of the final orders may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.Zimmer@DEO.MyFlorida.com.

Section XIII Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
