

Section I Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-208.003 Range of Disciplinary Actions
PURPOSE AND EFFECT: The purpose and effect of the amendment is to update disciplinary standards to current Department expectations for members.
SUBJECT AREA TO BE ADDRESSED: Discipline of Department members
RULEMAKING AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 110.227, 112.0455, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Adam Stallard, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental and institutional policies will result in disciplinary actions, which may be by ~~oral reprimand~~, written reprimand, suspension, ~~reduction in pay~~, demotion or dismissal.

Any employee who feels that unjust disciplinary action ~~such as an oral or written reprimand~~ has been given has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving, suspension, ~~reduction in pay~~, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Public Employees Relations Commission. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone. Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or personnel officer ~~Personnel Officer~~.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department

in administering an effective disciplinary program. The severity of penalties may vary depending upon the frequency and nature of a particular offense and the circumstances surrounding each case. While the following guidelines are not a substitute for impartial supervision and effective management, and do not set absolute minimum and maximum penalties, it is expected that all Disciplinary Authorities will consider them, the seriousness of the offense, and an employee's entire work history in reaching disciplinary decisions.

~~THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.~~

Suspensions shall not exceed eighty work hours.

SEE PROPOSED RULE DEVELOPMENT FOR TABLE

Rulemaking Authority 944.09 FS. Law Implemented 110.227, 112.0455, 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History--New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended 8-5-07, 11-13-07, 1-31-10, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-1.001 Definitions
PURPOSE AND EFFECT: To remove obsolete terms no longer used in the rule chapters.
SUBJECT AREA TO BE ADDRESSED: The proposed rule will remove the terms bed linens, single and double as they are no longer relevant to the division's lodging regulation.
RULEMAKING AUTHORITY: 509.032 FS.
LAW IMPLEMENTED: 509.032 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Ross, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St.,

Tallahassee, FL 32399; DHR.Rules@myfloridalicense.com, (850)488-1133

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-3.001
 RULE TITLE: Sanitation and Safety Requirements
 PURPOSE AND EFFECT: To revise the balcony inspection certification renewal schedule and clarify change of owner requirements.

SUBJECT AREA TO BE ADDRESSED: Balcony inspection certification submittals and expiration.

RULEMAKING AUTHORITY: 509.032, 509.2112 FS.

LAW IMPLEMENTED: 509.032, 509.211, 509.2112, 509.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Ross, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32399, DHR.Rules@myfloridalicense.com, (850)488-1133

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

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO: 6B-10.010
 RULE TITLE: Authority for Rulemaking Regarding Indexing, Management and Availability of Final Orders

PURPOSE AND EFFECT: The rule is unnecessary, the statute is self executing.

SUMMARY: Rule is being repealed.

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 because it is unnecessary. The proposed rule is not expected to require legislative ratification based upon the nature of the rule being repealed: the rule applies only to the agency and addresses only procedures related to the maintenance of public records. No person or interested party submitted additional information regarding the economic impact.

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: 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gretchen Kelley Brantley, Executive Director, Education Practices Commission, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE TEXT OF THE PROPOSED RULE IS:

6B-10.010 Authority for Rulemaking Regarding Indexing, Management and Availability of Final Orders.
 Rulemaking Authority 120.53 FS. Law Implemented 120.53 FS. History--New 9-15-92, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2015

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO: 6B-10.011
 RULE TITLE: Purpose

PURPOSE AND EFFECT: The rule is unnecessary, the statute is self executing.

SUMMARY: Rule is being repealed.

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 because it

is unnecessary. The proposed rule is not expected to require legislative ratification based upon the nature of the rule being repealed: the rule applies only to the agency and addresses only procedures related to the maintenance of public records. No person or interested party submitted additional information regarding the economic impact.

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: 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gretchen Kelley Brantley, Executive Director, Education Practices Commission, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE TEXT OF THE PROPOSED RULE IS:

6B-10.011 Purpose.

Rulemaking Authority 120.53 FS. Law Implemented 120.53 FS. History--New 9-15-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2015

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO: 6B-10.013 RULE TITLE: Final Orders Required to be Indexed

PURPOSE AND EFFECT: The rule is unnecessary, the statute is self executing.

SUMMARY: Rule is being repealed.

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 because it is unnecessary. The proposed rule is not expected to require legislative ratification based upon the nature of the rule being repealed: the rule applies only to the agency and addresses only procedures related to the maintenance of public records. No

person or interested party submitted additional information regarding the economic impact.

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: 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gretchen Kelley Brantley, Executive Director, Education Practices Commission, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE TEXT OF THE PROPOSED RULE IS:

6B-10.013 Final Orders Required to be Indexed.

Rulemaking Authority 120.53 FS. Law Implemented 120.53 FS. History--New 9-15-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2015

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO: 6B-10.014 RULE TITLE: Listing of Final Orders

PURPOSE AND EFFECT: The rule is unnecessary, the statute is self executing.

SUMMARY: Rule is being repealed.

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 because it is unnecessary. The proposed rule is not expected to require legislative ratification based upon the nature of the rule being repealed: the rule applies only to the agency and addresses only procedures related to the maintenance of public records. No person or interested party submitted additional information regarding the economic impact.

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: 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gretchen Kelley Brantley, Executive Director, Education Practices Commission, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE TEXT OF THE PROPOSED RULE IS:

6B-10.010 Authority for Rulemaking Regarding Indexing, Management and Availability of Final Orders. Rulemaking Authority 120.53 FS. Law Implemented 120.53 FS. History--New 9-15-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2015

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO: 6B-10.015
RULE TITLE: Numbering of Final Orders

PURPOSE AND EFFECT: The rule is unnecessary, the statute is self executing.

SUMMARY: Rule is being repealed.

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 because it is unnecessary. The proposed rule is not expected to require legislative ratification based upon the nature of the rule being repealed: the rule applies only to the agency and addresses only procedures related to the maintenance of public records. No person or interested party submitted additional information regarding the economic impact.

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: 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gretchen Kelley Brantley, Executive Director, Education Practices Commission, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE TEXT OF THE PROPOSED RULE IS:

6B-10.015 Numbering of Final Orders. Rulemaking Authority 120.53 FS. Law Implemented 120.53 FS. History--New 9-15-92, Repeal.

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2015

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE NO: 6B-10.016
RULE TITLE: Maintenance of Records

PURPOSE AND EFFECT: The rule is unnecessary; the Department of State determines retention schedule.

SUMMARY: Rule is being repealed.

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 because it is unnecessary. The proposed rule is not expected to require legislative ratification based upon the nature of the rule being repealed: the rule applies only to the agency and addresses only procedures related to the maintenance of public records. No person or interested party submitted additional information regarding the economic impact.

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: 120.53 FS.

LAW IMPLEMENTED: 120.53 FS.

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

NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gretchen Kelley Brantley, Executive Director, Education Practices Commission, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399-0400

THE TEXT OF THE PROPOSED RULE IS:

6B-10.016 Maintenance of Records.

Rulemaking Authority 120.53 FS. Law Implemented 119.021(3) FS. History--New 9-15-92, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Education Practices Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Education Practices Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2015

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-1.1008	Timeframe for Providing Requested Information
40C-1.135	Delegations of Authority
40C-1.603	Permit Fees
40C-1.612	Transfer of Ownership or Permit

PURPOSE AND EFFECT: The purposes and effects of the proposed rule amendments are to amend the rules of the St. Johns River Water Management District (District) to: (1) update the positions that are delegated authority in 40C-1.135(2), after a recent reorganization that renamed or deleted several positions; (2) ensure consistency with the statewide environmental resource permit (ERP) rules adopted in Chapter 62-330, F.A.C., pursuant to Section 373.4131, F.S. (2012); (3) amend the fees for certain ERPs to more closely approximate the fees before Chapter 62-330, F.A.C. became effective on October 1, 2013; and (4) create a new fee category for renewal of certain expired formal determinations of the landward extent of wetlands and other surface waters. More specifically, the amendments will: (1) revise Rule 40C-1.135(2), F.A.C., by updating the positions that are delegated authority to review and take final agency action on certain applications to use sovereign submerged lands; (2) revise Rule 40C-1.1008, F.A.C., by changing the timeframe for any permit applicant to respond to a request for additional information (RAI) from 120 days down to 90 days to ensure consistency with the statewide ERP timeframe, expand the rule to also cover petitions for variances, waivers, and formal determinations, and create a new procedure for administrative denials; (3) revise Rule 40C-1.603, F.A.C. by creating new fees subcategories in paragraphs 40C-

1.603(3)(a)1.a.-b., 40C-1.603(3)(e)2., and 40C-1.603(3)(a)7., F.A.C., and decreasing the fees in sub-sub paragraphs 40C-1.6003(3)(a)1.b., 40C-1.603(3)(a)5.-7. and paragraphs 40C-1.603(3)(d)-(e), F.A.C. so that the fees for those ERPs and ERP modifications would more closely approximate the lower fees that had been charged before Chapter 62-330, F.A.C. became effective on October 1, 2013, clarifying the fees in subparagraphs 40C-1.603(3)(d)1.-3. and 40C-1.603(3)(e)3., F.A.C., creating a new fee category in paragraph 40C-1.603(7)(f) , F.A.C. for renewal of certain expired formal determinations, clarifying in subsection 40C-1.603(11) , F.A.C. that the permit fee for letter modifications of ERPs issued before October 1, 2013 shall continue to be the fee that applied before Chapter 62-330, F.A.C. became effective on October 1, 2013; and (4) revise Rule 40C-1.612, F.A.C. by clarifying that paragraph 40C-1.612(2)(a) , F.A.C. applies to transfers that do not involve a conversion of a construction permit for a 40C-44 system or activity to its operation phase, and changing the timeframes in paragraphs 40C-1.612(5)(a)-(b) , F.A.C. for a permittee (who requests a permit transfer) to respond to a request for additional information about the transfer request from 120 days down to 90 days to be consistent with the proposed change to Rule 40C-1.1008, F.A.C.

SUMMARY: The proposed rule amendments would: (1) update the positions that are delegated authority in 40C-1.135(2), after a recent reorganization; (2) expand Rule 40C-1.1008, F.A.C. to apply to petitions for variance, waiver, and formal determination; (3) shorten the timeframe to respond to a request for additional information regarding a permit application or petition and create a new procedure for administrative denials; (4) revise and restructure fees rule to lower certain ERP fees to more closely approximate the fees charged before the statewide ERP rules became effective on October 1, 2013; (5) clarify fees rules; (6) create a new fee category for certain renewals of expired formal determinations; (7) shorten the timeframe to respond to a request for additional information regarding a permit transfer request (consistent with the change to Rule 40C-1.1008, F.A.C.); and (8) clarify the scope of paragraph 40C-1.612(2)(a), F.A.C..

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

herein: The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendment, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendment is not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 120.54(5), 120.542, 373.044, 373.109, 373.113, 373.421(2), FS.

LAW IMPLEMENTED: 120.54(5), 120.542, 120.60, 373.016, 373.083, 373.103, 373.109, 373.113, 373.118, 373.171, 373.309, 373.413, 373.4131, 373.414(17), 373.416, 373.421(2), 373.426, 373.429, 373.436, FS.

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

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: District Clerk (386) 329-4127. 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: Tom Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)326-4108, or tmayton@sjrwm.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.1008 Timeframe for Providing Requested Information.

(1) The applicant shall have 90 ~~120~~ days from receipt of a request for additional information regarding a permit or license application, a petition for a formal determination of the landward extent of wetlands and other surface waters, or a petition for a variance or waiver undergoing review by the District to submit that information to the District. If an applicant or petitioner requires more than 90 ~~120~~ days in which to complete an application or petition, the applicant or petitioner may notify the District in writing of the circumstances and for good cause shown, the application or petition shall be held in active status for additional periods commensurate with the good

cause shown. As used herein, good cause means a demonstration that the applicant or petitioner is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information. The Executive Director, ~~Assistant Executive Director~~, the Director ~~and Assistant Director~~ of the Division of Regulatory Services, the Chief of the Bureau of Environmental Resource Regulation, the Chief of the Bureau of Water Use Regulation, and any Regulatory Coordinator Service Center Director are authorized to make a determination that such good cause has been provided. Any application or petition which has not been completed by the applicant or petitioner within the given time period following a request for additional information by the District shall be administratively denied ~~be subject to denial~~. The requested information or written request showing good cause for additional time may be submitted to the District at any time prior to the denial of the application or petition. Denial of an application or petition due to failure to submit requested additional information shall be an administrative denial without prejudice to the applicant's or petitioner's right to file a new application or petition. The applicant or petitioner may request a Section 120.569, F.S., hearing pursuant to Chapter 28-106, F.A.C. and Rule 40C-1.1007, F.A.C., to dispute the necessity of the information required.

(2) If requested information is not submitted to the District within the time limits set forth in subsection (1) above, the District shall provide notice to the applicant or petitioner that the District intends to administratively deny the application or petition and that the applicant or petitioner may request referral of the application or petition to the Governing Board for final action. If an applicant or petitioner requests a referral within 21 days of receipt of written notice of a District decision, the application or petition shall be referred to the Governing Board for final action. Applications and petitions not referred to the Governing Board will be denied by staff issuance of a Final Order administratively denying the permit application or petition.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol.40, No.171), take effect, whichever is later.

Rulemaking Authority 120.54(5), 120.542, 373.044, 373.113, 373.421(2) FS. Law Implemented 120.54(5), 120.542, 120.60, 373.083(5), 373.118, 373.414(17), 373.421(2) FS. History—New 8-4-98, Amended 1-11-99, 4-10-02, _____.

40C-1.135 Delegations of Authority.

(1) No change.

(2) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may further delegate review and decision making authority to District staff. Therefore, the Governing Board delegates this authority to the Executive Director, ~~Assistant Executive Director, Director and Assistant Director~~ of the Division of Regulatory Services, Chief of the Bureau of Environmental Resource Regulation, and each Regulatory Coordinator Service Center Director, when an application to use sovereign submerged lands involves an activity which is reviewed pursuant to the general permit procedures of Chapter 62-330, F.A.C.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol.40, No.171), take effect, whichever is later.

Rulemaking Authority ~~120.53(1)~~, 373.044, 373.113 FS. Law Implemented ~~120.53~~, 373.016, 373.103, 373.113, 373.118, 373.4131 FS. History—New 8-1-89, Amended 1-4-96, 11-11-03, 10-1-13,

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees established except as provided in subsection (17) or (18). This fee recovers some of the District’s costs of processing applications.

The fee schedule is:

(1) and (2) No change.

(3) Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):

(a) New applications (excluding projects described in paragraphs (3)(b) and (3)(c) below) – based on the categories below:

- 1. ~~Total project area of less than 10 acres~~, with no works in, on, or over ~~\$490~~ wetlands and other surface waters, ~~and~~ no boat slips, and:
 - a. Total project area of less than 10 acres \$490
 - b. Total project area of more than 10 acres but less than 40 acres \$1,190

2. Total project area of less than 10 acres, less than 1 acre of works in, \$1,190 on, or over wetlands and other surface waters, and less than 10 new boat slips

3. Project exceeds any of the thresholds in subparagraph (3)(a)2. above, but \$2,110 involves a total project area of less than 40 acres, less than 3 acres of works in, on, or over wetlands and other surface waters, and less than 30 new boat slips

4. Project exceeds any of the thresholds in subparagraph (3)(a)3. above, \$5,610 but involves a total project area of less than 100 acres, less than 10 acres of works in, on, or over wetlands and other surface waters, and less than 50 new boat slips

5. Project exceeds any of the thresholds in subparagraph (3)(a)4. above, but \$5,610 ~~9,120~~ involves a total project area of less than 640 acres, and less than 50 acres of works in, on, or over wetlands and other surface waters

6. Project exceeds any of the thresholds in subparagraph (3)(a)5. above \$9,120 ~~14,220~~

7. When a project requires a Chapter 40C-44, F.A.C., environmental resource agricultural system permit with no works in, on, or over wetlands and other surface waters, the fee will be the same as the fee under subsection (10) below based on the acreage.

(b) through (c) No change.

(d) Major modifications of Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):

1. Major modifications that are consistent with an existing conceptual 50% of the fee approval permit

for a new permit under (3)(a) above for the activity proposed in the modification

2. Major modifications to a permit that increase the total project area Same as fee for

a new permit under (3)(a) above for the activity proposed in the modification

3. Other major modifications

50% of the fee for a new permit under (3)(a) above for the activity proposed in the

(e) Minor modifications of Chapter 62-330, F.A.C., individual or conceptual environmental resource permits (excluding mitigation bank permits):

- 1. No change.
- 2. Other extensions \$200 or 25% of the fee for a new permit under (3)(a) above (whichever is less)

32. All other minor modifications 25% of the fee for a new permit under (3)(a) above for the activity proposed in the modification initial application

- (4) through (6) No change.
- (7) Formal Determinations:
 - (a) through (e) No change.
 - (f) For properties that had a formal determination, when submitted within 50% of the fee 2 years after expiration of the formal determination, provided petitioner certifies under (7)(a)-(d) there are no unpermitted alterations in physical conditions and no change in above delineation methodology since issuance of prior formal determination, as confirmed by the District
- (8) through (10) No change.

(11) Modifications of Permits. Unless the fee for modification of a permit is specifically provided above, the fee required with an application for modification shall be that which is established for the applicable type of permit. However, when an applicant for a permit under Chapter 62-330, F.A.C., resubmits within 365 days after withdrawing an application for an activity on part of the same project area for which it already paid the application fee, no fee shall be charged except for any additional fee required due to a change in the project. Additionally, ~~until July 1, 2015~~, the fee for letter minor modification of a permit issued pursuant to Chapter 40C-4, 40C-40, or 40C-42, F.A.C., before (October 1, 2013) shall continue to be the following applicable fee ~~that existed in Rule 40C 1.603, F.A.C., on February 10, 2010~~, unless the permittee

elects review in accordance with the rules adopted pursuant to Section 373.4131, F.S.:

(a) Chapter 40C-4, F.A.C., permits	\$270
(b) Chapter 40C-40, F.A.C., permits	\$160
(c) Chapter 40C-42, F.A.C., permits	\$110

~~Beginning July 1, 2015, the fee for minor modification of any permit issued pursuant to Chapter 40C 4, 40C 40, or 40C 42, F.A.C., shall be the fee for the equivalent modification that would be authorized under Rule 62 330.315 or Chapter 62 342, F.A.C.~~

- (12) through (19) No change.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol.40, No.171), take effect, whichever is later.

Rulemaking Authority 373.044, 373.109, 373.113, 373.421(2) FS. Law Implemented 218.075, 373.109, 373.4131, 373.421(2) FS. History—New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, 10-11-01, 4-10-02, 11-11-03, 2-1-05, 2-16-10, 10-1-13, 8-14-14, 11-3-15, _____.

40C-1.612 Transfer of Ownership or Permit.

- (1) No change.
- (2) Transfer of Permit.

(a) Transfer without Conversion to Operation Phase. To transfer a permit that does not involve a conversion transfer of a construction permit for a 40C-44 system or activity to its operation phase, the permittee must provide the information required in subsection (1) above, together with a written statement from the proposed transferee that it will be bound by all terms and conditions of the permit. Additionally, where applicable, the proposed transferee must demonstrate that it is capable of constructing, operating, and maintaining the permitted facility, 40C-44 system or activity, consumptive use, or well. Once the required information has been provided, the District shall transfer the permit to the proposed transferee in accordance with paragraph (5)(a) below. A permit issued pursuant to Chapter 62-330 or 62-342, F.A.C., other than a permit for a 40C-44 system or activity, shall not be subject to this rule.

- (b) through (c) No change.
- (3) through (4) No change.
- (5) Timeframes for Transfers.

(a) Transfer without Conversion to Operation Phase. Except for those transfers associated with the conversion of a construction permit for a 40C-44 system or activity to its operation phase (which are addressed in paragraph (5)(b) below), the District shall transfer a permit within 5 days of

receiving a complete request for transfer pursuant to subsection (1) and paragraph (2)(a) above. However, the District may toll the time for the transfer by notifying the permittee, within 30 days of receipt of the request, that additional information is required to adequately review the transfer request pursuant to subsection (1) and paragraph (2)(a) above, or that deficiencies in the permitted facility, 40C-44 system or activity, consumptive use, or well must be corrected prior to transfer. Within 30 days of receipt of the additional information that meets the requirements of subsection (1) and paragraph (2)(a) above and of verification of the corrected deficiencies, the District shall transfer the permit. If the District thereafter fails to transfer the permit within 30 days, the transfer shall be deemed approved. If the permittee fails to provide the requested information within 90 ~~120~~ days of receipt of the request for additional information, then the request for transfer shall be subject to administrative denial without prejudice and the provisions of Rule 40C-1.1008, F.A.C., shall apply.

(b) Transfer with Conversion to Operation Phase. Within 60 days of receiving a complete request to convert a construction permit for a 40C-44 system or activity to its operation phase and to transfer the permit to the operation and maintenance entity, pursuant to paragraph (2)(b) above, the District shall convert the permit from its construction phase to its operation phase and transfer the permit to its operation and maintenance entity. However, the District may toll the time by notifying the permittee, within 30 days of receipt of the request, that additional information is required to adequately review the request, pursuant to subsection (1) and paragraph (2)(b) above, or that deficiencies in the permitted system or activity must be corrected prior to conversion and transfer. Within 30 days of receipt of the additional information that meets the requirements of subsection (1) and paragraph (2)(b) above and of verification of the corrected deficiencies, the District shall convert the construction permit to its operation phase and transfer the permit to the operation and maintenance entity. If the District thereafter fails to convert or transfer the permit within 30 days, the conversion and transfer shall be deemed approved. If the permittee fails to provide the requested information within 90 ~~120~~ days of receipt of the request for additional information, then the request for transfer shall be subject to administrative denial without prejudice and the provisions of Rule 40C-1.1008, F.A.C., shall apply.

(c) No change.

(6) No change.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol.40, No.171), take effect, whichever is later.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.083, 373.171, 373.309, 373.413, 373.4131, 373.416, 373.426, 373.429, 373.436 FS. History—New 8-1-89, Amended 10-19-89, 7-20-95, 11-6-95, 10-1-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas I. Mayton, Jr., St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 12, 2015 (for 40C-1.1008, 40C-1.603, 40C-1.612, F.A.C.) and November 12, 2015 (for 40C-1.135 , F.A.C. only)

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:

40C-4.091 Publications Incorporated by Reference

PURPOSE AND EFFECT: By notice published in the Florida Administrative Register (FAR) on February 12, 2015, the St. Johns River Water Management District (“SJRWMD”) initiated rulemaking to amend the above referenced rule. This rule was last amended on October 1, 2013, to make it consistent with section 373.4131, F.S., which required the Department of Environmental Protection (DEP) in coordination with the five water management districts (WMDs) to develop statewide environmental resource permitting (ERP) rules. The purpose and effect of this rulemaking is to make minor corrections and provide clarifications that have been identified as necessary since October 1, 2013, and to address comments received from the Office of Fiscal Accountability and Regulatory Reform (OFARR). More specifically, the effect of the rulemaking will be to: (1) update the effective date for the parts of the “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use within the Geographic Limits of the St. Johns River Water Management District” (Volume II) incorporated by reference in 40C-4.091, F.A.C., since SJRWMD intends to amend parts of Volume II; and (2) move and amend language from 40C-42.091, F.A.C. (which currently incorporates Part V of Volume II) to this rule. (Rule 40C-42.091, F.A.C. is proposed for repeal concurrently with this rulemaking). Revisions to Volume II will: (1) amend provisions related to the District-specific thresholds and exemptions regarding agricultural surface water management systems (including §§1.2.3 and 1.3.3) to clarify that any such systems that result in a project area of more than five acres (under DEP’s currently proposed amendment to 62-330.020(2)(d) , F.A.C.)

and do not exceed any permit threshold in Rule 62-330.020(2)(a), (b), (e), (f), (g), (h), or (j), F.A.C., will be reviewed and acted upon in accordance with Chapter 40C-44, F.A.C.; (2) clarify or repeal provisions that refer to the use of local government standards to address District water quantity and quality criteria (including §§ 2.7.1, 3.3.1(d), 3.3.3); (3) amend and clarify several provisions to reflect that DEP may, in certain instances, establish minimum flows and levels that would be applied by SJRWMD (§§ 2.0, 3.5.2); (4) advise that stormwater detention and retention basins are identified as “potentially moderate sanitary hazards” (including §§5.1, 7.1, 9.1); and (5) amend several provisions to implement conforming, clarifying and technical changes (including §§ 1.0, 1.1, 2.1, 4.4, 8.4).

SUMMARY: As amended, subsection 40C-4.091, F.A.C. will incorporate certain portions of a revised document entitled “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”. This handbook volume accompanies Applicant’s Handbook – Volume I (General and Environmental) and will continue to be used in conjunction with Volume I to implement the State’s Environmental Resource Permitting program within the boundaries of SJRWMD. Generally, the revised incorporated provisions: (1) correct and clarify text in light of provisions in Chapter 62-330, F.A.C.; (2) clarify and more accurately reflect how the District evaluates whether an applicant meets District water quantity and quality criteria; and (3) clarify District-specific thresholds and exemptions regarding agricultural surface water management systems explanations.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by District staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 373.044, 373.046(4), 373.113, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.461, F.S.

LAW IMPLEMENTED: 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461(3), F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veronika Thiebach, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386) 326-3026, email vthiebach@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-4.091 Publications Incorporated by Reference

(1) The Governing Board hereby adopts by reference:

(a) 1. Part I “Introduction, Organization, Definitions and Applicability” available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-01831>,” Part II “General Criteria,” available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-01832>,” Part III “Stormwater Quantity/Flood Control,” available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-01833>,” Part IV “Stormwater Quality,” available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-01834>,” and Part V “Best Management Practices,” which are all available at *[insert URL from DOS http://www.flrules.org/Gateway/reference.asp?No=Ref-03000]*.

2. Part VI “Basin Criteria,” available at *[insert URL from DOS http://www.flrules.org/Gateway/reference.asp?No=Ref-03001]*.

3. Appendix A “Drainage Basins for Cumulative Impacts Evaluation and Regional Watersheds for Mitigation Banking,” available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03008>].

4. Appendix B “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description Wekiva River Hydrologic Basin,” “Legal Description Wekiva Recharge Protection Basin,” “Legal Description Econlockhatchee River Hydrologic Basin,” “Legal Description Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River

Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description Sensitive Karst Areas Basin, Marion County,” and “Legal Description Lake Apopka Hydrologic Basin,” available at [*insert URL from DOS*~~http://www.flrules.org/Gateway/reference.asp?No=Ref-02999~~],

5. Appendix C (“Methodology and Design Example for the Modified Rational Hydrograph Method”) available at [~~http://www.flrules.org/Gateway/reference.asp?No=Ref-03009~~], and

6. Appendix D, available at [~~http://www.flrules.org/Gateway/reference.asp?No=Ref-03010~~], of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District,” effective (*effective date* ~~10-1-13~~).

(b) No change.

(c) Water quality standards of Chapter 62-4, F.A.C., (~~October 1, 2013 February 16, 2012~~), available at [*insert URL from DOS*~~http://www.flrules.org/Gateway/reference.asp?No=Ref-03003~~], Chapter 62-302, F.A.C., (~~June 7, 2015 December 20, 2012~~), available at [*insert URL from DOS*~~http://www.flrules.org/Gateway/reference.asp?No=Ref-03004~~], Chapter 62-520, F.A.C., (July 12, 2009), available at [~~http://www.flrules.org/Gateway/reference.asp?No=Ref-03005~~], and Chapter 62-550, F.A.C., (~~July 7, 2015 February 16, 2012~~), available at [*insert URL from DOS*~~http://www.flrules.org/Gateway/reference.asp?No=Ref-03006~~].

(d) through (e) No change.

(2) No change.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.046(4), 373.113, 373.117, 373.4131, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.117, 373.129, 373.413, 373.4131, 373.4135, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461(3), 403.0877, FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 12-3-06, 7-1-07, 5-13-08, 11-5-08, 10-29-09, 2-16-10, 12-27-10, 10-1-13,

Sections of St. Johns River Water Management District Applicant’s Handbook (Volume II only) and Appendices that will be incorporated by reference as a result of the proposed amendments may be viewed at <http://floridaswater.com/ruledevelopment/>.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488 and Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 12, 2015

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
RULE NOS.:	RULE TITLES:
40C-41.023	Basin Boundaries
40C-41.043	Application of Chapter
40C-41.063	Conditions for Issuance of Permits

PURPOSE AND EFFECT: By notice published in the Florida Administrative Register on February 12, 2015, the St. Johns River Water Management District (SJRWMD) initiated rulemaking to amend its rules consistent with Section 373.4131, F.S. These rules were last amended on October 1, 2013, to make them consistent with section 373.4131, F.S., which required the Department of Environmental Protection (“DEP”) in coordination with the five water management districts (“WMDs”) to develop statewide environmental resource permitting (“ERP”) rules. The purpose and effect of this rulemaking will be to make corrections and provide clarifications that have been identified as necessary since October 1, 2013. More specifically, the rulemaking will: (1) delete the reference to standard and general (stormwater) permits in 40C-41.063(4), F.A.C. since the statewide ERP rules only provide for issuance of conceptual approval and individual permits; (2) reflect the movement of 40C-42.091, F.A.C. into 40C-4.091, F.A.C. (3) replace, with better graphics, the figures depicting special basins (identified as Figures 41-1 through 41-4 in 40C-41.023, and as Figures 13.0-1 through 13.0-4 in the “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use within the Geographic Limits of the St. Johns River Water Management District” (Volume II) which is

incorporated by reference in 40C-41.043(5), F.A.C.); and (4) update the effective date for Part VI of Volume II as SJRWMD also will correct wording glitches in Volume II. These corrections include deleting language in 13.4.4.(d) (Off-site Land Preservation) that SJRWMD had intended to delete in the previous rulemaking to reflect the adoption of the Uniform Mitigation Assessment Method (UMAM), inserting language in 13.4.2 (Floodplain Storage Criteria) that it had intended to carry over from the rule as it existed before October 1, 2013, and amending Appendix B of Volume II to reflect that lands within Polk County were transferred to the Southwest Florida Water Management District, effective at 12:01 a.m. on July 1, 2003, per subsection 373.0691(2), Florida Statutes (2015).

SUMMARY: The proposed rule revisions will correct and clarify text in light of provisions in Chapter 62-330, F.A.C., and movement of 40C-42.091, F.A.C. into 40C-4.091, F.A.C., correct wording glitches in Volume II (including minor changes to provisions regarding off-site land preservation and floodplain storage criteria) that resulted from the initial rulemaking for the statewide ERP rules, and amend the boundaries of the Ocklawaha River Basin to reflect that lands within Polk County were transferred by operation of law to the Southwest Florida Water Management District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The District has determined that this rule will not have an impact on small business and will not increase regulatory costs in excess of \$200,000 within one year. A SERC has not been prepared by the agency.

The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by District staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.4131, 373.415, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

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: District Clerk, (386)329-4127. 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: Veronika Thiebach, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email: wgaylord@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-41.023 Basin Boundaries.

(1) The Upper St. Johns River Hydrologic Basin is that area generally depicted in Figure 41-1 and defined in "Environmental Resource Permit Applicant's Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District", (*effective date* ~~10-1-13~~), Appendix B which is hereby incorporated by reference available at *[insert URL from DOShttp://www.flrules.org/Gateway/reference.asp?No=Ref-02999]* and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529.

(2) through (6) No change.

(7) The Sensitive Karst Areas Basin is that area generally depicted in Figures 41-2, 41-3, and 41-4 and defined in "Environmental Resource Permit Applicant's Handbook Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District", Appendix B.

(8) No change.

Substantial revisions to Figures 41-1 through 41-4 in rule 40C-41.023, F.A.C., follow. See Florida Administrative Code for present Figures.

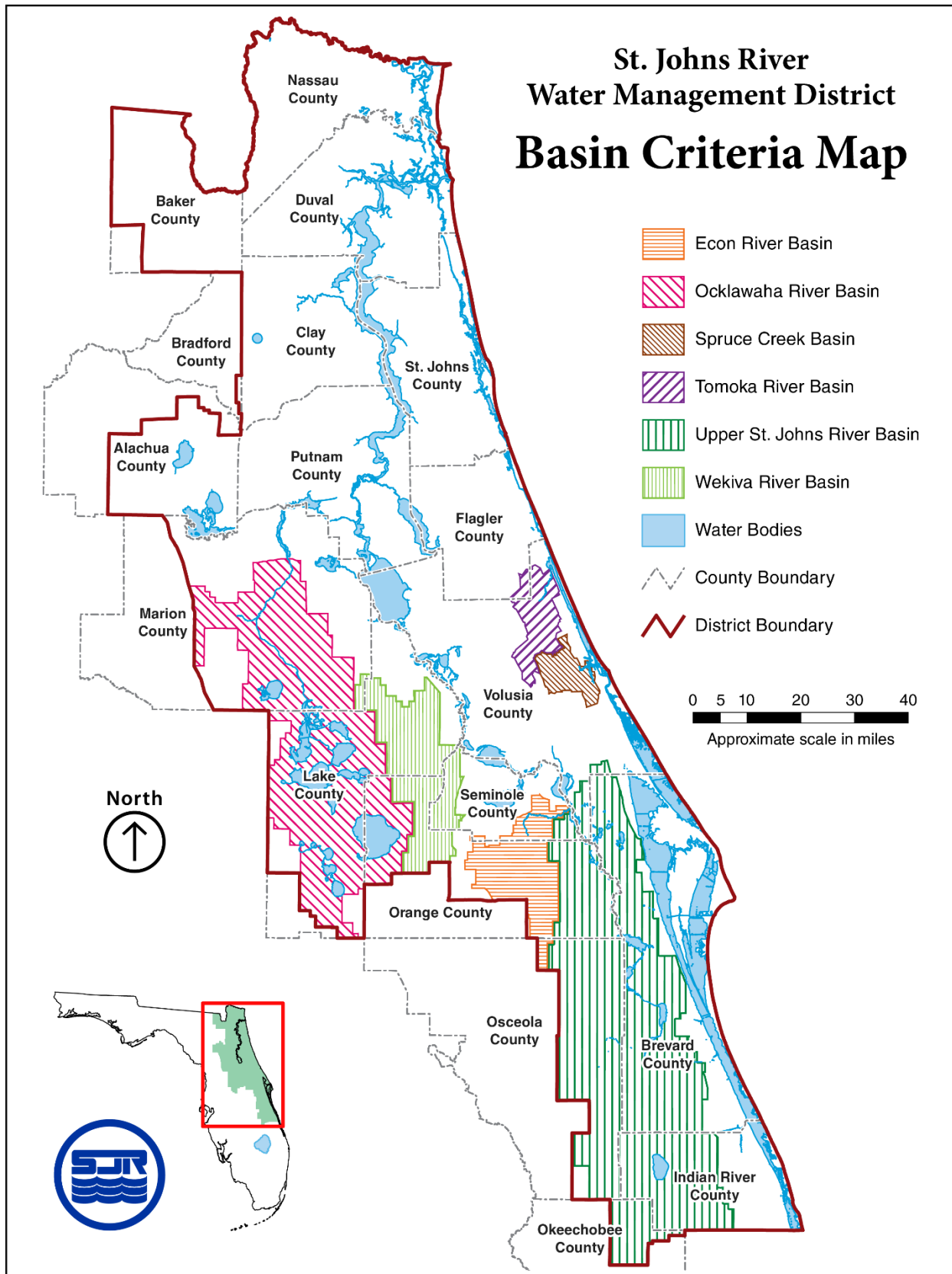


Figure 41-1 Basin Criteria Map

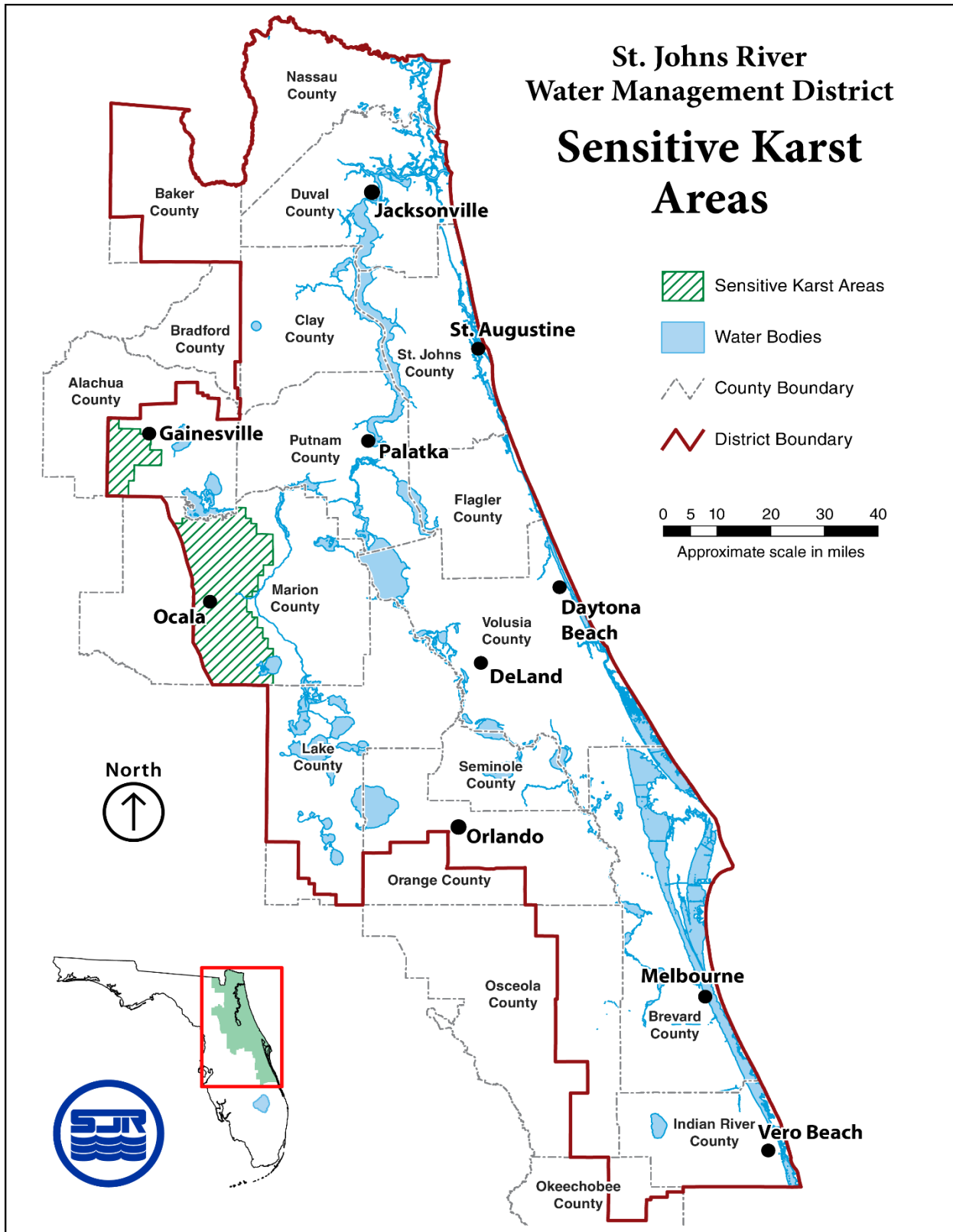
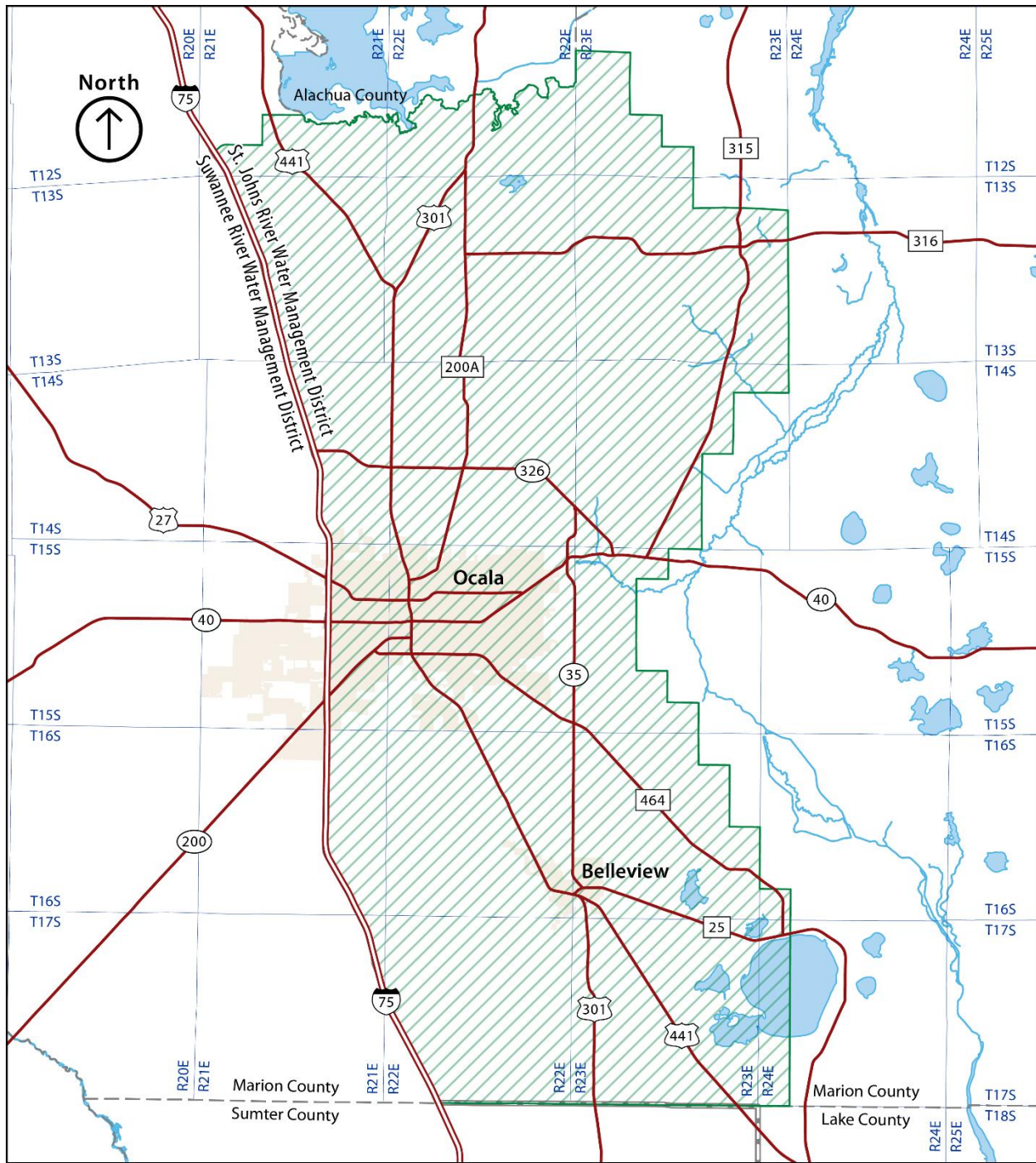
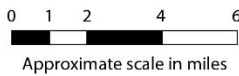


Figure 41-2 Sensitive Karst Areas in the St. Johns River Water Management District



Marion County Karst Area




 Sensitive karst area basin
Limestone is within 20 feet of land surface. The area is a major recharge area for the Floridan aquifer.



Figure 41-4 Marion County Karst Area

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.4131, 373.414, 373.415, 373.418 FS. Law Implemented 369.318, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, 2-10-05, 12-3-06, 10-1-13, .

40C-41.043 Application of Chapter.

(1) through (4) No change.

(5) The Governing Board hereby incorporates by reference Part VI (sections 13.0-13.8.3), “Basin Criteria” of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District”, (*effective date 10-1-13*), available at [*insert URL from DOS <http://www.flrules.org/Gateway/reference.asp?No=Ref 03001>*], and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka Florida 32177-2529.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.4131, 373.414, 373.415, 373.418 FS. Law Implemented 369.318, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, 2-10-05, 12-3-06, 10-1-13, .

40C-41.063 Conditions for Issuance of Permits.

(1) and (2) No change.

(3) Within the Wekiva River Hydrologic Basin or the Wekiva Recharge Protection Basin, the following standards and criteria are established:

(a) and (b) No change.

(c) Standards for Erosion and Sediment Control and Water Quality – Within the Wekiva River Hydrologic Basin, a Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436, Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

1. An erosion and sediment control plan must be submitted as part of the ~~surface water management~~ permit application for a surface water management system which:

a. Serves a project which is located wholly or partially within this zone; or

b. Serves a project with a total land area equal to or exceeding 120 acres.

2. and 3. No change.

(d) and (e) No change.

(4) Local Government Notification for Wekiva River Protection Area – The District shall not issue a conceptual approval, ~~or individual, standard, or general~~ permit for a proposed surface water management system located wholly or partially within the Wekiva River Protection Area, as defined in Section 369.303(9), F.S., until the appropriate local government has provided written notification that the proposed activity is consistent with the local comprehensive plan and is in compliance with any land development regulation in effect in the area where the development will take place. The applicant proposing such a system must submit to the District form no. 40C-41.063(4), entitled “Local Government Notification” (10-1-13), after it has been completed and executed by the local government. This form is hereby incorporated by reference and is available at

[<http://www.flrules.org/Gateway/reference.asp?No=Ref-02657>] and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529. Permit applications for systems within the Wekiva River Protection Area shall be processed by the District staff pursuant to the time frames established in Section 120.60, F.S., and any District rule regarding permit processing, except that any agency action to approve or approve with conditions shall not occur until the Local Government Notification has been received by the District.

(5) No change.

(6) Within the Tomoka River Hydrologic Basin or the Spruce Creek Hydrologic Basin the following standards and criteria are established:

(a) through (b) No change.

(c) Stormwater Management Standard. Construction of new stormwater management systems must be in accordance with the design and performance standards of “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-4.091(1)(a) ~~and subsection 40C-42.091(1)~~, F.A.C. However, systems which serve drainage areas in excess of 10 acres cannot use detention with filtration treatment as the sole stormwater treatment methodology. Additionally, when retention systems are not feasible due to limited percolation capacity, wet detention treatment or other treatment

demonstrated to be equivalent to retention or wet detention, in accordance with “Environmental Resource Applicant’s Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District” as incorporated by reference in paragraph 40C-4.091(1)(a) ~~and subsection 40C-42.091(1), F.A.C.~~, must be used.

- (d) No change.
- (7) through (8) No change.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.4131, 373.414, 373.415, 373.418 FS. Law Implemented 369.318, 373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, 2-10-05, 12-3-06, 10-1-13, .

Sections of St. Johns River Water Management District Applicant’s Handbook (Volume II only), Forms and Appendices that will be incorporated by reference as a result of the proposed amendments may be viewed at <http://floridaswater.com/ruledevelopment/>.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488 and Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 2015

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-42.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect will be to repeal this rule.

SUMMARY: The existing rule incorporates by reference Part V (“Best Management Practices”) of a document entitled “Environmental Resource Permit Applicant’s Handbook Volume II: For Use Within the Geographic Limits of the St.

Johns River Water Management District” (Volume II). This handbook volume accompanies Applicant’s Handbook – Volume I (General and Environmental) and will continue to be used in conjunction with Volume I to implement the State of Florida ERP program within the boundaries of SJRWMD. Generally, Part V of Volume II contains design and performance standards for different types of stormwater management practices including retention, underdrain, exfiltration, wet detention, swale, dry detention, and wetlands stormwater management. The rule is proposed for repeal since SJRWMD is proposing to amend rule 40C-4.091, F.A.C. to incorporate this part of the Applicant’s Handbook with some revisions that are described in the Notice of Proposed Rule for 40C-4.091, F.A.C. (which will be published concurrently with this Notice of Proposed Rule).

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by District staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 369.318, 373.044, 373.113, 373.118, 373.406, 373.4131, 373.414, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.117, FS.

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

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: District Clerk, (386)329-4127. 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: Veronika Thiebach, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email: vthiebach@sjrwmd.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-42.091 Publications Incorporated by Reference.

This rule repeal will become effective on January 1, 2016, or upon the date that the related, concurrent amendment to 40C-4.091 takes effect, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever date is latest.

Rulemaking Authority 369.318, 373.044, 373.113, 373.118, 373.406, 373.4131, 373.414, 373.418 FS. Law Implemented 369.318, 373.117373.413, 373.4131, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461, FS. History—New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, 2-1-05, 12-3-06, 12-27-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488 and Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2015

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-44.021	Definitions
40C-44.065	Performance Standards
40C-44.066	Water Quality Practices
40C-44.071	Relationship to Other Permitting Requirements
40C-44.091	Publications Incorporated by Reference
40C-44.101	Content of the Application
40C-44.301	Conditions for Issuance of Permits
40C-44.900	Forms and Instructions

PURPOSE AND EFFECT: By notice published in the Florida Administrative Register on February 12, 2015, the St. Johns River Water Management District (SJRWMD) initiated

rulemaking to amend its rules consistent with Section 373.4131, F.S. These rules were last amended on October 1, 2013, to make them consistent with section 373.4131, F.S., which required the Department of Environmental Protection (“DEP”) in coordination with the five water management districts (“WMDs”) to develop statewide environmental resource permitting (“ERP”) rules. The purpose and effect of this rulemaking will be to make corrections and provide clarifications that have been identified as necessary since October 1, 2013, and to address comments received from the Joint Administrative Procedures Committee (JAPC). More specifically, the effect of the rulemaking will be to: (1) update the effective date for Part VII of the “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use within the Geographic Limits of the St. Johns River Water Management District” (Volume II), incorporated by reference in 40C-44.091, F.A.C., since SJRWMD intends to amend this part of Volume II; (2) replace references to “reuse” with “harvesting” or “stormwater harvesting” since those terms are used in Volume II to refer to methods that prevent the discharge of stormwater into surface waters of the State by deliberate application of stormwater for irrigation; (3) repeal subsections 40C-44.065(2)-(3), F.A.C. and rule 40C-44.900, F.A.C. as the District has determined these provisions are no longer needed in light of (a) amendments that became effective October 1, 2013, and (b) existing statutory and rule provisions; (4) add a definition of “NAVD” in 40C-44.021, F.A.C.; and (5) update 40C-44.301(3), F.A.C., which currently references 40C-44.900, F.A.C., because 40C-44.900, F.A.C. is being repealed (for being redundant with 40C-44.101(2), F.A.C.). The proposed rule revisions to Part VII of Volume II will: (1) delete references to appendices D through G which are now incorporated by reference in rules 40C-44.061 and 40C-44.101, F.A.C. as Forms 40C-44.101(2), EN-14M, Table 1, and EN-52 (including §§14.3, 16.3.2, 16.6.2, 16.6.3); (2) revise in part the procedure for processing and submitting applications for certain agricultural surface water management systems to make it consistent with “Environmental Resource Permit Applicant’s Handbook, Volume I (General and Environmental)” (including §15.4.1); (3) delete certain provisions related to performance standards that have been determined unnecessary since they are subsumed or incorporated in other provisions of the rule or addressed by statute (including §§14.5, 19.1.1); and (4) amend several provisions to implement conforming, clarifying and technical changes (including §§ 15.4, 16.3.2, 16.6.2, 16.6.3, 17.2, 18.1.1, 19.2.2, 19.2.4).

SUMMARY: The proposed rule amendments will correct and clarify text in light of provisions in Chapter 62-330 and “Environmental Resource Applicant’s Handbook, Volume I (General and Environmental)” and make conforming, technical and clarifying changes throughout the rules and “Applicant’s

Handbook Environmental Resource Applicant's Handbook, Volume II: For Use Within the Geographic Limits of the St. Johns River Water Management District". Additionally, subsection 40C-44.301(3), F.A.C. will be updated to reference 40C-44.101(2), F.A.C. (rather than 40C-44.900, F.A.C.), and rule 40C-44.900 and subsections 40C-44.065(2) and (3), F.A.C. will be repealed since they are subsumed or incorporated in other rule or statutory provisions.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The District has completed for the Governor's Office of Fiscal Accountability and Regulatory Reform (OFARR) the "Is a SERC Required?" form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed "Is a SERC Required?" form and summary and the analysis performed by the District's staff in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 369.318, 373.016, 373.044, 373.113, 373.118, 373.171, 373.406, 373.413, 373.4131, 373.416, 373.418 FS.

LAW IMPLEMENTED: 373.016, 369.318, 373.016, 373.103, 373.406, 373.409, 373.413, 373.4131, 373.416, 373.418, 373.426, 373.461 373.603, 373.609, 373.613 FS.

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

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: District Clerk, (386)329-4127. 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: Veronika Thiebach, Sr. Assistant

General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email vthiebach@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-44.021 Definitions.

(1) through (3) No change.

(4) "Conservation Plan" means a document, which describes a system of management practices to control and reduce soil erosion and sediment loss, and improve the quality of discharged water for a specific parcel of property, and which has been either:

(a) Prepared by the U.S. Department of Agriculture Soil Conservation Service (SCS) in conjunction with a local Soil and Water Conservation District Board, organized pursuant to Chapter 582, F.S., which includes and applies the appropriate management practices consistent with the SCS Field Office Technical Guide – Section IV and the Best Management Practices Selector, incorporated by reference in Rule 40C-44.091, F.A.C., and which includes the following elements when appropriate for the proposed land use:

1. through 6. No change.

7. ~~Harvesting~~ ~~Reuse of~~ the runoff from the agricultural site, using reservoir or canal storage already existing, proposed as part of the plan or otherwise required by permit, for uses such as freeze protection, soil flooding for pest control or soil preservation, or irrigation needs; and

8. No change.

(b) Prepared by a private consultant, who has professional expertise in the fields of hydrology, water pollution control, irrigation design and soil conservation, according to standards, specifications and guidelines developed by SCS. The plan must include and apply the appropriate management practices consistent with the SCS Field Office Technical Guide – Section IV and the Best Management Practices Selector, incorporated by reference in Rule 40C-44.091, F.A.C., and include the following elements when appropriate for the proposed land use:

1. through 6. No change.

7. Appropriate ~~harvesting~~ ~~reuse~~ of the annual stormwater runoff from the agricultural site for uses such as freeze protection, soil flooding for pest control or soil preservation, or irrigation needs;

8. and 9. No change.

(5) through (9) No change.

(10) "NAVD" means North American vertical datum.

Renumber (10) through (15) as (11) through (16) No change.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the

Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented, 373.413, 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, 10-1-13,

40C-44.065 Performance Standards.

(1) No change.

~~(2) The surface water management system shall be designed, operated and maintained to~~

~~Provide a level of treatment so that discharges will not contain more than 20 mg/l BOD or 20 mg/l of total suspended solids.~~

~~(3) In addition to subsections (1) and (2), the applicant is advised that discharges from the agricultural surface water management system will be required to comply with a waste load allocation, or a pollutant load reduction goal pursuant to Chapter 62-40, F.A.C., when said allocation or goal is adopted by District rule, such that the operation is consistent with the objectives of the District as set forth in section 18.0 of “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District”, which is hereby incorporated by reference as of (10-1-13) and available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-03002>] and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177-2529. Nothing herein shall be construed to exempt discharges from meeting said allocation or goal.~~

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

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.171, 373.415, 373.416, 373.418, 373.461 FS. Law Implemented 369.318, 373.016, 373.413, 373.4131, 373.416, 373.418, 373.426, 373.461 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, 10-1-13,

40C-44.066 Water Quality Practices.

The practices listed below are set forth in this rule for the purpose of evaluating compliance with this chapter. It is presumed the water quality practices implemented in accordance with this section will provide reasonable assurance that the system will comply with the performance standards described in Rule 40C-44.065, F.A.C. The water quality practices or other alternatives shall be implemented to the

extent necessary to comply with the performance standards described in Rule 40C-44.065, F.A.C. In some cases, the implementation of these practices may not result in compliance with the performance standards for issuance of an individual environmental resource permit for an agricultural system. In those cases, the applicant shall provide for implementation of such additional water quality practices and/or treatment methodologies as necessary to provide reasonable assurance that the discharge will comply with the performance standards described in Rule 40C-44.065, F.A.C.

(1) Reduce the volume of stormwater and associated wastewater discharged to waters of the state by:

(a) No change.

(b) Maximizing on-site recycling to satisfy irrigation, freeze protection and pest control needs. The applicant may demonstrate maximum ~~stormwater harvesting reuse~~ by using all the practically available water from reservoir storage prior to using groundwater.

(2) through (3) No change.

(4) Applicants who propose to satisfy the performance standards in Rule 40C-44.065, F.A.C., by employing a treatment methodology or device other than those described in subsections 40C-44.066(1) through 40C-44.066(3), F.A.C., may seek approval for an equivalent alternative through the District’s ~~individual~~ permit process. The applicant must provide reasonable assurance, through plans, test results or other information, that the alternative will provide an adequate level of treatment to meet the performance standards above.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, ~~373.4131~~, 373.416, 373.418 FS. Law Implemented 373.016, ~~373.4131~~, 373.416 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, 10-1-13,

40C-44.071 Relationship to Other Permitting Requirements.

(1) No change.

(2) Alterations of existing agricultural surface water management systems, which would otherwise require permits pursuant to paragraph 62-330.020(2)(a), F.A.C., will be considered minor alterations and will qualify for an individual environmental resource permit, pursuant to this chapter, provided they do not increase the peak discharge rate and total discharge volume, when applicable (“Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District”, Section 3.2), or alter off-site storage and conveyance

capabilities of the water resource (“Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District” Section 3.34), or adversely affect wetland functions, (“Environmental Resource Permit Applicant’s Handbook, Volume I (General and Environmental)” Section 10.2.2) or increase the off-site pollutant loading (“Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District” Section 4.0), all as incorporated by reference in paragraph 40C-4.091(1)(a), F.A.C., or implemented pursuant to paragraph 373.4131(2)(a), F.S. (2012), as applicable.

(3) through (5) No change.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 373.4131, 373.416, 373.418 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, 10-1-13,_____.

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part VII (sections 14.0-19.2.6), available at [*insert URL from DOS http://www.flrules.org/Gateway/reference.asp?No=Ref_030021*] and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529 of the document entitled “Environmental Resource Permit Applicant’s Handbook, Volume II: For Use Within The Geographic Limits of the St. Johns River Water Management District”, effective (*effective date 10-1-13*).

(a) through (b) No change.

(2) through (3) No change.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.171, 373.406, 373.4131, 373.416, 373.418 FS. Law Implemented 369.318, 373.406, 373.413, 373.4131, 373.416, 373.418, 373.426, 373.461, 373.603, 373.609, 373.613 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, 10-1-13,_____.

40C-44.101 Content of the Application.

(1) No change.

(2) Applicants for an individual environmental resource permit for an agricultural system under this chapter shall

complete District form 40C-44.101(2), (Supplemental Information for Agricultural Systems) incorporated herein by reference, as of (10-1-13), available at [<http://www.flrules.org/Gateway/reference.asp?No=Ref-02658>], and upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, and Section A of form 62-330.060(1), Joint Application for Individual and Conceptual Environmental Resource Permit/Authorization to Use State-Owned Submerged Lands/Federal Dredge and Fill Permit” (*effective date 10-1-13*), available upon request from the St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, and implemented pursuant to paragraph 373.4131(2)(a), F.S. (2012).

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.103, 373.413, 373.4131, 373.416, 373.461 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, 10-1-13,_____.

40C-44.301 Conditions for Issuance of Permits

(1) through (2) No change.

(3) Existing systems which are required to obtain a permit pursuant to this chapter are presumed to satisfy the conditions for issuance in subsections (1) and (2) above provided the information requested on the appropriate application form, pursuant to Rule ~~40C-44.101(2)~~ ~~40C-44.900~~, F.A.C., is submitted and the applicant demonstrates compliance with the performance standards of Rule 40C-44.065, F.A.C. If available information indicates that the operation and maintenance of the system is inconsistent with the conditions for issuance in subsections (1) and (2) above, the District shall require additional information which demonstrates that the existing system is in compliance with the performance standards of Rule 40C-44.065, F.A.C.

This rule will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority 373.016, 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.016, 373.409, 373.4131, 373.416, 373.418 FS. History—New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, 10-1-13,_____.

40C-44.900 Forms and Instructions.

This rule repeal will become effective on January 1, 2016, or upon the date that any related amendments to Chapter 62-330, F.A.C., proposed by the Department of Environmental Protection in the Notice of Rule Development published in the Florida Administrative Register on September 3, 2014 (Vol. 40, No. 17) take effect, whichever is later.

Rulemaking Authority ~~420.53(1)~~, 369.318, 373.044, 373.113, 373.406, 373.416, 373.418 FS. Law Implemented ~~420.52(16), 420.53(1)~~, 369.318, 373.103, 373.413, 373.4131, 373.416, 373.461 FS. History—New 8-11-91, Amended 10-20-92, 10-3-95, 12-3-06, 10-1-13, Repealed .

Sections of St. Johns River Water Management District Applicant’s Handbook (Volume II only) and Appendices that will be incorporated by reference as a result of the proposed amendments may be viewed at <http://floridaswater.com/ruledevelopment/>.

NAME OF PERSON ORIGINATING PROPOSED RULE: Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4488 and Thomas Mayton Jr., Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 12, 2015 (for 40C-44.021, 40C-44.065, 40C-44.066, 40C-44.071, 40C-44.091, 40C-44.101, 40C-44.900, F.A.C.) and November 12, 2015 (for 40C-44.301, F.A.C. only)

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.: RULE TITLES:

61B-30.001 Fees

61B-30.002 Filing and Examination of a Prospectus

PURPOSE AND EFFECT: The Division proposes this rule amendment to conform Rule Chapter 61B-30, F.A.C., to changes made to Rule 61B-30.001, F.A.C., regarding the permit required by the Department of Health, in response to comments made by JAPC to a recent Notice of Proposed Rule. Additionally, a technical change is made and a portion of the text is simplified.

SUMMARY: This rule is being amended to conform Rule Chapter 61B-30, F.A.C., to changes made to Rule 61B-30.001, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 723.006(7) FS.

LAW IMPLEMENTED: 723.006(8), 723.007, 723.011(1), 723.012 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: Boyd McAdams, Deputy Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-30.001 Fees.

(1) through (2) No change.

(3) Prospectus filing fee – Upon filing the prospectus required by Section 723.011, F.S., the park owner shall pay a prospectus filing fee for each prospectus filed as follows:

(a) No change.

(b) For parks which obtain a permit on or after June 4, 1984, the filing shall be accompanied by a fee of \$10 for each mobile home permitted lot covered under the permit offered for lease with the prospectus; provided that the fee shall not be less than \$100. If the park owner wishes to file a prospectus for a greater number of mobile home lots than are those covered under the permit permitted, the fee shall be based upon the number of mobile home lots for which the prospectus is filed; provided that the fee shall not be less than \$100.

(4) through (5) No change.

Rulemaking Authority 723.006(7) FS. Law Implemented 723.007, 723.011(1)(a), (c) FS. History—New 1-10-85, Formerly 7D-30.01,

Amended 8-2-87, 3-28-89, Formerly 7D-30.001, Amended 8-31-94, 11-15-95, 1-19-97, 9-1-15,_____.

61B-30.002 Filing and Examination of a Prospectus.

(1) "Filing" occurs when all of the following have been received by the division:

(a) No change.

(b) The completed Park Owner Prospectus Filing Statement, BPR Form 402, incorporated herein by reference and effective 08-31-94 ~~1-19-97~~, and which may be obtained by writing to the Division of Florida Condominiums, Timeshares, and Mobile Homes, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1033; and,

(c) No change.

(2) In determining whether a prospectus must be filed pursuant to Section 723.011, F.S., all existing and planned lots, irrespective of whether all lots are currently covered under a permit ~~permitted by~~ Department of Health permit ~~(DOH)~~, shall be counted. As used herein, planned lots means all lots platted or otherwise approved by local authorities.

(3) through (4) No change.

(5) If more than one prospectus is filed and approved for use in the park, the park owner shall inform the division which prospectus applies to each of the lots. The information shall be submitted in the following manner:

(a) If known at the time of filing, the information shall be stated in the appropriate blanks in ~~the Park Owner Prospectus Filing Statement, BPR Form 402, incorporated herein by reference and effective 8-31-94, and which may be obtained by writing to the Division of Florida Condominiums, Timeshares, and Mobile Homes, at the address stated in subsection (3) of this rule.~~

(b) If the park owner does not know at the time of filing which prospectus will be delivered to each lot; or if the information provided in BPR Form 402 changes after filing, the park owner shall, no later than the first day of March and September of each year, submit to the division a listing of each lot number with the corresponding form prospectus identification number assigned by the division. If there have been no changes from the previous reporting, no additional notification is required.

(6) through (12) No change.

Rulemaking Authority 723.006(7) FS. Law Implemented 723.011(1), 723.012, 723.006(8) FS. History—New 1-10-85, Formerly 7D-30.02, Amended 8-2-87, Formerly 7D-30.002, Amended 8-31-94, 11-15-95, 1-19-97, 4-30-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Stanfield, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 15, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

RULE NOS.: RULE TITLES:

- 61B-33.001 Class Voting.
- 61B-33.002 Recall of One or More Directors of a Board of Administration at a Member Meeting; Board Certification; Filling Vacancies.
- 61B-33.003 Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies.

PURPOSE AND EFFECT: Chapter 2015-90, Laws of Florida, amended Section 723.078(2)(i), Florida Statutes, to require that disputes involving the recall of any member of the board of directors of a mobile home park homeowners' association be submitted to binding arbitration before the Division. Rules 61B-33.001, 61B-33.002, and 61B-33.003, F.A.C., are being created in order to provide rules governing the conduct of mobile home homeowners' association recalls.

SUMMARY: This rule is being created in order to provide rules governing the conduct of mobile home homeowners' association recalls.

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

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

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

RULEMAKING AUTHORITY: 723.1255 FS.

LAW IMPLEMENTED: 723.078(2)(i) 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: Boyd McAdams, Deputy Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-33.001 Class Voting.

When the governing documents provide that a specific class of members of a homeowners' association created pursuant to Section 723.075, F.S., is entitled to elect a director or directors to the board, the class of homeowners electing such director or directors to the board shall constitute all the voting interests that may recall or remove such director or directors.

Rulemaking Authority 723.1255 FS. Law Implemented 723.078(2)(i) FS. History--New _____.

61B-33.002 Recall of One or More Directors of a Board of Administration at a Member Meeting; Board

Certification; Filling Vacancies.

(1) Calling a Recall Meeting. Ten percent of the voting interests of a homeowners' association created pursuant to Section 723.075, F.S., may call a meeting of the members to recall one or more directors of the association's board by giving notice as specified in subsection (2) below.

(2) Noticing a Recall Meeting.

(a) Signature List. Prior to noticing a members' meeting to recall one or more directors of the board, a list shall be circulated for the purpose of obtaining signatures of not less than 10 percent of the voting interests. The signature list shall:

1. State that the purpose for obtaining signatures is to call a meeting of the members to recall one or more directors of the board;

2. State that replacement directors shall be elected at the meeting, if a majority or more of the existing directors are successfully recalled at the meeting; and

3. Contain lines for the voting interest to fill in his or her mobile home lot number, signature and date of signature.

(b) Recall Meeting Notice. The recall meeting notice shall:

1. State that the purpose of the members' meeting is to recall one or more directors of the board and, if a majority or more of the board is subject to recall, the notice shall also state that an election to replace recalled directors will be conducted at the meeting;

2. List by name each director sought to be recalled at the meeting, even if all directors are sought to be recalled;

3. Specify a person, other than a director subject to recall at the meeting, who shall determine whether a quorum is present, call the meeting to order, preside, and proceed as provided in paragraph (3)(b) of this rule;

4. List at least as many eligible persons who are willing to be candidates for replacement directors as there are directors sought to be recalled, in those cases where a majority or more of the board is sought to be recalled. Candidates for replacement directors shall not be listed when a minority of the board is sought to be recalled, as the remaining directors may appoint replacements. In addition, the notice must state that nominations for replacement directors may be taken from the floor at the meeting;

5. Have attached to it a copy of the signature list referred to in paragraph (2)(a) above;

6. Be mailed or delivered to all members as required in the governing documents for a meeting of the members; and

7. Be delivered to the board at least 10 days prior to the recall meeting. The notice shall become an official record of the association upon actual receipt by the board.

(3) Recall Meeting; Electing Replacements.

(a) Date for Recall Meeting. A recall meeting shall be held not less than 10 days nor more than 20 days from the date when the notice of the recall meeting is mailed or delivered.

(b) Conducting the Recall Meeting. After determining that a quorum exists (proxies may be used to establish a quorum) and the meeting is called to order, the voting interests shall proceed as follows:

1. A representative to receive pleadings (e.g., copies of a petition for recall arbitration, motions), notices, or other papers on behalf of the recalling members shall be elected or designated by the presiding officer in the event the board disputes the recall.

2. A person to record the minutes of the recall meeting, who shall not be a board director subject to recall at that meeting, shall be elected or designated by the presiding officer.

3. The requirements of this subsection do not prohibit the voting interests from electing one person to perform one or more of these functions.

(c) Recall Meeting Minutes. The minutes of the recall meeting shall:

1. Record the date and time the recall meeting was called to order and adjourned;

2. Record the name or names of the person or persons chosen as the presiding officer, the recorder of the official minutes, and the member representative's name and address;

3. Record the vote count taken on each director of the board sought to be recalled;

4. State whether the recall was effective as to each director sought to be recalled;

5. Record the vote count taken on each candidate to replace the directors subject to recall and, if applicable, the specific seat each replacement director was elected to, in those cases where a majority or more of the existing board was subject to recall; and

6. Be delivered to the board, and upon such delivery to the board become an official record of the association.

(d) Separate Recall Vote. The voting interests shall vote to recall each director separately.

(e) Filling Vacancies. When the voting interests have recalled one or more directors at a members' meeting, the following provisions apply regarding the filling of vacancies on the board:

1. If less than a majority of the existing board is recalled at the meeting, no election of replacement directors shall be conducted at the members' meeting as the existing board may, in its discretion, fill these vacancies, subject to the provisions of Section 723.078(2)(i), F.S., by the affirmative vote of the remaining directors. In the alternative, if less than a majority of the existing board is recalled at the members meeting, the board may call and conduct an election to fill a vacancy or vacancies;

2. If a majority or more of the existing board is recalled at the meeting, an election shall be conducted at the recall meeting to fill vacancies on the board occurring as a result of recall. The voting interests may vote to elect replacement directors in an amount equal to the number of recalled directors.

(f) Taking Office. When a majority or more of the board is recalled at a members' meeting, replacement directors shall take office:

1. Upon the expiration of five full business days after adjournment of the members' recall meeting, if the board fails to hold its board meeting to determine whether to certify the recall within five full business days of the adjournment of the members' recall meeting; or

2. Upon the expiration of five full business days after adjournment of the board meeting to determine whether to certify the recall, if the board fails to certify the recall and fails to file a petition for arbitration; or

3. Upon certification of the recall by the board; or

4. Upon certification of the recall by the arbitrator, in accordance with subparagraph (5)(b)4. of this rule, if the board files a petition for recall arbitration.

(g) After adjournment of the meeting to recall one or more members of the board of administration:

1. Any rescission of an individual member's vote or any additional votes received in regard to the recall shall be ineffective.

2. Where the board determines not to certify the recall of a director and that director resigns, any appointment to fill the resulting vacancy shall be temporary pending the arbitration decision.

(4) Substantial compliance with the provisions of subsections (1), (2) and (3) of this rule shall be required for the effective recall of one or more directors of the board.

(5) Board Meeting Concerning a Recall at a Meeting of the Members; Filling Vacancies. The board shall properly notice

the board meeting at which it will determine whether to certify (i.e., to validate or accept) the recall of one or more directors at a members' meeting. It shall be presumed that recall of one or more directors at a members' meeting shall not, in and of itself, constitute grounds for an emergency meeting of the board, if the board has been provided notice of the recall meeting as provided in subparagraph (2)(b)7. of this rule.

(a) Certified Recall. If the recall of one or more directors by vote at a members' meeting is certified by the board, the recall shall be effective upon certification, and the following provisions apply:

1. Each recalled director shall return to the board all association records in his or her possession within five full business days after adjournment of the board meeting at which the recall was certified.

2. If less than a majority of the existing board is recalled in a certified recall, a vacancy or vacancies on the board may be filled by the affirmative vote of a majority of the remaining board members, subject to the provisions of Section 723.078(2)(i), F.S., regardless of whether the authority to fill vacancies in this manner is provided in the governing documents. No recalled director shall be appointed by the board to fill any vacancy on the board. A director appointed pursuant to this rule shall fill the vacancy for the unexpired term of the seat being filled. If the board determines not to fill vacancies by vote of the remaining directors or if it is unable to fill vacancies in this manner (e.g., if there is a tie vote on the proposed replacement director, if a quorum is not obtained, or otherwise), the board may, in its discretion, call and hold an election in the manner provided by Section 723.078(2)(d), F.S., in which case any person elected shall fill the entire remaining term.

3. If a majority or more of the board is recalled in a certified recall, those replacement directors elected at the recall meeting shall take office upon adjournment of the board meeting at which it was determined to certify the recall. A director who is elected to fill a vacancy caused by recall shall fill the vacancy for the unexpired term of the seat being filled.

(b) Non-certification of Recall by the Board. If the board votes for any reason not to certify the recall of one or more directors at a meeting of the members, the following provisions apply:

1. The board shall, subject to the provisions of these rules, file a petition for arbitration with the division (i.e., be received by the division) within five full business days after adjournment of the board meeting at which the board determined not to certify the recall of one or more directors.

2. Any director sought to be recalled shall, unless he or she resigns, continue to serve on the board until a final order regarding the validity of the recall is mailed by the arbitrator.

3. If the arbitrator certifies the recall of less than a majority of the board, the remaining directors may fill the vacancy or vacancies as provided in subparagraph (5)(a)2. of this rule.

4. If the arbitrator certifies the recall of a majority or more of the board, the term of office of those replacement directors elected at the recall meeting shall become effective upon mailing of the final order of arbitration. The term of office of replacement directors elected at the recall meeting shall expire in accordance with the provisions of subparagraph (5)(a)3. of this rule.

(6) Failure to Duly Notice and Hold a Board Meeting. If the board fails to duly notice and hold a meeting to determine whether to certify the recall within five full business days of the adjournment of the members' recall meeting, the following shall apply:

(a) The recall shall be deemed effective immediately upon expiration of the last day of five full business days after adjournment of the members' recall meeting.

(b) If a majority of the board is recalled, replacement directors elected at the members' meeting shall take office immediately upon expiration of the last day of five full business days after adjournment of the members' recall meeting, in the manner specified in this rule.

Rulemaking Authority 723.1255 FS. Law Implemented 723.078(2)(i) FS. History—New _____.

61B-33.003 Recall by Written Agreement of the Voting Interests; Board Certification; Filling Vacancies.

(1) Form of Written Agreement. All written agreements used for the purpose of recalling one or more directors of a homeowners' association created pursuant to Section 723.075, F.S., shall:

(a) List by name each director sought to be recalled;

(b) Provide spaces by the name of each director sought to be recalled so that the person executing the agreement may indicate whether that individual director should be recalled or retained;

(c) List, in the form of a ballot, at least as many eligible persons who are willing to be candidates for replacement directors as there are directors subject to recall, in those cases where a majority or more of the board is sought to be recalled. Candidates for replacement directors shall not be listed when a minority of the board is sought to be recalled, as the remaining board may appoint replacements. A space shall be provided by the name of each candidate so that the person executing the agreement may vote for as many replacement candidates as there are directors sought to be recalled. A space shall be provided and designated for write-in votes. The failure to comply with the requirements of this subsection shall not effect the validity of the recall of a director or directors;

(d) Provide a space for the person signing the written agreement to state his or her name, identify his mobile home lot number, and indicate the date the written agreement is signed;

(e) Provide a signature line for the person executing the written agreement to affirm that he or she is authorized in the manner required by the governing documents to cast the vote for that mobile home lot; and

(f) Designate a representative who shall open the written agreements, tally the votes, serve copies on the board and, in the event the board does not certify the recall by written agreement and files a petition for arbitration, receive pleadings (e.g., copies of a petition for recall arbitration, motions), notices, or other papers on behalf of the persons executing the written agreement.

(2) The written agreement or a copy shall be served on the board by certified mail or by personal service. Service on the board after 5:00 p.m. on a business day or on a Saturday, Sunday or legal holiday, as prescribed by Section 110.117, F.S., shall be deemed effective as of the next business day that is not a Saturday, Sunday, or legal holiday. Service of the written agreement on an officer, association manager, director, or the association's registered agent will be deemed effective service on the association. Service upon an attorney who has represented the association in other legal matters will not be effective on the association unless that attorney is a director, the association's registered agent, or has otherwise been retained by the association to represent it in the recall proceeding. Personal service shall be effected in the manner authorized in Chapter 48, F.S., and the Florida Rules of Civil Procedure.

(3) Substantial compliance with the provisions of subsection (1) through (2) of this rule shall be required for an effective recall of a director or directors.

(4) Written recall ballots in a recall by written agreement may be reused in one subsequent recall effort. A written recall ballot expires 120 days after it is signed by a member. Written recall ballots become void with respect to the director sought to be recalled where that director is elected during a regularly scheduled election.

(5) Written recall ballots may be executed by an individual holding a power of attorney or limited or general proxy given by the member(s) of record.

(6) Any rescission or revocation of a member's written recall ballot or agreement must be done in writing and must be delivered to the board prior to the board being served the written recall agreements.

(7) Board Meeting Concerning a Recall by Written Agreement; Filling Vacancies. The board shall hold a duly noticed meeting of the board to determine whether to certify (i.e., to validate or accept) the recall by written agreement within five full business days after service of the written agreement upon the board. It shall be presumed that service of

a written agreement to recall one or more directors shall not, in and of itself, constitute grounds for an emergency meeting of the board to determine whether to certify the recall.

(a) Certified Recall. If the board votes to certify the written agreement to recall, the recall shall be effective upon certification, and the following provisions apply:

1. Each recalled director shall return to the board all association records in his or her possession within five full business days after adjournment of the board meeting at which the recall was certified.

2. If less than a majority of the existing board is recalled in a certified recall, a vacancy or vacancies on the board may be filled by the affirmative vote of a majority of the remaining directors, subject to the provisions of Section 723.078(2)(i), F.S., regardless of whether the authority to fill vacancies in this manner is provided in the governing documents. No recalled director shall be appointed by the board to fill any vacancy on the board. A director appointed pursuant to this rule shall fill the vacancy for the unexpired term of the seat being filled. If the board determines not to fill vacancies by vote of the remaining directors or if it is unable to fill vacancies in this manner (e.g., if there is a tie vote on the proposed replacement director, if a quorum is not obtained, or otherwise) the board may, in its discretion, call and hold an election in the manner provided by Section 723.078(2)(d), F.S., in which case any person elected shall fill the entire remaining term.

3. If a majority or more of the board is recalled in a certified recall, those replacement directors elected by the written agreement pursuant to the procedure referenced in paragraph (1)(c) of this rule shall take office upon adjournment of the board meeting at which it was determined to certify the recall. A director who is elected to fill a vacancy caused by recall shall fill the vacancy for the unexpired term of the seat being filled.

(b) Non-certification of Recall by the Board. If the board votes not to certify the written agreement to recall for any reason, the following provisions apply:

1. The board shall, consistent with the provisions of Chapter 61B-50, F.A.C., file a petition for arbitration with the division (i.e., be received by the division) within five full business days after adjournment of the board meeting at which the board determined not to certify the written agreement to recall.

2. Any director sought to be recalled shall, unless he or she resigns, continue to serve on the board until a final order regarding the validity of the recall is mailed by the arbitrator.

3. If the arbitrator certifies the recall of less than a majority of the board, the remaining directors may fill the vacancy or vacancies as provided in subparagraph (3)(a)2. of this rule.

4. If the arbitrator certifies the recall of a majority or more of the board, the term of office of those replacement board members elected by written agreement of the voting interests

shall become effective upon mailing of the final order of arbitration. The term of office of those replacement directors elected by written agreement of the voting interests shall expire in accordance with the provisions of subparagraph (3)(a)3. of this rule.

5. A majority of the total voting interests entitled to vote in favor of recall is sufficient to recall a director, regardless of any provision to the contrary in the governing documents.

6. The failure of the association to enforce a voting certificate requirement in past association elections and member votes shall preclude the association from rejecting a written recall ballot or agreement for failing to comply with a voting certificate requirement.

(8) Board Meeting Minutes. The minutes of the board meeting at which the board determines whether to certify the recall are an official record of the association and shall record the following information:

(a) A majority of the total voting interests entitled to vote in favor of recall is sufficient to recall a director, regardless of any provision to the contrary in the governing documents;

(b) The failure of the association to enforce a voting certificate requirement in past association elections and member votes shall preclude the association from rejecting a written recall ballot or agreement for failing to comply with a voting certificate requirement;

(c) The date and time the board meeting is called to order and adjourned;

(d) Whether the recall is certified by the board;

(e) The manner in which any vacancy on the board occurring as a result of recall will be filled, if the recall is certified; and

(f) If the recall was not certified, the specific reasons it was not certified.

(9) After service of a written agreement on the board:

(a) Any written rescission of an individual member vote or any additional votes received in regard to the recall shall be ineffective.

(b) Where the board determines not to certify the recall of a director and that director resigns, any appointment to fill the resulting vacancy shall be temporary pending the arbitration decision.

(10) Taking Office. When a majority or more of the board is recalled by written agreement, replacement directors shall take office:

(a) Upon the expiration of five full business days after service of the written agreement on the board, if the board fails to hold its board meeting to determine whether to certify the recall within five full business days after service of the written agreement;

(b) Upon the expiration of five full business days after adjournment of the board meeting to determine whether to

certify the recall, if the board fails to certify the recall and fails to file a petition for arbitration:

(c) Upon certification of the recall by the board; or

(d) Upon certification of the recall by the arbitrator, in accordance with subparagraph (3)(b)4. of this rule, if the board files a petition for recall arbitration.

(11) Failure to Duly Notice and Hold a Board Meeting. If the board fails to duly notice and hold a meeting to determine whether to certify the recall within five full business days of service of the written agreement, the following shall apply:

(a) The recall shall be deemed effective immediately upon expiration of the last day of the five full business days after service of the written agreement on the board.

(b) If a majority of the board is recalled, replacement directors elected by the written agreement shall take office upon expiration of five full business days after service of the written agreement on the board in the manner specified in this rule.

(c) If the entire board is recalled, each recalled director shall immediately return to the replacement board all association records in his or her possession. If less than the entire board is recalled, each recalled director shall immediately return to the board all association records in his or her possession.

(12) The written agreement shall become an official record of the association upon service upon the board.

Rulemaking Authority 723.1255 FS. Law Implemented 723.078(2)(i) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kevin Stanfield, Director, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 14, 2015

Section III

Notice of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-21.221
RULE TITLE: Evaluating Hydrologic Conditions.
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 41 No. 226, November 20, 2015 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-330.061
RULE TITLE: Submittal of Applications and Notices to Agency Offices (Repealed)
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 177, September 11, 2015 issue of the Florida Administrative Register.

The summary of the rule repeals for the Notice of Proposed Rule for Rule 62-330.061, F.A.C., Submittal of Applications and Notices to Agency Offices, published in Volume 41, Number 177, on September 11, 2015, should have stated: Rule 62-330.061, F.A.C. is incorporated by reference in rule 62-330.050, 62-330.054, and 62-330.056, F.A.C. Those rule sections will have to be updated to remove the references to 62-330.061, F.A.C.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

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

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 215, November 4, 2015 issue of the Florida Administrative Register.

The correction is as follows:

The Summary of Statement of Estimated Regulatory Costs and Legislative Ratification should have read: 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 rules. A SERC has not been prepared by the agency. The agency has determined that the proposed rules are 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 special assessment fees required in Rule 64B6-4.011, F.A.C., is no longer collected and the unlicensed activity fee required in Rule 64B6-4.008, F.A.C., is actually collected by the Department pursuant to Section 456.065(3), Fla. Stat., and deletion of the rules will not change

costs. 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.

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.

DEPARTMENT OF HEALTH

Certified Master Social Workers

RULE NOS.:	RULE TITLES:
64B25-28.012	Application Forms and Requirements
64B25-28.014	Renewal of Active Certification
64B25-28.015	Examination for Certification

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. 185, September 23, 2015 issue of the Florida Administrative Register.

The changes are in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated September 30, 2015.

64B25-28.012 Application Forms and Requirements.

(1) Application for certification as a master social worker shall be on a form ~~DH-CMS DPR/MQA/2061 005~~, effective 7/15 entitled “Application for Certified Master Social ~~Worker~~ Work” incorporated by reference and available at <http://flrules/Gateway/reference.asp?No=Ref-#####>.

(2) The applicant must also submit:

(a) Documentation of 3 years of experience in the field of social work, 2 years of which must have been at the post-master’s level under the supervision of a person who meets the education and experience requirements for certification as a certified master social worker or licensure as a clinical social worker under Chapter 491, Florida Statutes,

(b) An official transcript of all social work related post-secondary education completed by the applicant must be received by the Department of Health directly from the office of the registrar of the institution where the education was completed.

(3) Applicants who hold or have ever held any professional licensure or certification issued by any state, shall mail to each such state, ~~the Licensure/Certification Verification Form a form~~ provided by the Department as part of the application for the purpose of verifying the status of such licenses or certifications. Rulemaking Authority 491.015 FS. Law Implemented ~~456.017(1)(c), 456.0635~~, 491.0145, ~~455.217(1)(d), 491.009~~ FS. History–New 12-10-

90, Amended 7-30-91, Formerly 21-28.012, 61-28.012, 59FF-28.012, Amended.

64B25-28.014 Renewal of Active Certification.

(1) No change.

(2) A certified master social worker shall not be required to complete continuing education for the first renewal of certification. For each subsequent renewal, a certified master social worker must complete 30 hours of ~~approved~~ continuing education approved by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling credit as set forth in Rule 64B4-6.001 during the two year period ending on March 31 prior to the beginning of each biennial renewal period.

Rulemaking Authority 491.007(2) FS. Law Implemented 491.007(2) FS. History–New 12-10-90, Formerly 21-28.014, 61-28.014, 59FF-28.014, Amended.

64B25-28.015 Examination for Certification.

(1) No change.

(2) No change.

(3) In order to be eligible for certification, the candidate must receive a passing score on the Advanced Generalist ~~General~~ Examination, developed by the Association of Social Work Boards (ASWB).

Rulemaking Authority 491.015 FS. Law Implemented 491.0145(5) FS. History–New 4-29-91, Amended 7-30-91, 10-1-91, Formerly 21-28.021, 61-28.015, 59FF-28.015, Amended.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin C-08, Tallahassee, FL 32399-3258, (850)245-4474 or Sue.Foster@FHHealth.gov.

**Section IV
Emergency Rules**

NONE

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on November 19, 2015, the Department of Business and Professional Regulation, Division

of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Park Centre @ Telecom. Petitioner seeks an emergency variance of the requirements of ASME A17.1b, Section 2.2.2.6, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators sump and pump operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-292).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-28.0052 Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

NOTICE IS HEREBY GIVEN that on November 6, 2015, the Board of Accountancy, received a petition for variance or waiver filed by Christine Muhina, seeking a variance or waiver of paragraph 61H1-28.0052(1)(b), F.A.C., that requires candidates to pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the NASBA grade release date for the first test section(s) passed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:

61J1-8.003 Notice of Noncompliance

NOTICE IS HEREBY GIVEN that on November 09, 2015, the Florida Real Estate Appraisal Board, received a petition for variance of Rule 61J1-8.003, filed by William Terry Hanes regarding the requirement that only certain rules be considered minor violations for which the DBPR shall provide a registrant, licensee or certificate holder with a notice of noncompliance such that his violations of subsections 475.624(15) and 475.629, F.S., and Rule 61J1-7.001, F.A.C., would be classified as minor violations. The Board will consider this petition at its meeting currently scheduled for December 7, 2015.

Comments on this petition should be filed with the Florida Real Estate Appraisal Board, 400 W. Robinson Street, #N801, Orlando, FL 32801, within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Juana Watkins, Executive Director, at the above address or telephone: (407)481-4662.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.001 Examination Requirements.

NOTICE IS HEREBY GIVEN that on November 6, 2015, the Board of Optometry received a petition for waiver of subsection 64B13-4.001(2), F.A.C., filed by Jennifer Ferri, OD, regarding the requirement that applicants for licensure must have passed all 4 parts of the licensure examination within the 7 year period immediately preceding application for licensure. The Board will consider this petition at its meeting currently scheduled for December 4, 2015.

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

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.001 Examination Requirements.

NOTICE IS HEREBY GIVEN that on November 6, 2015, the Board of Optometry received a petition for waiver of subsection 64B13-4.001(2), F.A.C., filed by Michael Ferri, OD, regarding the requirement that applicants for licensure must have passed all 4 parts of the licensure examination within the 7 year period immediately preceding application for licensure. The Board will consider this petition at its meeting currently scheduled for December 4, 2015.

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

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-4.001 Examination Requirements.

NOTICE IS HEREBY GIVEN that on November 6, 2015, the Board of Optometry received a petition for waiver of subsection 64B13-4.001(2), F.A.C., filed by Michael Ferri, OD, regarding the requirement that applicants for licensure must have passed all 4 parts of the licensure examination within the 7 year period immediately preceding application for licensure. The Board will consider this petition at its meeting currently scheduled for December 4, 2015.

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

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

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

The Department Of Agriculture And Consumer SERVICES announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2015, 1:00 p.m.

PLACE: University of Florida, Equine Auditorium, 2147 Shealy Drive, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Animal Industry Technical Council to discuss animal and agricultural issues of concern.

A copy of the agenda may be obtained by contacting: Stephen Monroe, by telephone: (850)410-0944 or Stephen.Monroe@Freshfromflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Stephen Monroe, by telephone: (850)410-0944 or at Stephen.Monroe@Freshfromflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

EXECUTIVE OFFICE OF THE GOVERNOR

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
Division of Bond Finance
Financial Services Commission

- Office of Insurance Regulation
Office of Financial Regulation
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection
DATE AND TIME: December 8, 2015, 9:00 a.m.
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; reports on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, retail installment sales providers, title loan lenders, collection agencies, mortgage brokers, mortgage lenders, certified capital companies, money services businesses, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the

administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, administrative procedure matters, and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters for which it is responsible pursuant to law (including duties pursuant to Title 18 of the Florida Statutes and Title 18 of the Florida Administrative Code) and that are duly presented on its agenda, which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services; mineral leases or sales; state or sovereign land leases, sales, exchanges, dedications, and easements; conservation and preservation lands and other land purchases; land planning matters and other matters within its authority.

The Department of Environmental Protection will present for consideration those matters required by law to be reviewed by the Governor and Cabinet, sitting as the Siting Board, which may include, but are not limited to siting of power plants and electric and natural gas transmission lines.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/> or by contacting each individual agency.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to provide at least 48 hours' notification before the meeting by contacting the Governor's Cabinet Affairs Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee.

METROPOLITAN PLANNING ORGANIZATIONS

Miami Urban Area

The Miami-Dade County Transportation Disadvantaged Local Coordinating Board announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 8, 2015, 1:30 p.m.

PLACE: Stephen P. Clark Center, 111 NW 1st Street, 18th Floor, Room 3 (18-3), Miami, FL 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: - FY 2016-17 Coordination & Fare Agreements (CFA) between coordination contractors and the Miami-Dade County Board Of County Commissioners (BCC).

- Designation of Miami-Dade Transit, on behalf of The Board Of County Commissioners, as the Miami-Dade County Community Transportation Coordinator (CTC) from July 1, 2016 – June 30, 2021.

- Miami-Dade County TD program update.

A copy of the agenda may be obtained by contacting: Elizabeth Rockwell at erockwell@miamidadempo.org or (305)375-1881.

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: Elizabeth Rockwell at erockwell@miamidadempo.org or (305)375-1881. 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: Elizabeth Rockwell at erockwell@miamidadempo.org or (305) 375-1881.

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District
 The Northwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2015, 1:00 p.m., Governing Board Meeting; 1:05 p.m., Public Hearing on Regulatory Matters

PLACE: District Headquarters, 81 Water Management Drive, Havana, Florida 32333

GENERAL SUBJECT MATTER TO BE CONSIDERED: District business. Request for Release of FY 2015-2016 Trust Fund Appropriations.

A copy of the agenda may be obtained by contacting: Savannah White at (850)539-5999 or <http://nfwwater.com/about/governing-board/board-meetings-agendas/>.

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 72 hours before the workshop/meeting by contacting: Wendy Dugan at (850)539-5999. 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 AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

The Department of Agriculture and Consumer Services announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2015, 1:00 p.m.

PLACE: University of Florida, Equine Auditorium, 2147 Shealy Drive, Gainesville, Florida 32608, GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Animal Industry Technical Council to discuss animal and agricultural issues of concern.

A copy of the agenda may be obtained by contacting: Stephen Monroe by telephone at (850)410-0944 or email at Stephen.Monroe@Freshfromflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Stephen Monroe by telephone at (850)410-0944 or email at Stephen.Monroe@Freshfromflorida.com. If you are hearing or speech impaired, please contact the agency using the

Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:RULE TITLES:

61K1-3.006: Contracts Between Manager and Participant

61K1-3.006 Contracts Between Manager and Participant

61K1-3.015 Insurance Requirements

61K1-3.018 Emergency Equipment; Other Equipment and Services

61K1-3.019 Arena Equipment; Ring Requirements; Floor Plan and Apron Seating

61K1-3.026 Disciplinary Guidelines

The State Boxing Commission announces the cancellation of a telephone conference call.

DATE AND TIME: Friday, October 23, 2015, 9:00 a.m. – 12:00 noon.

PLACE: 1940 North Monroe Street, Tallahassee, Florida 32399

PHONE NUMBER: 1(888)670-3525

GENERAL SUBJECT MATTER TO BE CONSIDERED: The telephone conference call, published in Vol. 41, No. 177, of the Florida Administrative Register on September 11, 2015 is cancelled.

For more information, you may contact: Paul Waters, Executive Director, Florida State Boxing Commission, 1940 North Monroe Street, Tallahassee, Florida 32399-1016, (850)488-8500.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Environmental Regulation Committee (ERC) announces a public meeting to which all persons are invited.

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

PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32399-3000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Environmental Protection will bring before the ERC amendments to Chapters 62-4, 62-302, 62-303 and 62-701, F.A.C., for approval to adopt. The Division of Environmental Assessment and Restoration will present proposed revisions to Florida's surface water quality standards under the current Triennial Review. Proposed revisions to Chapter 62-4 include deletion of text related to mixing zones in Outstanding Natural Resource Waters, deletion of subsection 62-4.242(4), F.A.C., and clarification 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. Proposed revisions to Chapter 62-302 include: (1) update a number of references to standard operating procedures for bioassessments, (2) reclassify a number of estuarine waterbodies from Class III to Class II (shellfish propagation or

harvesting), (3) replace the un-ionized ammonia (fresh water) with criteria for total ammonia nitrogen, (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, and (8) clarify the calculation of annual geometric and arithmetic means for nutrients in marine waters. Proposed revisions to Chapter 62-303, F.A.C., are intended to clarify the assessment methodology for identifying impaired surface waters. New provisions primarily relate to: (1) the assessment of the concurrently proposed bacteria criteria, (2) the assessment of the recently adopted numeric nutrient criteria, and (3) 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 Division of Waste Management will present the following proposed amendments to Chapter 62-701, F.A.C., (1) statutorily mandated rule language that requires solid waste management facilities accepting construction and demolition debris to process the material, to the extent economically feasible, to recover recyclable material prior to disposal; (2) a new form for facilities to use in documenting their economic evaluation related to processing construction and demolition debris prior to disposal; and (3) a new subsection identifying twenty secondary references that are being adopted as standards under the rule chapter in response to a JAPC request.

A copy of the agenda may be obtained by contacting: Shayna Acree, ERC Coordinator, at 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000, email: ERC@dep.state.fl.us, phone: (850)245-2249 or on the Department's ERC website: <http://www.dep.state.fl.us/legal/ERC/default.htm>.

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: Shayna Acree, ERC Coordinator, at the number 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).

For more information, you may contact: Shayna Acree at (850)245-2249.

DEPARTMENT OF HEALTH
Board of Hearing Aid Specialists

The Board of Hearing Aid Specialists announces a telephone conference call to which all persons are invited.

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

PLACE: Call (850)245-4474 for more information on telephone conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Hearing Aid Specialists, 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 impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474 at least one week prior to meeting date.

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:

65A-1.204 Rights and Responsibilities

The Department of Children and Families announces a hearing to which all persons are invited.

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

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a continuation of the November 23, 2015, public hearing, at which persons seeking to call in to the number provided were unable to do so due to technical issues. The above number and participant code remain valid for this hearing. The purpose of the public hearing is to consider the comments of the public directed to the scope and application of the following documents: 1) the Department of Children and Families Statewide Auxiliary Aids and Service Plan for Persons with Disabilities & Persons with Limited English Proficiency; 2) the Department of Children and Families Operating Procedure American With Disabilities Act (ADA) Accommodation Procedures for Applicants/Employees/General Public, CFOP 60-10, Chapters 1 and 3); and the Department of Children and Families Operating Procedure Methods of Administration: Equal Opportunity in Service Delivery, CFOP 60-16, and whether the public interest is served adequately by the application of these documents on a case-by-case basis, as contrasted with their adoption by the rulemaking procedures or requirements set forth in Chapter 120, Florida Statutes.

A copy of the agenda may be obtained by contacting: Paul Sexton, Department of Children and Families, (850)922-5216 or paul.sexton@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Paul Sexton, Department of Children and Families, (850)922-5216 or paul.sexton@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Paul Sexton, Department of Children and Families, (850)922-5216 or paul.sexton@myflfamilies.com.

FLORIDA HOUSING FINANCE CORPORATION

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

DATE AND TIME: December 17, 2015, 2:00 p.m. Eastern Time

PLACE: Florida Housing Finance Corporation, 227 N. Bronough Street, 6th Floor Seltzer Room, Tallahassee, Florida. The workshop will also be available by telephone. The call-in information is posted on the Florida Housing website <http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-102>.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop will be held to solicit comments and suggestions from interested persons relative to Florida Housing's proposed Request for Applications (RFA) 2016-102, offering Housing Credits and State Apartment Incentive Loan (SAIL) financing for the development of Homeless, multifamily housing located in Medium and Large Counties. With this RFA, the Corporation expects to begin implementation of a regional approach within which to award funding to assist in meeting the need for homeless housing throughout the state. Prior to the workshop, a draft of the RFA will be available on the Florida Housing website

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2016-102/>

A copy of the agenda may be obtained by contacting: Ken Reecy at (850) 488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 5 days before the workshop/meeting by contacting: Jean Salmonsens at (850) 488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

CITIZENS PROPERTY INSURANCE CORPORATION

The Audit Committee of Citizens Property Insurance announces a public meeting to which all persons are invited.

DATE AND TIME: December 8, 2015, 2.00 p.m.

PLACE: Sheraton Orlando North Hotel, 600 North Lake Destiny Drive, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: As per the agenda, including the OIA 2016 Audit Strategy and Plan.

A copy of the agenda may be obtained by contacting: Betty Veal at (904)407-0440 or the Citizens website at www.Citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Betty Veal. 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: Betty Veal.

FLORIDA BIRTH-RELATED NEUROLOGICAL INJURY COMPENSATION ASSOCIATION

The Florida Birth-Related Neurological Injury Compensation Association announces a public meeting to which all persons are invited.

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

PLACE: Hyatt Regency Orlando International Airport, 9300 Jeff Fuqua Boulevard, Orlando, FL 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: General.

INWOOD CONSULTING ENGINEERS, INC.

The Lake-Sumter Metropolitan Planning Organization (MPO) announces an alternatives public information meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 1, 2015, 5:30 p.m. – 7:00 p.m., open house; 6:15 p.m., presentation

PLACE: Easter Seals Camp Challenge, 31600 Camp Challenge Road, Sorrento, Florida 32776

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to present information and receive public input regarding alternatives for Segment 2 of the Wekiva Trail. The ongoing Project Development and Environment (PD&E) Study includes the Wekiva Trail from Tremain Street to Hojin Street and the Neighborhood Lakes Trail from SR 46

to Kelly Park. Information regarding the entire Wekiva Trail will be available at the public information meeting. However, the various alternatives for the portion of the trail within Mt. Plymouth – Sorrento (Segment 2) will be the primary focus of the public meeting scheduled on December 1.

The objective of the PD&E study is to develop preferred alignment and concept plans for the design and construction of the proposed multi-use trail. The trail will be designed to accommodate a range of non-motorized uses including cycling, hiking, running, skating, wildlife viewing, and equestrian in appropriate areas.

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 7 days before the meeting by contacting Ms. Laura Clark at (407)971-8850.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require translation services, free of charge, should contact Ms. Clark at the phone number above.

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

For more information, you may contact Ms. Laura Clark, Public Involvement Manager, at (407)971-8850 or lclark@inwoodinc.com.

Additional information on the project is also available at www.lakewekivatrail.com/PDE_Study/.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC

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

DATE AND TIME: Tuesday, December 8, 2015, 6:00 p.m. – 800 p.m.

PLACE: Stanton Memorial Baptist Church, 50 NE 119 Street, Miami, FL 33161

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a Public Hearing for future median modifications, sidewalk enhancements, and pedestrian safety improvements along State Road (SR) 924/NW 119 Street from SR 9A/I-95 to West Dixie Highway, in Miami-Dade County, to discuss the project's design and scope of work. The project identification number is 438263-1-52-01. The hearing will begin as an open house, from 6:00 p.m. – 8:00 p.m. with a formal presentation starting at 6:30 p.m. Graphic displays will be shown during the hearing, and FDOT representatives will be available to discuss the project.

A copy of the agenda may be obtained by contacting: FDOT Senior Public Information Specialist Yamile Fernandez, (305)573-0089, yamile@iscprgroup.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ivette Ruiz-Paz, FDOT, 1000 N.W. 111 Avenue, Miami, FL 33172, (305)470-5349, ivette.ruiz-paz@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT Senior Public Information Specialist Yamile Fernandez at (305)573-0089, yamile@iscprgroup.com.

CARPE DIEM COMMUNITY SOLUTIONS, INC.

The Florida Department of Transportation (FDOT) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 8, 2015, 5:30 p.m. – 6:30 p.m., ET

PLACE: North Florida Fairgrounds, Building 2, 441 East Paul Russell Road, Tallahassee

GENERAL SUBJECT MATTER TO BE CONSIDERED: The intent of these projects is to improve the traffic flow through the Four Points area of State Road (S.R.) 363 (Woodville Highway) and S.R. 61 (Crawfordville Road), and to widen S.R. 363 (Woodville Highway) from two to four lanes with buffered bicycle lanes between Capital Circle and Gaile Avenue. Improvements also include re-alignment of the St. Marks Trail, sidewalk construction, widening of Ross Road and Tram Road, the extension of Tram Road, and the construction of five stormwater ponds and a closed storm sewer system. Segment 4 (S.R. 263 to Gaile Avenue) is funded for right-of-way acquisition beginning fiscal year 2018. Segment 5 (Gaile Avenue to Paul Russell Road) is funded for right-of-way acquisition beginning fiscal year 2019. Neither segment is funded for construction in the current FDOT Five-Year Work Program.

A copy of the agenda may be obtained by contacting: FDOT General Consultant Project Manager, Jessica Golema, P.E., toll-free: 1(866)855-7275 or via email: jessica.golema@atkinsglobal.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: FDOT General Consultant Project Manager, Jessica Golema, P.E., at the above phone number or email address. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ian Satter, District Three Public Information Director, toll-free: 1(888)638-0250, ext. 1205 or via email: ian.satter@dot.state.fl.us.

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF HEALTH
Board of Nursing

NOTICE IS HEREBY GIVEN that the Board of Nursing has received a petition for declaratory statement from Hannah Hughes and Shannon Harrington, on November 16, 2015. The petition seeks the agency’s opinion as to the applicability of Rule 64B9-2.005 and/or paragraph 54B9-2.011(6)(c), F.A.C., as it applies to the petitioner.

The Petitioner seeks a Declaratory Statement from the Board with regard to whether the Petitioners as faculty members of Strayer University require Florida registered nurse licensure and are subject to the regulations of Rule 64B9-2.005 and/or paragraph 54B9-2.011(6)(c), F.A.C., given they are educators in a post-licensure RN and BSN program based outside of Florida that provides online-only instruction to Florida residents. Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399, info@floridasnursing.gov or by telephone: (850)245-4125.

DEPARTMENT OF FINANCIAL SERVICES
Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received a petition for declaratory statement from Beazer Homes Corp., on November 20, 2015. The petition seeks the agency’s opinion as to the applicability of Chapter 494, Florida Statutes, as it applies to the petitioner.

The petition seeks a declaratory statement from the Office on whether Petitioner’s proposed business activities (of offering an internet “portal” to customers to facilitate a steady flow of mortgage financing at competitive rates, where customers; (a) can identify and connect with “preferred lenders” and mortgage loan originators, and (b) provide certain application information to provide a smooth loan application and approval process) fall within Florida’s Mortgage Brokerage and Lending Act, Chapter 494, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial

Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643 or agency.clerk@flofr.com.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9643 or agency.clerk@flofr.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**

FLORIDA HOUSING FINANCE CORPORATION

Request for Applications 2015-113 – Housing Credit
Financing to Provide

Affordable Multifamily Rental Housing that is a Part of Local
Revitalization Initiatives

This Request for Applications (RFA) is open to Applicants proposing the new construction, redevelopment or rehabilitation of Family or Elderly (non-Assisted Living Facility) properties in areas where a Local Government is implementing a planned initiative in partnership with private

and other public stakeholders to invest funding and other resources to rejuvenate the area. The Corporation is seeking applications for affordable, multifamily rental housing that is part of a broader neighborhood or local community revitalization effort. The Corporation expects to offer an estimated \$2,185,789 of Housing Credits.

Applications shall be accepted until 11:00 a.m., Eastern Time, on Thursday, December 17, 2015, to the attention of Ken Reecy, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Ken Reecy at Ken.Reecy@floridahousing.org or as otherwise directed in the RFA. This Request for Applications, which outlines selection criteria and Applicant’s responsibilities, can be downloaded from the Florida Housing Finance Corporation website

<http://www.floridahousing.org/Developers/MultiFamilyPrograms/Competitive/2015-113/>.

Any modifications that occur to the Request for Applications will be posted at the web site and may result in an extension of the deadline. It is the responsibility of the Applicant to check the website for any modifications prior to the deadline date.

Section XII Miscellaneous

DEPARTMENT OF TRANSPORTATION

Proposed Site Approval Order for Florida Hospital Helipad
The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

Florida Hospital Helistop, a private airport, in Orange County, at Latitude 28° 39' 00.4" and Longitude 81° 32' 28.8", to be owned and operated by Adventist Health Systems, 601 E Rollins Orlando, FL 32803.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us, website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative

hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

DECISION ON EXPEDITED APPLICATION

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

County: Pasco Service District: 5-1
CON#: 10396 Decision Date: 6/19/2015 Decision: A
Facility/Project: Senior Health – Concordia, LLC
Applicant: Concordia Manor

Project Description: To replace Concordia Manor (39 beds), Alpine Health and Rehabilitation Center (57 beds) and South Heritage Health and Rehabilitation (74 beds) with a new 170-bed community nursing home within 30 miles of Concordia Manor.

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

EXEMPTION

The Agency for Health Care Administration approved the following exemption on November 23, 2015 pursuant to Section 408.036(3), Florida Statutes:

ID #E150044 District: 5-1 (Pasco County)
Facility/Project: Concordia Manor
Applicant: Senior Health – Concordia, LLC

Project Description: Add 10 community nursing home beds to the Concordia Manor replacement facility via CON #10396
Proposed Project Cost: \$00

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

Notice of Emergency Action

On November 23, 2015, the State Surgeon General issued an Order of Emergency Suspension of License with regard to the license of Brian David Muto, D.C., License #: CH 9768. This

Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes. (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On November 23, 2015, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of David Lee Box, L.P.N., License #: PN 1029881. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On November 23, 2015, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Raphael Sanders, L.P.N., License # PN 5182360. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2015). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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.

INDEX TO RULES FILED BETWEEN NOVEMBER 16, 2015 AND NOVEMBER 20, 2015

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

2A-9.001	11/20/2015	12/10/2015	41/173	41/195
2A-9.002	11/20/2015	12/10/2015	41/126	41/170 41/195
2A-9.003	11/20/2015	12/10/2015	41/126	41/170 41/195
2A-9.006	11/20/2015	12/10/2015	41/173	41/195

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetables

5G-6.001	11/19/2015	12/9/2015	39/246	41/73
5G-6.003	11/19/2015	12/9/2015	39/246	41/73
5G-6.005	11/19/2015	12/9/2015	39/246	41/73
5G-6.006	11/19/2015	12/9/2015	39/246	41/73
5G-6.007	11/19/2015	12/9/2015	39/246	41/73
5G-6.009	11/19/2015	12/9/2015	39/246	41/73
5G-6.011	11/19/2015	12/9/2015	39/246	41/73
5G-6.013	11/19/2015	12/9/2015	39/246	41/73

STATE BOARD OF ADMINISTRATION

Division of Bond Finance

19A-3.004	11/17/2015	12/7/2015	41/200
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DEPARTMENT OF CITRUS

20ER15-2	11/20/2015	11/20/2015	41/227
20ER15-3	11/20/2015	11/20/2015	41/227

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Regulatory Council of Community Association Managers

61E14-2.001	11/16/2015	12/6/2015	41/203
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Florida Real Estate Appraisal Board

61J1-9.001	11/20/2015	12/10/2015	41/199
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State Boxing Commission

61K1-3.017	11/20/2015	12/10/2015	40/94	41/57 41/178 41/223
61K1-3.027	11/20/2015	12/10/2015	41/177	41/203
61K1-3.030	11/20/2015	12/10/2015	41/177	41/203
61K1-3.031	11/20/2015	12/10/2015	41/177	41/203

Drugs, Devices and Cosmetics

61N-1.001	11/17/2015	12/7/2015	41/147	41/193
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-348.900	11/17/2015	12/7/2015	41/177
62-4.021	11/17/2015	12/7/2015	41/177

Office of the Secretary

62S-3.001	11/17/2015	12/7/2015	41/177
62S-3.002	11/17/2015	12/7/2015	41/177

62S-3.003 11/17/2015 12/7/2015 41/177

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

64B20-9.001 11/19/2015 12/9/2015 41/182

Board of Medicine

64B8-4.024 11/19/2015 12/9/2015 41/179 41/208

64B8-5.002 11/19/2015 12/9/2015 41/179 41/208

Division of Children's Medical Services

64C-1.001 11/19/2015 12/9/2015 41/190

64C-1.003 11/19/2015 12/9/2015 41/190

64C-1.004 11/19/2015 12/9/2015 41/190

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

69U-100.045 11/19/2015 12/9/2015 41/171

**LIST OF RULES AWAITING LEGISLATIVE
APPROVAL PURSUANT TO SECTION 120.541(3),
FLORIDA STATUTES**

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

69L-7.020 7/20/2015 41/21 41/72
