

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-25.004 Endorsements

PURPOSE AND EFFECT: The Board proposes to clarify rule and update application.

SUBJECT AREA TO BE ADDRESSED: To clarify rule and update application.

RULEMAKING AUTHORITY: 456.013(2), 480.035(7), 480.041(4)(c) FS.

LAW IMPLEMENTED: 456.013(2), 480.041(4)(c) 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: Danielle Terrell, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Danielle.Terrell@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-26.006 Change of Corporate Officers, Interested Parties, Designated Establishment Managers

PURPOSE AND EFFECT: The Board proposes to clarify rule and update application.

SUBJECT AREA TO BE ADDRESSED: To clarify rule and update application.

RULEMAKING AUTHORITY: 456.013, 480.035, 480.043 FS.

LAW IMPLEMENTED: 456.013, 456.016, 456.0635, 456.067, 480.043 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: Danielle

Terrell, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Danielle.Terrell@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-26.007 Massage Establishment Change of Name/Location

PURPOSE AND EFFECT: The Board proposes to clarify rule and update application.

SUBJECT AREA TO BE ADDRESSED: To clarify rule and update application.

RULEMAKING AUTHORITY: 480.035(7), 480.043(3), (11) FS.

LAW IMPLEMENTED: 480.043, 456.0635 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: Danielle Terrell, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Danielle.Terrell@flhealth.gov.

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-29.007 Colonic Irrigation Apprenticeship Training Program

PURPOSE AND EFFECT: The Board proposes to clarify rule and update application.

SUBJECT AREA TO BE ADDRESSED: To clarify rule and update application.

RULEMAKING AUTHORITY: 480.035(7), 480.041(5)(a) FS

LAW IMPLEMENTED: 480.041(5)(a) 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: Danielle Terrell, Executive Director, Board of Massage Therapy, 4052

Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, Danielle.Terrell@flhealth.gov.
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-96.0011	Forms
14-96.002	Definitions
14-96.003	General Provisions
14-96.004	Connection Categories and Fees
14-96.005	Application
14-96.007	Application Submittal, Review, Approval, and Conditions
14-96.008	Construction and Maintenance of Traffic Requirements
14-96.009	Non-conforming Connection Permits
14-96.011	Modification of Connections
14-96.015	Department Design and Construction Projects

PURPOSE AND EFFECT: Amendments update forms incorporated by reference, revise the definitions to provide clarity as to the permit applicant’s responsibilities, identify the applicant’s filing and notice requirements to request the installation of medians and traffic control devices within the right-of-way, and amends the evaluation criteria and procedures to be followed during the modification, closure or revocation of access connections to the State Highway System.

SUMMARY: The proposed amendments to Chapter 14-96, Florida Administrative Code, update forms incorporated by reference, amend the definitions providing clarity as to responsibilities; identifies when an Intersection Control Evaluation analysis is required; identifies when a permit fee is not required for property owner initiated safety improvements; identifies revised requirements for pre-application meetings and the applicant’s filing requirements; identifies an applicant’s notice responsibilities to adjacent property owners when requesting connection median changes and traffic signal installations; and includes revisions to the evaluation criteria and process for use during revocation or closure of connection proceedings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there would be any adverse impact or regulatory cost associated with this rule that exceeds the stated criteria. Upon review of the proposed rulemaking, the Department determined that the proposed rule will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), 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: 334.044(2), 335.182(2), 335.183, 335.184, F.S.

LAW IMPLEMENTED: 334.044(14), 335.18, 335.181, 335.182, 335.1825, 335.183, 335.184, 335.185, 335.187, 335.188, 335.199, 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: John Ashley Peacock, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5361, ashley.peacock@dot.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Form Name and Link to Online Form	Form Number	Date
Driveway/Connection Application— Category A	850-040-14	09/02
Driveway/Connection Application for All Categories http://www.flrules.org/Gateway/reference.asp?No=Ref-14632	850-040-15	08/22/2017
Receipt of Connection Application and Fee (or Waiver of Fee) http://www.flrules.org/Gateway/reference.asp?No=Ref-14633	850-040-16	08/22/2017
Record of Waived Requirements for	850-040-17	08/22/2017

Form Name and Link to Online Form Title	Form Number	Date
All Categories http://www.flrules.org/Gateway/reference.asp?No=Ref-14634		02
Driveway Connection Permit for All Categories http://www.flrules.org/Gateway/reference.asp?No=Ref-14635	850-040-18	08/2206/ 06
Record Drawings Report by Permittee's Professional Engineer http://www.flrules.org/Gateway/reference.asp?No=Ref-14636	850-040-19	08/2209/ 02
Security Instrument Receipt http://www.flrules.org/Gateway/reference.asp?No=Ref-14637	850-040-20	08/2204/ 93
State Highway Access Connection Completeness Review http://www.flrules.org/Gateway/reference.asp?No=Ref-14638	850-040-21	08/2211/ 94
Applicant Time Extension Form http://www.flrules.org/Gateway/reference.asp?No=Ref-14639	850-040-22	08/2204/ 93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit http://www.flrules.org/Gateway/reference.asp?No=Ref-14640	850-040-23	08/22 6/06
Proposed State Highway Access Connection Notice of Intent to Issue Permit http://www.flrules.org/Gateway/reference.asp?No=Ref-14641	850-040-24	08/2206/ 06
Violation and Notice to Show Cause http://www.flrules.org/Gateway/reference.asp?No=Ref-14642	850-040-26	08/22 6/06

These forms are available from the Department of Transportation's One Stop Permitting internet site at (<https://osp.fdot.gov>) and may be completed and submitted electronically. Hardcopies of the forms are available upon request from the local area Maintenance Office, District Office,

Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Rulemaking Authority 334.044(2), 335.182(2), 335.184 FS. Law Implemented 334.044(14), (28), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03, 7-2-06 _____.

14-96.002 Definitions.

All terms in this rule chapter shall have the same meaning as those in Section 334.03, F.S. For the purposes of this rule chapter the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) "Applicant" means the person submitting a Driveway/Connection permit Application for All Categories, Form 850-040-15, (08/22), as incorporated by reference in Rule 14-96.0011, F.A.C. An applicant may be a property owner or the owner's authorized agent. The Department will also accept a driveway connection permit application by a person holding an unrecorded interest in the property, such as a lease, that includes the right of access to the property, upon written proof of authorization from the property owner to submit the application executed before a notary public.

(2) "Application" means a completed Driveway/Connection Application Category A, Form 850-040-14, 09/02, or Driveway/Connection Application for All Categories, Form 850-040-15, (08/22) 04/03, as incorporated by reference in Rule 14-96.0011, F.A.C., the required application fee, and related property, site, driveway, roadway and traffic information required in this rule chapter.

(3) "Average Daily Traffic (ADT)" means the average number of vehicles passing a specific point on a connection or roadway on an average day.

(4) "Connection" means as defined in Section 335.182(3)(a), F.S.

(5) "Connection Category" means a Department assigned permit designation based on estimated vehicle trips per day to and from the property as set forth by Rule 14-96.004, F.A.C., or derived through generally accepted professional practice.

(6) "Connection Permit" means a written authorization issued by the Department allowing for the construction of a specifically designed connection and any specific conditions related to the subject connection to the State Highway System at a specific location generating an estimated volume of traffic.

(7) "Connection Relocation, Alteration, or Closure" (pursuant to Section 335.187, F.S.) means as follows:

(a) "Alteration" of a connection means Department action to substantially change the width of a connection or to change the availability of right turn exits or right turn entries. For purposes of this provision, two connections, one providing right turn entry and the other providing right turn exit, shall be considered one connection if they are within functional proximity of each other.

(b) “Closure” of a connection means a prohibition of the ability to enter and exit via the connection.

(c) “Relocation” of a connection means an action to substantially move a connection, or to move a connection to a service road connected to the state highway.

(8) “Controlled Access Facility” for the purpose of this rule chapter means a transportation facility to which access is regulated through the use of a permitting process by the Department and as defined in section 334.03(7), F.S.

(9) “Department” means the Florida Department of Transportation.

(10) “Development Approval or Order” means an official action by the governmental authority having jurisdiction to approve a development site plan or to authorize construction of any permanent improvements on the property.

(11) “Directional Median Opening” means an opening in a restrictive median designed to control certain and specific turning movements from the state highway.

(12) “Distance Between Connections” means the distance measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

(13) “Florida Intrastate Highway System” means the system of limited access and controlled access facilities, which are part of the State Highway System, and are developed and managed to have the capacity to provide for high speed and high volume traffic movements in an efficient and safe manner. Highways on the Florida Intrastate Highway System may only be included as part of this system as designated pursuant to Sections ~~334.03 334.04~~ and ~~338.01 338.004~~, F.S.

(14) “Full Median Opening” means an opening in a restrictive median designed to allow all safe turning movements.

(15) “Generally Accepted Professional Practice” for the purpose of this rule chapter means the use of ~~P~~professional ~~E~~engineering and planning knowledge in the applicable professional publications, such as traffic studies or traffic study guidelines done in accordance with the procedures of recognized traffic or transportation organizations and agencies such as the Transportation Research Board, Eno Foundation, Institute of Transportation Engineers, or design standards or principles of the American Association of State Highway and Transportation Officials (AASHTO), the Department, or the Federal Highway Administration (FHWA).

(16) “Governmental Entity” means as defined in Section 11.45, F.S., or an officially designated transportation authority that has the responsibility for planning, construction, operation, maintenance, or jurisdiction over transportation facilities.

(17) “Joint Use Connection” means a connection that provides access to more than one property or development including those in different ownerships.

(18) “Limited Access Facility” means a street or highway established as such pursuant to Section 338.01, F.S., and meeting the definition of Section 334.03~~(12)(13)~~, F.S., including interchange areas and other facilities within the limited access right of way.

(19) “Median” means a Traffic Control Feature or Device which is the portion of a divided highway separating vehicular traffic traveling in opposite directions. See “Restrictive Median” and “Non-Restrictive Median” also defined.

(20) “Modification” of a connection means relocation, alteration, or closure of a connection.

(21) “Non-Restrictive Median” means a Traffic Control Feature or Device which is a median or painted centerline which does not provide a physical barrier between center traffic turning lanes or traffic lanes traveling in opposite directions. This includes highways with continuous center turn lanes and undivided highways. See “Restrictive Median” also defined.

(22) “Operational Characteristics of a Connection,” as specified in Section 335.184(3), F.S., means turning movements, turning radii, channelization, grade, and connection width.

(23) “Property Owner” means the person or persons holding the recorded title to property abutting the State Highway System, and other persons holding a recorded interest in such property that includes the right of access.

(24) “Public Road System” means the State Highway System, county roads, and city streets.

(25) “Reasonable Access” means the minimum number of connections, direct or indirect, necessary to provide safe and efficient ingress and egress to the State Highway System based on ~~Sections Section 335.181 and 335.188 335.18~~, F.S., the Access Management Classification, projected connection and roadway traffic volumes, and the type and intensity of the land use.

(26) “Replacement” means reconstructing an existing connection without alteration or relocation of the connection.

(27) “Restrictive Median” means a Traffic Control Feature or Device which is the portion of a divided highway physically separating vehicular traffic traveling in opposite directions. Restrictive medians are physical barriers that restrict movement of traffic across the median such as a concrete barrier, a raised curb island guard rail, or a grassed or swaled median.

(28) “Right of Way” means land or interest therein, acquired for or devoted to transportation purposes and as defined in section 334.03(21), F.S. More specifically, land in which the governmental entity owns the fee simple title, has an easement devoted to or acquired for use as a public road and appurtenant facilities, or has established ownership by means of a published map pursuant to Section 95.361, F.S.

(29) “Safety Upgrade Category” includes all modifications to existing connections initiated by the property owner, which

improve the safety of the public road system(s) and the connection. This category is not applicable to connections involving significant change. Examples of this type of work are increase of turning radii, channelization, resurfacing, relocation to improve connection spacing, widening or narrowing of a connection to better meet Department standards, and connection closure.

(30) "Security Instrument" means a letter of credit or bond as described in Section 334.187, F.S.

(31) "Service Road" means a public roadway that is part of the State Roadway System, and provides access to parcels adjacent to a controlled access facility.

(32)~~(31)~~ "Significant Change" means as defined in Section 335.182~~(3)(b)~~, F.S. If the Department determines that the increased traffic generated by the property does not require modifications to the existing permitted connections, a new permit application shall not be required.

(33)~~(32)~~ "State Highway System" means the network of limited access and controlled access highways that have been functionally classified as such, and which are under the jurisdiction of the State of Florida pursuant to Section 334.03~~(24)(25)~~, F.S., and as defined in section 334.03~~(24)~~, F.S.

(34)~~(33)~~ "Traffic Control Features and Devices" includes signs, markings, traffic signals, channelizing islands, medians, median openings, and turn-auxiliary lanes, described in the *Manual on Uniform Traffic Control Devices* (MUTCD), (incorporated by reference in Rule 14-15.010, F.A.C.).

(35)~~(34)~~ "Traveled Way" means the portion of roadway for the movement of vehicles, not including shoulders and auxiliary lanes.

(36)~~(35)~~ "Trip" means a one way person vehicle movement using any mode (vehicle, pedestrian, transit, bicycle). For example, two one customers ~~customer~~ visiting an establishment in the a same car usually equals two vehicle trips; (one in and one out) and four person trips (two in and two out).

(37)~~(36)~~ "Trip Generation" means the number of trips, existing or projected, based on actual counts or the estimation methodology in the 11th ~~6th~~ Edition of the Institute of Transportation Engineers *Trip Generation Manual Report* or other generally accepted professional practice.

(38)~~(37)~~ "Vehicle Trips Per Day (VTPD)" means the average number of vehicle trips generated on an average day by a specific site development. For the purpose of this rule chapter VTPD will not be adjusted for roadway diversion, which estimates what percent of land use trips were already existing on the road system and not new trips specially generated by the land use.

Rulemaking Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-188 ~~335.18-187~~ FS. History—New 4-18-90, Amended 7-16-95, 1-23-03, 12-28-03 _____.

14-96.003 General Provisions.

(1) **Local Permits and Approvals.** Connection permits authorize the initiation of construction of connections within Department right of way and the maintenance of connection(s) according to the permit provisions and adopted department standards. It is the responsibility of the applicant or permittee to obtain any other local permits or other agency approvals that may be required before the initiation of the connection construction. No person may construct, relocate, or alter a connection temporarily or permanently without first obtaining a connection permit from the Department, as provided in this rule chapter, regardless of governmental entity permits and approvals.

(2) **Pre-Application.** Prior to filing an application and prior to receipt of development or site plan approval, all applicants, ~~but in particular those~~ applying for a Category C, D, E, F, or G connection, are required strongly encouraged to request a pre-application meeting to review the site plan with the Department and other governmental entities, as appropriate, with respect to the proposed connection(s)' location. This review will be performed by the Department without a fee.

(a) Purpose of Pre-Application Meeting. The purpose of the pre-application meeting is to establish the connection(s) category and the general location and design of connection(s) to the property. Traffic study requirements may also be determined during this meeting.

(b) Non-Binding Nature of the Pre-Application Meeting. The pre-application meeting is advisory only and the results of this meeting are not binding on the Department or the applicant. An application must be submitted and a connection permit must be issued before the applicant can initiate construction.

(3) Cost of Construction.

(a) The cost of all construction related to the permit shall be the responsibility of the applicant.

(b) Existing permitted connections affected ~~impacted~~ by the Department's ~~current~~ construction activities and which require relocation, alteration, closure, or safety upgrade in order to meet ~~current-adopted~~ Department standards shall be relocated, altered, closed, or upgraded for safety by the Department at no cost to the permittee.

(4) **Traffic Control Features and Devices in the State Right of Way.** Traffic Control Features and Developments in the right of way, such as traffic signals, channelizing islands, medians, median openings, and turn lanes are operational and safety characteristics of the State Highway System and are not means of access. The Department may install, remove, or modify any present or future traffic control feature or device in the right of way to promote traffic safety in the right of way or promote efficient traffic operations on the highway. A connection permit is only issued for connections and not for any present or future traffic control features or devices at or near the

permitted connections. The permit may describe these features and/or devices, but such description does not create any type of interest in such features. An Intersection Control Evaluation (ICE) analysis is required when a single connection generates 4,001 ADT or more under E, F, or G standard connection categories, or when an Applicant proposes a connection permit with:

(a) Major reconstruction of an existing signalized intersection.

(b) A change to a full median opening from a directional or bi-directional median opening.

(c) The removal, installation, or modification of a traffic signal.

(d) The District Design Engineer (DDE) and District Traffic Operations Engineer (DTOE) consider an ICE a good fit for the project.

Information for the ICE analysis is available from the Department of Transportation’s One Stop Permitting internet site at <http://www.osp.fdot.gov>.

(5) Other Review Processes. The Department shall not be obligated to permit or approve any connection, traffic control feature or device, or any other site related improvement that has been specified in a development approval process separate from the official connection approval process described in this rule chapter. However, early coordination may minimize conflicts at application time.

(6) Alternative Access Plans. If the requirements of Rule Chapter 14-97, F.A.C., or other adopted Department access management standards, cannot be reasonably complied with, or if the standards can be met but the applicant desires to submit an alternative plan, the applicant may submit alternative access plans which will be subject to review and will require approval or denial by ~~of~~ the Department’s District Office Access Management Review Committee (AMRC) Secretary or designee. The acceptance of any alternative access plans shall be contingent based upon maximum achievement of the purpose of Rule Chapter 14-97, F.A.C., and Sections 335.18-.188, F.S. For the Department to consider an ~~Any~~ alternative access plan proposed under this section, the Applicant shall will need to provide documentation, in the form of a traffic study signed and sealed by a Professional Engineer licensed registered in the State of Florida describing of how the plan better serves the driving public and not just the applicant or its clients or customers. Prior to the approval or denial of any alternative plan, ~~t~~he Department will also consider the transportation conditions stated in Section 335.184(3)(a), F.S. See also, Rule subparagraph 14-96.007(4)(a)2. and Rule 14-96.009, F.A.C.

(7) Limited Access Facilities. Owners of property abutting limited access facilities have no right of access to such facilities.

Requests for any access (such as new interchanges) to limited access facilities will not be processed under this rule chapter. Rulemaking Authority 334.044(2), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 335.18-.188 ~~335.18-.187~~ FS. History–New 4-18-90, Amended 7-16-95, 1-23-03 _____.

14-96.004 Connection Categories and Fees.

All connections, public or private, shall be determined by the Department to be in one of the following categories:

(1) Standard Connection Categories. The following table summarizes the standard connection categories and application fees:

DESCRIPTION/PROJECTED AVERAGE VEHICLE TRIPS PER DAY OF SITE	APPLICATION FEE
Category A – Uses to 20 VTPD	\$ 50
Category B – Uses with 21 - 600 VTPD	\$ 250
Category C – Uses with 601 - 1,200 VTPD	\$1,000
Category D – Uses with 1,201 - 4,000 VTPD	\$2,000
Category E – Uses with 4,001 - 10,000 VTPD	\$3,000
Category F – Uses with 10,001 - 30,000 VTPD	\$4,000
Category G – Uses with 30,001 + VTPD	\$5,000

(2) Special Connection Categories.

(a) “Temporary Connection Category” provides a temporary, time limited connection to the State Highway System for a specific property, use, and estimated traffic volume. Such uses may include forest land clearing and temporary agricultural or construction uses. This category may not be used for permanent construction at a site where it is reasonably expected that the use is the ultimate use of the property. Further, a temporary connection permit does not bind the Department in any way to the future issuance of a permanent connection permit at the temporary connection location. The permittee shall remove, at the permittee’s own cost, the temporary connection at the end of the permit period or shall apply for an extension or a new permit. The fee for this category is \$250 for a six month period. The period will be extended for increments of six months upon written request, payment of a new fee, and a showing of good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant. However, in no event shall the period extend beyond 24 consecutive months. The Department reserves the right to remove any temporary connection upon expiration of the permit.

(b) A “Government Entity Category” provides for a connection or connection modification for any new or substantially improved public road or connection to a governmental facility. The fee will be waived if the applicant is a governmental entity.

(c) “Safety Upgrade Category” will not require a fee when initiated by the property owner and approved by the Department to improve the safety of the public road system and an existing connection shall not be used for connections involving significant change.- Examples of this type of work are changes to turning radii, channelization, resurfacing, relocation to improve connection spacing, widening or narrowing of a connection to better meet Department standards, and connection closure. This category specifically does not include changes made as a result of a significant change as defined in Rule 14-96.002(32) F.A.C. These applications shall be initiated by the applicant and will not require a fee.

(3) **Phased Developments.** New phases of an existing development requiring a new permit will have their fee based on the development in the individual phase.

(4) **Fee Payment Type.** Full payment of fees shall be made by ~~cashier’s check, certified check, personal or business check,~~ cash, or money order, and shall be made payable to the State of Florida Department of Transportation for mailed or delivered applications and credit cards for electronic applications at the time of application. Checks drawn on governmental entity accounts will be accepted by the Department. The use of pre-paid accounts are also allowed in accordance with the Department’s pre-paid account practices. If at any time during the application process payment is rejected or a check for the fee is returned for insufficient funds, the applicant will be notified that the application is not complete and no further processing will occur until payment is made a cashier’s check, certified check, personal or business check, cash, or money order is presented. The application fee is non-refundable, as required by Section 335.183, F.S.

Rulemaking Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, 1-23-03, 1-25-04, 3-19-06 _____.

14-96.005 Application.

(1) **Connection Permit Application and Information.**

The Driveway/Connection Application ~~—Category A, Form 850-040-14 (09/02) and Driveway/Connection Application for All Categories, Form 850-040-15, (08/22) (04/03), as incorporated by reference in Rule 14-96.0011, F.A.C., and application information are available electronically from One-Stop Permitting (<https://osp.fdot.gov>), or from the office of the local area Maintenance Engineer, District Office, or Urban Area Office. A complete application shall consist of the Connection Permit Application, (with original signatures, the number of signatures to be determined by the District staff) application fee, site plans, drawings, traffic data, and connection and roadway information specified in this rule chapter.~~

~~(a) The Department suggests that Prior to submitting an application for a Category C, D, E, F, or G connection, the Applicant is required to request a pre-application meeting with the Department to review the site plan, establish the connection category, and identify required documentation and traffic study requirements ask the Department about the level of detail and additional information requirements pursuant to this rule chapter. Upon request, the Department will meet with the Applicant, on-site and/or in-office, to discuss the project, projected impacts to the State Highway System, and the suggested methodology for the analysis of traffic impacts. The pre-application meeting will be performed by the Department without a fee. The pre-application meeting is a courtesy and intended to be advisory only; the results of this meeting are not binding on the Department or the Applicant. See subsection 14-96.003(2), F.A.C.~~

(b) The Department will request clarification or additional information required in this rule chapter during the application review process where the Applicant has failed to complete the application.

(c) Failure to provide the requested information within time limits specified within this rule chapter shall result in the review and decision being based on information provided.

(d) An application will not be accepted if the appropriate fee is not paid.

(e) The Applicant shall be allowed to submit any site specific information which the Applicant deems to be pertinent to the Department’s review of the connection application.

(2) **Changes in Property Use.**

(a) Where additional traffic is projected due to expansion or redevelopment, the property owner shall contact the Department to determine if a new permit application and modification of existing connections will be required. If the Department determines that the increased traffic generated by the property results in a significant change, a new application shall be required.

(b) Failure to contact the Department to determine the need for connection modifications or to submit a new application for such modifications prior to initiation of property improvements, land use changes, or traffic flow alteration actions which constitute significant change will result in notification to the property owner of the Department’s intent to revoke or modify the existing permit and closure of the connection to the property as specified in ~~Rule subparagraph~~ 14-96.011(2), F.A.C.

(c) Vacant or Abandoned Sites. For purposes of determining the “existing use” of a property under the definition of significant change, the following criteria apply:

1. For connections under Sections 335.187(1) and (2), F.S., the use of the property on July 1, 1988, shall be considered the

existing use, unless thereafter discontinued for a period of one year or more.

2. For connections under Section 335.187(4), F.S., the use of the property reflected in the permit shall be considered the existing use, unless thereafter discontinued for a period of one year or more.

3. The use of a property is considered discontinued when there has been a cessation of trips to the property, except for trips to maintain or market the property associated with that use. The use of the property will also be considered discontinued where the business located on the property has been out of service for a period of one year or more.

4. If the use of a business has been discontinued for the period of one year or more, any use proposed by an applicant shall constitute significant change.

(d) The Applicant is responsible for all costs associated with relocation, alteration, or closure of a connection if the need for relocation, alteration, or closure is caused by the actions of the Applicant.

(3) Information Required for All Applications. The following information is required of all applications for all connections categories:

(a) Identification of property owner and Applicant. The complete names and current mailing addresses and telephone numbers of property owner(s), the Applicant, and the authorized representative.

(b) Notarized letter of authorization. If the Applicant desires to have a representative sign, file, and handle the application, a notarized letter of authorization from the Applicant designating the authorized representative shall be provided with the application package.

(c) Responsible person. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished with the application.

(d) Signatures. The names of all individuals signing the application and their titles shall be typed or printed with the signatures.

(e) Property use. The existing and planned property use shall be noted in sufficient detail to determine the appropriate connection category of the application.

(f) Location of all existing and proposed connections. This will include a site plan indicating any physical features (existing and proposed) that would have an impact on traffic circulation (both motorized and non-motorized where applicable) and sight distance on the public road system. Examples of such physical features are walls, fences, trees, mail boxes, gates, and utility poles. The site plan must indicate if the curvature or topography of the road prevents a clear line of sight in either direction of the proposed access.

(g) Where non-motorized users (bicyclists and pedestrians) are present, planned, or promoted, safe and convenient access for non-motorized users should be provided by the site. The bicycle/pedestrian access should connect the external bicycle and pedestrian network(s) (e.g., the sidewalk and/or bicycle facility along the site's frontage) to the main entrance of the site's building(s). Access should be safe and convenient with minimal conflicts with other modes and minimized travel distance with the most direct route.

(4) Additional Information Required for Category C, D, E, F, and G Applications. In addition to the information required on all applications, the following information is required on all Category C, D, E, F, and G application:

(a) Multimodal Trip generation data. The applicant will estimate the site's Average Daily Traffic (ADT) consisting of the average number of vehicles, anticipated to use the connection(s) on an average day and peak hour or daily trip generation of pedestrians, bicyclists, transit, to identify impacts of the development generated traffic onto the existing multimodal network; and provide appropriate mitigation for safe and efficient movement of pedestrians, bicyclists, transit, and vehicles. The peak hour(s) will be proposed at the time of application or conceptual review based on the most critical hour(s) for the proposed property use. This determination of the most critical peak hour(s) will be made considering both the peaking characteristics of the proposed site and the surrounding road system. Estimates shall be made in accordance with the 11th 6th eEdition of the Trip Generation Manual Report, published by the Institute of Transportation Engineers, and available for purchase at www.ite.org Washington D.C., or other generally accepted professional practice. The 11th Edition of the Trip General Manual is hereby incorporated by reference. Posting of this manual for public inspection would violate federal copyright law. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Program Management Office, 605 Suwannee Street, Tallahassee, Florida. If the Department determines, that the trip generation data provided by the applicant are not accurate or not realistic, the Department will require further trip generation analysis signed, sealed and dated by a Professional Engineer licensed registered in the State of Florida.

(b) Site plan. A drawn to scale Each site plan submitted with a Category C, D, E, F, or G application shall contain the following (by phase) or (recent aerial photographs of sufficient scale and clarity may be used in conjunction with the following):

1. Any physical features (existing or proposed) such as buildings, other structures, or natural features which would have an impact on traffic circulation (both motorized and non-

motorized where applicable) and sight distances on the public road system.

2. Traffic circulation plan, including non-motorized connections where applicable, and parking lay out.

3. Right of way and property lines (surveys are acceptable, but not required).

4. Any existing joint access or cross access connection features.

5. A plat map showing abutting parcels and ownership.

(c) Transportation facility and neighboring connection information. ~~Each site plan submitted for a Category C, D, E, F, or G application shall also contain the following information:~~

1. Road names and highway numbers for all abutting roads and highways.

2. The Department's county section and milepost number (this identification is available at the Department).

3. Existing laneage for all roads abutting the development, including left and right turn storage and auxiliary lanes and medians.

4. Inventory and geometric characteristics of non-motorized facilities located adjacent to the proposed driveway connection(s), including sidewalks and bikeways.

~~5.4.~~ Location of future roads (known to the applicant) and improvements to existing roads abutting or entering the property.

~~6.5.~~ Neighboring connections and median openings. The location and type of connections (on both sides of the road), median openings, intersections, and traffic signals within the following distances from the site's property lines:

a. If the posted speed limit is over 45 MPH then the distance of the features documented shall be 1,320 feet, or to the closest public street intersection, whichever is less.

b. If the posted speed limit is 45 MPH or less, the distance of the features documented shall be 660 feet, or to the closest public street intersection, whichever is less.

c. Recent aerial photographs of sufficient scale and clarity to depict the site and the immediate area may be used to provide this information.

~~d. The Department will waive or reduce the requirement for neighboring connection information where restrictive medians or other physical features negate the need for this information.~~

~~e. If the Department determines that additional information is needed (such as connection location farther than the distances stated here) the Department shall request such information in writing and at the same time provide the justification for the need for information in writing.~~

(d) Connection location and design plans information. Applications for connection Categories C, D, E, F, and G, as well as public road system connections and those connections requiring auxiliary lanes, shall contain detailed connection and

~~design information, in accordance with the Department's Plans Preparation Manual, January 2000, or other generally accepted professional practice. This information shall be signed, sealed, and dated by a Professional Engineer licensed registered in the state of Florida and~~ The connection location and design information will include:

1. Location of all proposed connections, connection profiles, as well as public road system connections, and those connections requiring auxiliary lanes, connection width, connection radii, connection angle. Proposed connections must include non-motorized connections where applicable.

2. Design and cross section (to the right of way line) of auxiliary lanes and pavement to serve the requested connection(s).

3. Location and type of traffic control devices proposed.

4. Proposed pavement marking and signing.

5. Location and type of drainage features existing and proposed within the right of way.

6. Median opening design and cross-section, for any new or modified median or median opening to be used by the property's traffic.

7. Type of roadway materials to be used.

8. Location and type of existing utilities, or any other easements or encroachments.

9. Description of proposed turning movements.

10. Horizontal and vertical curvature of abutting roads where severe topography or sight distance concerns warrant.

11. Incorporation of geometric features to minimize the impacts of driveway connection/s to existing or proposed non-motorized facilities.

~~(e)9. A The maintenance of traffic control plan (TCP) for construction activity shall be in conformance with must conform to the Federal Manual on Uniform Traffic Control Devices, incorporated by reference in Rule 14-15.010, F.A.C., and Generally Accepted Professional Practice. The maintenance of traffic plan must also conform to the Department's Design Standards, January 2002, incorporated by reference in Rule 14-96.008, F.A.C. The expected time of roadway closure must be in accordance with the Department's Plans Preparation Manual, January 2003, incorporated by reference in Rule 14-96.008, F.A.C., or other generally accepted professional practice. The Applicant must either cite to an unmodified Department Design Standard Plan Index TCP (contained within Design Standard series 102), or submit a TCP A maintenance of traffic plan which does not conform to the Plans Preparation Manual and the Design Standards must be signed and sealed by a Professional Engineer licensed registered in the State of Florida.~~

~~10. Horizontal and vertical curvature of abutting roads where severe topography or sight distance concerns warrant.~~

~~11. Indication of all proposed turning movements.~~

(5)(e) Traffic Study Requirements. For Category C, D, E, F, and G applications, or any application requesting or requiring a new traffic signal, new median opening, auxiliary lane, or modified median opening, the following traffic study data requirements apply. The specific detail and content of the traffic study will vary depending upon the existing and projected traffic volumes, highway capacity, levels of service, and safety concerns. Any traffic study (except a cursory analysis, such as an indication of peak hour movements from the applicant's site) must be signed, dated, and sealed by a qualified, licensed Florida Professional Engineer registered in the State of Florida. All work submitted by such a Professional Engineer in a traffic study will be reviewed by or under the supervision of a Department Professional Engineer registered in the State of Florida. The traffic study must include:

1. Critical peak hour vehicular turn movements from each proposed connection and abutting public road in graphic form.

2. Bicycle and pedestrian trip generation for the critical peak hour.

~~3.2. Vehicular and non-vehicular~~ Traffic operations analysis of sufficient depth to analyze the impacts of the development on the surrounding transportation system and consistent with the FDOT Transportation Site Impact Handbook.

~~4.3.~~ An appropriately sized study area and time horizon based upon the type and size of the development.

(a)(f) Category C Exemptions. Category C applicants are exempt from some of the requirements listed above if the applicant can show that the information would have no significant bearing on the permitting decision process.

Rulemaking Authority 334.044(2), ~~(27)~~, 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 334.044(28), 335.18-.187 FS. History—New 4-18-90, Amended 7-16-95, 1-23-03, 12-28-03 _____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) Application Submittal. The application shall be submitted electronically at One Stop Permitting: <https://osp.fdot.gov>, or mailed/delivered to the Department's District Permits Office or to the Department's District Maintenance and Field Offices ~~Office~~.

(2) Application Completeness Review. The Department shall notify the applicant within 30 days of submittal, using State Highway Access Connection Completeness Review, Form 850-040-21, (08/22) (41/94), as incorporated by reference in Rule 14-96.0011, F.A.C., if additional information is needed, or if there are errors or omissions. This notification will list those items needed to complete the application, consistent with the requirements of this rule chapter or additional information needed to evaluate the application. If such a request for additional information is given to an applicant within the 30-

day period, the application will be deemed incomplete until the additional requested information is supplied to the Department. An application that requires a fee will not be accepted without the fee.

(a) Unless otherwise indicated in the notice of completeness review, applicants must provide such requested information within 60 days of the receipt of the Access Connection Completeness Review Form.

(b) If the additional information has not been received by the Department within the prescribed time from the date of notification, the application shall be processed based upon the information provided.

(c) If no additional information is requested during the prescribed 30-day Completeness Review Period, the application shall be deemed complete as of the date the Department received the application.

(3) Applicant Time Extension. If the applicant needs more time to provide additional information or correct deficiencies in the application than allowed under this rule chapter, then the applicant may request a waiver of the time requirements by stating the reasons in writing on an Applicant Time Extension Form, Form 850-040-22, (08/22) (04/93), as incorporated by reference in Rule 14-96.0011, F.A.C.

(4) Technical Planning and Engineering Sufficiency/Compliance Review. The applicant will be notified within 90 days of receipt of a complete application, receipt of all required information, or expiration of the time period for receipt of additional or corrected information. The notification will include the Department's decision of approval or denial of the application.

(a) Notice of Intent to Issue Permit. The Department shall send the applicant a Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., if either:

1. The Department determines that an application is consistent with Rule Chapters 14-96 and 14-97, F.A.C., and there is no need to exceed the minimum standards as stated in Rule paragraph 14-97.003(1)(e), F.A.C.; or

2. The Department determines that an application is not consistent with Rule Chapters 14-96 and 14-97, F.A.C., but that denial of a connection would be denial of reasonable access and, in the Department's sole discretion, the requested that such a connection would not jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway, consistent with Rule 14-96.007, F.A.C. Upon satisfactory completion of the conditions listed in the Notice of Intent to Issue Permit, only a non-conforming permit can be issued in accordance with Rule 14-96.009, F.A.C.

(b) Direct Permitting. If an applicant provides an application that otherwise meets all the requirements of Rule

Chapters 14-96 and 14-97, F.A.C., and the Department is not imposing any additional conditions, the Department will issue a permit in accordance with subsection (6) below.

(c) Notice of Intent to Deny. The Department shall send the applicant Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., if the ~~Department determines that an~~ application is not consistent with currently adopted Department rules and design standards or additional site specific operations and safety concerns as stated in Rule paragraph 14-97.003(1)(e), F.A.C., apply, and;

1. The Department determines that denial of a connection would not be a denial of reasonable access; or

2. The Department determines that denial of a connection would ~~be a denial of reasonable access but that a connection would~~ jeopardize the safety of the public or have a negative impact upon the operational characteristics of the highway.

(d) Additional Connections. When an applicant seeks a permit for additional or alternative connection(s) the previously permitted connections are presumed to provide reasonable access to the State Highway System unless the property owner shows:

1. That there has been a change in the use of the property from that reflected in the application(s) for the previously approved connection(s), which change has or will cause an increase in the trip generation (peak hour or daily) of the property exceeding 25 percent more than reflected in the prior application(s), and that such change in use and increase in trip generation was not reasonably foreseeable at the time the application(s) for the previously approved connection(s) was filed; or

2. That circumstances relating to traffic safety and efficiency, outside the control of the permittee, have arisen that were not reasonably foreseeable at the time of approval of the connections that prevent the connection(s) from providing reasonable access to the highway.

(e) Agreements made after Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., is issued. If an agreement is made between an applicant and the Department which will allow the Department to approve a connection, this agreement will not be effective nor supersede the Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit, Form 850-040-23, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., unless it is in writing, executed by the applicant and the Department, and appropriate revisions are reflected on signed and sealed construction plans before the time period allowed for a denial challenge has expired. The agreement will completely describe the mutually agreed access

plan and include construction plans signed and sealed by a Professional Engineer licensed in the State of Florida.

(5) Conditions of the Notice of Intent to Issue Permit.

The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., shall set forth all conditions not otherwise required by this rule chapter for issuance of a permit and maintenance of the connection(s). The notice will specify which of the conditions set forth in the notice must be met before issuance of a permit and those that must be met after the permit is issued.

(a) Not a Permit. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., does not authorize the initiation of connection construction within the Department right of way but acknowledges completion of the Department review and indicates the Department's intent to issue a permit upon compliance with the conditions stated in the Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C.

(b) Time Period. A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., is valid for one year and may not be revoked during that period, provided that no material change has occurred in the proposed development or traffic characteristics on the abutting State Highway System. The Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., may be extended, upon Department approval, upon a showing of good cause by the applicant (such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the applicant). A Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., may be assigned to a purchaser or new occupant within one year of issuance if there is no change in the land use or in the site plan and the Department is notified of the reassignment by the original applicant.

(c) Standard Conditions. The following standard conditions will apply to all Proposed State Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., before a connection permit can be issued:

1. Development approval from the appropriate governmental entity consistent with the Proposed State

Highway Access Driveway/Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C.;

2. Assurance of performance pursuant to Section 334.187, F.S.

3. An indemnity agreement shall be executed by the applicant wherein it is agreed that the Department shall be indemnified, defended, and held harmless from any and all claims, demands, costs, or expense for loss, damage, or injury to persons or property of the other caused by, arising out of, or resulting from:

a. Any act or omission by the applicant or the applicant's contractors, agents, servants, or employees in connection with any construction activities undertaken pursuant to the connection permit.

b. The negligence of the applicant or negligence of the applicant's contractors, agents, servants, or employees.

c. Any other event or act that is the result of, or proximately caused by, the applicant or the applicant's contractors, agents, servants, or employees in constructing or maintaining the connection or any other features.

4. Compliance with drainage requirements in Rule Chapter 14-86, F.A.C.

5. Special requirements added to promote safety and efficiency.

6. Liability Insurance for All Category C, D, E, F, and G Permits. Before construction is to begin, the applicant shall deliver to the Department proof of insurance verifying that the applicant or the applicant's contractor has coverage under a liability insurance policy issued by an insurance company authorized to do business in the State of Florida naming itself as insured, and the Department as an additional named insured, which policy shall contain a contractual endorsement specifically covering the liabilities arising from the indemnity agreement.

a. The policy shall provide public liability insurance, including property damage, in the amount of \$500,000 combined single limit for each occurrence.

b. The above required policy shall be endorsed with a provision requiring the insurance company to notify the Department 30 days prior to the effective date of cancellation or of any material change in the policy if the change occurs during the construction period.

c. The applicant shall pay all premiums and other charges due on said policy and keep said policy, or a materially identical replacement policy, in force to insure the entire period of construction of the connection.

7. Connection Median Changes and Traffic Signals. For all proposed driveway connection applications that either request or are required by the Department to install, modify, or remove a Traffic Control Feature that will have the effect of closing or

modifying left turns to or from an owner of property abutting the State Highway System, the Applicant must provide the Department:

a. A list of the names and mailing addresses of all real property owners whose property lies in whole or in part within 300 feet of either side of the centerline of the proposed facility including all neighboring connections as described in Rule 14-96.005(4)(b)5., F.A.C., who have been provided a letter of notification. If the property is leased to a residential tenant with exclusive use of the parcel or to a commercial tenant(s), the list will also include the name and mailing address of the tenant(s).

b. A single copy of the letter of notification provided to the real property owners and listed tenants describing the proposed modification. The letter must include the name and address of the person to whom comments on the change can be sent and provide at least 30 days for receipt of the comments.

c. Proof of delivery of the notification letter to all previously listed persons by mail, email, or hand delivery.

d. A copy of all correspondence received in response to the letter and other correspondence related to the permit provided within 10 days of receipt by the Applicant.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C., will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (08/22) (06/06), as incorporated by reference in Rule 14-96.0011, F.A.C. A permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(a) Failure to Comply. If the Department determines that the applicant has failed to comply with all conditions required prior to the issuance of a permit, it shall notify the applicant that the Department will not issue a permit and specify the conditions that have not been met. Notice of the Department's intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule Chapter 28-106, F.A.C.

(b) Permit Time Extension. The permit will be extended beyond the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, governmental entity coordination delays, or other technical problems not within the control of the permittee.

(7) **Concurrent Governmental Entity Review.** Nothing contained herein shall preclude concurrent review of the permit application by the Department and governmental entities.

(8) **Permit Conditions.** Failure by the applicant to abide by the permit conditions that are applicable after permit issuance shall be just cause for the Department to order alteration of the connection, or to revoke the permit and close the connection at the expense of the applicant, subject to the provisions in this rule chapter, or for the Department to have the necessary modifications made and seek payment from the applicant. The permit requirements shall be binding on the applicant, the applicant's successors, heir, and assigns, the permit application signatories, and all future owners and occupants of the property. The Department may require permits to be recorded in the public records with the legal description of the property when cross or joint access exists, when permit conditions requiring future performance by the permittee exist such as installation of traffic control features or devices, or when other conditions warrant recording.

(9) **Government Owned Rail or Non-Highway Use Corridors.** Corridors including separate pedestrian trails, bike trails, current or abandoned exclusive bus or transit corridors, current or abandoned rail corridors, or waterways, that are not part of the State Highway System ~~and~~ are not subject to the provisions of the Access Management Act, Sections 335.18-.188, F.S. These corridors, that abut the state highway system, are considered intervening property and property on the other side of such a corridor will not be considered to be abutting the State Highway System. Action will be taken under Rule 14-96.011, F.A.C., to modify an existing connection across a corridor if it interferes with the safe or efficient operation of the corridor or State Highway System.

Rulemaking Authority 334.044(2), 334.187(4), 335.182(2), 335.184 FS. Law Implemented ~~334.044(14)~~, 334.187, 335.181-.1825, 335.184, 335.185 FS. History— New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 12-28-03, 7-2-06 _____.

14-96.008 Construction and Maintenance of Traffic Requirements.

All construction and maintenance on Department right of way shall conform to the Federal *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. All construction and maintenance on Department right of way shall also conform to the Department's FY 2021-22 Standard Plans for Road and Bridge Construction, incorporated herein by reference at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14648> and available at <https://www.fdot.gov/design/standardplans/2022/default.shtm>, July 2021 Standard Specifications for Road and Bridge Construction, incorporated herein by reference at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14649>

and available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/programmanagement/implemented/specbooks/july2021/7-21ebook.pdf?sfvrsn=9a1c9abf_8, 2021 FDOT *Design Manual*, incorporated herein by reference at <http://www.flrules.org/Gateway/reference.asp?No=Ref-14650> and available at <https://www.fdot.gov/roadway/fdm/2021-FDM.shtm> *Design Standards*, January 2002, Topic #625-010-003; ~~the Standard Specifications for Road and Bridge Construction, 2000 Edition, the Department's Plans Preparation Manual, January 2003, or other generally accepted professional practices.~~ With the exception of the MUTCD, which already is incorporated by reference under Rule 14-15.010, F.A.C., the manuals and standards specifically listed in this section are hereby incorporated by reference and made a part of the rules of the Department of Transportation.

(1) **Disruption of Traffic.** For safety and operational purposes, the Department may require or restrict hours of construction to minimize disruption of traffic on the State Highway System. When construction activity on a connection causes undue disruption of traffic or creates safety hazards on a state highway or facility, the District Secretary or designee shall advise the permittee of the need for immediate corrective action by a specified time, and may issue a stop work order if deemed necessary.

(2) **Connection Completion Time Limit.** Construction shall be completed within one year of the date of issuance of the permit. Failure to comply with the one year time limit shall result in an automatic expiration of the permit unless extended by the Department as described in Section 335.185(2), F.S. A stop work order may be issued by the Department if work exceeds the imposed time restrictions. For any permit which expires for failure to construct the connection within the one year limit, the applicant shall submit a new application, including the payment of the required application fee prior to the initiation or continuation of any construction.

(3) **Assurance of Performance.** Assurance of performance pursuant to Section 334.187, F.S., will be required if the permit requires extensive work within the right of way, such as auxiliary lanes, median modifications, relocation or modifications of structures, or traffic signals.

(a) Prior to the issuance of a permit, the applicant shall provide a security instrument in the estimated dollar amount of the improvements in the right of way. The Department shall be named as the beneficiary. The security instrument shall be provided to the Department before the permit is issued. The security instrument shall be valid for a sufficient time to cover the construction and inspection of the permitted work, but for not less than 18 months.

(b) The applicant shall provide the estimated cost of improvements on right of way in a document signed, sealed, and dated by a Professional Engineer licensed registered in the State of Florida.

(c) Security Instrument Receipt, Form 850-040-20, (08/22) (04/93), as incorporated by reference in Rule 14-96.0011, F.A.C., must be used.

(d) Such security instruments shall be required except when a performance bond covering the work on the right of way is included as part of the bond necessary for development approval by the local governmental entity and the Department is a named beneficiary.

(e) The Department will waive the security instrument requirement when there is an agreement with the local governmental entity to withhold the certificate of occupancy until problems are corrected and there is no indication that the requirements of this rule chapter will be violated.

(f) The Department shall require a security instrument for any connection or access feature, construction, or permit activity if the activity is in relation to:

1. An unpermitted connection that is going through the process of becoming permitted;
2. The correction of a safety hazard caused by activities on the property; or
3. Modification of an existing connection or traffic control feature or device as per Rule 14-96.011, F.A.C., for changed conditions on the property.

(g) The security instrument will be returned to the applicant when final inspection by the Department shows that the work has been completed as permitted.

(4) Posting of Permit. The approved connection permit shall be displayed adjacent to in a prominent location in the vicinity of the connection construction site during the construction period.

(5) Traffic Signals, Signing, Pavement Markings, and Other Traffic Control Devices. Such devices, ~~installed by an applicant,~~ shall conform to the MUTCD, ~~and~~ Department design and construction standards, ~~and the requirements of Rule 14-96.003(3) and (4), F.A.C.~~ The applicant is responsible for securing any additional permit or governmental entity approval needed for traffic signalization and regulatory signing and marking.

(6) Professional Engineer Statement of Construction for Extensive Roadway Construction or Large Developments. If the permit ~~applicant requests a permit requiring requires extensive~~ work within the right of way, including but not limited to such as auxiliary lanes, median modifications, relocation of structures, or traffic signals, a statement from the project's Professional Engineer will be necessary. The applicant will provide documentation by a Professional Engineer licensed registered in the State of Florida

that construction was accomplished in accordance with the requirements set out in the permit. This documentation shall include a statement that necessary inspections, tests, and physical measurements have been made, that construction was accomplished in accordance with the design information included with the connection permit in accordance with Rule Chapter 14-96, F.A.C., and that all materials entering into the work conform to the specifications in the connection permit, conform to the applicable specifications contained in the *Standard Specifications for Road and Bridge Construction*, 2021 2000 edition as amended and incorporated by reference, or otherwise conform to or meet generally accepted professional practices. The Record Drawings Report by Permittee's Professional Engineer, Form 850-040-19, (08/22) (09/02), as incorporated by reference in Rule 14-96.0011, F.A.C., shall be used for this purpose.

(7) Utility and Right of Way User Notification. The ~~Permittee applicant~~ has the responsibility to determine and notify the users of the right of way of the permitted construction. The Permittee shall notify all utilities located within the permitted area in accordance with Chapter 556, F.S., before commencing construction. The ~~Permittee applicant~~ shall also resolve any conflicts within the right of way, at its own cost and expense. Before a permit is issued, the applicant shall show documentation of this notification and resolution of conflicts. Rulemaking Authority 334.044(2), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 334.187, 335.181-.1825, 335.185 FS. History—New 4-18-90, Amended 7-16-95, 1-23-03 _____.

14-96.009 Non-conforming Connection Permits.

The Department ~~may shall~~ issue a permit for a connection not meeting Department location and spacing criteria standards in Rule Chapter 14-97, F.A.C., if the Department determines that a conforming connection is not attainable at the time of the permit application submittal, that denial would leave the property without access to the public road system, and that the connection would not jeopardize the safety of the public or have a negative impact upon the operation of the highway. The Department also shall issue a connection permit requiring a legally enforceable cross-access joint-use connection when determined to be in the best interest of the State for restoring or maintaining the operational efficiency and safety of the State Highway System. Non-conforming connection permits shall specify conditions or limits including:

- (1) The maximum vehicular type and volume usage of the connection.
- (2) The construction of a conforming connection when future alternate means can be obtained with removal of the non-conforming connection.
- (3) The properties to be served by the connection.

(4) When an adjoining property owner consents to cross access or joint access, the agreement between the parties will be recorded in the public records.

Rulemaking Authority 334.044(2), 335.182(2), 335.184 FS. Law Implemented 334.044(14), 335.181-1825, 335.185, 335.187 FS. History—New 4-18-90, Amended 1-23-03 _____.

14-96.011 Modification, Revocation or Closure of Connections.

(1) Validity of Existing Permits. All connection permits issued by the Department after July 1, 1988, remain valid until modified or revoked pursuant to the criteria set forth in this rule chapter. The Department will initiate action to modify or revoke any permit or existing permitted connection if any of the following occurs:

(a) A significant change in the use, design, or traffic flow of the connection.

(b) The connection was not constructed at the location or in accordance with the design specified in the permit.

(c) Permit conditions are not met by the permittee.

(d) Such revocation or modification is determined to be necessary because the connection poses a current or potential safety or operational problem on the State Highway System. This problem must be substantiated by an engineering study signed and sealed by a Professional Engineer licensed registered in the State of Florida. Such engineering study shall consider, the following:

1. Analysis of accidents or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

2. Analysis of the impact modification of the connection will have on maintenance or safety on the public road system, including adjacent non-motorized facilities located within the roadway right-of-way.

3. Analysis of the impact modification of the connection will have on traffic patterns and circulation on the public road system, including adjacent non-motorized facilities located within the roadway right-of-way.

4. The principles of transportation engineering as determined by generally accepted professional practice.

(e) If the Department acts to revoke or modify a permit, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained or prepared by the property owner or designated representative and provided to the Department.

2. Alternative solutions proposed by the property owner or designated representative.

(2) Notification Process for Permitted Connections.

Notice of the Department’s intended action will be provided in

accordance with Rule Chapter 28-106, F.A.C. The Department’s action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department’s Clerk of Agency Proceedings within 21 days after receipt of the Department’s notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) If the reason for the notice is due to noncompliance, this notice will include the Violation and Notice to Show Cause, Form 850-040-26, ~~(08/22) (06/06)~~, as incorporated by reference in Rule 14-96.0011, F.A.C. The notification shall state that, unless the deficiencies are corrected, the permit shall be modified or revoked and the connection to the State Highway shall be modified or removed by the Department at the expense of the property owner.

(b) If the reason for modification is due to significant change the notice will state the basis of the Department’s determination for modification of an existing connection. Where the Department’s action has become final and no timely application for a new connection permit has been filed, the Department will take immediate action to modify the connection in accordance with the notice.

(c) If the reason for revocation or modification is a safety or operational problem, the notice will state the basis of the Department’s determination and describe the changes necessary to reduce the hazard or correct the situation.

(3) Unpermitted Connections.

(a) “Grandfathered” connections are unpermitted connections to the State Highway System. “Grandfathered” connections are those cConnections permitted or in existence prior to July 1, 1988, use of which have never been discontinued as described in Rule subparagraph 14-96.005(2)(c)3., F.A.C., which are considered “grandfathered” and shall not require the issuance of a permit and may continue to provide connection to the State Highway System unless modified or closed except as provided in section subsection (4) and are subject to the notification process in section (5).

(b) ~~Unpermitted/Non-Grandfathered~~ Connections are those in existence prior to July 1, 1988, and may continue to provide connection to the State Highway Systems unless modified or closed as provided in section (4), and are subject to the notification process in section (5). All other unpermitted connections are subject to closure in accordance with paragraph (5)(b).

(4) Modification or Closure of Grandfathered Unpermitted Connections.

(a) The Department will require that a permit be obtained in accordance with ~~Rule subsection 14-96.005(2)(3)~~, F.A.C., pursuant to the provisions of Section 335.187(1), F.S., if significant changes have occurred.

(b) The Department will modify or close ~~an~~ a unpermitted connection if such modification or closure is determined to be necessary because the connection would jeopardize the safety of the public or have a negative impact on the operational characteristics of the state highway. The problem may be substantiated by an engineering study signed, sealed, and dated by a ~~P~~Professional Engineer licensed registered in the State of Florida. Such engineering study shall consider the following:

1. Analysis of accidents or operational analysis directly involving the connection or similar connections, or a traffic conflicts analysis of the site.

2. Analysis of the impact modification of the connection will have on maintenance or safety on the public road system, including adjacent non-motorized facilities located within the roadway right-of-way.

3. Analysis of the impact modification of the connection will have on traffic patterns and circulation on the public road system, including adjacent non-motorized facilities located within the roadway right-of-way.

4. The principles of transportation engineering as determined by generally accepted professional practice.

(c) If the Department acts to modify or close an a unpermitted connection, the Department shall offer an opportunity to meet on site with the property owner or designated representative. The Department will take into consideration the following:

1. Documents, reports, or studies obtained by the property owner or designated representative lessee and provided to the Department.

2. Alternative solutions proposed by the property owner.

(5) Notification Process for ~~Modification~~ of Unpermitted Connections. Notice of the Department’s intended action will be provided in accordance with Rule Chapter 28-106, F.A.C. The Department’s action will become final unless a timely petition for a hearing is filed in accordance with Rule Chapter 28-106, F.A.C. In order to be timely, the petition must be filed with the Department’s Clerk of Agency Proceedings within 21 days after receipt of the Department’s notice, in accordance with Rule Chapter 28-106, F.A.C.

(a) The Department shall give written notice to the property owner, with a copy to the occupant, for ~~an~~ a unpermitted grandfathered connection if significant changes have occurred or if the connection is found to cause a safety or operational problem (as specified in this rule chapter). The notice will identify the specific information regarding the safety or operational problem and request that the problem be corrected or that a written agreement on a schedule for the correction be approved by the Department within 30 days of receipt of the notice.

1. If the reason for the modification is due to significant change the notice will state the basis of the Department’s

determination and require the filing of a permit application by a specified date. Where the Department’s requirement to file an application has become final and no timely application has been filed, the Department will take immediate action to modify or close the connection in accordance with the notice at the owner’s expense.

2. If the reason for the modification or closure is a safety or operational problem, the notice will state the basis of the Department’s determination and describe the changes necessary to reduce the hazard or correct the situation.

(b) If a timely request for an administrative proceeding is filed, or a permit application is filed within the 21 days, no further action shall occur until review of the application or the administrative proceeding is complete. If the connection is not modified or closed and no timely application or request for an administrative proceeding is filed, the Department will take immediate action to install barriers across or modify the connection at the property owner’s expense.

1. If a timely submitted application is approved, the Department may allow the existing connection to be used for a period of time specified or until the connection specified in the permit application is constructed and the existing connection is modified or closed. If necessary to ensure safety and highway integrity, modifications of unpermitted connections will be required by the Department as a requirement of permit approval, subject to the requirements of this rule chapter and Chapter 120, F.S. If the application is denied, the Department shall notify the property owner or lessee of the denial, with a copy to the occupant, and shall immediately close the unpermitted connection(s), subject to the provisions of this rule chapter and Chapter 120, F.S.

2. In lieu of filing an application, the property owner or lessee may challenge the requirement to file a permit application by filing in accordance with Rule Chapter 28-106, F.A.C., a timely written request (within 21 days of receipt of notice) for an administrative proceeding stating the reasons why a permit is not required for the connection. In such a case, final action to modify the unpermitted connection shall be taken in accordance with the results of the administrative proceeding.

(6) Responsibility for Costs of Correcting Deficiencies. The property owner or its designated representative and current user of the connection shall be responsible for the costs of modifications required pursuant to actions taken in accordance with the procedure in Rule 14-96.011, F.A.C.

Rulemaking Authority 334.044(2), 335.182(2), 335.1825(3) FS. Law Implemented 334.044(14), ~~335.181~~, 335.182, ~~335.1825~~, 335.187 FS. History—New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, 7-2-06

14-96.015 Department Design and Construction Projects.

When existing access connections are modified or closed by a Department project including those referenced in Section 335.199, F.S., access will be provided to abutting properties, subject to reasonable regulation as referred to in Section 335.181(1) and (2)(a)(b), F.S. To the maximum extent feasible, modified this new access will be consistent with adopted Department connection standards.

(1) Corridors will be examined during the preliminary engineering and design phases to determine if existing connections, median openings, and signals spacing and design standards are in conformance, or can be brought into conformance, with adopted Department standards. Traffic control features and devices as referenced in Rule 14-96.002(34), F.A.C., are not part of a connection.

(2) When a ~~permitted or grandfathered~~ connection is modified as part of a Department construction project, and not due to a significant change, no additional permit shall be required.

(3) Where existing access connections are to be modified or closed as part of a Department construction project and the Department is not planning to acquire any portion of the property for the project, the Department will provide an opportunity to affected property owners, municipalities and counties to comment regarding potential impacts of proposed changes to existing connections, notice and provide notice to affected property owners of an opportunity for an administrative proceeding pursuant to Rule 14-96.0011, F.A.C., and Chapter 120, F.S. For purposes of Rule paragraph 14-96.011(1)(d), F.A.C., construction plans for a Department project signed, sealed, and dated by a Professional Engineer licensed registered in the State of Florida shall substantiate a connection's non-conformance with Department standards or potential safety or operational problem, and a separate engineering study shall not be required.

(4) A new permit will be required at a property owner's expense to establish a new access connection or alter an existing access connection from the plans provided to the Department. The construction of new access connection points, if approved by the Department through the permit process in this rule chapter, shall be at the property owner's expense ~~by either the Department's contractor as part of the construction project or by the owner's contractor.~~

(5) The Department will bear the cost of modification of existing ~~permitted or programed access approved~~ connections necessitated solely by Department construction projects.

(6) The Department shall require that work done by a property ~~the~~ owner's contractor be accomplished without interfering with the Department's contractor.

Rulemaking Authority 334.044(2), 335.182(2), 335.188 FS. Law Implemented 334.044(14), 335.182-335.1825, 335.184, 335.187,

335.199 FS. History--New 4-18-90, Amended 7-16-95, 1-23-03

NAME OF PERSON ORIGINATING PROPOSED RULE: Jenna Bowman, Systems Management Administrator
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jared Perdue, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2022
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 7, 2022

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:

61G19-1.009 Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to implement Chapter 2022-136, Laws of Florida and to resolve JAPC concerns with existing language.

SUMMARY: Definitions will be updated to implement Chapter 2022-136, Laws of Florida and to resolve JAPC concerns.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 468.606, 468.607 FS.

LAW IMPLEMENTED: 468.603, 468.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Krista Woodard, Executive Director,

Building Code Administrators and Inspectors Board, 2601 Blair Stone Road, Tallahassee, FL 32399-0783, or by electronic mail – Krista.Woodard@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-1.009 Definitions.

(1) through (3) No change.

(4) “Certificate” means a certificate issued by the Department as provided in this part. The term does not include a certificate issued by the International Code Council (ICC) Code Institute.

(5) No change.

(6) “Certificate” or “Certificate holder” shall for the purposes of Chapter 61G19, F.A.C., be synonymous with the terms “License” and “Licensee” respectively. The term does not include a certificate issued by the International Code Council (ICC) Code Institute.

(7) through (13) No change.

(14) “One and two family dwelling inspector” means an individual approved for standard certification by the Board prior to July 1, 2020 who is qualified to inspect and determine that one and two family dwelling and accessory structures are constructed in accordance with the provisions of the Florida Building Code/Residential.

(15) No change.

(16) “Private provider” is as defined in section 553.791(1)(n), F.S., and means a person providing alternative plans review and inspection services, who is licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under section 553.79 for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term “private provider” also includes a person who holds a standard certificate under part XII of chapter 468. The term does not include a non-governmental employee exercising building construction regulation responsibilities pursuant to contract with a state or local governmental agency or jurisdiction (commonly known as a “Municipal Services Provider”).

(17) “Certified Building Official” means a person holding a Florida Standard Certificate as a Building Code Administrator or Building Official, as those terms are defined in section 468.603(2), F.S. The term does not include persons holding only an International Code Council (ICC) Code Institute certification as a building official, unless such person also holds a Florida Standard Certificate as such.

(18) “Direct Supervision” means the supervisor directs, supervises and controls the activities of the trainee.

(19) “Municipal Service Provider” means a company, firm or person that provides persons or is a person possessing

standard licensure under this part and performs activities of inspection, plan review or Building Code Administrator services to a governmental entity under contract with that entity.

Rulemaking Authority 468.606, 468.607 FS. Law Implemented 468.603, 468.609 FS. History—New 5-23-94, Amended 5-21-95, 11-20-95, 1-16-03, 6-8-17, 2-14-18, 10-21-20,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 20, 2022

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NOS.: RULE TITLES:

61G19-6.0035 Application for Provisional and/or Standard Certification

61G19-6.012 Provisional Certificates

PURPOSE AND EFFECT: The Board proposes the rule amendments to implement Chapter 2022-136, Laws of Florida.

SUMMARY: The rule amendments will implement Chapter 2022-136, Laws of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 468.606, 468.609, 468.609(7) FS.

LAW IMPLEMENTED: 468.609, 468.609(7), 468.613 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Krista Woodard, Executive Director, Building Code Administrators and Inspectors Board, 2601 Blair Stone Road, Tallahassee, FL 32399-0783, or by electronic mail – Krista.Woodard@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

(1) Each individual who wishes to obtain a provisional and/or standard certificate in any certificate category shall submit the following to the Board:

(a) through (e) No change.

(f) For the purposes of this section, any unlicensed activity in those geographic areas that require licensure shall not be recognized for the purposes of providing required experience.

(2) In addition to all other required items, each applicant for an inspector or plans examiner certificate shall submit with the application a statement from the applicant’s current employer which shall indicate the applicant’s present status with the employer. Each applicant employed by a local government agency, private provider or private provider’s firm having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, fire safety, energy, accessibility, and other construction codes at the time the application is submitted must include on the statement the signature and license number of the building code administrator, building official, or fire marshal for the applicant’s employing agency.

(3) through (5) No change.

Rulemaking Authority 468.606, 468.609 FS. Law Implemented 468.609, 468.613 FS. History–New 11-28-95, Amended 10-1-97, 2-23-99, 6-3-03, 2-6-07, 10-4-07, 12-17-12, 9-20-17, 2-14-18, 7-21-21,

61G19-6.012 Provisional Certificates.

(1) through (2) No change.

~~(3) Provisional certificates shall only be issued to persons employed or contracted by an agency of government and the authority of the certificate shall be limited to the jurisdiction of the government agency with which the applicant was employed at the time the provisional certificate was originally issued.~~

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

~~(4)(5) The Board shall place special conditions or requirements on a restrict provisional certificate holders by limiting their work, when such special conditions or requirements restrictions are determined by the Board’s evaluation of the facts of each application to be necessary to protect the public safety and health, safety and welfare.~~

~~(5)(6) No change.~~

Rulemaking Authority 468.606, 468.609(7) FS. Law Implemented 468.609(7) FS. History–New 5-23-94, Amended 5-21-95, 8-28-95, 12-6-95, 1-3-96, 2-23-99, 4-30-01, 1-10-07, 1-16-08, 10-7-12, 2-14-18,

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 20, 2022

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:

61G19-7.0016 Internship Certification Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to implement Chapter 2022-136, Laws of Florida.

SUMMARY: Language will be updated regarding the internship certification program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(2)(c)7., 468.609(10)FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Krista Woodard, Executive Director, Building Code Administrators and Inspectors Board, 2601 Blair Stone Road, Tallahassee, FL 32399-0783, or by electronic mail – Krista.Woodard@myfloridalicense.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-7.0016 Internship Certification Program.

(1) A person may seek certification as a building code inspector or plans examiner by completing a board approved four-year comprehensive internship-training program. The internship program shall provide an applicant with a trade understanding, technical knowledge, and skills to perform building code inspections or plan reviews of the trade category sought. The ~~four-year~~ program shall contain beneficial educational material from basic principles to advanced technical aspects of the category sought, enhanced with practical daily professional training.

(a) All applicants shall be government employees under the direct supervision of the sponsoring standard licensed building code administrator or shall be full-time employees of a private provider or private provider’s firm that performs the services of a building code inspector or plans examiner while under the direct supervision of a certified building official.

(b) No change.

(c) Partial completion of an internship program from one jurisdiction may be transferred to another jurisdiction, private provider, or firms of private providers. The supervising building code administrator of a partially completed internship shall attest to the area of studies and practical professional training covered under the partially completed internship program.

(d) No change.

(2) Applicants who complete an internship certification program as a building code inspector or plans examiner are eligible for standard certification in the category sought. Applicants participating in an internship must complete the following:

(a) through (c) No change.

(d) Applicants may apply for a provisional license in the category sought which would be valid for the duration of the internship, if approved. When employment changes from the original jurisdiction, private provider or private provider’s firm,

the applicant must notify the Board in writing of the change in employment and internship within 30 days of said change.

(e) through (f) No change.

(3) No change.

Rulemaking Authority 468.606, 468.609(10) FS. Law Implemented 468.609(2)(c)7., 468.609(10) FS. History–New 2-14-18, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Building Code Administrators and Inspectors Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2022

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 20, 2022

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

RULE NOS.: RULE TITLES:

69U-105.102 Application

69U-105.206 Regulatory Standards for Evaluating Applications

69U-105.611 Purchase and Assumption Applications

PURPOSE AND EFFECT: The OFR proposes to amend existing rules and an incorporated form to conform with and implement Ch. 2022-178, Laws of Florida (Financial Institutions), signed into law on June 8, 2022.

SUMMARY: The OFR proposes to amend Rule 69U-105.102, F.A.C., to revise incorporated form OFR-U-17. The form will be amended to include updated terms, and the rule will be amended to incorporate the term “target market.”

The OFR proposes to amend Rule 69U-105.206, F.A.C., to incorporate the term “target market.”

The OFR proposes to amend Rule 69U-105.611, F.A.C., to incorporate clarifying language and update cites in the rulemaking authority and law implemented sections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

impact conducted by persons with subject matter knowledge of this rule.

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: 655.012(2), 655.012(3), 655.414, 658.26(2)(a)

LAW IMPLEMENTED: 120.60(1), 517.051(5), 517.301, 517.311, 655.001(2)(c), 655.001(2)(d), 655.0322, 655.037, 655.0385, 655.0386, 655.057, 655.057(6), 655.411, 658.19, 658.20, 658.21, 658.25, 658.26, 658.33, 658.42, 665.013, 667.003

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: Ann Michelle Palecki, Office of the General Counsel, (850)410-9704, annmichelle.palecki@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-105.102 Application.

(1) The following application forms are hereby incorporated by reference.

(a) through (g) No change.

(h) Form OFR-U-17, Application and Plan for the Purchase of Assets and Assumption of Liabilities, effective ~~XX-XXXX~~ 4/2018, herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> 08789.

(i) through (l) No change.

(2) through (6) No change.

(7) Amendment of Application. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within 30 days from its receipt for filing. Otherwise, the application may only be amended with permission from OFR. A merger agreement may be amended at any time prior to its approval by the stockholders of the constituent financial institutions or decision by OFR, whichever occurs first. Requests to make adverse material changes filed at any time after the application has been received shall be deemed by OFR to be grounds for denial, and upon such denial a new application accompanied by the appropriate filing fee shall be required. Some examples of material changes include changes in the composition of the board of directors, officers, or stockholders of the institution; changes to the target market or primary service area ~~location of the proposed license action~~; and fixed asset proposal. If OFR grants a request to make material

changes in the application, the amended application will be treated as a new application with respect to the applicable rules of this chapter, except that no additional filing fee shall be required. When an application is denied on the grounds set forth above, the applicant shall be duly notified.

(8) No change.

(9) Applications to Locate in the Same General Area. All applications of a similar type ~~for similar license actions~~ within the same target market, general geographic or trade area, or affecting overlapping fields of membership which are filed within any 60 day period shall be processed and considered, as far as practicable, on a concurrent basis.

Rulemaking Authority 655.012(2) FS. Law Implemented 655.411, 120.60(1), 655.057, 658.19, 658.26, 658.42, 667.003 FS. History—New 11-1-77, Amended 3-12-79, 5-27-81, 3-28-83, Formerly 3C-9.02, 3C-9.002, Amended 8-14-94, 4-15-98, Formerly 3C-105.102, Amended 11-28-17, _____.

69U-105.206 Regulatory Standards for Evaluating Applications.

(1) No change.

(2) Standards. In making its determination OFR shall consider the following statutory criteria:

(a) ~~Local e~~Conditions indicate a reasonable promise of a successful operation.

1. No change.

2. The business plan submitted by the applicant establishes the purpose, objectives, and business philosophy of the state financial institution, and is considered by OFR to be a representation of plans and expectations genuinely believed by the applicant to be attainable. OFR will review the viability of the plan in light of current conditions within the primary service area, the metropolitan statistical area or county, or target market, and in the financial institution industry in general, as well as the ability of the proposed board and management of the state financial institution to implement the business plan as outlined. It is the responsibility of the Board of Directors to conceive, develop, review, and approve the business plan. The submission of the plan to OFR constitutes a representation that the members of the board are familiar with the plan and understand its provisions. Any finding to the contrary may be grounds for a conclusion by OFR that the board lacks the business experience and ability necessary to indicate a reasonable promise of a successful operation.

3. When the existing level of competition is great, the reasonable promise of success of the proposed new state financial institution is diminished unless other factors, such as a particularly strong organizing group with a demonstrably broad base of ~~community~~ support within the community or target market can serve to overcome the difficulties which stem from a highly competitive environment.

4. Where the proposed board of directors has not made a significant personal investment in the stock of the state financial institution, the offering of the stock to the target market or residents of the local community ~~have~~ has met with a diminished response and, in several cases, the efforts to organize the state financial institution have been abandoned as a result. The proposed board of directors, in the aggregate, must subscribe to at least twenty-five percent (25%) of the initial shares of stock for OFR to determine that the state financial institution will have a reasonable promise of a successful operation

(b) No change.

(c) Proposed Officers and Directors.

1. The proposed directors shall generally have reputations evidencing honesty and integrity and similar reputations within target market or the local community where the proposed state financial institution is to be located. They shall have employment and business histories demonstrating their responsibility in financial affairs. The fact that a proposed director has been adjudicated bankrupt or has petitioned filed for relief under chapters 7 or 13 of Title 11 of the United States Code ~~the Federal Bankruptcy Act~~ shall be considered a material factor in the evaluation of his responsibility in financial affairs.

2. No change.

3. At least five (5) directors of a proposed independent bank or association shall demonstrate strong and well-established residency and/or business ties to the target market or to the local community for at least the last five years prior to the date of the application, and shall represent diverse occupation and business interests.

4. through 6. No change.

(d) No change.

(3) through (5) No change.

Rulemaking Authority 655.012(2), (3), 658.26(2)(a) FS. Law Implemented 517.051(5), 517.301, 517.311, 655.001(2)(c), (d), 655.0322, 655.037, 655.0385, 655.0386, 655.057(6), 658.19, 658.20, 658.21, 658.25, 658.26, 658.33, 665.013, 667.003 FS. History—New 5-24-78, Amended 6-9-81, Formerly 3C-10.051, Amended 6-20-90, Formerly 3C-10.0051, Amended 8-14-94, 4-15-98, Formerly 3C-105.206, Amended 10-29-12, _____.

69U-105.611 Purchase and Assumption Applications.

The application to acquire 50 percent or more ~~all or substantially all~~ of the assets and/or ~~assume the liabilities of any financial entity of, liabilities of, or combination of assets and liabilities of, any financial institution~~ shall be submitted on Form OFR-U-17.

Rulemaking Authority 655.012(3), 655.414 FS. Law Implemented 655.414 FS. History—New 4-15-98, Formerly 3C-105.611, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeremy W. Smith, Director, Division of Financial Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2022

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

RULE NO.: RULE TITLE:

69U-135.101 Written Notice for Qualification

PURPOSE AND EFFECT: The OFR proposes to amend Rule 69U-135.101, F.A.C., to revise incorporated form OFR-U-135 to conform with and implement Ch. 2022-178, Laws of Florida (Financial Institutions), signed into law on June 8, 2022.

SUMMARY: The form will be revised to include the updated version of Financial Action Task Force’s list of High-Risk Jurisdictions subject to a Call for Action or list of Jurisdictions under Increased Monitoring.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 663.532(1)

LAW IMPLEMENTED: 663.532

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: Ann Michelle Palecki, Office of the General Counsel, (850)410-9704, annmichelle.palecki@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-135.101 Written Notice for Qualification.

The written notice to qualify as a qualified limited service affiliate shall be filed on Form OFR-U-135, Written Notice to Qualify as a Qualified Limited Service Affiliate in the State of Florida, effective XX-XXXX 01/2018, herein incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 08854>.

Rulemaking Authority 663.532(1) FS. Law Implemented 663.532 FS. History--New 1-2-18, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeremy W. Smith, Director, Division of Financial Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2022

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

RULE NO.: RULE TITLE:

69U-140.015 Capital Equivalency or Asset Maintenance

PURPOSE AND EFFECT: The OFR proposes to amend Rule 69U-140.015, F.A.C., to conform with and implement Ch. 2022-178, Laws of Florida (Financial Institutions), signed into law on June 8, 2022.

SUMMARY: The rule will be amended to update the requirements a bank must meet in order to be a depository at which an international bank agency or international branch may maintain its dollar deposits or investment securities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 655.012(2), 663.13, 663.07(1)

LAW IMPLEMENTED: 663.07(1), 663.07(3), 663.07(5), 663.07(7), 663.07(9), 663.12(4)

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: Ann Michelle Palecki, Office of the General Counsel, (850)410-9704, annmichelle.palecki@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-140.015 Capital Equivalency or Asset Maintenance.

(1) Section 663.07(1)(a), F.S., requires each international bank agency or international branch to maintain, with one or more banks insured by the Federal Deposit Insurance Corporation and located within the United States in this state, evidence of dollar deposits or investment securities of the type that may be held by a state bank for its own account pursuant to section 658.67, F.S. The aggregate amount of dollar deposits and investment securities for an international bank agency or international branch shall, at a minimum equal the greater of \$4 million; or 7 percent of the total liabilities of the international bank agency or international branch (excluding accrued expenses and amounts due as well as other liabilities to affiliated branches, offices, agencies, or entities.)

(2)-(11) No change.

Rulemaking Authority 655.012(2), 663.13, 663.07(1) FS. Law Implemented 663.07(1), (3), (5), (7), (9), 663.12(4) FS. History--New 3-10-82, Amended 11-21-85, Formerly 3C-15.10, Amended 10-5-89, Formerly 3C-15.010, Amended 8-24-93, Formerly 3C-140.007, 3C-140.015, Amended 10-29-12, 1-1-18, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeremy W. Smith, Director, Division of Financial Institutions
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2022

DEPARTMENT OF FINANCIAL SERVICES

FSC - Financial Institution Regulation

RULE NOS.:	RULE TITLES:
69U-162.003	Application for License as a Licensed Family Trust Company
69U-162.004	Application to Register as a Family Trust Company
69U-162.005	Application to Register as a Foreign Licensed Family Trust Company
69U-162.006	Annual Renewal

PURPOSE AND EFFECT: The OFR proposes to amend Rules 69U-162.03, 69U-162.004, 69U-162.005, and 69U-162.006, F.A.C., to revise incorporated forms OFR-162-02, OFR-162-03, and OFR-162 to conform with and implement Ch. 2022-178, Laws of Florida (Financial Institutions), signed into law on June 8, 2022.

SUMMARY: Form OFR-162-01 will be amended to update the requirements a financial institution must meet in order to be a depository at which a licensed family trust company may maintain its deposit accounts. Form OFR-162-02 will be amended to update the requirements a financial institution must meet in order to be a depository at which a family trust company may maintain its deposit accounts. Form OFR-162-03 will be amended to update the requirements a financial institution must meet in order to be a depository at which a foreign licensed family trust company may maintain its deposit accounts. Rule 69U-162.006, F.A.C., and the incorporated Form OFR-162-04 will be amended to incorporate clarifying language from statute regarding the deadline for renewal applications.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Agency expressly relies on an analysis of potential impact conducted by persons with subject matter knowledge of this rule.

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: 662.140
LAW IMPLEMENTED: 662.111(2), (8), (9) (10), (11), (12), (12)(d), (15), 662.112, 662.120(1), 662.121(1)-(11), 662.122(1)-(5), 662.1215(1)-(4), 662.1225(1), (2), 662.123,

662.123(1), (2), 662.124, 662.125, 662.125(1), (2), 662.126, 662.126(1), (2), (3), (4), 662.127, 662.128, 662.130(1)(c), (e), 662.132, 662.134

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: Ann Michelle Palecki, Office of the General Counsel, (850)410-9704, annmichelle.palecki@flofr.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

69U-162.003 Application for License as a Licensed Family Trust Company

(1) An applicant seeking to operate in this state as a licensed family trust company under section 662.121, F.S., must file a completed application on Form OFR-162-01, "Application for License as a Licensed Family Trust Company," revised ~~XX-XXXX 12/2016~~, herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX-07680>, accompanied by a nonrefundable \$10,000 application fee for deposit into the Financial Institutions' Regulatory Trust Fund.

(2) through (4) No change.
 Rulemaking Authority 662.140 FS. Law Implemented 662.111(10), (11), (12)(d), 662.121(1)-(11), 662.1215(1)-(4), 662.1225(1), 662.123, 662.124, 662.125(1), (2), 662.126(1), (2), (3), (4), 662.127, 662.130(1)(c), (e), 662.132, 662.134 FS. History--New 11-19-15, Amended 12-26-16, _____.

69U-162.004 Application to Register as a Family Trust Company.

(1) A family trust company seeking to register under section 662.122(1), F.S., must file a completed registration application on Form OFR-162-02, "Application to Register as a Family Trust Company," revised ~~XX-XXXX 12/2016~~, herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX-07681>, accompanied by a nonrefundable \$5,000 application fee for deposit into the Financial Institutions' Regulatory Trust Fund.

(2) through (4) No change.
 Rulemaking Authority 662.140 FS. Law Implemented 662.111(2), (8), (9), (10), (11), (12), 662.112, 662.120(1), 662.122(1), (3), (4), (5), 662.1225(1), 662.123(1), (2), 662.124, 662.125(1), (2), 662.132 FS. History--New 11-19-15, Amended 12-26-16, _____.

69U-162.005 Application to Register as a Foreign Licensed Family Trust Company.

(1) An applicant seeking to operate in this state as a foreign licensed family trust company under section 662.122(2), F.S.,

must file a completed registration application on Form OFR-162-03, "Application to Register as a Foreign Licensed Family Trust Company," revised XX-XXXX 12/2016, herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 07682>, accompanied by a nonrefundable \$5,000 application fee for deposit into the Financial Institutions' Regulatory Trust Fund.

(2) through (3) No change.

Rulemaking Authority 662.140 FS. Law Implemented 662.111(15), 662.122(2), (3), (4), (5), 662.1225(2) FS. History—New 11-19-15, Amended 12-26-16, _____.

69U-162.006 Annual Renewal.

(1) ~~Within 45 days after the end of each calendar year,~~ Annual renewal applications for family trust companies, licensed family trust companies, and foreign licensed family trust companies must be filed with the Office on Form OFR-162-04, "Annual Renewal Application," revised XX-XXXX 12/2016, herein incorporated by reference and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 07683>. Annual Renewal Applications must be filed with the Office on an annual basis no later than 45 days after the anniversary of the filing of either the initial application or the prior year's renewal application.

(2) through (3) No change.

Rulemaking Authority 662.140 FS. Law Implemented 662.124, 662.125, 662.126, 662.127, 662.128, 662.132 FS. History—New 11-19-15, Amended 12-26-16, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeremy W. Smith, Director, Division of Financial Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2022
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 12, 2022

Section III
Notice of Changes, Corrections and
Withdrawals

NONE

Section IV
Emergency Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE NO.: 5KER22-6 RULE TITLE: Cleaning and Sanitizing of Containers and Equipment

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: As a result of the effects on the supply and processing of Grade "A" milk caused by Hurricane Ian, extreme and unusual circumstances exist that hinder the marketability and availability of Grade "A" milk post Hurricane Ian to consumers throughout the State. Additionally, circumstances have arisen regarding the availability of trucks and trailers and have created an issue removing milk from dairy farms across the State and with the storage of raw milk in anticipation of normal demand post Hurricane Ian. Following the adoption of this emergency rule, waiving certain cleaning frequency requirements for milk tankers and equipment statewide will allow for adequate and rapid distribution and processing of Grade "A" milk, helping increase production of Grade "A" milk to consumers and assisting the dairy industry through the hardship created by this storm. Stores have a very limited supply of Grade "A" products post Hurricane Ian and dairy farms will be forced to dump milk if the processing of these products cannot be expedited by this emergency rule. The exclusion shall be for Section 12p as specified in the Pasteurized Milk Ordinance adopted in Rule 5K-10.001. The Grade "A" milk plants have taken in milk with the intent to process after the storm has passed, due to the severity of this storm, the shutdown time may be extended leaving them with milk that is exceeding the 72-hour holding time requirement in the Pasteurized Milk Ordinance for cleaning storage silos. This milk would have to be disposed of to create room for new milk produced under current regulations. Additionally, it is still uncertain if milk will be able to make it to the plants in time to meet the demand that will soon follow. Allowing them to process on hand inventory will create an immediate supply ready to be distributed as needed and create tank space to receive more milk from the farms. No dairy farm will be able to stop milking lactating cows due to the storm. Lactating dairy cows must be milked or will suffer serious health implications, such as mastitis, that will cause them to be removed from the milking herd. This will create massive issues with herd health and milk supply in the future, well beyond the affects from Hurricane Ian. Extending the wash times on tankers will decrease the turn-around time at plants so hauling companies

can immediately return to pick more milk up from the farm and get it to where it is needed. This emergency rule will also open receiving bays which can act as wash bays, to unload more milk for processing.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule was initiated at the request of milk plants to more adequately meet the anticipated needs of Florida consumers as a result of anticipated milk demand created by Hurricane Ian and the loss of production caused by the shutdown of plants in the State. The storm has disrupted the production and processing of milk in this state. This emergency rule will help alleviate distribution difficulties and shortages of milk anticipated from this event to provide relief to Florida.

SUMMARY: This emergency rule allows for the increased storage time of raw milk at Grade “A” plants by extending the time required between cleanings so long as specific requirements are met. Under Section 12p in the Pasteurized Milk Ordinance, it states that storage tanks shall be cleaned once a day or not to exceed seventy-two (72) hours. This increases that time to ninety-six (96) to allow processing of Grade “A” milk. Additionally, Appendix B, VI. Milk Tank Truck Permitting and Inspection states that under continuous use, milk tank trucks can pick up multiple loads within a 24-hour period, provided the milk tank truck is washed after each day’s use. The provisions of this emergency rule would allow an additional 6 hours to account for logistical issues with transport; shortage of water for washes; and fuel availability issues. This should reduce or eliminate the need to dump milk for tankers that struggle to meet that these requirements. These are changes to the adopted requirements of the Pasteurized Milk Ordinance (PMO), 2017 Revision adopted in Rule 5K-10.001, F.A.C. would be in effect for the period beginning October 5, 2022, through October 12, 2022. The specific standards affected are below.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jennifer Lester, Chief, Bureau of Dairy Industry, 3125 Conner Blvd., Tallahassee, FL 32399, (850)879-8617.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5KER22-6 Cleaning and Sanitizing of Containers and Equipment

(1) Notwithstanding the Pasteurized Milk Ordinance (PMO), as adopted by Department Rule 5K-10.001, F.A.C., raw milk for pasteurization as a Grade “A” product may be stored for not more than 96 hours if the storage vessel:

(a) is an approved raw milk silo in a permitted FDACS Grade “A” entity;

(b) has 7-day temperature recording charts or electronic records that comply with Appendix H., IV. and V. of the PMO; and

(c) maintains constant temperature not to exceed 45 °F.

The milk received must comply with all other parts of the PMO. This shall be allowed for the time period of October 5, 2022, through October 12, 2022, and that product is to be used for pasteurization.

(2) Notwithstanding the PMO, bulk milk tankers used for the transportation of Grade “A” raw milk may continuously pick up multiple loads within a thirty (30) hour period without a wash between loads unless the previous load was deemed violative for inhibitor. If the previous load was deemed violative for inhibitor, the tanker must receive a full dairy wash at a permitted wash station before picking up additional milk.

(3) This emergency rule shall expire on October 12, 2022. Rulemaking Authority 502.014 FS. Law Implemented 502.012, 502.014, 502.053, 502.091 FS. History – New 10/5/2022.

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

EFFECTIVE DATE: 10/05/2022

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on September 20, 2022, the Construction Industry Licensing Board, received a petition for variance or waiver filed by Jewel Horton. Although the Petitioner did not identify a rule or statute, it appears that the Petitioner is seeking a hardship extension of the four (4) year validity of her exam scores to apply for a Certified Builders Contractor’s license pursuant to Rule 61G4-16.005, F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Donald Shaw, Executive Director, Construction Industry Licensing Board, 2601 Blair Stone Road, Tallahassee, Florida 32399-1039 or telephone: (850)487-1395, or by electronic mail to Donald.Shaw@myfloridalicense.com. Comments on this petition should be filed with the Construction Industry Licensing Board within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 RULE NOS.:RULE TITLES:

62-699.310 Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems

62-699.311 Additional Classification and Staffing Requirements

NOTICE IS HEREBY GIVEN that on September 29, 2022, the Department of Environmental Protection, received a petition for variance from City of Tallahassee (COT). The petition requests a variance from paragraph 62-699.310(2)(e) and subsections 62-699.311(5), (11), F.A.C., to allow for a reduction in staffing requirements at the COT’s Class B and C water treatment plants, and to allow for a lead/chief operator to supervise multiple Class B water treatment plants connected to a single water distribution system. Previously, on October 11, 2012, the Department issued a Final Order (OGC File No. 12-1461) granting a variance from staffing requirements. That Final Order set an expiration date of December 31, 2022. Per the Final Order, an extension of the expiration date could be considered if the COT files a petition for a variance by October 2, 2022. The COT’s main office is located at 2062 Jackson Bluff Road, Tallahassee, FL 32304. The petition has been assigned OGC #22-2661.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Virginia Harmon, telephone 850-245-8630, e-mail Virginia.Harmon@FloridaDEP.gov; Department of Environmental Protection, Division of Water Resource Management, Source and Drinking Water Program, Mail Station 3520, 2600 Blair Stone Road, Tallahassee, FL 32399; during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: RULE TITLE:

64B1-3.010 Licensure by Endorsement Through Another State License

The Board of Acupuncture hereby gives notice: of the issuance of a Notice of Intent to Grant the Petition for Variance and Waiver, filed on August 22, 2022, by Zhizhong Nan. The Notice of Petition for Waiver or Variance was published in Vol. 48, No. 167, of the August 26, 2022, Florida Administrative Register. Petitioner sought a waiver of Rule 64B1-3.010, F.A.C., which lists the requirements for licensure by endorsement through another state license. The Board considered the Petition at a duly-noticed public gotomeeting/telephonic meeting held on September 23, 2022. The Board’s Order, filed on October 4, 2022, granted the

petition finding that Petitioner had established that the purpose of the underlying statute would be met by granting a variance or waiver from Rule 64B1-3.010, F.A.C. The Board further finds that Petitioner established that applying the requirements of the aforementioned rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Danielle Terrell, Executive Director, Board of Acupuncture, at the above listed address, (850) 245-4162, or by electronic mail – Danielle.terrell@flhealth.gov.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-18.004 Intern Training Agencies.

NOTICE IS HEREBY GIVEN that on September 21, 2022, the Division of Funeral, Cemetery, and Consumer Services, received a petition for waiver of certain requirements of subsection 69K-18.004(3), FAC. The petitions were filed on behalf of Foundation Partners of Florida, LLC d/b/a Naples Funeral Home (FPG), which is acquiring a funeral establishment that is currently training agencies. FPG seeks a waiver such that the number of cases done by the prior owner of the funeral establishment should count against the requirement of the cited rule, so that the training agency status of the funeral establishment may be continued, thus preventing the imposition of serious hardship to the interns currently training at the said funeral establishment.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Jasmin Richardson at 850-413-3039.

DEPARTMENT OF FINANCIAL SERVICES

Securities

NOTICE IS HEREBY GIVEN that on October 03, 2022, the Florida Office of Financial Regulation, received a petition for Waiver of paragraph 69W-600.0024(6)(b), Florida Administrative Code from Luis Pascual. The petition seeks a Waiver of paragraph 69W-600.0024(6)which requires an associated person of an investment adviser or federal covered adviser to provide the Office with one of the following:

1. Proof of passing, within two years of the date of application for registration, the Uniform Investment Adviser Law Examination (Series 65); or
2. Proof of passing, within two years of the date of application for registration, the General Securities Representative Examination (Series 7), the Uniform Combined State Law Examination (Series 66), and proof of passing within four years of the date of application for registration, the Securities Industry Essentials (SIE) Examination. Comments on this petition should be filed with the Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850) 410-9889,

Agency.Clerk@flofr.gov within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850) 410-9889, Agency.Clerk@flofr.gov.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:

5B-40.010 Endangered and Threatened Native Flora Conservation Grants Program

The Division of Plant Industry announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2022, 9:00 a.m. – 12:00 Noon

PLACE: Doyle Conner Building, 1911 SW 34th Street, Gainesville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Review of conservation research awards; Review of the Regulated Plant Index; Discussion of adding 8 plants to the Regulated Plant Index; Election of officers.

A copy of the agenda may be obtained by contacting: Jason Stanley, Jason.Stanley@FDACS.gov, (352) 395-4759.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

The Florida Food Safety and Food Defense Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 26, 2022, 9:00 a.m. – 11:00 a.m.

PLACE: Microsoft Teams Meeting ID: 299 763 928 301, Passcode: EdysZP, Call-in Number: 1-850-391-8548, Phone ID: 642 605 011#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Council is to serve as a forum for presenting, investigating, and evaluating issues of current importance to the assurance of a safe and secure food supply. The Council shall consider the development of appropriate advice or recommendations on food safety or food defense issues.

A copy of the agenda may be obtained by contacting: Brandon Galloway at Brandon.Galloway@FDACS.gov.

For more information, you may contact: Brandon Galloway at Brandon.Galloway@FDACS.gov.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE NOS.:RULE TITLES:

5N-1.132 Firearms Training

5N-1.140 Security Officer, Recovery Agent and Private Investigative Intern School Curriculum; Examinations; Retention of Records

5N-1.142 Agency Reporting Requirements

The Florida Department of Agriculture and Consumer Services, Division of Licensing announces a workshop to which all persons are invited.

DATE AND TIME: October 18, 2022, 9:30 a.m. Length of meeting will be determined by attendance and participation, room is reserved until 4:30 p.m. **Re-noticed due to change of location only.**

PLACE: **CHANGE OF LOCATION** 4055 Esplanade Way; Eatz Cafe Conference Room; Tallahassee, Florida 32311.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Review drafted rules in accordance with Chapter 2022-79, L.O.F., amending chapter 493, F.S., relating to online training options for class “D” and “G” licenses. Review the preliminary model for the online training reporting portal.

A copy of the agenda may be obtained by contacting: Susana Yglesias, Rulemaking Coordinator, Department of Agriculture and Consumer Services, Division of Licensing, P.O. Box 5647, Tallahassee, Florida 32314; Susana.Yglesias@fdacs.gov; (850) 245-5480.

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: Susana Yglesias, Rulemaking Coordinator, Department of Agriculture and Consumer Services, Division of Licensing, P.O. Box 5647, Tallahassee, Florida 32314; Susana.Yglesias@fdacs.gov; (850) 245-5480. 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 AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

The Private Investigation, Recovery and Security Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 4, 2022, 9:00 a.m.

PLACE: Hyatt Regency Grand Cypress, Magnolia Room, One Grand Cypress Blvd., Orlando, FL 32836, Phone: (407) 239-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of subsection 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.

A copy of the agenda may be obtained by contacting: Stefannie.Corbett@FDACS.gov

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stefannie Corbett, Division of Licensing, P.O. Box 5647, Tallahassee, Florida 32314, Phone: (850)245-5443, Email: Stefannie.Corbett@FDACS.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Stefannie.Corbett@FDACS.gov

REGIONAL PLANNING COUNCILS

Emerald Coast Regional Council

The Okaloosa-Walton Transportation Planning Organization (TPO) Board announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 13, 2022, 3:00 p.m.

PLACE: Seaside Institute, 168 Smolian Circle, Santa Rosa Beach, FL 32459

GENERAL SUBJECT MATTER TO BE CONSIDERED: Okaloosa-Walton Transportation Planning Organization Board and Advisory Committees to Meet in October

The Okaloosa-Walton Transportation Planning Organization (TPO) will hold a public meeting at 3:00 p.m., Thursday, October 13, 2022, at the Seaside Institute, 168 Smolian Circle, Santa Rosa Beach, FL 32459. The Citizens' Advisory Committee (CAC) will meet at 9:30 a.m. and the Technical Coordinating Committee (TCC) will meet at 1:30 p.m.

The TPO and advisory committee meetings will be held in person at the above location. However, for the convenience of our community members, the meeting can be accessed online via GoToWebinar or by phone. All in-person participants are asked to follow current CDC COVID-19 guidelines.

To learn more about the Okaloosa-Walton TPO, review maps, and read the current list of transportation projects, visit <http://www.ecrc.org/OWTPO>.

A full agenda, when available, can be viewed at <http://www.ecrc.org/OWTPOMeetings>.

Join us live via GoToWebinar!

1. Click to register and a link to the Webinar will be emailed to you:

www.gotostage.com/channel/ecrc

2. When it is time for the webinar, click the emailed link, then choose one of the following audio options:

TO USE YOUR COMPUTER'S AUDIO:

When the Webinar begins, you will be connected to audio using your computer's microphone and speakers (VoIP). A headset is recommended.

-- OR --

TO USE YOUR TELEPHONE:

If you prefer to use your phone, you must select "Use Telephone" after joining the webinar and call in using the numbers provided.

All comments submitted at least 24 hours before are guaranteed to be read during the public meeting. Comments submitted after the 24-hour deadline will be recorded and disseminated to the Board. Please email <mailto:publicinvolvement@ecrc.org> with additional questions or concerns. You can also have your comment read during the meeting by submitting 24 hours before at www.ecrc.org/OWeComment.

Participation is asked for without regard to race, color, national origin, age, sex, religion, disability, or family status. Persons who believe they have been discriminated against on these conditions may file a complaint with the Title VI Coordinator, 850-332-7976.

The Okaloosa-Walton Transportation Planning Organization is staffed by the Emerald Coast Regional Council, a regional entity providing professional technical assistance, planning, coordinating, and advisory services to local governments, state and federal agencies, and the public to preserve and enhance the quality of life in northwest Florida.

A copy of the agenda may be obtained by contacting: Public Involvement at publicinvolvement@ecrc.org or by visiting www.ecrc.org/OWTPOMeetings.

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: Public Involvement toll-free at 800-226-8914 or TTY 711, or by emailing publicinvolvement@ecrc.org.

Para informacion en espanol, puede llamar a Ada Clark al 850-332-7976, ext. 278 o TTY 711. Si necesita acomodaciones especiales, por favor llame 48 horas de antemano. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council's Nominating Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 19, 2022, 10:00 a.m.

PLACE: This meeting will be held via a virtual communication platform and/ or in-person at 4000 Gateway Centre Blvd., Ste. 100, Pinellas Park, Florida 33782. Persons wishing to participate in this meeting should dial: 1-786-635-1003. The meeting ID is: 847 9410 1453. The Passcode is: 100200. The Zoom Meeting Link is:

<https://us02web.zoom.us/j/84794101453?pwd=dEd2RDljWWhFa3dzRWdUSUZJK0gwUT09>

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council Nominating Committee.

A copy of the agenda may be obtained by contacting: Wren Krahl, Wren@tbrpc.org

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Wren Krahl, Wren@tbrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Wren Krahl, Wren@tbrpc.org

METROPOLITAN PLANNING ORGANIZATIONS

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2022, 2:30 p.m. - Until Conclusion of Business

PLACE: Virtual October Meeting

GENERAL SUBJECT MATTER TO BE CONSIDERED: MPOAC Freight & Rail Committee Meeting - General Business of the Committee.

A copy of the agenda may be obtained by contacting: Nick Torres, Whitehouse Group at ntorres@whitehousegroup.com or phone (954) 482-8409.

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: Nick Torres, Whitehouse Group at ntorres@whitehousegroup.com or phone (954) 482-8409. 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: Nick Torres, Whitehouse Group at ntorres@whitehousegroup.com or phone (954) 482-8409.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

DATES AND TIMES: Fiscal Year 2023, multiple dates and times

PLACE: Multiple Locations

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fiscal Year 2023 SWFWMD Mega Ad Governing Board Meeting

October 18, 2022 – 9:00 a.m., Tampa Office

November 15, 2022 – 9:00 a.m., Brooksville Office

December 13, 2022 – 9:00 a.m., Brooksville Office

January 24, 2023 – 9:00 a.m., Tampa Office

February 28, 2023 – 9:00 a.m., Brooksville Office

March 28, 2023 – 9:00 a.m., Brooksville Office

April 25, 2023 – 9:00 a.m., Tampa Office

May 23, 2023 – 9:00 a.m., Tampa Office

June 27, 2023 – 9:00 a.m., Brooksville Office

July 25, 2023 – 9:00 a.m., Tampa Office

August 22, 2023 – 9:00 a.m., Brooksville Office

September 26, 2023 – 3:00 p.m., Tampa Office

Governing Board Workshop

November 15, 2022 – 10:30 a.m., Brooksville Office

Governing Board Budget Hearing – 5:01 p.m., Tampa Office

2023 – September 12 & 26

Meeting Locations:

Brooksville Office – 2379 Broad St., Brooksville, FL 34604

Tampa Office – 7601 US Highway 301 North, Tampa, FL 33637

At least seven days before each Governing Board meeting noticed in this advertisement, members of the public should visit the District’s website at WaterMatters.org or call (352) 796-7211 to check that the meeting location or the method of conducting the meeting has not changed. If any such changes are made to the meetings advertised in this notice, the District will not provide further notice of these changes except at WaterMatters.org.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Office Chief at 1(800)423-1476 (FL only) or 352-269-3929; TDD (FL only) 1-800-231-6103; or email to ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida

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

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

For more information, you may contact: Lauren.Vossler@WaterMatters.org; 1-800-423-1476 (FL only) or 352-415-0913(Ad Order EXE0856).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

DATE AND TIME: Thursday, October 13, 2022, 9:00 a.m., Governing Board Monthly Meeting

PLACE: This meeting will only be conducted via Zoom, a media technology free for the public to use.

GENERAL SUBJECT MATTER TO BE CONSIDERED: REVISED MEETING NOTICE: The Governing Board of the South Florida Water Management District will discuss and consider District business, including regulatory and non-regulatory matters.

The public and stakeholders will have an opportunity to view and comment on the meeting by utilizing the following link: <https://sfwmd.link/3QDldgJ>. The link will go live at approximately 9:00 AM on October 13, 2022. This meeting will be conducted via media technology only.

The Governing Board may take official action at the meeting on any item appearing on the agenda and on any item that is added to the agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes.

A copy of the agenda may be obtained by contacting: The agenda will be posted to the District's website www.SFWMD.gov/meetings, seven days prior to the meeting. Or, you can email Rosie Byrd at rbyrd@sfwmd.gov.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

The Board of Landscape Architecture announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, October 25, 2022, 10:00 a.m.

PLACE: <https://global.gotomeeting.com/join/583585909> or You can also dial in using your phone. United States: +1 (646) 749-3129, Access Code: 583-585-909

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Board of Landscape Architecture, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850) 717-1981.

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: Board of Landscape Architecture, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850) 717-1981. 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: Board of Landscape Architecture, 2601 Blair Stone Rd., Tallahassee, FL 32399, (850) 717-1981.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2022, 5:00 p.m. – 7:00 p.m. POSTPONED

PLACE: Florida State College Jacksonville (FSCJ), Nassau Center Campus, Lewis “Red” Bean Nassau Technical Career Center, 76346 William Burgess Blvd., Yulee, Florida 32097

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Environmental Protection is postponing the public meeting previously scheduled for October 6, 2022, 5:00 – 7:00 p.m. This public meeting was noticed in the Florida Administrative Register, Volume 48, Number 171, on Aug. 22, 2022. The meeting will be rescheduled for a later date. Once scheduled, a notice of the new meeting date will be published

in the Florida Administrative Register. The purpose of this public meeting is to obtain public comments on a draft Industrial Wastewater/National Pollutant Discharge Elimination System (IW-NPDES) permit renewal to operate the Rayonier Fernandina Dissolving Sulfite Pulp Mill – Sludge Management Site. This permit authorizes the permittee to operate a 26.31 MGD maximum daily flow of non-process wastewater, process wastewater, and stormwater to Amelia River; and land apply of secondary wastewater treatment solids and boiler ash to the Yulee Active Sludge Management Site. The facility is located at latitude 30 degrees 39' 45.12" North, longitude 81 degrees 28' 12.23" West on 10 Gum Street, Fernandina Beach, Florida 32034-4285 in Nassau County. The Department has assigned permit file number FL0000701-012-IWIS to the proposed project, and a Notice of Draft Permit was published in the Fernandina News Leader on Aug. 24, 2022. Although the Oct. 6, 2022 public meeting date is postponed, the Department will continue to accept public comments while working to reschedule. During the public comment period provided in Rule 62-528.315, Florida Administrative Code (F.A.C.), any interested person may submit written comments on these draft permits. All comments shall be considered in making the final decision and shall be answered as provided in Rule 62-528.330, F.A.C.

A copy of the agenda may be obtained by contacting: D. Anh Vo, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256-7577 in writing.

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: Katie Craver - 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256-7577, (904) 256-1549. 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: D. Anh Vo, 8800 Baymeadows Way West, Suite 100, Jacksonville, Florida 32256-7577, (904) 256-1618.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

The Board of Osteopathic Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: November 4, 2022, 8:00 a.m. EST

PLACE: Holiday Inn, Disney Springs, 1805 Hotel Plaza Boulevard, Lake Buena Vista, FL 32830, 407-827-7060

GENERAL SUBJECT MATTER TO BE CONSIDERED: The general business of the Board.

A copy of the agenda may be obtained by contacting:

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: Derek Nieves, Regulatory Specialist III, at (850) 245-4161 or MQA.Osteopath@flhealth.gov or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399. 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: Derek Nieves, Regulatory Specialist III, at (850) 245-4161 or MQA.Osteopath@flhealth.gov or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The Child Abuse Death Review Circuit 19 Committee announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2022, 1:30 p.m. – 1:40 p.m.

PLACE: Dial in number 888-585-9008, Conference Room number- 409-164-623

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

A copy of the agenda may be obtained by contacting: carol.wegener-vitani@flhealth.gov

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: carol.wegener-vitani@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: carol.wegener-vitani@flhealth.gov

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

The Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2022, 7:00 p.m.
PLACE: Long Key Natural Area & Nature Center, 3501 SW 130th Ave., Davie, FL 33330
GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission (FWC) announces a PUBLIC HEARING for the FWC Lead Managed Portions of Everglades Complex of Wildlife Management Areas located in Palm Beach, Broward, and Miami-Dade Counties, Florida.

Broward County, Florida
7:00 P.M. Tuesday, October 25th, 2022
Long Key Natural Area & Nature Center
3501 SW 130th Ave.
Davie, FL 33330

PURPOSE: To receive public comment regarding considerations for FWC's ten-year Management Plan for the FWC Lead Managed Portions of Everglades Complex of Wildlife Management Areas (ECWMA)
This hearing is being held EXCLUSIVELY for discussion of the DRAFT Everglades Complex WMA Management Plan. This meeting is not being held to discuss area hunting or fishing regulations. For more information on the process for FWC rule and regulation development visit our Proposed Rule Changes page.

A Management Prospectus for the Everglades Complex WMA and copy of the agenda is available upon request from the Florida Fish and Wildlife Conservation Commission, Land Conservation and Planning Group, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Telephone: (850) 404-6132 or by e-mail at Clara.Boyas@myfwc.com

This program receives Federal financial assistance from the U.S. Fish and Wildlife Service. Under Title VI of the 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, sex, or disability.

If you believe that you have been discriminated against in any program, activity, or facility, or if you need more information, please write to:

Office of Diversity, Inclusion and Civil Rights
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

A copy of the agenda may be obtained by contacting: Clara.Boyas@myFWC.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 14 days before the workshop/meeting by

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

For more information, you may contact: Clara Boyas via telephone at (850) 404-6132 or email Clara.Boyas@myFWC.com

FISH AND WILDLIFE CONSERVATION COMMISSION
Freshwater Fish and Wildlife

The Fish and Wildlife Conservation Commission announces a public meeting to which all persons are invited.

DATE AND TIME: October 26, 2022, 7:00 p.m.
PLACE: Jane M. Thompson Memorial Chambers, 301 N. Olive Ave., 6th Floor, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission (FWC) announces a PUBLIC HEARING for the FWC Lead Managed Portions of Everglades Complex of Wildlife Management Areas located in Palm Beach, Broward, and Miami-Dade Counties, Florida.

Palm Beach County, Florida
7:00 p.m. Wednesday, October 26th, 2022
Jane M. Thompson Memorial Chambers
301 N. Olive Ave., 6th Floor
West Palm Beach, FL 33401

PURPOSE: To receive public comment regarding considerations for FWC's ten-year Management Plan for the FWC Lead Managed Portions of Everglades Complex of Wildlife Management Areas (ECWMA)

This hearing is being held EXCLUSIVELY for discussion of the DRAFT Everglades Complex WMA Management Plan. This meeting is not being held to discuss area hunting or fishing regulations. For more information on the process for FWC rule and regulation development visit our Proposed Rule Changes page.

A Management Prospectus for the Everglades Complex WMA and copy of the agenda is available upon request from the Florida Fish and Wildlife Conservation Commission, Land Conservation and Planning Group, 620 South Meridian Street, Tallahassee, Florida 32399-1600. Telephone: (850) 404-6132 or by e-mail at Clara.Boyas@myfwc.com

This program receives Federal financial assistance from the U.S. Fish and Wildlife Service. Under Title VI of the 1964 Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, sex, or disability.

If you believe that you have been discriminated against in any program, activity, or facility, or if you need more information, please write to:

Office of Diversity, Inclusion and Civil Rights
 U.S. Department of the Interior
 1849 C Street, NW
 Washington, D.C. 20240

A copy of the agenda may be obtained by contacting:
 Clara.Boyas@myFWC.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 14 days before the workshop/meeting by contacting: . If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA INDEPENDENT LIVING COUNCIL

The Florida Independent Living Council, Inc. announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, October 17, 2022, 10:00 a.m. until completion of agenda

MEETING: Finance Committee

DATE AND TIME: Monday, October 21, 2022, 10:00 a.m. until completion of agenda

MEETING: Finance Committee

PLACE: Join Zoom Meeting

<https://us06web.zoom.us/j/83121877214?pwd=Y2ZPM1A4eVdOa0xtUDRacUVybHhoZz09&from=addon>

Meeting ID: 831 2187 7214

Passcode: 800248

One tap mobile

+13092053325,,83121877214#,,, *800248# US

+13126266799,,83121877214#,,, *800248# US (Chicago)

Dial by your location

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 386 347 5053 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 719 359 4580 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 831 2187 7214

Passcode: 800248

Find your local number:

<https://us06web.zoom.us/j/83121877214>

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business of the Committees or Business of the Council.

Persons who want to be notified of such meetings may submit a request by contacting the Florida Independent Living Council, Inc., 1882 Capital Circle NE, Suite 202, Tallahassee, Florida 32308 (850)488-5624 or Toll Free 1(877)822-1993 or email info@floridasilc.org.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council.

Pursuant to the Americans with Disabilities Act, accommodations for persons with disabilities are available upon request. If you have a disability and require a reasonable accommodation to fully participate in this event, please contact Beth Meyer, PA, ADA at beth@floridasilc.org, or 850-488-5624 to discuss your accessibility needs. Please allow five business days' notification to process: last minute requests will be accepted, but may not be possible to fulfill.

SUNSHINE STATE ONE CALL OF FLORIDA

The Sunshine State One Call of Florida, Inc., d/b/a Sunshine 811 announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 20, 2022, 10:00 a.m. – 12:00 Noon

PLACE: This meeting will be held by video conference. To participate, please click on:

Sunshine 811 Executive Committee Meeting

Hosted by Sunshine 811

<https://sunshine811.webex.com/sunshine811/j.php?MTID=m51821f37af48a712b2f76b82e4c3aea8>

Thursday, October 20, 2022, 9:50 a.m. | 2 hours 15 minutes | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 2630 589 0458

Password: mrGCi6JaH76 (67424652 from video systems)

Join by video system

Dial 26305890458@sunshine811.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

1-844-621-3956 United States Toll Free

Access code: 263 058 90458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To develop the agenda for the November 17 & 18, 2022, Committee, and Board of Directors meetings.

A copy of the agenda may be obtained by contacting: N/A

For more information, you may contact: Lori Budiani, Executive Assistant, lori.budiani@sunshine811.com.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

NONE

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

AULD & WHITE CONSTRUCTORS, LLC
 UNF Hicks Hall 2nd Floor Renovation
 Auld & White Constructors, LLC, in conjunction with the University of North Florida, will be accepting SEALED proposals, which will be received until 2:00 p.m., November 1, 2022, at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216.

Project includes tenant improvements of approximately 8,200. Trades include demolition, millwork, doors & hardware, glazing, gypsum assemblies, flooring, painting, window film, window treatments, mechanical, fire protection, and electrical systems.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid, in writing, no later than 2:00 p.m. October 27, 2022. Interested Bidders who fail to notify Auld & White Constructors, LLC, of their intent to bid by the date referenced above MAY NOT be permitted to bid. Bid drawings and specifications will be available on Auld & White Constructors, LLC's website (www.auld-white.com), on October 5, 2022. All interested bidders shall submit their Notice of Intent to Leigh Anne Giles by email at awcestimating@auld-white.com.

University of Florida and Auld & White Constructors, LLC are committed to provide equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids, which are considered by Auld & White Constructors, LLC to be in the best interest of the project.

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Thursday, September 29, 2022 and 3:00 p.m., Wednesday, October 5, 2022.

Rule No.	File Date	Effective Date
5KER22-6	10/5/2022	10/5/2022
12CER22-1	9/29/2022	10/1/2022
42SSS-1.001	10/4/2022	10/24/2022
42SSS-1.002	10/4/2022	10/24/2022
42SSS-1.003	10/4/2022	10/24/2022
60LER22-4	10/3/2022	10/3/2022
61E14-3.001	10/4/2022	10/24/2022
61G18-12.002	10/4/2022	10/24/2022
61G19-10.001	9/29/2022	10/19/2022

61G5-24.002	9/29/2022	10/19/2022
61G5-24.006	9/29/2022	10/19/2022
61K1-3.016	10/4/2022	10/24/2022
64B16-26.103	9/29/2022	10/19/2022
64B16-26.1031	9/29/2022	10/19/2022
64W-1.002	10/4/2022	10/24/2022
64W-1.003	10/4/2022	10/24/2022
64W-1.004	10/4/2022	10/24/2022
64W-1.006	10/4/2022	10/24/2022
64W-1.008	10/4/2022	10/24/2022
69B-228.080	9/30/2022	10/20/2022
69B-228.180	9/30/2022	10/20/2022
69G-20.001	9/30/2022	10/20/2022
69G-20.0022	9/30/2022	10/20/2022
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
62-6.001	5/10/2022	**/**/****
62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
65C-9.004	3/31/2022	**/**/****
69L-7.020	10/22/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food, Nutrition and Wellness
 Child Nutrition Program State Waiver Request



United States Department of Agriculture
 CHILD NUTRITION PROGRAM
 STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNPs), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

- 1. State agency submitting waiver request and responsible State agency staff contact information:**
 Lisa Church Chief, Bureau of Child Nutrition Programs
 Division of Food, Nutrition and Wellness
 Florida Department of Agriculture and Consumer Services
 (850) 617-7413 Direct Line
 (850) 509-7884 Cell
Lisa.Church@fdacs.gov
- 2. Region:** SERO
- 3. Eligible service providers participating in waiver and affirmation that they are in good standing:**
 The waiver would apply to NSLP and SBP sponsors throughout the state of Florida.
- 4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is granted. [Section 12(l)(2)(A)(iii) and 12(l)(2)(A)(iv) of the NSLA]:**

As sponsors respond to and recover from emergencies, it is important to reduce administrative burden to the fullest extent possible. FDACS desires to provide Collier County School Board the opportunity to elect Community Eligibility Provision in an effort to feed all of their children free.

Challenge without waiver

- Parents and guardians continue to face uncertainly while the county continuing to respond to disaster related challengers, especially power outages, flooding and business closures.
- Decreased program participation.
- Food insecurity will continue to be an issue for students and children.

Goal of Waiver to Improve Services

- Provide all children in Collier with free and nutritious meals
- Allows the Collier to focus on feeding the children without having the administrative burden of collecting applications and money from parents and guardians that have household circumstances change.

Expected Outcome of Waiver

- Sponsors will have an opportunity to transition back to normal operations over a longer period, which helps to assure success.
- Sponsors will implement flexibilities, as needed, to minimize the negative impact on program participation because of emergencies.
- Simplify program administration for the sponsors, so they can focus on the highest priority needs of their program/sites.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]:

7 CFR 245.9(f)(4)(i) -*Election documentation and deadline.* A local educational agency, group of schools, or school that intends to elect the community eligibility provision for the following year for one or more schools must submit to the State agency documentation demonstrating the LEA, group of schools, or school meets the identified student percentage, as specified under [paragraph \(f\)\(3\)\(i\)](#) of this section. Such documentation must be submitted no later than June 30 and must include, at a minimum, the counts of identified students and enrolled students as of April 1 of the school year prior to CEP implementation.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

If approved, there are no significant impacts on technology or state systems. These waivers will allow NSLP, SBP sponsors in Collier County to serve meals under during extraordinary cases due a disaster, in a non-congregate setting. Approval of these waivers will ensure that children have the nutrition meals when the children return to school. Through trainings, visits and reviews, FDACS will maintain a track of sponsors that were approved to utilize these waivers during an emergency or extraordinary case related to it.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(I)(2)(A)(ii) of the NSLA]:

The state agency has not had to address any barriers as these flexibilities were in place.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

There are no anticipated challenges with waiver implementation for eligible sponsors.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:

There is no anticipated impact on SA administrative cost, SAE and SAF, for state agency oversight with implementation of this waiver.

10. Anticipated waiver implementation date and time period:

The waiver will take place immediately through November 25, 2022. These waivers will only be authorized by the FDACS for case-by-case disaster situations and only those entities requiring the waiver(s).

11. Proposed monitoring and review procedures:

Sponsors and sites will continue to be monitored by the FDACS and standard review procedures will continue to be followed. A corrective action plan and follow-up will address any noncompliance issues.

12. Proposed reporting requirements (include type of data and due date(s) to FNS):

FDACS will collect and submit data as required.

13. Link to or a copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]:

TBA

14. Signature and title of requesting official:

Lisa Church Chief, Bureau of Child Nutrition Programs
 Division of Food, Nutrition and Wellness
 Florida Department of Agriculture and Consumer Services

(850) 617-7413 Direct Line
(850) 509-7884 Cell
Lisa.Church@fdacs.gov

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(l)(1)(A)(ii) of the NSLA**

Regional Office Analysis and Recommendations:

DEPARTMENT OF TRANSPORTATION

Proposed Airport Site Approval Order for St Vincent’s St Johns County Hospital Heliport

FLORIDA DEPARTMENT OF TRANSPORTATION

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:

St. Vincent’s St. Johns County Hospital Heliport, a private airport, in Saint Johns County, at Latitude 30° 4’ 11.00" and Longitude 81° 29’ 51.00", to be owned and operated by St Vincent's Medical Center, 1 Shircliff Way Jacksonville, FL 32204.

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.fdot.gov/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.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of M&S Scooters LLC, line-make TQVC

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Pasando Resources, Inc., intends to allow the establishment of M&S Scooters LLC, as a dealership for the sale of motorcycles manufactured by Taizhou Qianxin Vehicle Co., Ltd. (line-make TQVC) at 14673 US Highway 301 South, Starke, (Bradford County), Florida 32091, on or after November 5, 2022.

The name and address of the dealer operator(s) and principal investor(s) of M&S Scooters LLC are dealer operator(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091, principal investor(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Sondra L. Howard, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Firas Abunabah, Pasando Resources, Inc., 9300 Harwin Drive Suite C, Houston, Texas 77036.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of M&S Scooters LLC, line-make YNGF

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less

than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Pasando Resources, Inc., intends to allow the establishment of M&S Scooters LLC, as a dealership for the sale of motorcycles manufactured by Sanmen County Yongfu Machine Co., Ltd (line-make YNGF) at 14673 US Highway 301 South, Starke, (Bradford County), Florida 32091, on or after November 5, 2022.

The name and address of the dealer operator(s) and principal investor(s) of M&S Scooters LLC are dealer operator(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091, principal investor(s): Mahmoud Montaser, 14673 US Highway 301 South, Starke, Florida 32091.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Sondra L. Howard, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Firas Abunabah, Pasando Resources, Inc., 9300 Harwin Drive Suite C, Houston, Texas 77036.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of RNMC Daytona LLC, DBA RideNow Daytona Beach, line-make CFHG

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that CF Moto Powersports, Inc., intends to allow the establishment of RNMC Daytona LLC, DBA RideNow Daytona Beach, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co, Ltd (line-make

CFHG) at 450 Ridgewood Avenue, Daytona Beach, (Volusia County), Florida 32117, on or after November 5, 2022.

The name and address of the dealer operator(s) and principal investor(s) of RNMC Daytona LLC, DBA RideNow Daytona Beach are dealer operator(s): Kris Price, 450 Ridgewood Avenue, Daytona Beach, Florida 32117; principal investor(s): Rumbleon, Inc., 901 W Walnut Hill Lane # 350C, Irving, Texas 75038.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Sondra L. Howard, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Derek Jordahl, CF Moto Powersports, Inc, 3555 Holly Lane # 30, Plymouth, Minnesota 55447.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Establishment of PMA-Customs LLC, dba Haus of Trikes & Bikes, line-make CFHG

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that CF Moto Powersports, Inc., intends to allow the establishment of PMA-Customs LLC, dba Haus of Trikes & Bikes, as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co, Ltd (line-make CFHG) at 4607 Fowler Street, Fort Myers, (Lee County), Florida 33907, on or after November 5, 2022.

The name and address of the dealer operator(s) and principal investor(s) of PMA-Customs LLC, dba Haus of Trikes & Bikes are dealer operator(s): Manfred Glanzner, 4607 Fowler Street, Fort Myers, Florida 33907; principal investor(s): Manfred

Glanzner, 4601 Caloosa Vista Drive, Fort Myers, Florida 33901, Herbert Baum, 1240 Coconut Drive, Fort Myers, Florida 33901.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Sondra L. Howard, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Derek Jordahl, CF Moto Powersports, Inc., 3555 Holly Lane # 30, Plymouth, Minnesota 55447.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF CITRUS

Notice of Publication of 2022-23 Regulatory Plan
 NOTICE IS HEREBY GIVEN that on October 4, 2022, the Department of Citrus published its 2022-23 Regulatory Plan in accordance with subsection 120.74(1), F.S., as amended by Ch. 2015-162, Laws of Florida. The Regulatory Plan is available on the Florida Department of Citrus website: www.fdocgrower.com, at <https://fdocgrower.box.com/s/316rouf05hd37zifqchgbw2mpkdedmws>.

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council
 Southwest Florida Regional Planning Council Regulatory Plan Pursuant to Section 120.74, Florida Statutes, the Southwest Florida Regional Planning Council Regulatory Plan was published on the agency's website on October 4, 2022. https://www.swfrpc.org/wp-content/uploads/Regulatory_Plan/2021_Agency_Reg_Plan.pdf

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council
 Treasure Coast Regional Planning Council Pursuant to Section 120.74, Florida Statutes, the Treasure Coast Regional Planning Council published its Agency Regulatory

Plan for Fiscal Year 2022-2023 on its website on October 4, 2022. The Agency Regulatory Plan may be viewed on the Treasure Coast Regional Planning Council website at: https://cms5.revize.com/revize/treasurecoastcrp/about%20us/Agency%20Regulatory%20Plan/2022_Agency_Regulatory_Plan.pdf

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development
 Final Order No. DEO-22-055

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY
 In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY CITY OF MARATHON,
 ORDINANCE NO. 2022-11

FINAL ORDER
APPROVING CITY OF MARATHON ORDINANCE NO. 2022-11

The Department of Economic Opportunity (the "Department") hereby issues its Final Order, pursuant to Section 380.05(6), Florida Statutes, approving land development regulations adopted by the City of Marathon (the "City"), Ordinance No. 2022-11 (the "Ordinance").

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. The City is a local government within the Florida Keys Area.
2. The Ordinance was adopted by the City on July 12, 2022 and rendered to the Department on August 11, 2022.
3. The Ordinance amends Section 104.52, *Small Animal Shelter or Animal Day Care*, of the City's Code of Ordinances by adding language that prohibits the boarding of animals as a commercial use unless it is an accessory to a grooming or dog training use.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. *See* Section 380.05(6), Florida Statutes.
5. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. The Ordinance is consistent with the City's Comprehensive Plan as required by Section 163.3177(1),

Florida Statutes, generally, and is specifically consistent with Goal 1-3 and Objective 1-1.1.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. See Section 380.05(6), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Principles for Guiding Development in Section 380.0552(7), Florida Statutes and is specifically consistent with the following Principles:

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that the City of Marathon Ordinance No. 2022-11 is consistent with the City of Marathon’s Comprehensive Plan and the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Final Order becomes final 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ James D. Stansbury
James D. Stansbury, Bureau Chief
Bureau of Community Planning and Growth
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS FINAL ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES.

FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING

WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES.

ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF THE GENERAL COUNSEL
107 EAST MADISON ST., MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX 850-921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 5th day of October 2022.

/s/ Gabrielle Ekberg for
Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
The Honorable John Bartus, Mayor
City of Marathon, City Council
9805 Overseas Highway
Marathon, FL 33050

Diane Clavier, City Clerk
City of Marathon, City Clerk
9805 Overseas Highway
Marathon, FL 33050

Brian Shea, Planning Director
City of Marathon, Planning Department
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Section XIII
Index to Rules Filed During Preceding
Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
