

ORDINANCE NO. 17-21

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING USE OF COUNTY RIGHT-OF-WAY; AMENDING AND RESTATING ARTICLE II OF CHAPTER 2-28 OF THE MANATEE COUNTY CODE OF ORDINANCES; DEFINING CERTAIN TERMS; PROVIDING FOR WHEN A PERMIT IS REQUIRED; ESTABLISHING QUALIFICATIONS OF A PERMITTEE; ESTABLISHING THE AUTHORITY OF THE RIGHT-OF-WAY MANAGER AND THE COUNTY; ESTABLISHING A PERMIT APPLICATION PROCESS; ESTABLISHING THE TIME OF REVIEW FOR A PERMIT APPLICATION; SETTING FORTH THE CRITERIA FOR ISSUANCE OF A PERMIT; ESTABLISHING PERMIT CONDITIONS AND STANDARDS APPLICABLE TO A PERMITTEE; PROVIDING FOR INSPECTION AND ENFORCEMENT; ESTABLISHING WORKING HOURS; REQUIRING RESTORATION AND CLEANUP; REQUIRING WARRANTIES AND MAINTENANCE; ESTABLISHING FEES; ESTABLISHING BONDING REQUIREMENTS; REGULATING REVOCATION, SUSPENSION AND TERMINATION; ESTABLISHING APPELLATE PROCEDURES; REQUIRING REGISTRATION; PROVIDING FOR LICENSING AND LICENSEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (Board) of Manatee County, Florida, is empowered, pursuant to Section 337.401, Florida Statutes, to prescribe and enforce reasonable rules and regulations for the placing and maintaining of facilities within Manatee County (County) right-of-way; and

WHEREAS, the County previously adopted Ordinance 08-70, codified as Article II of Chapter 2-28 of the Manatee County Code of Ordinances (Code), adopting a regulatory scheme for construction, use, relocation, maintenance and repair of certain facilities in County right-of-way; and

WHEREAS, the provisions of Ordinance 08-70 do not sufficiently address the permitting of wireless facilities and support structures within the County right-of-way; and

WHEREAS, federal and state law require the nondiscriminatory treatment of providers of telecommunications services; and

WHEREAS, Section 337.401, Florida Statutes, requires the County to treat providers of communications services in a nondiscriminatory manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or right-of-way; and

WHEREAS, the Board finds that the public right-of-way is valuable public property acquired and maintained by the County at great expense to the taxpayers; and

WHEREAS, the Board finds that proper management of this limited resource is appropriate to maximize the long-term benefit to the public; and

WHEREAS, the Board finds that it is in the best interests of protecting the health, safety and welfare of the citizens of the County and its visitors, aesthetic concerns, and of properly managing the limited and valuable right-of-way within the County in a reasonable and nondiscriminatory manner, to amend and restate Article II of Chapter 2-28 of the Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in, Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board relies upon the following findings in the adoption of this

Ordinance:

- A. Pursuant to Section 337.401, Florida Statutes, the Board is authorized to prescribe and enforce reasonable rules and regulations for the placing and maintaining of facilities within County right-of-way and to require that providers of communications services placing such facilities register with the County.
- B. The public right-of-way is valuable and limited public property, acquired and maintained by the County at great expense to the taxpayers.
- C. Chapter 2-28 of the Code sets forth the policies and rules regarding the placement and maintenance of facilities within County right-of-way.
- D. It is in the best interests of protecting the health, safety and welfare of the citizens of the County and its visitors, aesthetic concerns, and of properly managing the limited and valuable right-of-way within the County to adopt this restatement of Chapter 2-28 of the Code, as set forth in this Ordinance for the purposes of prescribing and enforcing reasonable rules and regulations for the placement and maintenance of facilities within County right-of-way.

Section 3. Article II of Chapter 2-28 of the Code is hereby restated as follows:

Sec. 2-28-21. Definitions.

For purposes of article II of chapter 2-28, the following words and terms shall have the following meanings:

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

Applicant means any person, firm, partnership or corporation who has submitted an application to the County for a right-of-way use permit, but has yet to be granted said permit.

As-built plans means plans depicting the actual location of a facility, other than aerial facilities, after construction as determined by actual physical measurement in the horizontal and vertical plane. Copies of directional bore logs provided by a Florida licensed engineer, surveyor or contractor including relocatable horizontal and vertical plane data shall constitute an “as-built” plan.

Base station means a structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. Base station does not include a tower as defined below or any equipment associated with a tower. A base station includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety

services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. A base station includes, but is not limited to, radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including DAS and small-cell networks). A base station includes any structure other than a tower that, at the time the relevant application is filed with the county, supports or houses equipment described herein.

Collocation means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Communications services shall be defined as outlined in Section 202.11, Florida Statutes.

Dealer shall be defined as outlined in Section 202.11, Florida Statutes.

Distributed antenna system ("DAS") means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

Eligible support structure means any tower or base station as defined herein which is existing at the time the relevant application is filed with the county.

Emergency repairs means work which is necessary to immediately preserve life or property of inhabitants of the county. The term shall also describe work which is needed to prevent the imminent loss of any service or to restore any service provided by a utility company.

Erosion control means the practices used to minimize soil loss and the discharge of turbid runoff in the manner set forth in the National Pollution Discharge Elimination System (NPDES) standards.

Facility means any electric transmission, telephone, telegraph, or other communications service lines; pole lines; poles; railways; ditches; sewers; water, heat or gas mains; pipelines; fences; gasoline tanks or pumps; or other structures referred to in Sections 337.401, 337.402, 337.403 and 337.404, Florida Statutes.

Licensee means a person, firm, partnership or corporation who has been granted a right-of-way permit by the county regardless of whether that permit is still valid.

Major modification means the placement or attachment of a wireless facility on an existing structure that did not previously support a wireless facility.

Manual on uniform traffic control devices ("MUTCD") means the Federal Highway Administration Manual on Uniform Traffic Control Devices, as incorporated by reference under Florida Department of Transportation rules.

Permittee means any person, firm, partnership or corporation who holds a currently valid right-of-way use permit, said permit having been granted by the county.

Right-of-way shall be defined as outlined in Section 334.03(21), Florida Statutes.

Right-of-way manager means the staff person designated by the county administrator or his or her designee to administer this article.

Road shall be defined as outlined in Section 334.03(22), Florida Statutes.

Substantial change means a modification that changes the physical dimensions of an eligible support structure in the right-of-way in any of the following ways:

- (1) It increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
- (2) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- (3) It involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- (4) It entails any excavation or deployment outside the current site;
- (5) It would defeat the concealment elements of the eligible support structure; or
- (6) It does not comply with conditions associated with prior approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance does not exceed the thresholds identified in (1) through (5) of this definition.

Support structure means a structure that is capable of supporting the attachment of equipment for a wireless facility.

Tower means any structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, such services to include but not be limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Transmission equipment means any equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, such services to include, but not be limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. Transmission equipment includes equipment associated with wireless communications services, such services to include, but not be limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility company means any electric, natural gas, telecommunications, water or wastewater company or entity regulated by the Florida Public Service Commission or any cable or satellite television company or entity regulated by the Federal Communications Commission.

Utility pole means a pole or similar structure that is used in whole or in part to provide communications services or street lighting or for electric distribution. This term does not include county-owned poles and structures, including poles or structures that are used in whole or in part for lighting, traffic control, traffic signaling, or signage.

Wireless facility means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; (2) radio transceivers, antennas, wires, coaxial or fiber optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) DAS. This term does not include structures or improvements on, under, within or adjacent to the structure on which equipment is located.

Wireless infrastructure provider means a person certified to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment or wireless facilities or structures. This term does not include a wireless services provider.

Wireless provider means a wireless infrastructure provider or a wireless services provider.

Wireless services means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

Wireless services provider means a person who provides wireless services.

Sec. 2-28-22. Permit required.

- (a) Before any person, corporation, partnership, association, or other entity constructs, installs, removes, relocates, or performs any work activities within, on, under or above a right-of-way, a right-of-way use permit shall first be obtained, unless such activity is specifically exempted by federal or state law or other applicable rules or codes or this article.
- (b) Permittees and licensees shall not be required to obtain separate permits for ordinary maintenance, provided that such maintenance does not impact any right-of-way.
- (c) No permit is required for a utility company to perform emergency repairs.

Sec. 2-28-23. Qualifications of permittee.

- (a) Subject to satisfaction of and compliance with the requirements of this article, permits shall be issued to the following:
 - (1) Utility companies, their agents and their contractors that apply to install, replace, repair, relocate, maintain or remove a facility;

- (2) Contractors responsible for the installation of any facility or structure subject to these regulations;
 - (3) Dealers and providers of communications services and wireless providers; and
 - (4) Other persons or entities with a legal and legitimate need to use the right-of-way, which use poses no threat to public health, safety or welfare, or the effective future use of the right-of-way.
- (b) At the time of the application, all tradespersons performing any work related to the application on behalf of the applicant who are required to possess a state license to practice, including but not limited to electricians and plumbers, shall possess a current and valid license. Proof thereof shall be required before approval of an application and issuance of any permit. County employees or contractors who perform routine maintenance work in right-of-way on behalf of the county are specifically exempt from the permit application process.

Sec. 2-28-24. Authority of right-of-way manager and county.

- (a) To the extent not otherwise prohibited by state or federal law, the county may impose reasonable rules, conditions or regulations governing the placement or maintenance of a facility in a right-of-way and shall have the power to prohibit or limit the placement of new or additional facilities within a particular area of right-of-way.
- (b) There shall be one designated right-of-way manager with plenary oversight over all matters related to the county's management of its right-of-way. The right-of-way manager is authorized to issue, deny, modify, revoke, suspend or issue with conditions a permit for right-of-way utilization or construction subject to the terms of this article. Other than a decision to grant the permit as requested by the applicant, any decision on the part of the right-of-way manager shall be communicated to the applicant in writing and shall state with specificity the reason(s) for the decision.
- (c) The right-of-way manager is hereby authorized to establish and publish all rules and regulations necessary for the interpretation, clarification and administration of this article, to the extent same are not inconsistent with the provisions of this article. The right-of-way manager is further authorized to design and publish any and all forms deemed necessary to effectively implement the provisions of this article.
- (d) For wireless facilities and support structures, the right-of-way manager has the discretion to negotiate, when appropriate, a system-wide right-of-way authorization in lieu of individualized permit applications where a provider is initially building out a wireless facilities system with five (5) or more individual and separate sites or in the case of DAS or small-cell facilities. Fees for this consolidated application shall be calculated based on the sum of the fees which would have been applicable for individual permits covering each location.
- (e) Where construction of facilities within the right-of-way is done pursuant to (1) an approved county capital improvement project, (2) any requirement of the county's Land

Development Code, (3) a development order, or (4) an agreement with the county, the right-of-way manager is authorized to waive the permitting requirement if the right-of-way manager determines that the construction project has received or shall receive full design and construction review and inspection approval that meets the minimum standards required within this article.

- (f) To the extent any county-owned facility is being constructed or relocated and the cooperation of any other governmental or nongovernmental entity is required, the county may enter into a facility location or relocation agreement, the terms of which shall govern the construction or relocation of the county facility at issue.
- (g) The Board of County Commissioners may, in its sole discretion and for good cause shown, waive any of the requirements of this article for any applicant, licensee or permittee.

Sec. 2-28-25. Permit application.

- (a) A permit may be requested by:
 - (1) Completing an application form;
 - (2) Submitting any required supporting plans or documents; and
 - (3) Paying any applicable permit fee.
- (b) A permit application shall not be deemed submitted until:
 - (1) It has been fully completed by the applicant in accordance with the requirements of this article;
 - (2) It contains all required attachments; and
 - (3) Any fee(s) due have been paid.
- (c) As part of any permit application to install, maintain or place a new facility in right-of-way or to collocate on or maintain, modify or replace an existing facility in right-of-way, the applicant shall provide the following:
 - (1) Engineering drawings signed and sealed by a Florida licensed professional engineer showing the location of the proposed installation of facilities in the right-of-way shall be to scale and show:
 - a. The offset from the centerline of the right-of-way or road to the proposed facility installation;
 - b. The road right-of-way and pavement width;
 - c. The distance from edge of pavement to the facility;
 - d. The location of all other facilities within the area of work;
 - e. The facilities to be installed and their size;
 - f. The means and methods in which the facilities shall be installed;
 - g. One or more typical cross sections to adequately reflect the location of the facility;
 - (2) A simple key map showing the location of the proposed facility;
 - (3) Information on the ability of right-of-way to accommodate the proposed facility;
 - (4) An engineer's cost estimate;

- (5) The timetable for construction of the project or each phase thereof, and the areas of the county which shall be affected; and
 - (6) Such additional information as the right-of-way manager deems reasonably necessary with respect to the costs, placement, maintenance or replacement of the facility that is the subject of the permit application to review such permit application, including but not limited to a maintenance of traffic plan to address any disruption of right-of-way.
- (d) When the right-of-way manager determines that the scope of work for any right-of-way work permit includes encroaching or impacting automobile, bicycle or pedestrian traffic, the applicant shall submit a traffic control and management plan along with the permit application. This traffic control and management plan shall comply with the standards of the Florida Department of Transportation (FDOT) Series 600 Maintenance of Traffic (MOT) or the MUTCD Typical Applications. Any proposed nonstandard MOT that does not comply with FDOT Series 600 MOT standards or MUTCD Typical Applications shall be developed and signed by a certified International Municipal Signal Association or American Traffic Safety Services Association (or other professional deemed qualified by the right-of-way manager) traffic control specialist. Specific plan requirements may be determined by the right-of-way manager, who shall have the authority to grant amendments to the plan as changing conditions of the site, project or traffic patterns may require.
 - (e) Permit application forms that have been completed by anyone other than the applicant or the applicant's authorized agent shall not be accepted or reviewed. Information provided in the application, including electronic data files, shall be accurate, legible and readable.
 - (f) Nothing herein shall be intended as requiring any applicant or permittee to submit plans, drawings or specifications which are deemed proprietary and for which there is no current Florida Public Records Act disclosure exemption. The applicant or permittee shall clearly mark any record it deems to be exempt from disclosure as such and shall provide with specificity the statutory provision supporting the exemption asserted.
 - (g) Each applicant for a permit shall submit a nonrefundable application fee in conjunction with the submission of the permit application.

Sec. 2-28-26. Time of review for permit application.

- (a) The county's action on proposals to place, construct or modify a wireless facility shall be subject to the standards and time frames set out in Section 365.172, Florida Statutes, 47 U.S.C. 332, 47 U.S.C. 1455 and orders issued by the Federal Communications Commission, as amended.

Sec. 2-28-27. Criteria for permit issuance.

- (a) All permit applications shall comply with county Public Works Standards. Any permit applications which are non-compliant with county Public Works Standards may be denied.

- (b) The following shall apply to wireless facilities and support structures:
- (1) Upon compliance with the procedures outlined in this article, an application for the construction of a new support structure in the right-of-way shall be permitted as long as:
- a. The proposed location for the new support structure is:
 - i. Located within the boundary limits shown on Figures 1 or 2 of this article;
 - ii. Set back a minimum of twenty-five (25) feet from all traffic signal poles;
 - iii. Set back a minimum of fifteen (15) feet from any pedestrian ramps;
 - iv. Set back a minimum of five hundred (500) feet from any existing or proposed Advanced Traffic Management Systems field device;
 - v. Set back sufficiently for public safety purposes to ensure proper sight distance within sight triangles;
 - vi. Not in a location that will interfere with facilities currently in the right-of-way;
 - vii. Not in a location that is anticipated, intended or reserved for future use by the county;
 - viii. Not located directly in front of a dwelling or residential structure; and
 - ix. Located on the legal boundary line between two adjacent lots.
 - b. The new support structure does not exceed ten (10) feet higher than existing structures within a one thousand (1,000) foot radius or forty-five (45) feet above ground level, whichever is greater.
 - c. The combination of all attached antennas, including any exposed elements, could fit within an imaginary enclosure of no more than six (6) cubic feet, not exceeding two (2) feet in any horizontal direction.
 - d. All accessory equipment, auxiliary equipment, equipment boxes and equipment cabinets are mounted on the structure at least seven (7) feet above ground unless another minimum height restriction is required by other codes, rules or statutes.
- (2) Upon compliance with the procedures outlined in this article, an application for a major modification to an existing permitted and legally maintained utility pole in the right-of-way shall be permitted as long as:
- a. The utility pole is:
 - i. Set back a minimum of twenty-five (25) feet from all traffic signal poles;
 - ii. Set back a minimum of fifteen (15) feet from any pedestrian ramps;
 - iii. Set back a minimum of five hundred (500) feet from any existing or proposed Advanced Traffic Management Systems field device;
 - iv. Set back sufficiently for public safety purposes to ensure proper sight distance within sight triangles;
 - v. Not located directly in front of a dwelling or residential structure;
 - vi. Located on the legal boundary line between two adjacent lots.
 - b. The combination of all attached antennas, including any exposed elements, could fit within an imaginary enclosure of no more than six (6) cubic feet, not exceeding two (2) feet in any horizontal direction.

- c. All accessory equipment, auxiliary equipment, equipment boxes and equipment cabinets are mounted on the pole at least seven (7) feet above ground unless another minimum height restriction is required by other codes, rules or statutes.
 - d. The wireless facility does not have any type of lighted signal, lights or illuminations unless required by an applicable federal, state, or local law, regulation or rule;
 - e. The wireless facility and pole comply with any applicable county building codes in terms of design construction and installation;
 - f. The wireless facility and pole do not contain any commercial advertising thereon;
 - g. Wireless facilities are not installed on traffic signal poles; and
 - h. Wireless facilities do not utilize traffic signal fiber communication lines.
- (3) Upon compliance with the application procedures outlined in this article, any request for modification of an existing wireless tower or base station in county right-of-way that involves collocation of new transmission equipment or removal or replacement of transmission equipment shall be approved as long as the modification does not substantially change the physical dimensions of such tower or base station.

Sec. 2-28-28. Permit conditions and standards applicable to permittees.

- (a) The construction, installation, quality and placement of all installations in county right-of-way shall be in accordance with the most current county Public Works Standards and the most current FDOT Utility Accommodation Guide, insofar as those publications are not inconsistent with any other requirement of this article. All work within the right-of-way shall be performed in compliance with all applicable construction standards and laws, including but not limited to, the Trench Safety Act, Sections 553.60-553.64, Florida Statutes.
- (b) Permits may contain such provisions as the county deems reasonably necessary to protect the county and the public right-of-way.
- (c) Unless modified by the right-of-way manager, a permit shall be valid until the date set by the right-of-way manager, which date shall appear on the permit and shall not be more than one (1) year after the date of permit issuance, and apply only to the area(s) of right-of-way specifically identified in the permit. A permit shall be deemed expired after the date set by the right-of-way manager. Unless otherwise authorized by this article, permittees and their agents are expressly prohibited from performing any work upon the expiration of a permit. Prior to expiration, a permittee may request an extension of the permit. The right-of-way manager is authorized to extend a permit once for a period of no more than one (1) year. A permit from the county constitutes authorization to undertake only certain activities in accordance with this article, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the right-of-way.

- (d) A copy of the permit shall be available for inspection at all times at the work site while work is being performed. Except as otherwise provided in this article, any work in or use of any right-of-way without a “Sunshine State One-Call” notification (for work requiring excavation) and a valid permit issued pursuant to this article is prohibited. Except as provided by this article, any work in progress in any right-of-way or use of any right-of-way without a valid permit shall be suspended until such time as a valid permit is produced on the site.
- (e) A permittee shall at all times comply with and abide by all applicable provisions of the state and federal law and county codes and regulations in placing or maintaining a facility in right-of-way. Obtaining a permit pursuant to the terms of this article does not excuse a permittee from complying with all applicable county codes and standards.
- (f) A permittee shall be required by the county to coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur in the subject right-of-way, and permittee shall be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruptions and disturbance in the right-of-way.
- (g) A permittee is authorized to make emergency repairs to facilities and must notify the right-of-way manager of same within forty-eight (48) hours of completing said repairs. The right-of-way manager may require additional or supplemental work be performed after the initial emergency repair so as to bring the facility or abutting spaces, including ditches, roads and sidewalks, up to a standard at least equal to that which existed immediately prior to the emergency repairs.
- (h) Unless otherwise provided, all roads within the limits of the permit shall be kept open to all traffic by the permittee. When approved by the right-of-way manager, traffic may be routed to an approved detour. The permittee shall keep the portion of the project being used by the public traffic, whether it is through or local traffic, in such condition that traffic shall be adequately accommodated. The permittee shall furnish, erect and maintain any barricades, warning signs, delineators, flagmen and pilot cars in accordance with the MUTCD, FDOT Design Standards, FDOT Standard Specifications for Road and Bridge Construction, and any county rules issued pursuant to this article. The permittee shall also provide and maintain in a safe condition temporary approaches or crossings and intersections with trails, roads, streets, businesses, parking lots, residences, garages and farms. The permittee shall bear all expense of maintaining the traffic over the section of road undergoing construction and of constructing and maintaining such approaches, crossings, intersections and other features as may be necessary. Materials stored at the site of the work shall be so placed as to cause no obstruction to vehicular or pedestrian traffic. No roadway shall be closed or opened except by express permission of the right-of-way manager or other authorized public agency having jurisdiction. Any permitted road closures shall be in accordance with the prevailing county highway and drainage standards.
- (i) During the time the permittee is actively engaged in construction, installation or maintenance, the permittee shall be solely responsible for erosion control and stormwater

runoff maintenance, so as not to adversely affect the flow of stormwater through existing drainage facilities, the health and safety of the general public, and the use or enjoyment of any real property.

- (j) All permittees and their contractors shall at all times obey any lawful order of either the right-of-way manager or any law enforcement officer related to permittee's presence on or activities within or along public roads. Failure to do so may result in the revocation or suspension of the permit for violation of this section.
- (k) All wireless facilities shall be placed and maintained so as not to:
 - (1) Interfere unreasonably with the public's use of the right-of-way;
 - (2) Cause unreasonable interference with the rights and convenience of property owners who adjoin any of the public rights-of-way;
 - (3) Interfere, displace, damage or destroy any other utilities, including but not limited to, water mains, sanitary sewers, storm drains, electrical equipment, gas mains, pipes, cables or conduits of the county or any other utility lawfully occupying the public right-of-way; and
 - (4) Create interference with the operations of public safety wireless services.
- (l) All owners of facilities in the right-of-way shall provide an annual "system certification" to the right-of-way manager which certifies and identifies whether each facility is currently being used ("active facility") or not currently being used or has no current tenant or client ("dark facility").

Sec. 2-28-29. Inspection and enforcement.

- (a) At least forty-eight (48) hours prior to beginning any maintenance or permitted work, the permittee shall notify the right-of-way manager as to when the work shall commence. Within forty-eight (48) hours after completion of any maintenance or permitted work, the permittee shall notify the right-of-way manager that maintenance or the permitted work has ended. Upon final inspection of work, any and all items found not to be in compliance with this article or the terms of the permit shall be promptly corrected by the permittee.
- (b) A permittee may be required to re-excavate, expose or take other reasonable measures necessary to allow for inspection of work.
- (c) Completed work shall be accepted by the county as complying with the permit provided all conditions are met including the submittal of as-built drawings signed and sealed by a Florida licensed engineer or surveyor. As-built information shall include vertical and horizontal data, in state plane coordinates, of all underground facilities constructed or adjusted. In the event pneumatic missiling or air forced drilling is employed excavation shall be done to locate the vertical and horizontal location of underground facilities constructed or adjusted at least every five (5) feet longitudinally along said facility. Directional drill logs are an acceptable form of as-built location data submittal. If the engineering drawings provided require revision based upon actual installation, the permittee shall promptly provide revised engineering drawings.

- (d) Pursuant to Section 162.21(2), Florida Statutes, the right-of-way manager is designated as a code enforcement officer and is authorized to designate subordinate right-of-way inspectors as code enforcement officers. Such designated personnel, in addition to the authority provided to them under this article, shall have the authority to issue citations for violations of this article to the full extent permitted by law. Personnel so designated shall not begin exercising this citation authority prior to the completion of any training or qualification requirements established by the county or as required by law. Enforcement procedures and sanctions for such citations shall be as provided by county code and permitted under Chapter 162, Florida Statutes.

Sec. 2-28-30. Working hours.

- (a) Unless otherwise noted in the permit, work authorized by a permit shall be conducted between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Any deviation from these hours requires prior approval from the right-of-way manager. Emergency repairs are excluded from any working hours restriction. Notwithstanding the foregoing, water tie-ins shall be permitted to be conducted during nighttime hours whenever possible.

Sec. 2-28-31. Restoration and cleanup.

- (a) The permittee shall ensure that all monuments, section corners and property marks shall be protected and perpetuated.
- (b) Where any work disturbs the area the permittee shall insure that the area is completely restored, at least to the condition which existed at the time before work began, regardless of whether the area disturbed is within or outside of the right-of-way. Sod and shrubbery that is removed or destroyed shall be replaced with equal types and sizes. Grassing and mulching operations shall begin immediately after construction or installation, or as soon as reasonably possible. All trees and shrubbery within the right-of-way damaged or disturbed during construction shall be replaced by the permittee at its expense, as directed by the right-of-way manager. Any plantings outside the right-of-way damaged or disturbed during construction shall be replaced to the reasonable satisfaction of the property owner. All debris and waste material shall be removed daily by the permittee at its expense.
- (c) Any damage or injury to any road, street, or highway by reason of the exercise of the privileges granted pursuant to a right-of-way permit shall be repaired to a condition at least equal to that which existed immediately prior to the infliction of such damage or injury.
- (d) Existing known facilities that are damaged, destroyed or temporarily removed by the permittee shall be replaced or repaired at the sole expense of the permittee, at the direction of the owner, in the manner prescribed in Chapter 556, Florida Statutes.
- (e) The permittee shall ensure that work site cleanup and property restoration follows construction and installation operations as soon as reasonably possible. Daily trenching shall be coordinated to provide a minimum overnight trench opening. Site maintenance,

along with ongoing cleanup and final property restoration, shall be subject to the direction and approval of the right-of-way manager.

Sec. 2-28-32. Warranty and maintenance.

- (a) Permits shall be issued on the condition that the permittee shall guarantee all repair and restoration work performed under the terms of the permit for a period of two (2) years from the date of completion of final work as certified on the permit by the county inspector.
- (b) Any failure of repair or restoration shall be remedied by the permittee within five (5) days (or such longer period the right-of-way manager may approve given the scale and scope of work) unless, in the opinion of the right-of-way manager, the urgency of the failure requires immediate action to protect public health or safety.
- (c) Any failure of or damage to any facility in any county right-of-way which, in the opinion of the right-of-way manager, poses a hazard to the traveling public or an impediment to other work in the right-of-way, shall be repaired by the permittee or licensee of said facility, at the direction of the right-of-way manager.
- (d) Permittees and licensees shall perpetually maintain their installed facilities in accordance with applicable industry standards.

Sec. 2-28-33. Fees.

- (a) The Board of County Commissioners may adopt, modify or rescind a fee schedule for any fees related to this article. Such action may be by resolution or otherwise. The right-of-way manager shall ensure the most current fee schedule is published and shall, at a minimum, ensure same is posted in electronic form accessible to the public.
- (b) County employees or contractors performing work in right-of-way on behalf of the county are specifically exempt from the payment of any application fees or permit fees for such work.
- (c) Any plans submitted by applicants and permittees under this article shall be provided at no cost to the county.
- (d) Fees for permit extensions granted by the right-of-way manager shall be half the fee of the original permit.

Sec. 2-28-34. Bonding.

- (a) Prior to the issuance of a permit pursuant to this article, the applicant shall post with the county, a surety bond in an amount as shall be determined by the right-of-way manager, so as to protect the county against loss in the event of failure of the permittee to complete the work or make required repairs or restoration. The bond amount will normally be determined based on a licensed engineer's or contractor's estimate of the market value of

the work to be performed and the materials to be installed, and copies of such estimates shall be provided to the county by the applicant. Except as set forth in subsection (c) below, a separate bond will be required for each permit issued. The content, form and manner of execution of each such bond is subject to the approval of the right-of-way manager. The county may, in its discretion, promulgate a standard form of acceptable bond.

- (b) The bond shall be released to the permittee upon the expiration of the guarantee period. The guarantee period shall be for two (2) years following completion of the initial installation. The release of the bond shall not relieve the permittee of its perpetual maintenance and upkeep obligations as set forth in this article.
- (c) For those applicants who routinely perform work in county rights-of-way, an annual blanket surety bond, in an amount to be negotiated by the applicant and the right-of-way manager, may be posted to avoid the inconvenience and expense of obtaining individual bonds for each permit application.
- (d) On all bonds posted pursuant to this section, the surety shall be rated A or better by Best's Key Guide, latest edition. If the surety on any bond furnished is declared bankrupt or becomes insolvent or its right to do business in the State of Florida is terminated, the permittee shall, within five (5) days thereafter, substitute another bond and surety, both of which must be acceptable to the right-of-way manager.
- (e) In lieu of the bond required by this section, an applicant may deposit with the county an alternative form of security in the form of cash, a money order, a certified check, a cashier's check or an irrevocable letter of credit. Any such alternative form of security shall be for the same purpose and be subject to the same conditions as those applicable to the bond required by this section. The determination of the appropriateness of and the value of an alternative form of security shall be made by the right-of-way manager.

Sec. 2-28-35. Revocation, suspension and termination.

- (a) Both the right-of-way manager and any county code enforcement officer shall have the right to order a work site secured and closed until a proper permit copy is obtained and available on site. Persons or entities violating any site-securing order shall be in violation of this article and subject to maximum code enforcement fines and penalties allowed by law. The right-of-way manager is authorized to revoke or suspend the permit(s) of any permittee failing to assist in ensuring its agents refrain from working in or on any site closed and secured under this article.
- (b) Unless otherwise prohibited by law, the right-of-way manager may revoke or suspend a permit at any time, or may demand immediate repair or restoration work for any violation of the requirements of this article or other ordinance, or for any condition within the permitted area which poses a threat to the health, safety, or welfare of the general public. Where a permittee fails to adequately restore a site or otherwise fails to address site conditions posing a significant danger to the public health or safety, the county may also

take all lawful measures, at its own initial expense, to affect the restoration or remediate the unsafe condition.

- (c) In the event a facility owner fails to initiate the work necessary to alleviate interference after receipt of written notice from the right-of-way manager pursuant to Section 337.403, Florida Statutes, the right-of-way manager may issue an order authorizing removal, relocation or both of the facility by the county.
- (d) An applicant's or permittee's failure to comply with provisions of this article shall constitute a violation of this article and shall subject the applicant or permittee to the penalties provided by this article and any other applicable law or regulation and revocation or suspension of the permit.
- (e) Upon termination of a permit, no further work may be performed.
- (f) Failure of the county or right-of-way manager to enforce any requirement of this article or of any permit on one or more occasions shall not constitute a waiver of the county's right to otherwise enforce that requirement or to seek compliance with that requirement.

Sec. 2-28-36. Appeal.

- (a) Decisions rendered by the right-of-way manager shall be appealable first to the county engineer or deputy director of engineering services, and then by requesting a hearing before a special magistrate, and thereafter as permitted by Florida law.

Sec. 2-28-37. Registration.

- (a) Any provider of communications services that places or seeks to place facilities in county roads or right-of-way is required to register with the right-of-way manager and to provide the following information:
 - (1) The name of the registrant;
 - (2) The name, address, and telephone number of a contact person for the registrant;
 - (3) The number of the registrant's current certificate of authorization issued by the Florida Public Service Commission or the Federal Communications Commission; and
 - (4) Proof of insurance or self-insuring status adequate to defend and cover claims.
- (b) Upon registering and providing the above information, a provider of communications services shall be deemed licensed pursuant to this article and Section 125.42, Florida Statutes. If the certificate of registration issued by the Department of Revenue to a provider of communications services that has registered with the county is revoked for any reason, the right-of-way manager shall be notified of same within thirty (30) days by the registered provider of communications services.

Sec. 2-28-38. Licensing and licensees.

- (a) The right-of-way manager shall have the authority to issue licenses on behalf of the county pursuant to Section 125.42, Florida Statutes. Providers of communications services shall be automatically issued a license upon compliance with the registration requirement of this article.
- (b) Licensees shall be governed by the provisions of Section 125.42, Florida Statutes.
- (c) Pursuant to Section 337.403, Florida Statutes, if a facility that is placed upon, under, over or within the right-of-way limits of any public road is found by the right-of-way manager to be unreasonably interfering in any way with the convenient, safe or continuous use or the maintenance, improvement, extension, or expansion of such public road, the facility owner shall upon thirty (30) days' written notice from the right-of-way manager initiate the work necessary to alleviate the interference at the facility owner's expense unless otherwise permitted by law. The work shall be completed within such reasonable time as stated in the notice or such time as agreed to by the right-of-way manager and the facility owner. This requirement applies to all such improvements, extensions or expansions, whether constructed directly by the county or through a public-private agreement, or by virtue of a duly adopted development order or development agreement, so long as the purpose of the road facility is deemed by the county to be for the public benefit.
- (d) A licensee is authorized to make emergency repairs to facilities and must notify the right-of-way manager of same within forty-eight (48) hours of completing said repairs. The right-of-way manager may require additional or supplemental work be performed after the initial emergency repair so as to bring the facility or abutting spaces, including ditches, roads and sidewalks, up to a standard at least equal to that which existed immediately prior to the emergency repairs.
- (e) Where a licensee's work in the right-of-way is related to an individual customer service connection (a drop), the right-of-way manager is authorized to consult with the licensee and to thereafter establish and publish uniform maximum distance and construction standards within which a licensee may perform non-permitted work on a drop. However, where a licensee performs such work, the licensee shall provide notice of the work to the right-of-way manager in a form and manner prescribed by the right-of-way manager. To the extent work on a drop exceeds, by distance, construction technique, or both, any maximum standards established, all permitting requirements shall apply, with the exception that where controlling customer service standards or other exigent circumstances dictate, the drop permit may be obtained after the fact. Additionally, permitting and notice requirements shall not apply to aerial drops, nor to underground drops where (1) such drops do not cross or begin beneath any paved portion of the right-of-way and (2) trenching is at a right angle to any such paving.

Section 4. The publisher of this County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section I into the Code.

Section 5. If any clause, phrase, provision, section or sentence of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 6. This Ordinance shall take effect immediately upon filing with the Department of State.

DULY ADOPTED, with a quorum present and voting, this 7 day of March, 2017.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____

[Handwritten Signature]
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____

[Handwritten Signature]
Deputy Clerk

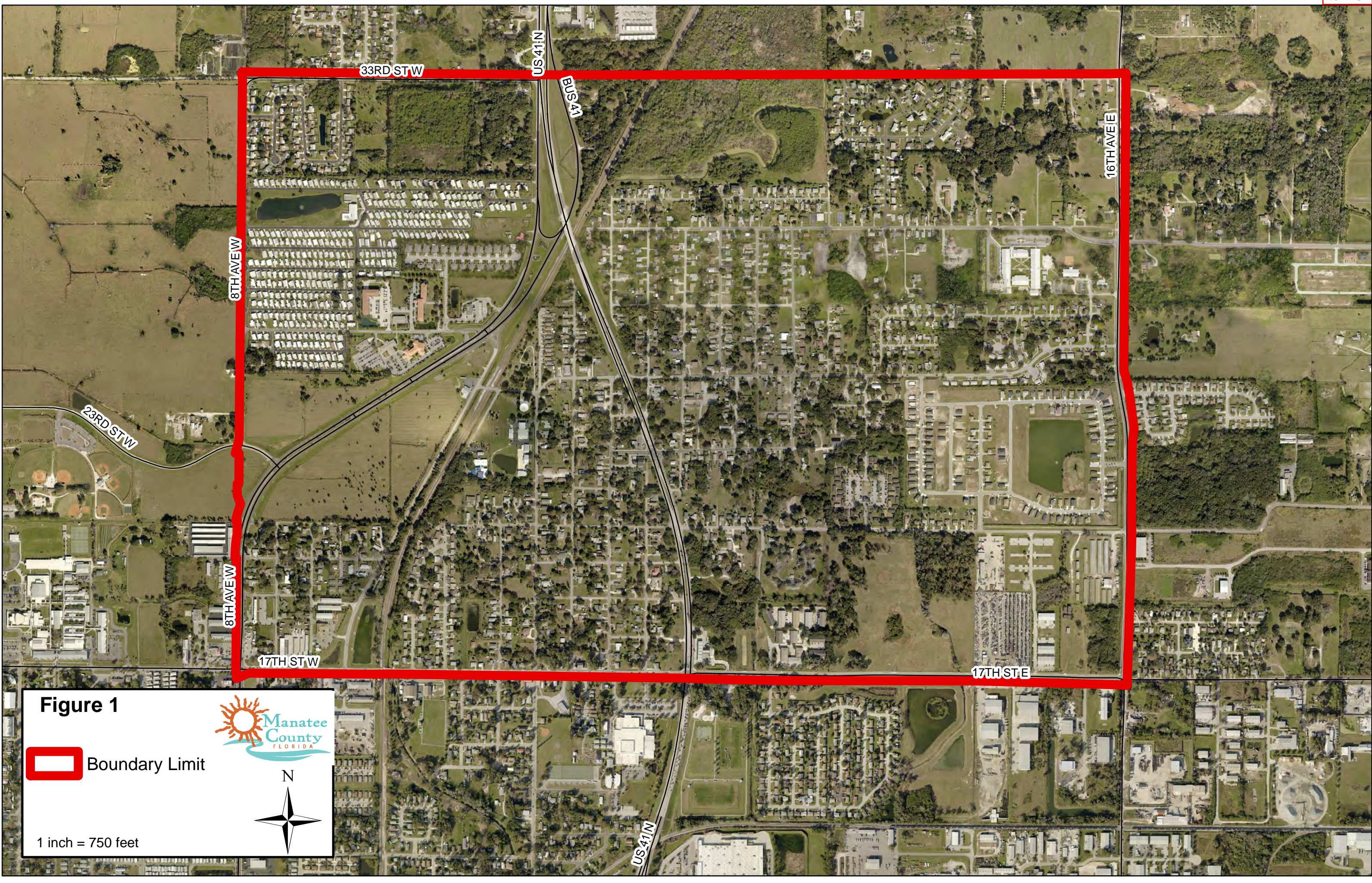

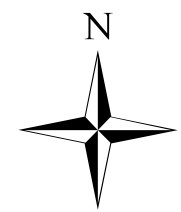


Figure 1

 Boundary Limit



1 inch = 750 feet

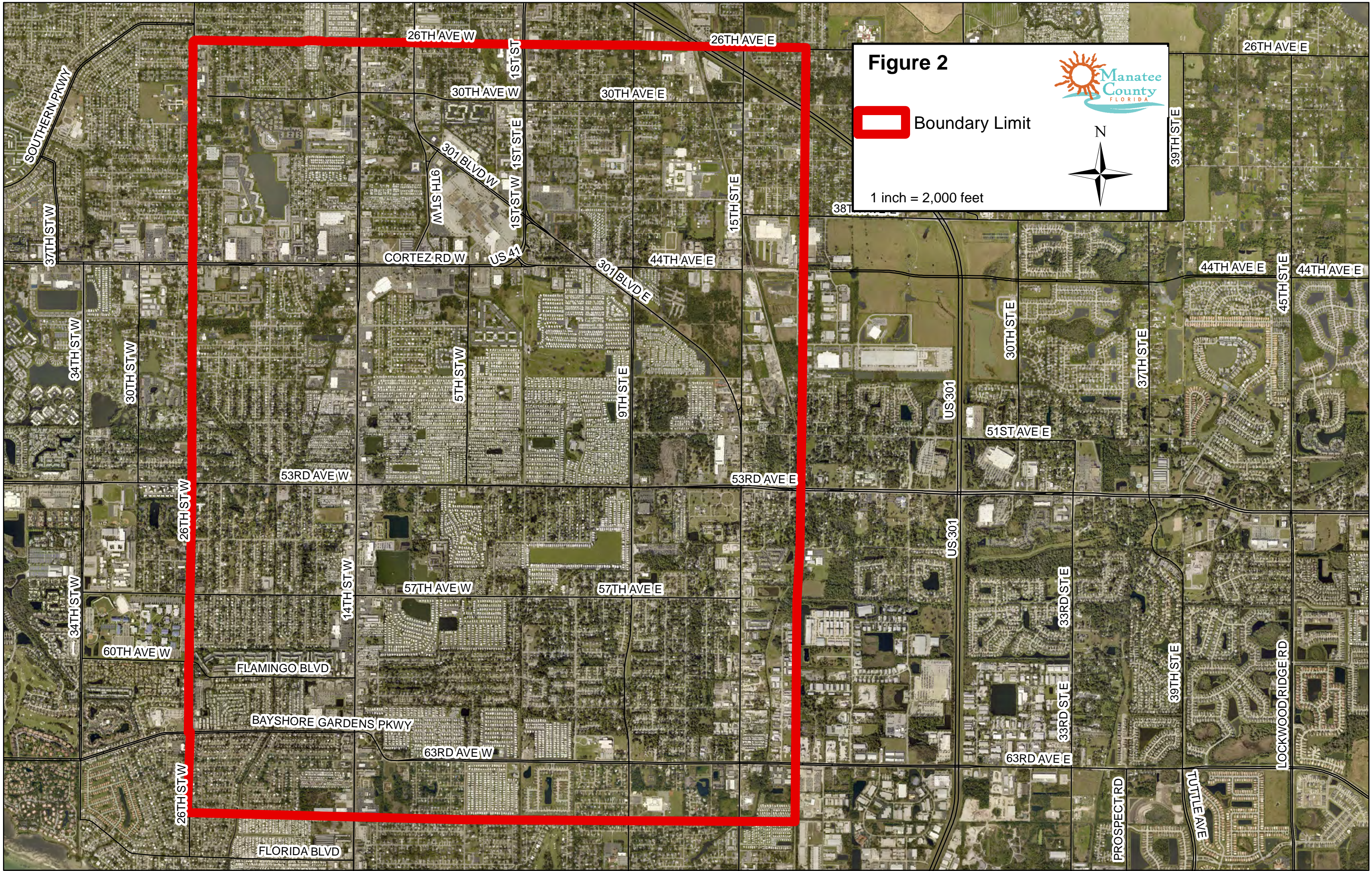



Figure 2



 Boundary Limit



1 inch = 2,000 feet



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 9, 2017

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Quantana Acevedo, Deputy Clerk

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 17-21, which was filed in this office on March 9, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

From: ords@municode.com
To: robert.eschenfelder@mymanatee.org; [Quantana Acevedo](#)
Subject: Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 101
Date: Monday, March 13, 2017 3:38:42 PM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

****THIS IS AN AUTOMATICALLY GENERATED EMAIL****

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 101

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 16-49	12/13/2016	12/23/2016	Word
Ordinance No. 17-09	1/5/2017	1/11/2017	Word
Ordinance No. 17-11	1/10/2017	1/13/2017	Word
Ordinance No. 17-21	3/7/2017	3/13/2017	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

Florida has a very broad Public Records Law. This agency is a public entity and is subject to Chapter 119 of the Florida Statutes, concerning public records. E-mail communications are covered under such laws & therefore e-mail sent or received on this entity's computer system, including your e-mail address, may be disclosed to the public or media upon request.

March 7, 2017 - Regular Meeting
Agenda Item #61

Subject

Ordinance No. 17-21, relating to right of permitting and wireless communications providers, amending and restating Article II of Chapter 2-28 of the Manatee County Code of Ordinances

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Sia Mollanazar, P.E., Deputy Director, Engineering Services, Ext. 7487

Action Requested

Motion to adopt Ordinance No. 17-21.

APPROVED in Open Session
March 7, 2017
Manatee County Board of County
Commissioners

Enabling/Regulating Authority

Sections 125.01 and 337.401, Florida Statutes

Background Discussion

On September 13, 2016, the Board adopted Resolution 16-147 (Temporary Cessation Resolution) establishing a temporary cessation of acceptance of right-of-way permit applications for certain installations and structures. One of the purposes of this Temporary Cessation Resolution was to give staff adequate time to revise the County's Right-of-Way Management Code. When the Temporary Cessation Resolution was presented to the Board, staff expected that the necessary revisions could be accomplished prior to Friday, February 10, 2017. Due to the complexity of the endeavor, more time was needed to complete these revisions.

On January 24, 2017, the Board adopted Resolution 17-18 extending the Temporary Cessation Resolution twenty-nine (29) days, until March 11, 2017, to provide the additional time needed to develop the necessary revision to the Right-of-Way Management Code.

On February 14, 2017, a Board work session was held to discuss the proposed ordinance drafted to that date. Staff has revised the proposed ordinance by reorganizing and modifying paragraphs into more logical sequencing and refining definitions as applicable into the document presented today for adoption.

The amended ordinance allows:

- The location and collocation of wireless communication equipment on existing structures or poles; this includes non-county owned street lights.
- The equipment boxes to be attached to the pole.

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - March 7, 2017

- A new support structure (poles) in the right-of-way to be permitted as long as they are located within the boundary limits shown on Figures 1 or 2.
- No wireless communication is allowed on county owned structures or poles.
- A major modification to an existing permitted and legally maintained light pole or utility pole in the right-of-way to be permitted (collocation allowed).
- All accessory equipment, auxiliary equipment, equipment boxes, and equipment cabinets to be mounted on the structure at least seven feet above ground.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Assistant County Attorneys Pamela J. D'Agostino and Anne E. Morris are actively assisting with this matter pursuant to CAO Matter No. 2016-0641

Reviewing Attorney

D'Agostino

Instructions to Board Records

Please provide Sia Mollanazar, P.E., Deputy Director - Engineering Services with a scanned copy of the adopted Ordinance

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Proof of Publication - Bradenton Herald 2 24 17.pdf](#)

Attachment: [Fla Admin Register Vol 43 No 33 Issued 2 17 17.pdf](#)

Attachment: [Res 16-147 moritorium.pdf](#)

Attachment: [Res 17-18 moritorium.pdf](#)

Attachment: [Ordinance 17-21 2-28-17.pdf](#)

BRADENTON HERALD

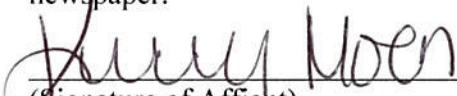
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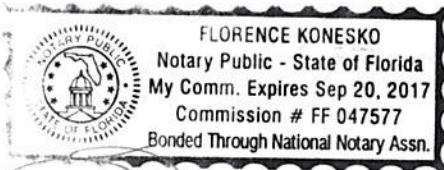
STATE OF FLORIDA
COUNTY OF MANATEE

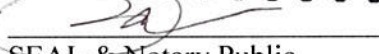
Before the undersigned authority personally appeared Kerry Moen, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Hearing, Ordinance 17-21, Manatee County** was published in said newspaper in the issue(s) **2/24/17**.

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
24 Day of Feb, 2017


FLORENCE KONESKO
Notary Public - State of Florida
My Comm. Expires Sep 20, 2017
Commission # FF 047577
Bonded Through National Notary Assn.


SEAL & Notary Public
Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, will conduct a public hearing on the 7th day of March 2017, at 9:00 a.m., or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following ordinance:

ORDINANCE NO. 17-21

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING COUNTY RIGHT-OF-WAY; AMENDING AND RESTATING ARTICLE II OF CHAPTER 2-28 OF THE MANATEE COUNTY CODE OF ORDINANCES; DEFINING CERTAIN TERMS; PROVIDING FOR WHEN A PERMIT IS REQUIRED; PROVIDING FOR THE QUALIFICATIONS OF A PERMITTEE; PROVIDING FOR THE AUTHORITY OF THE RIGHT-OF-WAY MANAGER AND THE COUNTY; PROVIDING FOR A PERMIT APPLICATION PROCESS; PROVIDING FOR THE TIME OF REVIEW FOR A PERMIT APPLICATION; PROVIDING THE CRITERIA FOR ISSUANCE OF A PERMIT; PROVIDING FOR PERMIT CONDITIONS AND STANDARDS APPLICABLE TO A PERMITTEE; PROVIDING FOR INSPECTION AND ENFORCEMENT; PROVIDING FOR WORKING HOURS; PROVIDING FOR RESTORATION AND CLEANUP; PROVIDING FOR WARRANTIES; PROVIDING FOR FEES; PROVIDING FOR BONDING; PROVIDING GROUNDS FOR REVOCATION OR SUSPENSION; PROVIDING FOR APPELLATE PROCEDURES; PROVIDING FOR REGISTRATION; PROVIDING FOR LICENSING; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Copies of proposed ORDINANCE 17-21 may be inspected by the public during normal business hours in the Office of the County Attorney, 1112 Manatee Avenue West, Suite 969, Bradenton, Florida. Interested parties may appear at the public hearing and be heard with respect to the proposed ordinance.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.
2/24/17

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NOS.: RULE TITLES:

2A-9.004 Funding Requirements

2A-9.006 Programmatic and Reimbursement
Requirements

2A-9.007 Unused Funds

PURPOSE AND EFFECT: Provide purpose, general provisions, and other requirements for funding under the Crime Stoppers Trust Fund.

SUBJECT AREA TO BE ADDRESSED: Crime Stoppers Grants.

RULEMAKING AUTHORITY: 16.555(6) FS.

LAW IMPLEMENTED: 16.555, 16.556, 938.06 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, FL 32399-1050

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-17.281 Newspaper Notice

PURPOSE AND EFFECT: The purpose of this rule development is to revise Rule 62-17.281, F.A.C., to create templates that will be used for various noticing requirements under the Power Plant Siting Act. The templates will be adopted by reference and allow for streamlining of the rule. The creation of the templates will enable regulated entities to utilize consistent language in publishing statutorily required newspaper notices pursuant to Section 403.5115, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address newspaper notice requirements under the Power Plant Siting Act.

RULEMAKING AUTHORITY: 403.504, 403.517, FS.

LAW IMPLEMENTED: 403.504, 403.5063, 403.5115, 403.516, 403.517, 403.5175, 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: Ann Seiler, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone: (850)717-9113. E-mail: Ann.Seiler@dep.state.fl.us.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:

62-243.300 Exemptions

62-243.500 Certification

PURPOSE AND EFFECT: Pursuant to Executive Orders 11-01, 11-72 and 11-211, which require the Department to identify and revise rules that are unnecessary or duplicative, the Department is proposing to repeal Rule 62-243.300, F.A.C. and revise Rule 62-243.500, F.A.C. The revisions to Rule 62-243.500, F.A.C., will consolidate the statutory exemptions currently listed in Rule 62-243.300, F.A.C., eliminate reference to a previously repealed rule, and delete provisions that are unnecessary for implementation of the Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address Tampering with Motor Vehicle Air Pollution Control Equipment.

RULEMAKING AUTHORITY: 316.2935, FS.

LAW IMPLEMENTED: 316.2935, 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: Terri Long, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone: (850)717-9023. E-mail: Terri.Long@dep.state.fl.us.

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

Section II Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.002
 RULE TITLE: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways

PURPOSE AND EFFECT: Rule 14-15.002 is being amended to update material incorporated by reference. Changes to the Florida Greenbook are proposed to update approaches to geometric design, lighting, rail, transit, pedestrian and bicycle facilities.

SUMMARY: The proposed rule incorporates the most recent version of the Florida Greenbook, providing uniform standards for design, construction, and maintenance of streets and highways. A summary of changes can be viewed at www.fdot.gov/roadway/FloridaGreenbook/FGB.shtm

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 standards have been developed for use by governmental entities responsible for the design, construction, and maintenance of roadways. Any costs associated with the revised standards will be contractual requirements, not a regulatory cost to small businesses.

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(10)(a), 334.048(3), 336.045(1), F.S.

LAW IMPLEMENTED: 334.044(10)(a), 336.045, 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: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

(1) The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, ~~2016 May 2013~~ edition, is hereby incorporated by this rule at _____ and available at www.fdot.gov/roadway/FloridaGreenbook/FGB.shtm ~~http://www.flrules.org/Gateway/reference.asp?No=Ref_05704 made a part of the rules of the Department of Transportation. A copy of the manual can be downloaded from <http://www.dot.state.fl.us/rddesign/FloridaGreenbook/FGB.shtm>.~~

(2) The following documents also are hereby incorporated by reference and made a part of this rule:

(a) AASHTO LRFD (Load and Resistance Factor Design) *Bridge Design Specifications*, 7th Edition (2014) and Interim Revisions for 2015 and 2016 ~~6th Edition (2012)~~. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org> ~~under the category of historical references~~. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Design Standards, 605 Suwannee Street, Tallahassee, Florida 32399, (850)414-4255. Posting of the preceding materials on the internet for purposes of public examination would violate federal copyright law.

(b) AASHTO *LRFD Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals*, 1st Edition (2015) and 2017 Interim Revisions ~~5th Edition (2009)~~. A copy of the manual may be ordered from the AASHTO Bookstore website: <https://bookstore.transportation.org> ~~under the category of historical references~~. A copy is available for public inspection during regular business hours at the Florida Department of Transportation, Design Standards, 605 Suwannee Street, Tallahassee, Florida 32399, (850)414-4255. Posting of the preceding materials on the internet for purposes of public examination would violate federal copyright law.

(c) Department of Transportation Structures Manual (2017), Volume 3 (2011), ~~Volume 9~~ – FDOT Modifications to Standard Specifications for Structural Supports for Highway Signs, Luminaires and Traffic Signals (LRFD LTS-1) (LTS-5). A copy of the specification modifications can be downloaded from _____ ~~http://www.flrules.org/Gateway/reference.asp?No=Ref_04817~~, or www.fdot.gov/structures/structuresmanual.shtm ~~http://www.dot.state.fl.us/structures/structuresmanual/2011january/Vol9_LTS5.pdf~~.

Rulemaking Authority 334.044(10)(a), 334.048(3), 336.045(1) FS. Law Implemented 334.044(10)(a), 336.045 FS. History—New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-

86, 11-29-89, 11-1-94, 5-15-01, 7-9-02, 11-24-05, 10-16-07, 6-4-12, 9-7-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Shepard, State Roadway Design Engineer
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Rachel Cone, Interim Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 16, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: August 2, 2016

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-6.005 Reimbursement Methodology for Services
Provided by Medical School Faculty

PURPOSE AND EFFECT: The purpose of Rule 59G-6.005, Florida Administrative Code (F.A.C.), is to describe Florida Medicaid's payment methodology for services provided to recipients by physicians and other licensed health care practitioners who are enrolled in the Florida Medicaid program and who are employed or contracted with a Florida public or private, non-profit, accredited medical, dental, or optometry school to teach.

SUMMARY: The rule specifies Florida Medicaid's payment methodology for services provided by medical school faculty.

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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: March 15, 2017, 11:00 a.m. to 12:00 noon.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Tanisha Feehrer. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanisha Feehrer Bureau of Medicaid Program Finance, 2727 Mahan Drive, Mail Stop 23, Tallahassee, Florida 32308-5407, telephone: (850)412-4131 e-mail: Tanisha.Feehrer@ahca.myflorida.com.

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

Official comments to be entered into the rule record will be received from the date of this notice until 5:00 p.m., March 16, 2017. Comments may be e-mailed to MedicaidRuleComments@ahca.myflorida.com. For general inquiries and questions about the rule, please contact the person specified above.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.005 Reimbursement Methodology for Services Provided by Medical School Faculty

(1) This rule applies to all providers who are enrolled in Florida Medicaid who:

(a) Are defined as practitioners under the Centers for Medicare and Medicaid Services' Physician Quality Reporting Systems program (PQRS).

(b) Provide medical services, dental services, behavioral health services, hearing services, and vision services to Florida Medicaid recipients receiving services through the fee-for-service delivery system.

(c) Are employed by, or contracted with, a Florida public or private, non-profit, accredited medical, dental, or optometry school to provide supervision and teaching of medical, dental, or optometric students, residents, or fellows.

(2) Reimbursement.

(a) Florida Medicaid reimburses providers for covered medical, hearing, vision, dental, and behavioral health services listed on the applicable Florida Medicaid fee schedule, incorporated by reference in Rule 59G-4.002, Florida Administrative Code, at either:

1. One-hundred-ninety percent of the Medicare rate, based on Florida locality code 0910299, listed on the 2016

Medicare Part B physician fee schedule - Loc 99 (01/02), incorporated by reference, and available at http://medicare.fcso.com/Data_files and at [DOS place holder Ref-_____].

2. One-hundred-ninety percent of the Florida Medicaid rate if the service is not covered by Medicare.

(b) Florida Medicaid reimbursement to providers for clean claims submitted to the Florida Medicaid Management Information System specified in this rule shall not exceed \$27,864,092 for Fiscal Year 2016-2017.

(c) Florida Medicaid will reconcile claims reimbursed in accordance with this rule on a quarterly basis. Any claims reimbursed after the maximum reimbursable amount is reached will be recouped, or adjusted to the standard Florida Medicaid rate, as appropriate.

(3) Exclusions

Florida Medicaid does not reimburse providers in accordance with this rule for the following:

(a) Services rendered to dually eligible Medicare and Medicaid recipients.

(b) Vaccine, laboratory, and radiology services.

Rulemaking Authority 409.919 FS. Law Implemented 409.908 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tanisha Feehrer
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Justin M. Senior
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 29, 2016

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Air Resource Management**

RULE NOS.: RULE TITLES:

62-210.200 Definitions

62-210.300 Permits Required

62-210.310 Air General Permits

PURPOSE AND EFFECT: The purpose of the proposed rule (OGC No. 16-0106) is to amend paragraph 62-210.300(3)(a), F.A.C., to update provisions for fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million Btu per hour. The rule revision will allow units that meet the requirements of 40 CFR Part 63, Subpart JJJJJ to maintain the existing permit exemption. This proposed rule also revises Rule 62-210.310, F.A.C., to address the circumstances under which temporary and relocatable sources, including emissions units operating under an Air General Permit (AGP), may collocate at an otherwise permitted facility, as well as revisions to the AGP for Chromium Electroplaters to reflect

updates to 40 CFR Part 63, Subpart N. Clarifying and corrective revisions to existing rule language in Rules 62-210.200, 62-210.300, and 62-210.310, F.A.C., are also proposed.

SUMMARY: Revisions include amendments to eliminate obsolete definitions, updates permit exemptions, and minor clarifying or corrective revisions to existing language.

OTHER RULES INCORPORATING RULE 62-210.200, F.A.C: 62-4.050, 62-110.104, 62-210.220, 62-210.300, 62-210.340, 62-210.370, 62-212.500, 62-212.720, 62-213.202, 62-213.300, 62-213.400, 62-213.410, 62-213.412, 62-213.420, 62-213.440, 62-214.100, 62-296.100, 62-296.340, 62-296.401, 62-296.417, 62-296.470, 62-296.480, 62-296.600, 62-255.320, 62-701.200, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-210.300, F.A.C: 62-210.200, 62-210.310, 62-210.350, 62-210.360, 62-210.920, 62-212.300, 62-213.300, 62-256.300, 62-256.700, 62-296.320, 62-296.401, 62-296.406, 62-296.414, 62-296.417, 62-296.570, 62-737.800, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be no effect on other rules.

OTHER RULES INCORPORATING RULE 62-210.310, F.A.C: 62-210.300, 62-210.920, 62-213.300, F.A.C.

EFFECT ON THOSE OTHER RULES: The rule changes will have the intended effect for Rule 62-213.300, F.A.C. There will be no effect on other rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The agency has determined that amendments of these rules will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A statement of estimated regulatory costs (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 has determined that the amendments to these rules will not increase regulatory costs for any entity because it updates the rules to ensure that existing permit exemptions are authorized and reduces the restrictions for permitted relocatable sources. Any person who wishes to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.814, 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: Terri Long, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone (850)717-9023. E-mail: Terri.Long@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-204, 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless the context clearly indicates otherwise, have the following meanings:

(1) through (134) No change.

~~(135) "Gas/Gas Method" — Either of two EPA methods for determining capture efficiency which rely only on gas phase measurements. One method, prescribed in paragraph 62-297.450(2)(a), F.A.C., requires construction of a temporary total enclosure to assure all otherwise unconfined air pollutant emissions are measured. The other method, prescribed in paragraph 62-297.450(2)(e), F.A.C., uses the room or building which houses the emissions activity, process, or source as an enclosure.~~

(136) through (162) renumbered (135) through (161) No change.

~~(163) "Liquid/Gas Method" — Either of two EPA methods for determining capture efficiency which require both gas phase and liquid phase measurements and analysis. One liquid/gas method, prescribed in paragraph 62-297.450(2)(b), F.A.C., requires construction of a temporary enclosure. The other, prescribed in paragraph 62-297.450(2)(d), F.A.C., uses the room or building which houses the emissions activity, process, or source as an enclosure.~~

(164) through (306) renumbered (162) through (304) No change.

Rulemaking Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07, 7-16-07, 3-16-08, 10-12-08, 6-29-09, 3-11-10, 6-29-11, 12-4-11, 3-28-12, 10-23-13, _____.

62-210.300 Permits Required.

Unless exempted from permitting pursuant to this rule or Rule 62-4.040, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to

emit any air pollutant shall obtain appropriate authorization from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required. The Department grants authorization to conduct such activities by individual air permit or by air general permit. Activities requiring authorization by individual air construction permit are addressed at subsection 62-210.300(1), F.A.C., and activities requiring authorization by individual air operation permit are addressed at subsection 62-210.300(2), F.A.C. Authorization by air general permit is addressed at subsection 62-210.300(4), F.A.C. All emission limitations, controls, and other requirements imposed by any individual air permit shall be at least as stringent as any limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or Designated Facility Plan. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by individual air permit or air general permit does not relieve the owner or operator of a facility or emissions unit from complying with any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) through (2) No change.

(3) Exemptions from Permitting. Except as otherwise provided herein, an owner or operator shall not be required to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., for any facility, emissions unit, or pollutant-emitting activity that satisfies the applicable permitting exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or has been exempted from permitting pursuant to Rule 62-4.040, F.A.C. Failure of a facility, emissions unit, or activity to satisfy the exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., does not preclude such facility, emissions unit, or activity from being considered for exemption pursuant to Rule 62-4.040, F.A.C. Notwithstanding the above, no emissions unit or activity shall be exempt from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., if it would be subject to any unit-specific limitation or requirement, unless compliance with such limitation or requirement is specifically listed as a condition of exemption. Furthermore, no new, reconstructed, or modified emissions unit or activity shall be exempt from the requirement to obtain an air construction permit if its emissions would contribute to a major modification or to any modification that would be a major modification but for the use, in whole or in part, of the baseline actual-to-projected actual applicability test in Rule 62-212.400, F.A.C. An emissions unit or pollutant-emitting activity exempt from the requirement to obtain an air construction permit shall not be

exempt from the permitting requirements of Chapter 62-213, F.A.C., if it is contained within a Title V source or if its emissions, in combination with the emissions of other emission units and activities at the facility, would cause the facility to be classified as a Title V source. Exemption from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., does not relieve the owner or operator of a facility or emissions unit from complying with any limitation or requirement applicable to such facility or emissions unit.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and pollutant-emitting activities shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C.

1. through 32. No change.

33. Fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity equal to or less than 10 million Btu per hour, provided all the following conditions are met with respect to each such unit.

a. through b. No change.

c. The unit is a gas-fired boiler, which, for the purposes of this exemption, is defined as any boiler that burns gaseous fuels not combined with any solid fuels and burns liquid fuel only during periods of gas curtailment, gas supply interruption, startups, or periodic testing of liquid fuel. Periodic testing of liquid fuel shall not exceed a combined total of 48 hours during any calendar year. The unit shall not burn used oil or any fuels other than natural gas or propane, except that fuel oil with a sulfur content not exceeding 1.0 percent by weight may be burned during periods of natural gas curtailment.

34. Fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million Btu per hour, provided all the following conditions are met with respect to each such unit.

a. The unit is not subject to the Acid Rain Program, or any other unit-specific limitation or requirement other than any such limitation or requirement that may apply pursuant to 40 C.F.R. Part 63, Subpart JJJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

b. through h. No change.

i. If the boiler is subject to 40 C.F.R. Part 63, Subpart JJJJJ, the owner shall comply with all limitations and requirements of Subpart JJJJJ that apply to the boiler.

35. Stationary Reciprocating Internal Combustion Engines, provided all the following conditions are met with respect to each such engine.

a. through e. No change.

f. If the engine is a stationary compression ignition reciprocating internal combustion engine that is subject to 40 C.F.R. Part 60, Subpart IIII, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or by virtue of modification or reconstruction becomes subject to such subpart, the owner or operator shall comply with all limitations and requirements of Subpart IIII that apply to the engine.

g. If the engine is a stationary spark ignition reciprocating internal combustion engine that is subject to 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or by virtue of modification or reconstruction becomes subject to such subpart, the owner or operator shall comply with all limitations and requirements of Subpart JJJJ that apply to the engine.

h. If the engine is a stationary reciprocating internal combustion engine subject to 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the owner or operator shall comply with all limitations and requirements of Subpart ZZZZ that apply to the engine. If emissions testing is required pursuant to Subpart ZZZZ, all reports and notifications, including notifications of upcoming tests, ~~and reports~~ shall be submitted to the Department in accordance with the provisions of Subpart ZZZZ.

36. No change.

(b) Generic and Temporary Exemptions.

1. through 2. No change

3. ~~Temporary Exemption for Emissions Units at Certain Title V Sources. Except for an emissions unit that is subject to any applicable regulation or permitting requirement under Rule 62-212.400 or 62-212.500, F.A.C.; any emissions standard or other requirement adopted by reference prior to July 1, 1995, in Rule 62-204.800, F.A.C.; any requirement established pursuant to Rule 62-296.330, F.A.C.; or any Reasonably Available Control Technology (RACT) provisions under Rules 62-296.500 through 62-296.712, F.A.C.; an emissions unit that is described in a timely and complete permit application under Chapter 62-213, F.A.C., and not subject to an existing valid air permit, shall be exempt from the permitting requirements of this chapter, Chapter 62-4 and Rule 62-212.300, F.A.C., until a final determination on a permit application under Chapter 62-213, F.A.C., is made. In addition, no emissions unit shall be exempt under this paragraph if its emissions cause or contribute to a significant net emissions increase under Rule 62-212.400 or 62-212.500, F.A.C., which would trigger preconstruction review, or if it is~~

~~constructed or modified, as defined under Rule 62-210.200, F.A.C., subsequent to November 23, 1994. Any applicant exercising this exemption shall provide notification of such exemption to the Department, and further authorizes the Department to inspect these emissions units at the Department's discretion. Emissions units subject to existing valid permits shall continue to operate consistent with those permits as provided under subparagraph 62-213.420(1)(b)2., F.A.C. This exemption is available only to emissions units contained within either facilities that were Title V sources on or before October 25, 1995, and that commenced operation on or before that date, or facilities that became Title V sources by operation of law after October 25, 1995, and have timely applied for an initial Title V air operation permit.~~

4. renumbered 3. No change.

(c) Conditional Exemptions from Title V Air Permitting. Except as otherwise provided herein, the following facilities shall be exempt from the requirement to obtain a Title V air operation permit under the provisions of Chapter 62-213, F.A.C., provided the conditions of exemption for each such facility are met. Facilities exempt from Title V air permitting pursuant to subparagraph 62-210.300(3)(c)2., F.A.C., are not exempt from the requirement to obtain an air construction permit or non-Title V air operation permit. A facility shall not be entitled to an exemption from Title V air permitting under this rule if it is a Title V source pursuant to paragraph (f), (g), or (h) of the definition of "major source of air pollution" or the facility would be classified as a Title V source as a result of the combined potential to emit regulated pollutants of all emissions units at the facility.

1. No change

2. Facilities comprising asphalt concrete plants, provided the following conditions are met.

a. through i. No change

~~j. An asphalt plant claiming this exemption from Title V air permitting shall not collocate with, or relocate to, any Title V source unless the Title V permit specifically allows such facility to be collocated with or relocated to the Title V source and operated under the authority of the Title V permit while onsite at the Title V source. An asphalt plant cannot apply this exemption if it creates a Title V source in combination with any other collocated facilities, emissions units, or pollutant emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from permitting.~~

k. renumbered j. No change.

(4) through (6) No change.

(7) Transfer of Air Permits.

(a) No change.

(b) For an air general permit, the provisions of paragraph 62-210.300(7)(a) and Rule 62-4.120, F.A.C., do not apply. Thirty (30) days before using an air general permit, the new

owner must submit a registration to the Department in accordance with subsection ~~62-210.310(2)~~ 62-210.300(2), F.A.C.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07, 5-9-07, 3-16-08, 10-12-08, 6-29-11, _____.

62-210.310 Air General Permits.

(1) No change.

(2) General Procedures. This subsection sets forth general procedures for use of any of the air general permits provided at subsections 62-210.310(4) and (5), F.A.C.

(a) Determination of Eligibility. A facility is eligible to use an air general permit under this rule if it meets all specific eligibility criteria given in the applicable air general permit at subsection 62-210.310(4) or (5), F.A.C., and the following general criteria.

1. through 2. No change.

~~3. The facility shall not be collocated with, or relocated to, an existing Title V source unless the Title V permit allows such facility to be collocated with or relocated to the Title V source and operated under the authority of the Title V permit while onsite at the Title V source.~~

4. through 5. renumbered 3. through 4. No change.

(b) through (f) No change.

(3) No change.

(4) Air General Permits for Facilities Claiming Conditional Exemption from Title V Air Permitting.

(a) No change.

(b) Air General Permit for Facilities Comprising Stationary Reciprocating Internal Combustion Engines.

1. A facility comprising one (1) or more stationary reciprocating internal combustion engines shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. through b. No change.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. Total fuel consumption by all stationary reciprocating internal combustion engines at the facility shall not exceed 20,000 gallons per year of gasoline, 250,000 gallons per year of diesel fuel, 1.15 million gallons per year of propane, 40 million standard cubic feet per year of natural gas, or an equivalent prorated amount if multiple fuels are used.

b. through c. No change.

d. If the stationary compression ignition reciprocating internal combustion engine is subject to 40 C.F.R. Part 60,

Subpart III, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or by modification or reconstruction becomes subject to such subpart, the owner or operator shall comply with all limitations and requirements of Subpart III that apply to the engine.

e. If the stationary spark ignition reciprocating internal combustion engine is subject to 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., or by modification or reconstruction becomes subject to such subpart, the owner or operator shall comply with all limitations and requirements of Subpart JJJJ that apply to the engine.

f. No change.

3. The registration for this air general permit shall include all the following information.

a. through b. No change.

c. For each compression ignition reciprocating internal combustion engine subject to 40 C.F.R. Part 60, Subpart III, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the engine manufacturer; model number; whether it is an emergency engine as per the definition at 40 C.F.R. Part 60, Subpart III, adopted and incorporated by reference at Rule 62-204.800, F.A.C. (yes or no); whether there is a manufacturer certification for the engine (yes or no); and the displacement (liters per cylinder).

d. For each spark ignition reciprocating internal combustion engine subject to 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the engine manufacturer; model number; whether it is an emergency engine as per the definition at 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C. (yes or no); whether there is a manufacturer certification for the engine (yes or no); and the rated capacity (horsepower).

e. For each compression ignition reciprocating internal combustion engine subject to 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., but not subject to 40 C.F.R. Part 60, Subpart III, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the engine manufacturer; model number; whether it is an emergency engine or limited use engine as per the definitions at 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C. (yes or no); engine displacement (liters per cylinder); and rated capacity (horsepower).

f. For each spark ignition internal reciprocating combustion engine subject to 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., but not subject to 40 C.F.R. Part 60, Subpart JJJJ, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the engine manufacturer; model number;

whether it is an emergency engine or limited use engine as per the definitions at 40 C.F.R. Part 63, Subpart ZZZZ, adopted and incorporated by reference at Rule 62-204.800, F.A.C. (yes or no); engine type (two stroke lean burn, four stroke lean burn, or four stroke rich burn); and rated capacity (horsepower).

(c) through (f) No change.

(5) Air General Permits for Miscellaneous Facilities.

(a) No change.

(b) Air General Permit for Facilities Comprising Concrete Batching Plants.

1. through 3. No change.

4. A facility using this air general permit may collocate with other facilities that separately registered for, and are also using, the concrete batching plant air general permit, and with facilities using the nonmetallic mineral processing plant air general permit at paragraph 62-210.310(5)(e), F.A.C., even if under the control of different persons, provided the following conditions are met.

a. No change.

b. The total fuel consumption by all emissions units authorized by the air general permit at the collocation site shall not exceed 275,000 gallons of diesel fuel, 23,000 gallons per year of gasoline, 44 million standard cubic feet per year of natural gas, or 1.3 million gallons per year of propane, or an equivalent prorated amount if multiple fuels are used.

c. through d. No change.

5. Under the authority of this air general permit, a relocatable concrete batching plant may perform a non-routine task, such as making concrete for a construction project, at a facility with authorization by individual air construction or ~~non-Title V~~ air operation permit, without revision to the facility's individual air permit. ~~Any such concrete batching plant shall remain at the individually permitted facility for no more than six (6) months from the day it relocates to such facility.~~ The owner or operator of such concrete batching plant shall keep records to indicate how long the plant has been at the permitted facility.

6. No change.

(c) through (d) No change.

(e) Air General Permit for Facilities Comprising Nonmetallic Mineral Processing Plants (Crushing Operations).

1. through 4. No change.

5. Under the authority of this air general permit, a relocatable nonmetallic mineral processing plant may perform a non-routine task, such as crushing concrete for a demolition project, at a facility with authorization by individual air construction or ~~non-Title V~~ air operation permit, without revision to the facility's individual air permit. ~~Any such nonmetallic mineral processing plant shall not be deployed at a single site for more than six (6) months in any consecutive~~

~~twelve (12) months.~~ The owner or operator of such nonmetallic mineral processing plant shall keep records to indicate how long the plant has been at the permitted facility. No nonmetallic mineral processing plant using this air general permit shall perform a task routinely done at the individually permitted facility, such as crushing recycled asphalt pavement (rap) at an asphalt plant, unless operation of the nonmetallic mineral processing plant is authorized by the air construction ~~permit or non Title V~~ air operation permit, as applicable, for the permitted facility.

6. No change.

(f) No change.

(g) Air General Permit for Facilities Comprising Ethylene Oxide Sterilizers.

1. through 3. No change.

4. The registration for this air general permit shall include all the following information.

a. through d. No change.

(h) Air General Permit for Facilities Comprising Halogenated Solvent Degreasers.

1. through 3. No change.

4. The registration for this air general permit shall include all the following information.

a. through e. No change.

(i) Air General Permit for Facilities Comprising Chromium Electroplaters and Anodizers.

1. through 3. No change.

4. The registration for this air general permit shall include all the following information.

a. For each hard chromium electroplating tank machine, whether the tank machine is existing or new as defined at 40 C.F.R. Part 63, Subpart N; whether the tank is open surface or enclosed as defined at 40 C.F.R. Part 63, Subpart N; date of purchase; date of control device installation; type of control device (packed-bed scrubber, composite mesh pad, packed-bed scrubber and composite mesh pad, fume suppressant, fume suppressant with a wetting agent, fiber-bed mist eliminator, or wetting agent); ~~and applicable 40 C.F.R. Part 63, Subpart N standard (0.03 mg/dsem, 0.015 mg/dsem, or an alternative emission rate as determined in 40 C.F.R. 63.344 standard for multiple tanks under common control);~~ and

~~b. Whether~~ the facility's cumulative potential rectifier capacity is greater than or equal to 60 million ampere-hours per year (yes or no).

~~b.e.~~ For each decorative chromium electroplating or chromium anodizing tank machine, whether the tank machine is existing or new as defined at 40 C.F.R. Part 63, Subpart N; date of purchase; date of control device installation; type of control device (packed-bed scrubber, composite mesh pad, packed-bed scrubber and composite mesh pad, fume suppressant, fume suppressant with a wetting agent, fiber-bed

mist eliminator, or wetting agent); and applicable 40 C.F.R. Part 63, Subpart N standard (~~0.01 mg/dsem, 45 dynes/cm, or for trivalent chromium bath decorative electroplating tanks only, records of bath components for trivalent chromium tanks, or alternative standard for multiple tanks under common control~~).

~~c.d.~~ The compliance demonstration method (initial performance test, ~~or~~ use of a wetting agent to reduce emissions so as to meet the existing surface tension limit, or, for trivalent chromium bath decorative electroplating tanks only, records of bath components).

(j) Air General Permit for Facilities Comprising Asbestos Manufacturers and Fabricators.

1. through 3. No change.

4. The registration for this air general permit shall indicate whether the facility is classified as asbestos manufacturing, asbestos fabrication, or both.

(k) Air General Permit for Facilities Comprising Secondary Aluminum Sweat Furnaces.

1. through 3. No change.

4. The registration for this air general permit shall include all the following information.

a. through b. No change.

Rulemaking Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 1-10-07, Amended 5-9-07, 10-12-08, 6-29-11,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terri Long, Division of Air Resource Management

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 31, 2017

DATE OF NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 8, 2016

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Air Resource Management**

RULE NO.: 62-210.900
RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rule revision is to update subsection 62-210.900(5), F.A.C., the instructions to the Annual Operating Report for Air Pollutant Emitting Facility, and subsections 62-210.900(1) and (3), F.A.C., the instructions to two air permit application forms, each of which contains an appendix of pollutant identification codes. As new federal regulations for additional pollutants are promulgated, these appendices require periodic updating to include the additional pollutants in the list of pollutant identification codes. The updates to the proposed forms are available through the Regulatory Projects link on the Division's website at www.dep.state.fl.us/air. The proposed rule amendments will

also provide clarifications to facilitate the completion and processing of the forms and provide links to other forms that have not been updated to provide consistency.

SUMMARY: The proposed rule amendments address forms and instructions related to air pollution control.

OTHER RULES INCORPORATING RULE 62-210.900, F.A.C.: 62-4.120, 62-210.200, 62-210.300, 62-210.310, 62-210.370, 62-212.720, 62-213.405, 62-213.413, 62-213.415, 62-213.420, 62-213.430, 62-214.320, 62-214.340, and 62-214.360, F.A.C.

EFFECT ON THOSE OTHER RULES: Where subsections 62-210.900(1), (3), or (5), F.A.C., are referenced in the listed other rules, the revisions to Rule 62-210.900, F.A.C., will provide the use of updated and clarified forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Department has determined that amendment of this rule will not have an adverse impact on small business or likely increase regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. The Department has not prepared a statement of estimated regulatory costs (SERC). The Department 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 has determined that the amendments to this rule and the proposed application forms will not increase regulatory costs for any entity because the additional information requested by the forms must be completed only if the entity is already required by regulation to provide that information. Any person who wishes to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 403.061, FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0872, 403.815, 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: Cindy Phillips, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone (850)717-9098. E-mail: Cindy.Phillips@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.900 Forms and Instructions.

The forms used by the Department in the stationary source control program are adopted and incorporated by reference in

this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at www.dep.state.fl.us/air. The requirement of subsection 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.

(1) Application for Air Permit – Long Form, Form and Instructions (DEP Form No. 62-210.900(1), Effective ~~3-11-10~~ [\(link\)](#)3-11-10).

(a) Acid Rain Part Application, Form and Instructions (DEP Form No. 62-210.900(1)(a), Effective 3-16-08 [\(link\)](#)).

1. Phase II NO_x Averaging Plan, Form (DEP Form No. 62-210.900(1)(a)1., Effective 3-16-08 [\(link\)](#)).

2. Acid Rain New Unit Exemption, Form and Instructions (DEP Form No. 62-210.900(1)(a)2., Effective 3-16-08 [\(link\)](#)).

3. Phase II NO_x Compliance Plan, Form and Instructions (DEP Form No. 62-210.900(1)(a)3., Effective 3-11-10 [\(link\)](#)).

(b) Clean Air Interstate Rule (CAIR) Part, Form and Instructions (DEP Form No. 62-210.900(1)(b), Effective 3-16-08 [\(link\)](#)).

(c) Acid Rain and CAIR Retired Unit Exemption, Form and Instructions (DEP Form No. 62-210.900(1)(c), Effective 3-11-10 [\(link\)](#)).

(2) No change.

(3) Application for Air Permit – Non-Title V Source, Form and Instructions (DEP Form No. 62-210.900(3), Effective ~~2-11-99~~ [\(link\)](#)2-11-99).

(4) Application for Non-Title V Air Permit Renewal, Form and Instructions (DEP Form No. 62-210.900(4), Effective 2-11-99 [\(link\)](#)).

(5) Annual Operating Report for Air Pollutant Emitting Facility [Including Title V Source Emission Fee Calculation], Form and Instructions (DEP Form No. 62-210.900(5), Effective ~~August 2014~~ [\(link\)](#)August 2014, <http://www.flrules.org/Gateway/reference.asp?No=Ref-04466>).

(6) Facility Relocation Notification Form (Effective 6-21-01 [\(link\)](#)).

(7) Application for Transfer of Air Permit – Title V and Non-Title V Source (DEP Form No. 62-210.900(7), Effective 10-12-08 [\(link\)](#)).

Rulemaking Authority 403.061 FS. Law Implemented 403.061, 403.087, 403.0872, 403.815 FS. History–New 2-9-93, Amended 7-20-94, Formerly 17-210.900, Amended 11-23-94, 7-6-95, 3-21-96, 1-6-98, 2-11-99, 4-16-01, 6-21-01, 6-16-03, 2-2-06, 3-16-08, 7-3-08, 10-12-08, 3-11-10, 12-31-13, 8-25-14, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Phillips, Division of Air Resource Management
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Jonathan P. Steverson, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 31, 2017
DATE OF NOTICE OF PROPOSED RULE
DEVELOPMENT PUBLISHED IN FAR: June 8, 2016

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE NO.: RULE TITLE:
60P-10.002 Enrollment and Effective Date of Coverage
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 43, No. 01, January 3, 2017, issue of the Florida Administrative Register.

60P-10.002 Enrollment and Effective Date of Coverage.

(1) through (2) No change.

(3) The employee acknowledges that eligibility and enrollment are governed by the provisions of Chapters Chapter 60P-1 and 60P-10, F.A.C.; authorizes the State to reduce salary as often and in amount necessary to continue coverage; acknowledges premiums may change from time to time; agrees to notify the Department at the time any dependent becomes ineligible for coverage; and agrees that all statements made on application are complete and true.

(4) through (9) No change.

Rulemaking Authority 110.123(5) FS. Law Implemented 110.123 FS. History—New 8-22-96, Repromulgated 1-31-02, Amended 4-18-05,

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:
65A-1.206 Lifeline Service
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 227, November 22, 2016 issue of the Florida Administrative Register.

65A-1.206 Lifeline Service.

(1) The automatic Lifeline service enrollment process is an electronic interface between the Department and the Public Service Commission ~~entity making eligibility determinations for Lifeline services~~. Applicants and recipients can indicate

their interest in receiving Lifeline service within the ACCESS Florida Web Application, CF-ES 2353, 09/2011, incorporated by reference in Rule 65A-1.205, F.A.C. After being determined eligible for Food Assistance or Medicaid, the Department sends an electronic file to the Public Service Commission ~~or the entity making eligibility determinations for Lifeline services~~ to ensure automatic enrollment with the appropriate eligible telecommunications carrier.

(2) No change.

Rulemaking Authority 364.10(2)(g)2. FS. Law Implemented 364.10 FS. History—New 2-3-09.

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Marine Fisheries

RULE NOS.: RULE TITLES:
68B-24.002 Definitions
68B-24.0055 Commercial Requirements
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 43 No. 11, January 18, 2017 issue of the Florida Administrative Register.

Proposed amendment to Rule 68B-24.002 has been changed to include the following definition of commercial harvester:

68B-24.002 Definitions.

(1) through (3) No change.

(4) “Commercial harvester” means a person who holds a valid crawfish license or trap number, lobster trap certificates if traps are used to harvest spiny lobster, or a valid commercial dive permit if harvest is by diving, or a valid bully net permit if harvest is by bully net, and a valid saltwater products license with a restricted species endorsement issued by the Fish and Wildlife Conservation Commission.

(5) through (14) No change.

Proposed amendment to Rule 68B-24.0055 has been changed to include the following reference to the appropriate license application form:

68B-24.0055 Commercial Requirements.

(4) A commercial bully net permit is required to harvest spiny lobster for commercial purposes with a bully net. This permit will be in the form of the letter N added to the harvester’s crawfish endorsement number. Application for a commercial bully net permit may be made using either Commission Form DMF-SL2420a (02-17) (Saltwater Products License (SPL) Application with CN for Individuals, found online at: <http://www.flrules.org/gateway/reference.asp?NO=Ref-> and incorporated herein by reference), or Commission

Form DMF-SL2420b (02-17) (Saltwater Products License (SPL) Application with CN for Businesses, found online at: <http://www.flrules.org/gateway/reference.asp?NO=Ref-> and incorporated herein by reference).

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NOS.:	RULE TITLES:
73C-42.005	Notices, Agenda, Conduct of Proceedings
73C-42.008	General Requirements
73C-42.013	Designation or Non-Designation of Proposed Development by Reviewing Entities
73C-42.020	Duties of Review Board Staff

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 43 No. 21, February 1, 2017 issue of the Florida Administrative Register.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs, or if no SERC is required, the information expressly relied upon and described herein: The agency has performed a review of the statutory requirements and has determined that its repeal of Rules 73C-42.005, .008, .013, and .020, F.A.C., have no adverse impact or regulatory costs which exceed any of the criteria established in Section 120.541(2)(a), Florida Statutes. The rule is therefore expected be able to take effect without the need of being ratified by the Legislature.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER17-7	CASH4LIFE®

SUMMARY: This emergency rule sets forth the provisions for the conduct of the draw lottery game, CASH4LIFE®.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-7 CASH4LIFE®.
(1) Definitions.

The following words and phrases, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

(a) Annuitant—The person or entity who receives the benefits of an annuity resulting from a CASH4LIFE® winning play for the Top Prize or Second Prize paid under the Annuity Option.

(b) Annuity Option—The manner in which the CASH4LIFE Top Prize and Second Prize may be paid in annual installments for the Annuitant's Measuring Life.

(c) Cash Ball Number—The number selected from the field of numbers one through four, which is selected by the player or randomly generated using the Quick Pick option, which forms the last number of a CASH4LIFE Play. The Cash Ball Number may be the same number as one of the five numbers a player selects from the Player Number Sequence.

(d) Cash Option—The manner in which the CASH4LIFE Top Prize or Second Prize may be paid in a lump sum single payment.

(e) CASH4LIFE— CASH4LIFE is a multi-state lottery draw game (also known as an online lottery game) which is offered to players in Florida by the Florida Lottery via authorized Florida Lottery retailers.

(f) CASH4LIFE Drawing—The drawing conducted during which the CASH4LIFE Winning Numbers are selected.

(g) CASH4LIFE Play or Play—The six numbers imprinted on a CASH4LIFE ticket, prefixed by letters A through E, to be played by a player in CASH4LIFE. The six numbers are comprised of a Player Number Sequence and a Cash Ball Number.

(h) CASH4LIFE Regional Game Agreement—The agreement between the Party Lotteries which establishes the terms for selling the CASH4LIFE game in the Party Lotteries' jurisdictions.

(i) CASH4LIFE Winning Numbers—The six numbers, the first five of which are comprised of a Winning Number Sequence and the sixth of which is comprised of a Winning Cash Ball Number, that are randomly selected during each CASH4LIFE Drawing and that shall be used to determine winning CASH4LIFE Plays.

(j) Deferred Annuity Portion- The portion of the Annuity Option paid once the prizewinner exceeds the Guaranteed Portion of the annuity. The Deferred Annuity Portion installments will continue to be paid for the remainder of the prizewinner's Measuring Life.

(k) Directors- The chief executive of any Party Lottery or any other person to whom the Director's authority is lawfully delegated.

(l) Guaranteed Annuity Portion—The portion of the Annuity Option where the prizewinner is guaranteed annuity

payments for the first twenty years of the prizewinner's Measuring Life.

(m) Liability Limit- A pre-established threshold, as determined and announced by the Party Lotteries before sales commence for a drawing to which the threshold applies, equal to a fixed percentage of the gross ticket sales receipts for a particular drawing (or such fixed percentage plus an additional reserve amount), according to the established procedures agreed to by the Party Lotteries.

(n) Measuring Life or Life—The period over which a Top Prize or Second Prize is paid out under the Annuity Option. Except as provided below, for each Top Prize winning Play or Second Prize winning Play, the Measuring Life shall be the natural life of the individual who the Florida Lottery determines to be a valid prizewinner. However, for a claim made by a trust, corporation or other legal entity, the Measuring Life shall be fixed at twenty (20) years.

(o) Party Lottery or Lotteries—The group of state lotteries that joined together to offer the CASH4LIFE game under the terms of the CASH4LIFE Regional Game Agreement.

(p) Player Number Sequence—A sequence of five numbers ranging from one through sixty, which are selected by the player or randomly generated using the Quick Pick option, that form the first five numbers of a CASH4LIFE Play.

(q) Second Prize—The CASH4LIFE prize awarded for matching the Player Number Sequence with the Winning Number Sequence.

(r) Set Prizes -A set amount award in the CASH4LIFE game for third through ninth prizes.

(s) Top Prize- The Top Prize in the CASH4LIFE game awarded for matching the Player Number Sequence and the Cash Ball Number with the Winning Number Sequence and the Winning Cash Ball Number.

(t) Winning Cash Ball Number—The one number ranging from one through four that is randomly selected during a CASH4LIFE Drawing that comprises the last number of the CASH4LIFE Winning Numbers.

(u) Winning Number Sequence—The sequence of five numbers ranging from one through sixty that are randomly selected during a CASH4LIFE Drawing that comprise a portion of the CASH4LIFE Winning Numbers.

(2) How to Play CASH4LIFE.

(a) In CASH4LIFE, players select five numbers from a field of one through sixty and one number from a separate field of one through four for each Play.

(b) Players may make their CASH4LIFE ticket selections by marking a play slip or by telling the retailer their desired selections. There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$2.00 per Play, per drawing. Players may mark their desired numbers on the play slip by selecting

six numbers (five in the upper play area and one in the lower play area) from each panel played. Players may also mark the "QP" (Quick Pick) box located at the bottom of each play area for the terminal to randomly select any or all of the six numbers from either or both play areas. A "Void" box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first five of the six numbers appearing in a single horizontal row on a CASH4LIFE ticket shall be the numbers selected from the upper play area of the play slip, and the last number shall be the Cash Ball Number selected from the lower play area of the play slip.

(c) Players may mark the \$10 "Quick Picks for next draw" box to receive one ticket with five sets of six randomly selected numbers for the next CASH4LIFE drawing, or may mark the \$20 "Quick Picks for next draw" box to receive one ticket with ten sets of six randomly selected numbers for the next CASH4LIFE drawing. Players may mark Quick Picks in addition to panel plays.

(d) Players must use only blue or black ink or pencil for making selections. The use of mechanical, electronic, computer generated or any other non-manual method of marking Play Slips is prohibited. Play slips may be processed through a Florida Lottery full service vending machine or processed by a Florida Lottery retailer to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(e) Advance Play. Players may play up to twenty-six consecutive CASH4LIFE Drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the "Advance Play" section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. In the event that a planned change in the CASH4LIFE game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Florida Lottery's website.

(3) CASH4LIFE Drawings.

(a) CASH4LIFE Drawings to determine the CASH4LIFE Winning Numbers shall be conducted at the studios of New Jersey Lottery Headquarters (or elsewhere as determined by the Party Lotteries) on Monday and Thursday at approximately 9:00 p.m., ET; however, the day, time or location of Drawings may be modified as determined by the Directors and publicly announced by the Party Lotteries. Substitute Drawings may be held at the discretion of the state holding the Drawing. All drawings shall be public and witnessed by an independent certified public accounting firm.

(b) Manner of Conducting Drawings. The drawing officials will select, at random, with the aid of mechanical devices or any other selection methodology as authorized by the Party Lotteries, the CASH4LIFE Winning Numbers.

(c) Neither the Party Lotteries nor the Florida Lottery shall be responsible for incorrect circulation, publication or broadcast of official Winning Numbers.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row (the Player Number Sequence and the Cash Ball Number) on the ticket must match the official CASH4LIFE Winning Numbers in any order for the drawing date for which the ticket was purchased, in one of the following combinations:

(a) Top Prize: Five numbers selected from the first set of balls plus the Cash Ball Number selected from the second set of balls.

(b) Second Prize: Five numbers selected from the first set of balls and not the Cash Ball Number from the second set of balls.

(c) Third Prize: Four numbers selected from the first set of balls plus the Cash Ball number selected from the second set of balls.

(d) Fourth Prize: Four numbers selected from the first set of balls and not the Cash Ball Number from the second set of balls.

(e) Fifth Prize: Three numbers selected from the first set of balls plus the Cash Ball Number selected from the second set of balls.

(f) Sixth Prize: Three numbers selected from the first set of balls and not the Cash Ball Number from the second set of balls.

(g) Seventh Prize: Two numbers selected from the first set of balls plus the Cash Ball Number selected from the second set of balls.

(h) Eighth Prize: Two numbers selected from the first set of balls and not the Cash Ball Number selected from the second set of balls.

(i) Ninth Prize: One number selected from the first set of balls and the Cash Ball Number selected from the second set of balls.

(5) Limited to Highest Prize Won. The holder of a winning ticket may win only one prize per Play in connection with the CASH4LIFE Winning Numbers drawn and shall be entitled only to the prize won by those numbers in the highest matching prize category.

(6) CASH4LIFE Prize Fund. The CASH4LIFE Prize Fund for all prize categories shall consist of fifty-five percent of each drawing period's sales, but may be higher or lower based upon the number of winners at each prize level and funding required to contribute to the Top or Second Prize.

(7) Prizes, Odds of Winning, Percent of Prize Fund to Be Paid in Prizes. The following table sets forth the prizes, the odds of winning each prize per play, and the percent of each dollar in sales anticipated to be paid in prizes in each prize level:

Prize Level	Prize	Odds of Winning per Play	Percent of Prize Fund Anticipated to Be Paid in Prizes
Top	Annuity Option - \$1,000/Day for Life (Paid Annually)* Cash Option**	1:21,846,048	32.90%
Second	Annuity Option- \$1,000/Week for Life (Paid Annually)* Cash Option**	1:7,282,016	13.80%
Third	\$2,500	1:79,440	2.90%
Fourth	\$500	1:26,480	1.70%
Fifth	\$100	1:1,471	6.20%
Sixth	\$25	1:490	4.60%
Seventh	\$10	1:83	10.90%
Eighth	\$4	1:28	13.00%
Ninth	\$2	1:13	14.00%
Total			100.00%

The overall odds of winning a prize in a CASH4LIFE Drawing are 1 in 8.

* Leap Day does not count for purposes of prize calculation.

** The Cash Option amount will be determined as set forth herein.

(8) Prize Liability Limitation. In the event that a Liability Limit would be exceeded for a particular Draw, the prize amounts for Top and Second Prizes shall be adjusted in accordance with a formula established by the Party Lotteries so that the aggregate liability for prizes in such Draw shall not exceed the Liability Limit.

(a) Top Prize – For any drawing, if the total liability exceeds \$7,000,000 (there is more than one winning Top Prize ticket sold), the Top Prize amount for each winning ticket shall be \$7,000,000 divided by the number of winning tickets sold.

(b) Second Prize – For any drawing, if the total liability exceeds \$5,000,000 (there are more than five winning Second Prize tickets sold), the Second Prize amount for each winning ticket shall be \$5,000,000 divided by the number of winning tickets sold.

(c) In the event that any single drawing should produce more than seven Top Prize winners and at least one Second Prize winner, both the Top Prize and Second Prize will become pari-mutuel prizes. The total prize pool to be allocated equally among the total number of winners in this scenario will total \$7,000,000 plus the lesser of \$5,000,000 or \$1,000,000 multiplied by the number of Second Prize winners.

Each Top Prize and Second Prize winning ticket will share the defined prize pool equally for the cash value, and the Annuity Option will be calculated as set forth in paragraphs (9)(b) and (10)(b).

(9) Top Prize Payment. In any single drawing, a Top Prize shall be divided equally among the number of Top Prize Winning Tickets. Except as provided herein, a Top Prize shall be paid either as an annuity (“Annuity Option”) or lump sum cash payment (“Cash Option”). Top Prize winners have sixty days after the winning draw date to choose between the two payment options. Once the Top Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed. If the Top Prize winner does not elect the Cash Option within sixty days after the winning draw date, the Annuity Option will be applied, except as provided in subparagraph (9)(b) 2. , below. Shares of the Top Prize shall be determined as follows:

(a) If there is one Top Prize winning Play, the annuitized Prize value will be \$1,000 per day for life, paid in annual installments of \$365,000, or a one-time lump sum cash prize payment of \$7,000,000.

(b) If there is more than one Top Prize winning Play and the liability limit is exceeded, the Top Prize will be paid on a pari-mutuel basis. The Top Prize Cash Option shall be a lump sum cash amount equal to \$7,000,000 divided by the number of Top Prize Plays for the drawing, rounded down to a whole dollar value. The annual payment amount shall be the pari-mutuel cash value divided by \$7,000,000, multiplied by \$365,000.

1. If there is more than one and less than or equal to fourteen Top Prize winning Plays, the minimum annuitized prize value will be \$500 a week for life, paid in annual installments.

2. In the event there are fifteen or more Top Prize winning Plays among the Party Lotteries, no Annuity Option shall be available. Rather, the prize money for the Top Prize shall be \$7,000,000 divided equally among all Top Prize winning Plays and paid in one lump sum payment to each winner. The minimum Top Prize shall not be less than any prize payout for the second through the ninth prizes for the same CASH4LIFE Drawing.

(10) Second Prize Payment.

(a) Except as provided herein, a Second Prize shall be paid either as an annuity (“Annuity Option”) or lump sum cash payment (“Cash Option”). Second Prize winners have sixty days after the winning draw date to choose between the two payment options. Once the Second Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed. If the

Second Prize winner does not elect the Cash Option within sixty days after the winning draw date, the Annuity Option will be applied, except as provided in paragraph (10)(b), below. For each Second Prize winning Play, the annuitized prize value will be \$1,000 per week for life, paid in annual installments of \$52,000, or a one-time lump sum cash prize payment of \$1,000,000, unless a liability limit would be exceeded.

(b) If a liability limit is exceeded for the Second Prize, the Second Prize shall be paid on a pari-mutuel basis. The Second Prize Cash Option shall be an amount equal to \$5,000,000 divided by the number Second Prize winning Plays. The Annuity Payment amount shall be the pari-mutuel cash value of the winning ticket divided by \$1,000,000 multiplied by \$52,000. If the liability limit is exceeded and the annuity prize value of a Second Prize falls below \$500 per week for life, then all Second Prize winning Plays will be paid in a single lump sum cash payment and no annuitized payment option will be available. The minimum Second Prize value shall not be less than any prize payout for the Third through the Ninth Prize levels for the same CASH4LIFE Drawing.

(11) Annual Payment Schedule. The winner of a Top Prize or Second Prize who elects the Annuity Option will receive the first full annual installment as soon as reasonably possible after the prize claim is validated. All subsequent annual payments for prizes claimed by an individual will be paid in equal annual installments for the life of the winner, with a minimum of twenty years of payments. All subsequent annual payments for prizes claimed by a trust, corporation or other legal entity shall be paid in equal installments, such that the total payments (including the initial installment) equal twenty years of payments.

(12) Third through Ninth Prize Payment. The Third through Ninth Prizes will be paid as Set Prizes and paid in one single cash payment.

(13) Prizes Rounded Down to Nearest Whole Dollar. All prize levels will be rounded down to the nearest whole dollar.

(14) Life Annuity Requirements and Restrictions. An Annuitant will be paid their appropriate Top Prize share or Second Prize share on an annual basis for their Measuring Life, or for the twenty year term of the Guaranteed Annuity Portion whichever is longer. At the end of the guaranteed twenty year payment period, Annuitants will be required to provide required evidence to the Lottery that they are still living in order to receive any Deferred Annuity Portion Installments. Annuitants will be required to provide such evidence on an annual basis prior to receipt of their next scheduled payment. In the event that an Annuitant dies within the twenty year Guaranteed Annuity Portion, any remaining prize payments in the Guaranteed Annuity Portion will be paid as set forth in the rule of the Florida Lottery governing

payment of prizes. A copy of the current prize payment rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(15) Interest or Earnings accruing on a CASH4LIFE prize. Any interest or earnings accruing on a CASH4LIFE prize prior to the prize payment shall accrue to the Florida Lottery and not to the winner.

(16) Taxes. Federal withholding taxes shall be deducted from prizes for which it is applicable in accordance with the Internal Revenue Code and Code of Federal Regulations.

(17) CASH4LIFE Rules and Prohibitions.

(a) By purchasing a CASH4LIFE ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) All liabilities for a CASH4LIFE prize are discharged upon payment of a prize claim. All claims arising out of the CASH4LIFE game must be pursued only against the State of ticket purchase, and litigation, if any, shall only be maintained against the Party Lottery of the State of ticket purchase and within the State of ticket purchase as the sole and exclusive remedy of the claimant.

(c) Florida CASH4LIFE prizes shall be claimed only through a Florida Lottery retailer (for prizes less than \$600) or Lottery office beginning on the first business day following the drawing. Top Prizes and Second Prizes must be claimed at Lottery headquarters. The Lottery is not authorized to accept claims or pay prizes for CASH4LIFE tickets purchased in other jurisdictions. CASH4LIFE prize payments shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(d) Subject to a retailer’s hours of operation and on-line system availability, CASH4LIFE lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, ET. Ticket sales for a specific CASH4LIFE Drawing will close at 8:30 p.m., ET, on the night of the drawing. Any ticket sold after the close of game will be printed with the next CASH4LIFE Drawing date.

(e) CASH4LIFE tickets cannot be canceled.

(18) The effective date of this rule is February 17, 2017.

Rulemaking Authority 24.105(9)(a), (b), (c), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c) (e), (f), (h), 24.115(1), FS. History—New 2-17-17.

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: 2-17-17.

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:

53ER17-8 CASH4LIFE® Retailer Drawings

SUMMARY: The rule sets forth the provisions for the CASH4LIFE® Retailer Drawings.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott, Tallahassee, Florida 32301.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-8 CASH4LIFE® Retailer Drawings.

(1) Beginning February 17, 2017, through March 30, 2017, (“Promotion Period”) the Florida Lottery will conduct the CASH4LIFE® Retailer Drawings retailer incentive.

(2) During the Promotion Period, for every \$10 in CASH4LIFE sales, Florida Lottery retailers will earn one entry into one of eighteen drawings for a chance to win \$4,000. Drawings will be held on April 7, 2017.

(3) Drawings and Prizes. The eighteen retailer drawings, determined by district and retailer category (corporate or independent), will be conducted by the Florida Lottery using a certified random number generation process. The number of entries drawn and prizes awarded will be in accordance with the following table:

Lottery Sales District	Prize Per Retailer	Number of Corporate Retailer Prizes	Number of Independent Retailer Prizes
District 1- Tallahassee	\$4,000	2	2
District 3- Pensacola	\$4,000	2	2
District 4- Jacksonville	\$4,000	2	2
District 5- Gainesville	\$4,000	2	2
District 6-Orlando	\$4,000	4	4
District 9- Tampa	\$4,000	4	4
District 10- Ft. Myers	\$4,000	2	2
District 11- West Palm Beach	\$4,000	2	2
District 13- Miami	\$4,000	4	8
A total of 52 \$4,000 prizes will be awarded in the Promotion.			

An individual retailer location may only win one prize per drawing. Alternate entries will be drawn in each drawing. The number of alternate entries drawn will be twice the number of prizes to be awarded in that drawing. Alternate entries will be used as needed in the order in which they are drawn to award a prize in the event a retailer’s entry is disqualified. Retailers will be subject to disqualification if the Florida Lottery determines that:

(a) the retailer has already been awarded a prize in that drawing;

(b) the retailer is not in good financial standing with the Florida Lottery at the time of prize payment; or

(c) the retailer is not in an “active” retailer status at the time of prize payment.

(4) Winning retailers will receive their Promotion prize check within approximately thirty days of the drawing.

(5) A promotional prize will be considered compensation to the retailer for Internal Revenue Service purposes. Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History- New 2-17-17.

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: 2-17-17.

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER17-9
RULE TITLE: Retailer CASH4LIFE® Bonus Commission Program

SUMMARY: The Florida Lottery will conduct the Retailer CASH4LIFE® Bonus Commission Program in which bonus commissions will be awarded to Florida Lottery retailers who sell a winning Top Prize or Second Prize CASH4LIFE ticket. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-9 Retailer CASH4LIFE® Bonus Commission Program.

(1) The Florida Lottery will conduct, as a retailer sales incentive, a Retailer CASH4LIFE® Bonus Commission Program (“Program”) in which the Florida Lottery will award bonus commissions to Florida Lottery retailers who sell a winning Top Prize (\$1,000/Day for Life) or Second Prize (\$1,000/Week for Life) ticket for a Monday or Thursday drawing.

(2) The bonus commission for selling a winning Top Prize CASH4LIFE ticket is \$10,000.

(3) If multiple winning Top Prize tickets are sold in Florida for the same CASH4LIFE drawing, the retailers selling such tickets will share the bonus commission. Each retailer selling a winning Top Prize ticket will receive a share of the bonus equal to the number of winning Top Prize tickets sold by that particular retailer divided by the total number of winning Top Prize tickets sold in Florida for that drawing.

(4) Florida Lottery retailers who sell a winning Second Prize CASH4LIFE ticket will receive a \$2,000 bonus commission.

(5) Award of a bonus commission is not dependent upon a winning Top Prize or Second Prize CASH4LIFE ticket being claimed by the winner.

(6) Retailers whose Florida Lottery contracts are terminated or inactivated prior to the bonus commission award shall be paid the bonus commission earned provided said termination or inactivation was not due to noncompliance with Chapter 24, Florida Statutes, Chapter 53, Florida Administrative Code, or terms of their retailer contract.

(7) A bonus commission will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer’s outstanding debt to the Florida Lottery, and to award the remaining balance of the bonus commission, if any.

(8) CASH4LIFE bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state’s best interest to use such funds for this purpose. Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History – New 2-17-17.

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: 2-17-17.

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

NONE

**Section VI
Notice of Meetings, Workshops and Public
Hearings**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Division of Administration
The Florida Agriculture Center and Horse Park Authority announces a public meeting to which all persons are invited.
DATE AND TIME: Wednesday, March 1, 2017, 5:00 p.m.
PLACE: Florida Horse Park, 11008 S Highway 475, Ocala, FL 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Executive Committee to discuss general business.

A copy of the agenda may be obtained by contacting: Emily Holmes at (352)607-6699 or emailing events@flhorsepark.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Emily Holmes at (352)607-6699 or emailing events@flhorsepark.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agricultural Museum announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 27, 2017, 10:00 a.m.

PLACE: Florida Agricultural Museum, 7900 Old Kings Road North, Palm Coast, FL 32137

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Board of Trustees to discuss general business.

A copy of the agenda may be obtained by contacting: Kara Hoblick at (386)446-7630.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Kara Hoblick at (386)446-7630. 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 Agricultural Water Policy

The Lake Soil and Water Conservation District announces a public meeting to which all persons are invited.

DATES AND TIMES: February 22, 2017, 3:00 p.m.; March 22, 2017, 3:00 p.m.; April 26, 2017, 3:00 p.m.; May 24, 2017, 3:00 p.m.; June 28, 2017, 3:00 p.m.; July 26, 2017, 3:00 p.m.; August 23, 2017, 3:00 p.m.; September 27, 2017, 3:00 p.m.; October 25, 2017, 3:00 p.m.; November 22, 2017, 3:00 p.m.; December 27, 2017, 3:00 p.m.

PLACE: 30205 State Road 19, Tavares, FL 32778

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion include general business pursuant to

responsibilities under Chapter 582, F.S., and any new business that is brought up by District supervisors.

A copy of the agenda may be obtained by contacting: Lake Soil and Water Conservation District at (352)253-1646.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

The Union Soil and Water Conservation District announces a public meeting to which all persons are invited.

DATES AND TIMES: February 28, 2017, 6:00 p.m.; March 28, 2017, 6:00 p.m.; April 25, 2017, 6:00 p.m.; May 23, 2017, 6:00 p.m.; June 27, 2017, 6:00 p.m.; July 25, 2017, 6:00 p.m.; August 22, 2017, 6:00 p.m.; September 26, 2017, 6:00 p.m.; October 24, 2017, 6:00 p.m.; November 28, 2017, 6:00 p.m.; December 26, 2017, 6:00 p.m.

PLACE: 25 NE 1st Street, Lake Butler, FL 32054

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion include general business pursuant to responsibilities under Chapter 582, F.S., and any new business that is brought up by District supervisors.

A copy of the agenda may be obtained by contacting: Union Soil and Water Conservation District at (352)376-7414.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

The Palm Beach Soil and Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2017, 1:00 p.m.; March 28, 2017, 1:00 p.m.; April 25, 2017, 1:00 p.m.; May 23, 2017, 1:00 p.m.; June 27, 2017, 1:00 p.m.; July 25, 2017, 1:00 p.m.; August 22, 2017, 1:00 p.m.; September 26, 2017, 1:00 p.m.; October 24, 2017, 1:00 p.m.; November 28, 2017, 1:00 p.m.; December 26, 2017, 1:00 p.m.

PLACE: 420 S SR 7, Ste. 162, Royal Palm Beach, FL 33414

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion include general business pursuant to responsibilities under Chapter 582, F.S., and any new business that is brought up by District supervisors.

A copy of the agenda may be obtained by contacting: Palm Beach Soil and Water Conservation District at (561)792-2727.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

The Clay Soil and Water Conservation District announces a public meeting to which all persons are invited.

DATE AND TIME: March 10, 2017, 9:00 a.m.; April 14, 2017, 9:00 a.m.; May 12, 2017, 9:00 a.m.; June 9, 2017, 9:00 a.m.; July 14, 2017, 9:00 a.m.; August 11, 2017, 9:00 a.m.;

September 8, 2017, 9:00 a.m., October 13, 2017, 9:00 a.m.; November 10, 2017, 9:00 a.m., December 8, 2017, 9:00 a.m.
 PLACE: 2463 FL-16, Green Cove Springs, FL 32043
GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Items for discussion include general business pursuant to responsibilities under Chapter 582, F.S., and any new business that is brought up by District supervisors.
 A copy of the agenda may be obtained by contacting: Clay Soil and Water Conservation District at (904)284-6355.

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces a hearing to which all persons are invited.

DATES AND TIMES: March 1, 2017, 9:00 a.m., Administrator Hearing Panel; 9:30 a.m., Teacher Hearing Panel; , 2:00 p.m., immediately followed by Business Meeting Planning, Commission Member Training Session; March 2, 2017, 9:00 a.m., immediately followed by Commission Member Training Session, Teacher Hearing Panel

PLACE: Hawthorn Suites by Wyndham, 301 Lambertson Drive, West Palm Beach, Florida 33401, (850)472-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. The Commission Member Training is being held to train members of the Commission. The Business Meeting Planning Meeting is being held to review items for the Business Meeting.

A copy of the agenda may be obtained by contacting: Gretchen Kelley Brantley at (850)245-0455.

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: Gretchen Kelley Brantley at (850)245-0455. 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: Lisa Forbess or Gretchen Kelley Brantley at (850)245-0455.

PUBLIC SERVICE COMMISSION

FAR NOTICE OF CUSTOMER MEETING

The FLORIDA PUBLIC SERVICE COMMISSION announces a public customer meeting in the following docket to which all persons are invited.

DAY, DATE AND TIME: Thursday, March 9, 2017, 6:00 p.m.

PLACE: Gulf County School Board Administration Office, 150 Middle School Road, Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Docket No. 160165 SU– Application for staff-assisted rate case in Gulf County by ESAD Enterprises, Inc. d/b/a Beaches Sewer Systems, Inc.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact Commission staff, Traci Matthews at (850)413-6682.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the meeting via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

EMERGENCY CANCELLATION OF MEETING

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

PUBLIC SERVICE COMMISSION

The FLORIDA PUBLIC SERVICE COMMISSION announces its regularly scheduled Commission Conference, to which all interested persons are invited.

DATE AND TIME: March 7, 2017, 9:30 a.m.

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

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

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S. Persons who may be affected by Commission action on certain items on the Conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C. The Commission Conference Notice, Agenda, related documents, and FPSC contact information are available at www.floridapsc.com.

ADA: Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the

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

EMERGENCY CANCELLATION OF MEETING: If a named storm or other disaster requires cancellation of the Conference, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission’s website (www.floridapsc.com) under Hot Topics on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

PUBLIC SERVICE COMMISSION

The FLORIDA PUBLIC SERVICE COMMISSION announces its Internal Affairs Meeting, to which all interested persons are invited.

DATE AND TIME: March 7, 2017, immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters affecting Commission operations. Internal Affairs Agendas and FPSC contact information is available at www.floridapsc.com.

ADA: Persons needing ADA accommodation to participate should contact the FPSC at least five days prior to the meeting via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service.

EMERGENCY CANCELLATION OF MEETING: If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely notice. Notice of cancellation will be provided on the Commission’s website (www.floridapsc.com) under Hot Topics on the home page. Cancellation can also be confirmed by calling the Office of Commission Clerk at (850)413-6770.

EXECUTIVE OFFICE OF THE GOVERNOR

The Florida Children and Youth Cabinet Technology Workgroup announces a public meeting to which all persons are invited.

DATE AND TIME: February 24, 2017, 3:00 p.m. – 5:00 p.m.

PLACE: Department of Children and Families, 1317 Winewood Boulevard, Building 1, Room 132, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Members of the Technology Workgroup will meet to conduct regular business of the workgroup.

A copy of the agenda may be obtained by contacting: Lindsey Perkins Zander, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.perkins@myflfamilies.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lindsey Perkins Zander, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.perkins@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Lindsey Perkins Zander, Executive Director, Florida Children and Youth Cabinet, (850)921-4875 or Lindsey.perkins@myflfamilies.com.

EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: April 7, 2017, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Request for Proposal (RFP-DEM-16-17-048) for Hurricane Loss Mitigation Program.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Tara Walters, Division Procurement Manager, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, Phone: (850)410-1391, Email: Tara.Walters@em.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Tara Walters, Division Procurement Manager, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, Phone: (850)410-1391, Email:

Tara.Walters@em.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

Northeast Florida Regional Planning Council

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

DATE AND TIME: March 2, 2017, 10:00 a.m., Executive Committee meeting.

PLACE: 100 Festival Park Avenue, Jacksonville, FL 32202.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: (904)279-0880.

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: (904)279-0880. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

DATE AND TIME: March 1, 2017, 9:00 a.m.

PLACE: 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at www.watmatters.org/calendar/calendar.php/

A copy of the agenda may be obtained by contacting: Justin J. Eddy, (813)985-7481, ext. 2097

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 Bureau Chief at 1(800)423-1476, ext. 4702; TDD (FL only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL UTILITY AUTHORITIES

Tampa Bay Water - A Regional Water Supply Authority

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

DATE AND TIME: March 8, 2017, 9:00 a.m. (ET)

PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, FL 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting of the Selection Committee for As-Needed Engineering Services, Contract Nos. 2017-030 thru 2017-032 for As-Needed Energy Management Consultant Services. As a part of the of the selection process, the Selection Committee will meet to review and discuss the responses and ranking of the firms, determine if interviews are needed and review potential interview questions.

A copy of the agenda may be obtained by contacting: Records Department, (727)796-2355.

For more information, you may contact: Records Department, (727)796-2355.

DEPARTMENT OF MANAGEMENT SERVICES

State Retirement Commission

The Department of Management Services announces a hearing to which all persons are invited.

DATE AND TIME: March 6, 2017, 9:00 a.m.

PLACE: Embassy Suites by Hilton Tampa Downtown Convention Center, 513 South Florida Avenue, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by contacting: Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida, 32399-0950 or by calling (850)487-2410.

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 15 days before the workshop/meeting by contacting: Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by calling (850)487-2410. 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: Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or call (850)487-2410.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

The Florida Commission on Human Relations announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 30, 2017, 10:00 a.m., ET.

PLACE: Call 1(888)670-3525 and when prompted, enter participant code: 1760507820, then # key

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Commission to vote on the disposition of cases pending before it for decision.

A copy of the agenda may be obtained by contacting: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com.

ACCESS POINT: The FCHR office at 4075 Esplanade Way, Room 110, Tallahassee, FL 32399, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.

For more information, you may contact: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com.

DEPARTMENT OF HEALTH

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

DATES AND TIMES: Wednesday, April 5, 2017, 4:00 p.m.; Thursday, April 6, 2017, 8:30 a.m., reconvening at 1:30 p.m.; Friday, April 7, 2017, 8:30 a.m.

PLACE: Best Western Gateway Grand Hotel & Conference Center, 4200 NW 97th Blvd., Gainesville, FL 32606

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting has been rescheduled for a different location and will be re-noticed. Original Notice: 18404215, published in Vol. 42, No. 248, F.A.R.

DEPARTMENT OF HEALTH

Board of Nursing

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

DATE AND TIME: March 6, 2017, 10:30 a.m.

PLACE: Toll-free number: 1(888)670-3525, participant code: 990 808 6106 (public)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: <http://www.floridasnursing.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting <http://www.floridasnursing.gov/meeting->

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

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

DEPARTMENT OF HEALTH

Division of Emergency Preparedness and Community Support
The Florida Department of Health announces a public meeting to which all persons are invited.

DATE AND TIME: March 7, 2017, 10:30 a.m. – 12:00 Noon

PLACE: Florida Department of Health Central Office, Prather Building, Room 340N, 2585 Merchants Row Boulevard, Tallahassee, Florida; conference call:1(888)670-3525, participant code: (608)245-4114.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is for members of the Injury, Safety, and Violence Priority Area Workgroup (PAW) to review and discuss drafts of the Safety, Injury, Violence Logic Model and the Goals, Strategies, Objectives (GSO) document for Safety, Injury, and Violence. The documents will be used in the development of the State Health Improvement Plan (SHIP).

A copy of the agenda may be obtained by contacting: Michele Franklin at (850)245-4470.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

The Wildlife Alert Reward Association, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: March 2, 2017, 1:00 p.m.

PLACE: FWC NE Regional Office, 1239 SW 10th Street, Ocala, FL 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Wildlife Alert Reward Association will conduct administrative business of the Association regarding Marketing and Financial matters.

A copy of the agenda may be obtained by contacting: Ms. Sara Burke, 620 S Meridian St., Tallahassee, Florida 32399, (850)617-9595

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: ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Sara Burke, 620 S Meridian St, Tallahassee, Florida 32399, (850)617-9595.

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

DEPARTMENT OF EDUCATION
 School Districts

Road Paving and Repairs Various Schools, Phase 2 Nos. 6, 65, 69, 76, 86, 96, 107, 136-2, 216, 221, 236, 237, 241, 248, 255/DCSB No. M-83580/OFDC-ITB-008-17

DUVAL COUNTY PUBLIC SCHOOLS ADVERTISEMENT FOR BIDS-Invitation to Bid For a General Contractor-Publish Date-February 17, 2017. Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D. BIDS ARE DUE ON OR BEFORE March 21, 2017 AND WILL BE ACCEPTED UNTIL 2 PM. OFFICIAL PROJECT TITLE: Road Paving and Repairs Various Schools, Phase 2 School Nos. 6, 65, 69, 76, 86, 96, 107, 136-2, 216, 221, 236, 237, 241, 248, 255/DCSB Project No. M-83580/OFDC-ITB-008-17. SCOPE OF WORK: The project consists of road paving and repairs at Mattie Rutherford Alt Ed No. 6, Atlantic Beach ES No. 65, Lake Shore MS No. 69, Southside Estates ES No. 76, Terry Parker HS No. 86, Ribault HS No. 96, Douglas Anderson HS No. 107, Terry Parker Annex No. 136-2, Jefferson Davis MS No. 216, Normandy Village ES No. 221, M. A. Jones ES No. 236, Sandalwood HS No. 237, Westside HS No. 241, Ed White HS No. 248, and Enterprise Learning Academy No. 255. The estimated construction cost is not to exceed \$1,200,000 for all schools. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held Thursday, March 2, 2017 at 10:00 AM in Room 538 at DCPS Administration Building, 1701 Prudential Drive, Jacksonville, FL 32207. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register. Project funding is subject to availability of funds as authorized by the Owner. The District reserves the right to reject any and all bids. Contract documents for bidding may be obtained at the office of: ARC Document Solutions/4613 Phillips Highway, Suite 202/ Jacksonville, FL 32207/ (904) 399-8946. Contract documents for bidding may be examined at the Duval County Public Schools Administration Building located at 1701 Prudential Drive, Jacksonville, FL 32207. Name of A/E Firm: Michele Agee, P.E., P.A., Inc., 1329 Kingsley Ave., Suite C, Orange Park, FL 32073/904-264-9914. Office of Economic Opportunity (OEO) Participation Goal: 5% SBE Goal- Only those firms certified as SBE with DCPS can be used toward this Participation Goal. All Contractors submitting bids must be prequalified with Duval County Public Schools at the time of the bid opening. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools. Prequalification forms and information may be obtained at www.duvalschools.org under Departments/Facilities/Forms and Standards/General Documents/Contractor Prequalification Procedures. The Bid Award Recommendation will be posted on the first floor

bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BDC49-16/17, Bill Baggs Cape Florida State Park – No Name Harbor Seawall Repairs

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction is soliciting formal, competitive, sealed bids from contractors for bid number BDC49-16/17, Bill Baggs Cape Florida State Park – No Name Harbor Seawall Repairs. More info @ <http://tinyurl.com/BDC49-16-17>.

BRASFIELD & GORRIE, LLC
UF 608 - PARKING GARAGE XIV

INVITATION TO BID

Brasfield & Gorrie will now be taking sealed bid proposals for the Structural Precast trade package for the University of Florida Parking Garage XIV project in Gainesville, FL. Please contact Chris Evans at Brasfield & Gorrie, cevans@brasfieldgorrie.com, (407)562-4500, for additional information on the project and proposal requirements.

Sealed proposals are due by no later than noon on March 6, 2017. Sealed proposals must either be hand delivered or mailed to the following address:

Brasfield & Gorrie, LLC
c/o Chris Evans
941 West Morse Blvd., Suite 200
Winter Park, FL 32789

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules
Filed with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Friday, February 10, 2017 and 3:00 p.m., Thursday, February 16, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
25-6.0346	2/10/2017	3/2/2017
25-12.005	2/10/2017	3/2/2017
25-12.008	2/10/2017	3/2/2017

25-12.022	2/10/2017	3/2/2017
25-12.027	2/10/2017	3/2/2017
25-12.040	2/10/2017	3/2/2017
25-12.085	2/10/2017	3/2/2017
40D-8.624	2/10/2017	3/2/2017
40D-8.624	2/10/2017	3/2/2017
53ER17-7	2/15/2017	2/15/2017
53ER17-8	2/15/2017	2/15/2017
53ER17-9	2/15/2017	2/15/2017
60-8.001	2/10/2017	3/2/2017
60-8.002	2/10/2017	3/2/2017
60A-1.030	2/10/2017	3/2/2017
60A-1.031	2/10/2017	3/2/2017
60A-1.032	2/10/2017	3/2/2017
60A-1.033	2/10/2017	3/2/2017
60A-1.045	2/10/2017	3/2/2017
60A-1.046	2/10/2017	3/2/2017
60A-1.047	2/10/2017	3/2/2017
60A-9.0062	2/10/2017	3/2/2017
60A-9.007	2/10/2017	3/2/2017
60B-3.001	2/10/2017	3/2/2017
60B-3.002	2/10/2017	3/2/2017
60B-4.002	2/10/2017	3/2/2017
60B-4.007	2/10/2017	3/2/2017
60E-1.004	2/10/2017	3/2/2017
60E-1.002	2/10/2017	3/2/2017
60FF-2.001	2/10/2017	3/2/2017
60FF-2.002	2/10/2017	3/2/2017
60FF-2.003	2/10/2017	3/2/2017
60FF-2.004	2/10/2017	3/2/2017
60FF-2.005	2/10/2017	3/2/2017
60FF-2.006	2/10/2017	3/2/2017

60FF-2.007	2/10/2017	3/2/2017
60FF-3.001	2/10/2017	3/2/2017
60H-3.005	2/10/2017	3/2/2017
60H-4.001	2/10/2017	3/2/2017
60H-4.003	2/10/2017	3/2/2017
60H-4.006	2/10/2017	3/2/2017
60H-4.008	2/10/2017	3/2/2017
60H-6.007	2/10/2017	3/2/2017
60H-6.009	2/10/2017	3/2/2017
60H-6.022	2/10/2017	3/2/2017
60H-6.011	2/10/2017	3/2/2017
60H-6.013	2/10/2017	3/2/2017
60H-6.017	2/10/2017	3/2/2017
60H-6.018	2/10/2017	3/2/2017
60H-6.019	2/10/2017	3/2/2017
60H-6.020	2/10/2017	3/2/2017
60H-9.002	2/10/2017	3/2/2017
60H-9.003	2/10/2017	3/2/2017
60L-29.001	2/10/2017	3/2/2017
60L-29.002	2/10/2017	3/2/2017
60L-30.001	2/10/2017	3/2/2017
60L-30.002	2/10/2017	3/2/2017
60L-30.003	2/10/2017	3/2/2017
60L-37.002	2/10/2017	3/2/2017
60L-37.003	2/10/2017	3/2/2017
60L-38.002	2/10/2017	3/2/2017
60L-38.003	2/10/2017	3/2/2017
60L-38.004	2/10/2017	3/2/2017
60L-38.005	2/10/2017	3/2/2017
60P-2.001	2/10/2017	3/2/2017
60P-2.002	2/10/2017	3/2/2017
60P-2.004	2/10/2017	3/2/2017

60P-2.012	2/10/2017	3/2/2017
60P-2.006	2/10/2017	3/2/2017
60P-2.007	2/10/2017	3/2/2017
60P-2.008	2/10/2017	3/2/2017
60P-2.009	2/10/2017	3/2/2017
60P-3.009	2/10/2017	3/2/2017
60P-3.010	2/10/2017	3/2/2017
60P-3.011	2/10/2017	3/2/2017
60P-3.012	2/10/2017	3/2/2017
60P-6.0068	2/10/2017	3/2/2017
60P-6.007	2/10/2017	3/2/2017
60P-6.0079	2/10/2017	3/2/2017
60P-6.0068	2/10/2017	3/2/2017
60P-6.007	2/10/2017	3/2/2017
60P-6.0079	2/10/2017	3/2/2017
60P-9.003	2/10/2017	3/2/2017
60P-9.004	2/10/2017	3/2/2017
60S-3.003	2/10/2017	3/2/2017
60S-3.004	2/10/2017	3/2/2017
60S-3.005	2/10/2017	3/2/2017
60S-3.006	2/10/2017	3/2/2017
60S-3.010	2/10/2017	3/2/2017
60S-4.0025	2/10/2017	3/2/2017
60S-4.005	2/10/2017	3/2/2017
60S-4.006	2/10/2017	3/2/2017
60S-4.013	2/10/2017	3/2/2017
60S-4.014	2/10/2017	3/2/2017
60S-5.002	2/10/2017	3/2/2017
60S-5.006	2/10/2017	3/2/2017
60S-5.0061	2/10/2017	3/2/2017
60S-7.002	2/10/2017	3/2/2017
60S-7.003	2/10/2017	3/2/2017

60S-7.050	2/10/2017	3/2/2017
60S-7.060	2/10/2017	3/2/2017
60S-7.070	2/10/2017	3/2/2017
60S-7.0041	2/10/2017	3/2/2017
60S-7.009	2/10/2017	3/2/2017
60S-0091	2/10/2017	3/2/2017
60S-7.010	2/10/2017	3/2/2017
60S-7.011	2/10/2017	3/2/2017
60S-7.0051	2/10/2017	3/2/2017
60S-7.0061	2/10/2017	3/2/2017
60S-7.0071	2/10/2017	3/2/2017
60S-7.0081	2/10/2017	3/2/2017
60P-9.007	2/10/2017	3/2/2017
60P-10.006	2/10/2017	3/2/2017
60S-11.003	2/10/2017	3/2/2017
60W-8.001	2/10/2017	3/2/2017
61G19-6.0036	2/13/2017	3/5/2017
61G19-6.017	2/13/2017	3/5/2017
61J1-2.001	2/9/2017	3/1/2017
64B1-9.001	2/9/2017	3/1/2017
68A-16.003	2/10/2017	3/2/2017
69A-37.039	2/15/2017	3/7/2017
69A-37.501	2/15/2017	3/7/2017
69A-37.502	2/15/2017	3/7/2017
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
40B-9.021	12/21/2016	**/**/****
40B-9.041	12/21/2016	**/**/****
40B-9.126	12/21/2016	**/**/****
40B-9.131	12/21/2016	**/**/****

40B-9.1381	12/21/2016	**/**/****
40B-9.1411	12/21/2016	**/**/****
40B-9.142	12/21/2016	**/**/****
40B-9.145	12/21/2016	**/**/****
40B-9.123	12/9/2016	**/**/****
58M-2.009	2/9/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-9.009	6/15/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.100	12/19/2016	**/**/****
69L-7.501	12/19/2016	**/**/****

MANATEE COUNTY ATTORNEY'S OFFICE

**Notice of Proposed Ordinance Governing
Telecommunications Companies Placing or Maintaining
Telecommunications Facilities in County Roads or Right-of-
way.**

Manatee County, Florida, hereby gives notice of proposed Ordinance 17-21, restating Article II of Chapter 2-28 of the Manatee County Code of Ordinances to prescribe and enforce reasonable rules and regulations for the placement and maintenance of facilities within county right-of-way. Adoption of proposed Ordinance 17-21 shall be considered at a public hearing on Tuesday, March 7, 2017, at 9:00 a.m., in Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida 34205. A copy of proposed Ordinance 17-21 is available by calling the Office of the County Attorney at (941)745-3750 or by visiting during business hours.

**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.

RESOLUTION 16-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY CESSATION OF ACCEPTANCE OF RIGHT-OF-WAY PERMIT APPLICATIONS FOR INSTALLATION OF SMALL CELL AND DISTRIBUTED ANTENNA SYSTEM (DAS) STRUCTURES PENDING REVISION OF THE COUNTY'S CODE TO PROPERLY ADDRESS THE SITING AND INSTALLATION OF THESE STRUCTURES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Manatee County owns and/or controls, and manages lands designated as rights-of-way; and

WHEREAS, traditionally governmental rights-of-way have been utilized for, among other uses, the placement of public and private utility systems and structures so as to facilitate the delivery of utility services and maintenance of utility systems; and

WHEREAS, Manatee County Code § 2-28-21 et seq. contains the County's current Rights-of-Way Management Code; and

WHEREAS, this regulatory structure has not been revised since its adoption in 2008, a period where wireless communications services were provided to consumers via large cell towers; and

WHEREAS, since that time, industry and technological changes and advances have resulted in an alternative method of delivery of wireless communications services generally known as "small cell" and "distributed antennae systems" (DAS) which involve the placement of much shorter, but more numerous poles and related infrastructure, to provide such services to residential and other areas where tower placement is not feasible due to regulatory or other restrictions; and

WHEREAS, the Board of County Commissioners for Manatee County (the Commission) finds that the County's rights-of-way are a limited resource, already facing crowding in certain areas, and that this vital resource must be properly managed both for current utility needs and for planned or expected future utility expansion, maintenance and safety needs; and

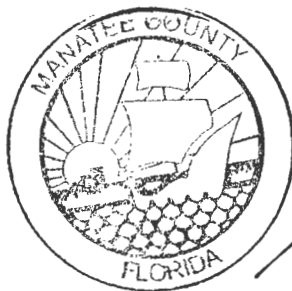
WHEREAS, the Commission finds that its current Rights-of-Way Management Code does not sufficiently address this new technology and that until the Code is revised so as to properly create regulations and standards to address applications to utilize the

County's rights-of-way for the installation of small cell and DAS facilities, the County should not accept right-of-way applications for such uses.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida:

1. The County's Rights-of-Way Management Division shall cease acceptance of applications for right-of-way permits to construct or install in the County's rights-of-way any wireless small cell or DAS communications system until the County Commission adopts amendments to the County Code to adequately regulate the standards which will apply to such facilities, or until midnight Friday, February 10, 2017, or until the Commission otherwise rescinds this Resolution, whichever of these earliest occurs.
2. The County Administrator and County Attorney are hereby directed to work diligently to develop such ordinances as may be required to ensure that the Manatee County Code properly regulates small cell and DAS facilities, including application, installation, maintenance and removal requirements, so as to facilitate the provision of effective wireless communications services to the County's citizens and businesses, while also ensuring the safety, aesthetic, financial and infrastructure planning needs of the County.
3. If any section, subsection, sentence, clause or provision of this Resolution is held invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision.
4. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this 13th day of September, 2016.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____

Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____

Deputy Clerk

RESOLUTION 17-18

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, EXTENDING RESOLUTION 16-147 TWENTY-NINE DAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 13, 2016, Manatee County adopted Resolution 16-147, a temporary cessation of acceptance of right-of-way permit applications for installation of small cell and distributed antenna system (DAS) structures pending revision of Manatee County's Code of Ordinances to properly address the siting and installation of these structures; and

WHEREAS, Resolution 16-147 compelled the County's Right-of-Way Management Division to cease accepting applications for right-of-way permits to construct or install in the County's right-of-way any wireless small cell or DAS communications system until adoption of amendments to the County Code applicable to such facilities, until Friday, February 17, 2017, or until the rescission of Resolution 16-147, whichever occurred first; and

WHEREAS, additional time is needed to accomplish the objectives of Resolution 16-147.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, that:

1. Resolution 16-147 is hereby extended twenty-nine (29) days.
2. Accordingly, the County's Right-of-Way Management Division shall continue to cease accepting applications for right-of-way permits to construct or install in the County's right-of-way any wireless small cell or DAS communications system until the Board adopts amendments to the Code to adequately regulate the standards which will apply to such facilities, or until midnight on Saturday, March 11, 2017, or until the Commission otherwise rescinds Resolutions 16-147 and 17-18, whichever occurs first.
3. All other provisions of Resolution 16-147 that are not inconsistent with Resolution 17-18 shall remain in full force and effect.
4. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting, this 24th day of January, 2017.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

ORDINANCE NO. 17-21

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING USE OF COUNTY RIGHT-OF-WAY; AMENDING AND RESTATING ARTICLE II OF CHAPTER 2-28 OF THE MANATEE COUNTY CODE OF ORDINANCES; DEFINING CERTAIN TERMS; PROVIDING FOR WHEN A PERMIT IS REQUIRED; ESTABLISHING QUALIFICATIONS OF A PERMITTEE; ESTABLISHING THE AUTHORITY OF THE RIGHT-OF-WAY MANAGER AND THE COUNTY; ESTABLISHING A PERMIT APPLICATION PROCESS; ESTABLISHING THE TIME OF REVIEW FOR A PERMIT APPLICATION; SETTING FORTH THE CRITERIA FOR ISSUANCE OF A PERMIT; ESTABLISHING PERMIT CONDITIONS AND STANDARDS APPLICABLE TO A PERMITTEE; PROVIDING FOR INSPECTION AND ENFORCEMENT; ESTABLISHING WORKING HOURS; REQUIRING RESTORATION AND CLEANUP; REQUIRING WARRANTIES AND MAINTENANCE; ESTABLISHING FEES; ESTABLISHING BONDING REQUIREMENTS; REGULATING REVOCATION, SUSPENSION AND TERMINATION; ESTABLISHING APPELLATE PROCEDURES; REQUIRING REGISTRATION; PROVIDING FOR LICENSING AND LICENSEES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (Board) of Manatee County, Florida, is empowered, pursuant to Section 337.401, Florida Statutes, to prescribe and enforce reasonable rules and regulations for the placing and maintaining of facilities within Manatee County (County) right-of-way; and

WHEREAS, the County previously adopted Ordinance 08-70, codified as Article II of Chapter 2-28 of the Manatee County Code of Ordinances (Code), adopting a regulatory scheme for construction, use, relocation, maintenance and repair of certain facilities in County right-of-way; and

WHEREAS, the provisions of Ordinance 08-70 do not sufficiently address the permitting of wireless facilities and support structures within the County right-of-way; and

WHEREAS, federal and state law require the nondiscriminatory treatment of providers of telecommunications services; and

WHEREAS, Section 337.401, Florida Statutes, requires the County to treat providers of communications services in a nondiscriminatory manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or right-of-way; and

WHEREAS, the Board finds that the public right-of-way is valuable public property acquired and maintained by the County at great expense to the taxpayers; and

WHEREAS, the Board finds that proper management of this limited resource is appropriate to maximize the long-term benefit to the public; and

WHEREAS, the Board finds that it is in the best interests of protecting the health, safety and welfare of the citizens of the County and its visitors, aesthetic concerns, and of properly managing the limited and valuable right-of-way within the County in a reasonable and nondiscriminatory manner, to amend and restate Article II of Chapter 2-28 of the Code as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set forth in, Article VIII, Section 1 of the Florida Constitution and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board relies upon the following findings in the adoption of this

Ordinance:

- A. Pursuant to Section 337.401, Florida Statutes, the Board is authorized to prescribe and enforce reasonable rules and regulations for the placing and maintaining of facilities within County right-of-way and to require that providers of communications services placing such facilities register with the County.
- B. The public right-of-way is valuable and limited public property, acquired and maintained by the County at great expense to the taxpayers.
- C. Chapter 2-28 of the Code sets forth the policies and rules regarding the placement and maintenance of facilities within County right-of-way.
- D. It is in the best interests of protecting the health, safety and welfare of the citizens of the County and its visitors, aesthetic concerns, and of properly managing the limited and valuable right-of-way within the County to adopt this restatement of Chapter 2-28 of the Code, as set forth in this Ordinance for the purposes of prescribing and enforcing reasonable rules and regulations for the placement and maintenance of facilities within County right-of-way.

Section 3. Article II of Chapter 2-28 of the Code is hereby restated as follows:

Sec. 2-28-21. Definitions.

For purposes of article II of chapter 2-28, the following words and terms shall have the following meanings:

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

Applicant means any person, firm, partnership or corporation who has submitted an application to the County for a right-of-way use permit, but has yet to be granted said permit.

As-built plans means plans depicting the actual location of a facility, other than aerial facilities, after construction as determined by actual physical measurement in the horizontal and vertical plane. Copies of directional bore logs provided by a Florida licensed engineer, surveyor or contractor including relocatable horizontal and vertical plane data shall constitute an “as-built” plan.

Base station means a structure or equipment at a fixed location that enables Federal Communications Commission-licensed or authorized wireless communications between user equipment and a communications network. Base station does not include a tower as defined below or any equipment associated with a tower. A base station includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety

services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. A base station includes, but is not limited to, radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including DAS and small-cell networks). A base station includes any structure other than a tower that, at the time the relevant application is filed with the county, supports or houses equipment described herein.

Collocation means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Communications services shall be defined as outlined in Section 202.11, Florida Statutes.

Dealer shall be defined as outlined in Section 202.11, Florida Statutes.

Distributed antenna system (“DAS”) means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

Eligible support structure means any tower or base station as defined herein which is existing at the time the relevant application is filed with the county.

Emergency repairs means work which is necessary to immediately preserve life or property of inhabitants of the county. The term shall also describe work which is needed to prevent the imminent loss of any service or to restore any service provided by a utility company.

Erosion control means the practices used to minimize soil loss and the discharge of turbid runoff in the manner set forth in the National Pollution Discharge Elimination System (NPDES) standards.

Facility means any electric transmission, telephone, telegraph, or other communications service lines; pole lines; poles; railways; ditches; sewers; water, heat or gas mains; pipelines; fences; gasoline tanks or pumps; or other structures referred to in Sections 337.401, 337.402, 337.403 and 337.404, Florida Statutes.

Licensee means a person, firm, partnership or corporation who has been granted a right-of-way permit by the county regardless of whether that permit is still valid.

Major modification means the placement or attachment of a wireless facility on an existing structure that did not previously support a wireless facility.

Manual on uniform traffic control devices (“MUTCD”) means the Federal Highway Administration Manual on Uniform Traffic Control Devices, as incorporated by reference under Florida Department of Transportation rules.

Permittee means any person, firm, partnership or corporation who holds a currently valid right-of-way use permit, said permit having been granted by the county.

Right-of-way shall be defined as outlined in Section 334.03(21), Florida Statutes.

Right-of-way manager means the staff person designated by the county administrator or his or her designee to administer this article.

Road shall be defined as outlined in Section 334.03(22), Florida Statutes.

Substantial change means a modification that changes the physical dimensions of an eligible support structure in the right-of-way in any of the following ways:

- (1) It increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
- (2) It involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- (3) It involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure;
- (4) It entails any excavation or deployment outside the current site;
- (5) It would defeat the concealment elements of the eligible support structure; or
- (6) It does not comply with conditions associated with prior approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance does not exceed the thresholds identified in (1) through (5) of this definition.

Support structure means a structure that is capable of supporting the attachment of equipment for a wireless facility.

Tower means any structure built for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services, such services to include but not be limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Transmission equipment means any equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, such services to include, but not be limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. Transmission equipment includes equipment associated with wireless communications services, such services to include, but not be limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Utility company means any electric, natural gas, telecommunications, water or wastewater company or entity regulated by the Florida Public Service Commission or any cable or satellite television company or entity regulated by the Federal Communications Commission.

Utility pole means a pole or similar structure that is used in whole or in part to provide communications services or street lighting or for electric distribution. This term does not include county-owned poles and structures, including poles or structures that are used in whole or in part for lighting, traffic control, traffic signaling, or signage.

Wireless facility means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including: (1) equipment associated with wireless communications; (2) radio transceivers, antennas, wires, coaxial or fiber optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration; and (3) DAS. This term does not include structures or improvements on, under, within or adjacent to the structure on which equipment is located.

Wireless infrastructure provider means a person certified to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment or wireless facilities or structures. This term does not include a wireless services provider.

Wireless provider means a wireless infrastructure provider or a wireless services provider.

Wireless services means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.

Wireless services provider means a person who provides wireless services.

Sec. 2-28-22. Permit required.

- (a) Before any person, corporation, partnership, association, or other entity constructs, installs, removes, relocates, or performs any work activities within, on, under or above a right-of-way, a right-of-way use permit shall first be obtained, unless such activity is specifically exempted by federal or state law or other applicable rules or codes or this article.
- (b) Permittees and licensees shall not be required to obtain separate permits for ordinary maintenance, provided that such maintenance does not impact any right-of-way.
- (c) No permit is required for a utility company to perform emergency repairs.

Sec. 2-28-23. Qualifications of permittee.

- (a) Subject to satisfaction of and compliance with the requirements of this article, permits shall be issued to the following:
 - (1) Utility companies, their agents and their contractors that apply to install, replace, repair, relocate, maintain or remove a facility;

- (2) Contractors responsible for the installation of any facility or structure subject to these regulations;
 - (3) Dealers and providers of communications services and wireless providers; and
 - (4) Other persons or entities with a legal and legitimate need to use the right-of-way, which use poses no threat to public health, safety or welfare, or the effective future use of the right-of-way.
- (b) At the time of the application, all tradespersons performing any work related to the application on behalf of the applicant who are required to possess a state license to practice, including but not limited to electricians and plumbers, shall possess a current and valid license. Proof thereof shall be required before approval of an application and issuance of any permit. County employees or contractors who perform routine maintenance work in right-of-way on behalf of the county are specifically exempt from the permit application process.

Sec. 2-28-24. Authority of right-of-way manager and county.

- (a) To the extent not otherwise prohibited by state or federal law, the county may impose reasonable rules, conditions or regulations governing the placement or maintenance of a facility in a right-of-way and shall have the power to prohibit or limit the placement of new or additional facilities within a particular area of right-of-way.
- (b) There shall be one designated right-of-way manager with plenary oversight over all matters related to the county's management of its right-of-way. The right-of-way manager is authorized to issue, deny, modify, revoke, suspend or issue with conditions a permit for right-of-way utilization or construction subject to the terms of this article. Other than a decision to grant the permit as requested by the applicant, any decision on the part of the right-of-way manager shall be communicated to the applicant in writing and shall state with specificity the reason(s) for the decision.
- (c) The right-of-way manager is hereby authorized to establish and publish all rules and regulations necessary for the interpretation, clarification and administration of this article, to the extent same are not inconsistent with the provisions of this article. The right-of-way manager is further authorized to design and publish any and all forms deemed necessary to effectively implement the provisions of this article.
- (d) For wireless facilities and support structures, the right-of-way manager has the discretion to negotiate, when appropriate, a system-wide right-of-way authorization in lieu of individualized permit applications where a provider is initially building out a wireless facilities system with five (5) or more individual and separate sites or in the case of DAS or small-cell facilities. Fees for this consolidated application shall be calculated based on the sum of the fees which would have been applicable for individual permits covering each location.
- (e) Where construction of facilities within the right-of-way is done pursuant to (1) an approved county capital improvement project, (2) any requirement of the county's Land

Development Code, (3) a development order, or (4) an agreement with the county, the right-of-way manager is authorized to waive the permitting requirement if the right-of-way manager determines that the construction project has received or shall receive full design and construction review and inspection approval that meets the minimum standards required within this article.

- (f) To the extent any county-owned facility is being constructed or relocated and the cooperation of any other governmental or nongovernmental entity is required, the county may enter into a facility location or relocation agreement, the terms of which shall govern the construction or relocation of the county facility at issue.
- (g) The Board of County Commissioners may, in its sole discretion and for good cause shown, waive any of the requirements of this article for any applicant, licensee or permittee.

Sec. 2-28-25. Permit application.

- (a) A permit may be requested by:
 - (1) Completing an application form;
 - (2) Submitting any required supporting plans or documents; and
 - (3) Paying any applicable permit fee.
- (b) A permit application shall not be deemed submitted until:
 - (1) It has been fully completed by the applicant in accordance with the requirements of this article;
 - (2) It contains all required attachments; and
 - (3) Any fee(s) due have been paid.
- (c) As part of any permit application to install, maintain or place a new facility in right-of-way or to collocate on or maintain, modify or replace an existing facility in right-of-way, the applicant shall provide the following:
 - (1) Engineering drawings signed and sealed by a Florida licensed professional engineer showing the location of the proposed installation of facilities in the right-of-way shall be to scale and show:
 - a. The offset from the centerline of the right-of-way or road to the proposed facility installation;
 - b. The road right-of-way and pavement width;
 - c. The distance from edge of pavement to the facility;
 - d. The location of all other facilities within the area of work;
 - e. The facilities to be installed and their size;
 - f. The means and methods in which the facilities shall be installed;
 - g. One or more typical cross sections to adequately reflect the location of the facility;
 - (2) A simple key map showing the location of the proposed facility;
 - (3) Information on the ability of right-of-way to accommodate the proposed facility;
 - (4) An engineer's cost estimate;

- (5) The timetable for construction of the project or each phase thereof, and the areas of the county which shall be affected; and
 - (6) Such additional information as the right-of-way manager deems reasonably necessary with respect to the costs, placement, maintenance or replacement of the facility that is the subject of the permit application to review such permit application, including but not limited to a maintenance of traffic plan to address any disruption of right-of-way.
- (d) When the right-of-way manager determines that the scope of work for any right-of-way work permit includes encroaching or impacting automobile, bicycle or pedestrian traffic, the applicant shall submit a traffic control and management plan along with the permit application. This traffic control and management plan shall comply with the standards of the Florida Department of Transportation (FDOT) Series 600 Maintenance of Traffic (MOT) or the MUTCD Typical Applications. Any proposed nonstandard MOT that does not comply with FDOT Series 600 MOT standards or MUTCD Typical Applications shall be developed and signed by a certified International Municipal Signal Association or American Traffic Safety Services Association (or other professional deemed qualified by the right-of-way manager) traffic control specialist. Specific plan requirements may be determined by the right-of-way manager, who shall have the authority to grant amendments to the plan as changing conditions of the site, project or traffic patterns may require.
- (e) Permit application forms that have been completed by anyone other than the applicant or the applicant's authorized agent shall not be accepted or reviewed. Information provided in the application, including electronic data files, shall be accurate, legible and readable.
- (f) Nothing herein shall be intended as requiring any applicant or permittee to submit plans, drawings or specifications which are deemed proprietary and for which there is no current Florida Public Records Act disclosure exemption. The applicant or permittee shall clearly mark any record it deems to be exempt from disclosure as such and shall provide with specificity the statutory provision supporting the exemption asserted.
- (g) Each applicant for a permit shall submit a nonrefundable application fee in conjunction with the submission of the permit application.

Sec. 2-28-26. Time of review for permit application.

- (a) The county's action on proposals to place, construct or modify a wireless facility shall be subject to the standards and time frames set out in Section 365.172, Florida Statutes, 47 U.S.C. 332, 47 U.S.C. 1455 and orders issued by the Federal Communications Commission, as amended.

Sec. 2-28-27. Criteria for permit issuance.

- (a) All permit applications shall comply with county Public Works Standards. Any permit applications which are non-compliant with county Public Works Standards may be denied.

- (b) The following shall apply to wireless facilities and support structures:
- (1) Upon compliance with the procedures outlined in this article, an application for the construction of a new support structure in the right-of-way shall be permitted as long as:
- a. The proposed location for the new support structure is:
 - i. Located within the boundary limits shown on Figures 1 or 2 of this article;
 - ii. Set back a minimum of twenty-five (25) feet from all traffic signal poles;
 - iii. Set back a minimum of fifteen (15) feet from any pedestrian ramps;
 - iv. Set back a minimum of five hundred (500) feet from any existing or proposed Advanced Traffic Management Systems field device;
 - v. Set back sufficiently for public safety purposes to ensure proper sight distance within sight triangles;
 - vi. Not in a location that will interfere with facilities currently in the right-of-way;
 - vii. Not in a location that is anticipated, intended or reserved for future use by the county;
 - viii. Not located directly in front of a dwelling or residential structure; and
 - ix. Located on the legal boundary line between two adjacent lots.
 - b. The new support structure does not exceed ten (10) feet higher than existing structures within a one thousand (1,000) foot radius or forty-five (45) feet above ground level, whichever is greater.
 - c. The combination of all attached antennas, including any exposed elements, could fit within an imaginary enclosure of no more than six (6) cubic feet, not exceeding two (2) feet in any horizontal direction.
 - d. All accessory equipment, auxiliary equipment, equipment boxes and equipment cabinets are mounted on the structure at least seven (7) feet above ground unless another minimum height restriction is required by other codes, rules or statutes.
- (2) Upon compliance with the procedures outlined in this article, an application for a major modification to an existing permitted and legally maintained utility pole in the right-of-way shall be permitted as long as:
- a. The utility pole is:
 - i. Set back a minimum of twenty-five (25) feet from all traffic signal poles;
 - ii. Set back a minimum of fifteen (15) feet from any pedestrian ramps;
 - iii. Set back a minimum of five hundred (500) feet from any existing or proposed Advanced Traffic Management Systems field device;
 - iv. Set back sufficiently for public safety purposes to ensure proper sight distance within sight triangles;
 - v. Not located directly in front of a dwelling or residential structure;
 - vi. Located on the legal boundary line between two adjacent lots.
 - b. The combination of all attached antennas, including any exposed elements, could fit within an imaginary enclosure of no more than six (6) cubic feet, not exceeding two (2) feet in any horizontal direction.

- c. All accessory equipment, auxiliary equipment, equipment boxes and equipment cabinets are mounted on the pole at least seven (7) feet above ground unless another minimum height restriction is required by other codes, rules or statutes.
 - d. The wireless facility does not have any type of lighted signal, lights or illuminations unless required by an applicable federal, state, or local law, regulation or rule;
 - e. The wireless facility and pole comply with any applicable county building codes in terms of design construction and installation;
 - f. The wireless facility and pole do not contain any commercial advertising thereon;
 - g. Wireless facilities are not installed on traffic signal poles; and
 - h. Wireless facilities do not utilize traffic signal fiber communication lines.
- (3) Upon compliance with the application procedures outlined in this article, any request for modification of an existing wireless tower or base station in county right-of-way that involves collocation of new transmission equipment or removal or replacement of transmission equipment shall be approved as long as the modification does not substantially change the physical dimensions of such tower or base station.

Sec. 2-28-28. Permit conditions and standards applicable to permittees.

- (a) The construction, installation, quality and placement of all installations in county right-of-way shall be in accordance with the most current county Public Works Standards and the most current FDOT Utility Accommodation Guide, insofar as those publications are not inconsistent with any other requirement of this article. All work within the right-of-way shall be performed in compliance with all applicable construction standards and laws, including but not limited to, the Trench Safety Act, Sections 553.60-553.64, Florida Statutes.
- (b) Permits may contain such provisions as the county deems reasonably necessary to protect the county and the public right-of-way.
- (c) Unless modified by the right-of-way manager, a permit shall be valid until the date set by the right-of-way manager, which date shall appear on the permit and shall not be more than one (1) year after the date of permit issuance, and apply only to the area(s) of right-of-way specifically identified in the permit. A permit shall be deemed expired after the date set by the right-of-way manager. Unless otherwise authorized by this article, permittees and their agents are expressly prohibited from performing any work upon the expiration of a permit. Prior to expiration, a permittee may request an extension of the permit. The right-of-way manager is authorized to extend a permit once for a period of no more than one (1) year. A permit from the county constitutes authorization to undertake only certain activities in accordance with this article, and does not create a property right or grant authority to impinge upon the rights of others who may have an interest in the right-of-way.

- (d) A copy of the permit shall be available for inspection at all times at the work site while work is being performed. Except as otherwise provided in this article, any work in or use of any right-of-way without a “Sunshine State One-Call” notification (for work requiring excavation) and a valid permit issued pursuant to this article is prohibited. Except as provided by this article, any work in progress in any right-of-way or use of any right-of-way without a valid permit shall be suspended until such time as a valid permit is produced on the site.
- (e) A permittee shall at all times comply with and abide by all applicable provisions of the state and federal law and county codes and regulations in placing or maintaining a facility in right-of-way. Obtaining a permit pursuant to the terms of this article does not excuse a permittee from complying with all applicable county codes and standards.
- (f) A permittee shall be required by the county to coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur in the subject right-of-way, and permittee shall be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruptions and disturbance in the right-of-way.
- (g) A permittee is authorized to make emergency repairs to facilities and must notify the right-of-way manager of same within forty-eight (48) hours of completing said repairs. The right-of-way manager may require additional or supplemental work be performed after the initial emergency repair so as to bring the facility or abutting spaces, including ditches, roads and sidewalks, up to a standard at least equal to that which existed immediately prior to the emergency repairs.
- (h) Unless otherwise provided, all roads within the limits of the permit shall be kept open to all traffic by the permittee. When approved by the right-of-way manager, traffic may be routed to an approved detour. The permittee shall keep the portion of the project being used by the public traffic, whether it is through or local traffic, in such condition that traffic shall be adequately accommodated. The permittee shall furnish, erect and maintain any barricades, warning signs, delineators, flagmen and pilot cars in accordance with the MUTCD, FDOT Design Standards, FDOT Standard Specifications for Road and Bridge Construction, and any county rules issued pursuant to this article. The permittee shall also provide and maintain in a safe condition temporary approaches or crossings and intersections with trails, roads, streets, businesses, parking lots, residences, garages and farms. The permittee shall bear all expense of maintaining the traffic over the section of road undergoing construction and of constructing and maintaining such approaches, crossings, intersections and other features as may be necessary. Materials stored at the site of the work shall be so placed as to cause no obstruction to vehicular or pedestrian traffic. No roadway shall be closed or opened except by express permission of the right-of-way manager or other authorized public agency having jurisdiction. Any permitted road closures shall be in accordance with the prevailing county highway and drainage standards.
- (i) During the time the permittee is actively engaged in construction, installation or maintenance, the permittee shall be solely responsible for erosion control and stormwater

runoff maintenance, so as not to adversely affect the flow of stormwater through existing drainage facilities, the health and safety of the general public, and the use or enjoyment of any real property.

- (j) All permittees and their contractors shall at all times obey any lawful order of either the right-of-way manager or any law enforcement officer related to permittee's presence on or activities within or along public roads. Failure to do so may result in the revocation or suspension of the permit for violation of this section.
- (k) All wireless facilities shall be placed and maintained so as not to:
 - (1) Interfere unreasonably with the public's use of the right-of-way;
 - (2) Cause unreasonable interference with the rights and convenience of property owners who adjoin any of the public rights-of-way;
 - (3) Interfere, displace, damage or destroy any other utilities, including but not limited to, water mains, sanitary sewers, storm drains, electrical equipment, gas mains, pipes, cables or conduits of the county or any other utility lawfully occupying the public right-of-way; and
 - (4) Create interference with the operations of public safety wireless services.
- (l) All owners of facilities in the right-of-way shall provide an annual "system certification" to the right-of-way manager which certifies and identifies whether each facility is currently being used ("active facility") or not currently being used or has no current tenant or client ("dark facility").

Sec. 2-28-29. Inspection and enforcement.

- (a) At least forty-eight (48) hours prior to beginning any maintenance or permitted work, the permittee shall notify the right-of-way manager as to when the work shall commence. Within forty-eight (48) hours after completion of any maintenance or permitted work, the permittee shall notify the right-of-way manager that maintenance or the permitted work has ended. Upon final inspection of work, any and all items found not to be in compliance with this article or the terms of the permit shall be promptly corrected by the permittee.
- (b) A permittee may be required to re-excavate, expose or take other reasonable measures necessary to allow for inspection of work.
- (c) Completed work shall be accepted by the county as complying with the permit provided all conditions are met including the submittal of as-built drawings signed and sealed by a Florida licensed engineer or surveyor. As-built information shall include vertical and horizontal data, in state plane coordinates, of all underground facilities constructed or adjusted. In the event pneumatic missiling or air forced drilling is employed excavation shall be done to locate the vertical and horizontal location of underground facilities constructed or adjusted at least every five (5) feet longitudinally along said facility. Directional drill logs are an acceptable form of as-built location data submittal. If the engineering drawings provided require revision based upon actual installation, the permittee shall promptly provide revised engineering drawings.

- (d) Pursuant to Section 162.21(2), Florida Statutes, the right-of-way manager is designated as a code enforcement officer and is authorized to designate subordinate right-of-way inspectors as code enforcement officers. Such designated personnel, in addition to the authority provided to them under this article, shall have the authority to issue citations for violations of this article to the full extent permitted by law. Personnel so designated shall not begin exercising this citation authority prior to the completion of any training or qualification requirements established by the county or as required by law. Enforcement procedures and sanctions for such citations shall be as provided by county code and permitted under Chapter 162, Florida Statutes.

Sec. 2-28-30. Working hours.

- (a) Unless otherwise noted in the permit, work authorized by a permit shall be conducted between 7:00 a.m. and 7:00 p.m., Monday through Saturday. Any deviation from these hours requires prior approval from the right-of-way manager. Emergency repairs are excluded from any working hours restriction. Notwithstanding the foregoing, water tie-ins shall be permitted to be conducted during nighttime hours whenever possible.

Sec. 2-28-31. Restoration and cleanup.

- (a) The permittee shall ensure that all monuments, section corners and property marks shall be protected and perpetuated.
- (b) Where any work disturbs the area the permittee shall insure that the area is completely restored, at least to the condition which existed at the time before work began, regardless of whether the area disturbed is within or outside of the right-of-way. Sod and shrubbery that is removed or destroyed shall be replaced with equal types and sizes. Grassing and mulching operations shall begin immediately after construction or installation, or as soon as reasonably possible. All trees and shrubbery within the right-of-way damaged or disturbed during construction shall be replaced by the permittee at its expense, as directed by the right-of-way manager. Any plantings outside the right-of-way damaged or disturbed during construction shall be replaced to the reasonable satisfaction of the property owner. All debris and waste material shall be removed daily by the permittee at its expense.
- (c) Any damage or injury to any road, street, or highway by reason of the exercise of the privileges granted pursuant to a right-of-way permit shall be repaired to a condition at least equal to that which existed immediately prior to the infliction of such damage or injury.
- (d) Existing known facilities that are damaged, destroyed or temporarily removed by the permittee shall be replaced or repaired at the sole expense of the permittee, at the direction of the owner, in the manner prescribed in Chapter 556, Florida Statutes.
- (e) The permittee shall ensure that work site cleanup and property restoration follows construction and installation operations as soon as reasonably possible. Daily trenching shall be coordinated to provide a minimum overnight trench opening. Site maintenance,

along with ongoing cleanup and final property restoration, shall be subject to the direction and approval of the right-of-way manager.

Sec. 2-28-32. Warranty and maintenance.

- (a) Permits shall be issued on the condition that the permittee shall guarantee all repair and restoration work performed under the terms of the permit for a period of two (2) years from the date of completion of final work as certified on the permit by the county inspector.
- (b) Any failure of repair or restoration shall be remedied by the permittee within five (5) days (or such longer period the right-of-way manager may approve given the scale and scope of work) unless, in the opinion of the right-of-way manager, the urgency of the failure requires immediate action to protect public health or safety.
- (c) Any failure of or damage to any facility in any county right-of-way which, in the opinion of the right-of-way manager, poses a hazard to the traveling public or an impediment to other work in the right-of-way, shall be repaired by the permittee or licensee of said facility, at the direction of the right-of-way manager.
- (d) Permittees and licensees shall perpetually maintain their installed facilities in accordance with applicable industry standards.

Sec. 2-28-33. Fees.

- (a) The Board of County Commissioners may adopt, modify or rescind a fee schedule for any fees related to this article. Such action may be by resolution or otherwise. The right-of-way manager shall ensure the most current fee schedule is published and shall, at a minimum, ensure same is posted in electronic form accessible to the public.
- (b) County employees or contractors performing work in right-of-way on behalf of the county are specifically exempt from the payment of any application fees or permit fees for such work.
- (c) Any plans submitted by applicants and permittees under this article shall be provided at no cost to the county.
- (d) Fees for permit extensions granted by the right-of-way manager shall be half the fee of the original permit.

Sec. 2-28-34. Bonding.

- (a) Prior to the issuance of a permit pursuant to this article, the applicant shall post with the county, a surety bond in an amount as shall be determined by the right-of-way manager, so as to protect the county against loss in the event of failure of the permittee to complete the work or make required repairs or restoration. The bond amount will normally be determined based on a licensed engineer's or contractor's estimate of the market value of

the work to be performed and the materials to be installed, and copies of such estimates shall be provided to the county by the applicant. Except as set forth in subsection (c) below, a separate bond will be required for each permit issued. The content, form and manner of execution of each such bond is subject to the approval of the right-of-way manager. The county may, in its discretion, promulgate a standard form of acceptable bond.

- (b) The bond shall be released to the permittee upon the expiration of the guarantee period. The guarantee period shall be for two (2) years following completion of the initial installation. The release of the bond shall not relieve the permittee of its perpetual maintenance and upkeep obligations as set forth in this article.
- (c) For those applicants who routinely perform work in county rights-of-way, an annual blanket surety bond, in an amount to be negotiated by the applicant and the right-of-way manager, may be posted to avoid the inconvenience and expense of obtaining individual bonds for each permit application.
- (d) On all bonds posted pursuant to this section, the surety shall be rated A or better by Best's Key Guide, latest edition. If the surety on any bond furnished is declared bankrupt or becomes insolvent or its right to do business in the State of Florida is terminated, the permittee shall, within five (5) days thereafter, substitute another bond and surety, both of which must be acceptable to the right-of-way manager.
- (e) In lieu of the bond required by this section, an applicant may deposit with the county an alternative form of security in the form of cash, a money order, a certified check, a cashier's check or an irrevocable letter of credit. Any such alternative form of security shall be for the same purpose and be subject to the same conditions as those applicable to the bond required by this section. The determination of the appropriateness of and the value of an alternative form of security shall be made by the right-of-way manager.

Sec. 2-28-35. Revocation, suspension and termination.

- (a) Both the right-of-way manager and any county code enforcement officer shall have the right to order a work site secured and closed until a proper permit copy is obtained and available on site. Persons or entities violating any site-securing order shall be in violation of this article and subject to maximum code enforcement fines and penalties allowed by law. The right-of-way manager is authorized to revoke or suspend the permit(s) of any permittee failing to assist in ensuring its agents refrain from working in or on any site closed and secured under this article.
- (b) Unless otherwise prohibited by law, the right-of-way manager may revoke or suspend a permit at any time, or may demand immediate repair or restoration work for any violation of the requirements of this article or other ordinance, or for any condition within the permitted area which poses a threat to the health, safety, or welfare of the general public. Where a permittee fails to adequately restore a site or otherwise fails to address site conditions posing a significant danger to the public health or safety, the county may also

take all lawful measures, at its own initial expense, to affect the restoration or remediate the unsafe condition.

- (c) In the event a facility owner fails to initiate the work necessary to alleviate interference after receipt of written notice from the right-of-way manager pursuant to Section 337.403, Florida Statutes, the right-of-way manager may issue an order authorizing removal, relocation or both of the facility by the county.
- (d) An applicant's or permittee's failure to comply with provisions of this article shall constitute a violation of this article and shall subject the applicant or permittee to the penalties provided by this article and any other applicable law or regulation and revocation or suspension of the permit.
- (e) Upon termination of a permit, no further work may be performed.
- (f) Failure of the county or right-of-way manager to enforce any requirement of this article or of any permit on one or more occasions shall not constitute a waiver of the county's right to otherwise enforce that requirement or to seek compliance with that requirement.

Sec. 2-28-36. Appeal.

- (a) Decisions rendered by the right-of-way manager shall be appealable first to the county engineer or deputy director of engineering services, and then by requesting a hearing before a special magistrate, and thereafter as permitted by Florida law.

Sec. 2-28-37. Registration.

- (a) Any provider of communications services that places or seeks to place facilities in county roads or right-of-way is required to register with the right-of-way manager and to provide the following information:
 - (1) The name of the registrant;
 - (2) The name, address, and telephone number of a contact person for the registrant;
 - (3) The number of the registrant's current certificate of authorization issued by the Florida Public Service Commission or the Federal Communications Commission; and
 - (4) Proof of insurance or self-insuring status adequate to defend and cover claims.
- (b) Upon registering and providing the above information, a provider of communications services shall be deemed licensed pursuant to this article and Section 125.42, Florida Statutes. If the certificate of registration issued by the Department of Revenue to a provider of communications services that has registered with the county is revoked for any reason, the right-of-way manager shall be notified of same within thirty (30) days by the registered provider of communications services.

Sec. 2-28-38. Licensing and licensees.

- (a) The right-of-way manager shall have the authority to issue licenses on behalf of the county pursuant to Section 125.42, Florida Statutes. Providers of communications services shall be automatically issued a license upon compliance with the registration requirement of this article.
- (b) Licensees shall be governed by the provisions of Section 125.42, Florida Statutes.
- (c) Pursuant to Section 337.403, Florida Statutes, if a facility that is placed upon, under, over or within the right-of-way limits of any public road is found by the right-of-way manager to be unreasonably interfering in any way with the convenient, safe or continuous use or the maintenance, improvement, extension, or expansion of such public road, the facility owner shall upon thirty (30) days' written notice from the right-of-way manager initiate the work necessary to alleviate the interference at the facility owner's expense unless otherwise permitted by law. The work shall be completed within such reasonable time as stated in the notice or such time as agreed to by the right-of-way manager and the facility owner. This requirement applies to all such improvements, extensions or expansions, whether constructed directly by the county or through a public-private agreement, or by virtue of a duly adopted development order or development agreement, so long as the purpose of the road facility is deemed by the county to be for the public benefit.
- (d) A licensee is authorized to make emergency repairs to facilities and must notify the right-of-way manager of same within forty-eight (48) hours of completing said repairs. The right-of-way manager may require additional or supplemental work be performed after the initial emergency repair so as to bring the facility or abutting spaces, including ditches, roads and sidewalks, up to a standard at least equal to that which existed immediately prior to the emergency repairs.
- (e) Where a licensee's work in the right-of-way is related to an individual customer service connection (a drop), the right-of-way manager is authorized to consult with the licensee and to thereafter establish and publish uniform maximum distance and construction standards within which a licensee may perform non-permitted work on a drop. However, where a licensee performs such work, the licensee shall provide notice of the work to the right-of-way manager in a form and manner prescribed by the right-of-way manager. To the extent work on a drop exceeds, by distance, construction technique, or both, any maximum standards established, all permitting requirements shall apply, with the exception that where controlling customer service standards or other exigent circumstances dictate, the drop permit may be obtained after the fact. Additionally, permitting and notice requirements shall not apply to aerial drops, nor to underground drops where (1) such drops do not cross or begin beneath any paved portion of the right-of-way and (2) trenching is at a right angle to any such paving.

Section 4. The publisher of this County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 1 into the Code.

Section 5. If any clause, phrase, provision, section or sentence of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 6. This Ordinance shall take effect immediately upon filing with the Department of State.

DULY ADOPTED, with a quorum present and voting, this _____ day of March, 2017.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____
Deputy Clerk

