

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-31.006
 RULE TITLE: Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders

PURPOSE AND EFFECT: The Board proposed the rule amendment to remove the sunset provision.

SUMMARY: To update the rule language removing the sunset provision.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.033(1)(g), (j) 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2400 Mahan Drive, Tallahassee, FL 32308; (850)521-0500 or by electronic mail, ZRaybon@fbpe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.

(1) through (2) No Change.

~~(3) No later than December 31, 2024, the Board shall review and consider amendment, modification, or repeal of this rule if review determines this rule creates barriers to entry for private business competition, is duplicative, outdated, obsolete, overly burdensome, or imposes excessive costs.~~

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History—New 1-26-93, Formerly 21H-31.006, Amended 10-19-97, 1-4-16, 8-22-21, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 25, 2024

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: 62-257.200, 62-257.301, 62-257.400, 62-257.900
 RULE TITLES: Definitions, Notification Procedure and Fee, Fee Schedule, Form

PURPOSE AND EFFECT: The purpose of proposed amendments is to revise Chapter 62-257 (“Asbestos Program”) to correct and clarify language to align with federal regulations and simplify the fee schedule.

SUMMARY: The proposed rule amendments address Florida’s Asbestos Program. The proposed rule amendments revise Rules 62-257.200 and 62-257.301, F.A.C., to update and revise definitions; delete unnecessary definitions, simplify the fee schedule; offer a discounted fee if electronic payment is made at the time of electronic notification submittal using the Department’s Business Portal; incorporate the updated Notice of Demolition or Asbestos Renovation Form; and make clarifying and corrective amendments consistent with 40 CFR Part 61, Subpart M, the National Emissions Standard for Asbestos. Rules 62-257.400 and 62-257.900, F.A.C., will be repealed as the revised form and simplified fee will be incorporated into Rule 62-257.301, F.A.C. The proposed revisions to the Notice of Demolition or Asbestos Renovation Form (DEP Form 62-257.900(1)) are available on the Department’s Air Regulatory Projects website (<https://floridadep.gov/air/air-business-planning/content/air-regulatory-projects>).

OTHER RULES INCORPORATING RULE 62-257.200, F.A.C.: 62-257.301

EFFECT ON THOSE OTHER RULES: There will be the intended effect on other rules.

OTHER RULES INCORPORATING RULE 62-257.301, F.A.C.: 62-257.400

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

OTHER RULES INCORPORATING RULE 62-257.400, F.A.C.: 62-257.301

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

OTHER RULES INCORPORATING RULE 62-257.900, F.A.C.: 62-204.800 and 62-257.301

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

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: revision of these rules will not have an adverse impact or increase regulatory costs on any entity.

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.

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: 376.60, 403.061, F.S.

LAW IMPLEMENTED: 376.60, 403.061, 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: Preston McLane, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone: (850)717-9041. E-mail: Preston.McLane@FloridaDEP.gov

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap or

marital status. Persons who require special accommodations under the Americans with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP's Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

62-257.200 Definitions.

The following definitions are used to implement Chapter 62-257, F.A.C. Definitions that reference 40 C.F.R. Part 61, Subpart M, are adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(1) No change.

(2) "Asbestos Consultant" means a person licensed as an asbestos consultant in the state of Florida, who offers to, undertakes to, submits a bid to, or does, individually or by employing others, conduct surveys for asbestos-containing materials, develop operation and maintenance plans, monitor and evaluate asbestos abatement, prepare asbestos abatement specifications, or perform related tasks.

(3) "Asbestos Contractor" means a person licensed as an asbestos contractor in the state of Florida who is qualified and responsible for the contracted project and who offers to, undertakes to, submits a bid to, or does, individually or by employing others, remove, encapsulate, or enclose asbestos-containing materials or dispose of asbestos-containing waste in the course of activities including, but not limited to, construction, renovation, maintenance, or demolition.

~~(4)(2) "Asbestos-containing materials;" means Regulated Asbestos-Containing Material, Category I Nonfriable Asbestos-Containing Material, or Category II Nonfriable Asbestos-Containing Material ACM, means any materials which contain more than one percent asbestos as determined by Polarized Light Microscopy.~~

(3) renumbered (5) No change.

~~(6)(4) "Category I Nonfriable Asbestos-Containing Material (ACM)" means asbestos-containing packings, gaskets, resilient floor covering, and asphalt roofing products containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart E F, 40 C.F.R. Part 763, Section 1, Polarized Light Microscopy.~~

~~(7)(5) "Category II Nonfriable ACM" means any material, excluding Category I Nonfriable ACM, containing more than 1 percent asbestos as determined using the methods specified in Appendix A, Subpart E F, 40 C.F.R. Part 763, Section 1, Polarized Light Microscopy, that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.~~

(6) through (8) renumbered (8) through (11) No change.

~~(12)(9)~~ “Facility” means any institutional, commercial, public, industrial, or residential structure, installation, or building (including any structure, installation, or building containing condominiums or individual dwelling units operated as a residential cooperative, but excluding residential buildings having four or fewer dwelling units); any ship; and any active or inactive waste disposal site. For purposes of this definition, any building, structure, or installation that contains a loft used as a dwelling is not considered a residential structure, installation, or building. Any structure, installation or building that was previously subject to 40 C.F.R. 61, Subpart M, is not excluded, regardless of its current use or function, is as defined in 40 C.F.R. 61.141, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(13) “Facility component” means any part of a facility including equipment.

~~(14)(10)~~ “Friable Asbestos Material” means any material containing more than 1 percent asbestos as determined using the method specified in Appendix A, Subpart E, 40 C.F.R. Part 763 Section 1, Polarized Light Microscopy that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure. If the asbestos content is less than 10 percent as determined by a method other than point counting by Polarized Light Microscopy (PLM), verify the asbestos content by point counting using PLM.

(15) “Installation” means any building or structure or any group of buildings or structures at a single demolition or renovation site that are under the control of the same owner or operator (or owner or operator under common control).

(11) through (12) renumbered (16) through (17) No change.

(18) “Notification” or Notice” means Notice of Renovation or Demolition Form, DEP Form Number 62-257.900(1) as adopted and incorporated in Rule 62-257.301, F.A.C.

(13) through (16) renumbered (19) through (22) No change.

~~(23)(17)~~ “Regulated Asbestos-Containing Material (RACM)” means:

(a) through (c) No change.

(d) Category II nonfriable ACM that has become crumbled, pulverized, or reduced to powder or has a high probability of becoming crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation operations regulated by 40 C.F.R. Part 61, Subpart M, as adopted in Rule 62-204.800, F.A.C. ~~this chapter~~

(24) “Residential exemption” means an asbestos removal, renovation, or demolition project exempt from the survey and notification requirements of this chapter. This exemption

applies to a residential building having no more than four dwelling units. This exemption does not apply to

(a) any institutional, commercial, public, or industrial structure;

(b) any installation;

(c) any structure or building (including a residential building) demolished as part of a larger project;

(d) any structure or building used partly for residential purposes and partly for commercial, public, or industrial use;

(e) any structure or building containing condominiums or individual dwelling units operated as a residential cooperative (since this meets the definition of “facility”); or

(f) any structure or building that previously met the definition of a “facility,” regardless of its present use.

(25) “Resilient floor covering” means asbestos-containing floor tile, including asphalt and vinyl floor tile, and sheet vinyl floor covering containing more than 1 percent asbestos as determined using polarized light microscopy (PLM) according to the method specified in Appendix E, Subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy.

~~(18) “Residential dwelling” means any structure or building intended to house a single family, or a residential building having no more than four dwelling units. This term is not intended to include any institutional, commercial, public, or industrial structure, installation or building, any structure or building being demolished as part of a public project, regardless of its previous use, function or ownership, or any building, structure or installation being used partly for residential purposes and partly for commercial, public or industrial use.~~

(19) renumbered (26) No change.

(27) “Survey” means the process of inspecting a facility or installation for the presence of asbestos-containing materials to determine the amount, location, and condition of asbestos-containing materials prior to transfer of property, renovation, demolition, or maintenance projects which may disturb asbestos-containing materials.

~~(28)(20)~~ “Threshold amount of regulated asbestos-containing material” means at least 260 linear feet (80 linear meters) on pipes, or at least 160 square feet (15 square meters) on other facility components, or at least 35 cubic feet (1 cubic meter) of off facility components where the length or area could not be measured previously.

(21) renumbered (29) No Change.

Rulemaking Authority 376.60, 403.061 FS. Law Implemented 376.60, 403.061 FS. History—New 3-31-94, Formerly 17-257.200, Amended 11-23-94, 2-9-99, _____.

62-257.301 Notification Procedure and Fee.

(1) Survey Required. The owner or operator of a renovation or a demolition at a facility must complete a survey of the affected facility or part of the facility where the demolition or

~~renovation operation will occur for the presence of asbestos before commencing the planned renovation or demolition. The asbestos survey must be conducted by a licensed asbestos consultant, except as provided at Section 469.002, F.S. The notice requirements of Chapter 62-257, F.A.C., Asbestos Program, apply to each owner or operator of a renovation of a facility involving the removal of a threshold amount of regulated ACM or any demolition of a facility regardless of whether or not asbestos is present and to each owner or operator of the site for a renovation of a facility involving the removal of a threshold amount of regulated ACM or any demolition of a facility regardless of whether or not asbestos is present.~~

~~(2) Survey not Required. The owner or operator of a renovation or demolition is not required to conduct a survey if: If a notice is required per subsection 62-257.301(1), F.A.C., the timely submittal of a completed "Notice of Demolition or Asbestos Renovation" form, as promulgated under subsection 62-257.900(1), F.A.C., or an electronically generated facsimile thereof, is required.~~

~~(a) The total project size is less than:~~

~~1. Two hundred sixty (260) linear feet (eighty (80) linear meters) on pipes;~~

~~2. One hundred sixty (160) square feet (Fifteen (15) square meters) of other facility components; or~~

~~3. Thirty-five (35) cubic feet (One (1) cubic meter) of facility components where the length or area could not be measured previously.~~

~~(b) The renovation or demolition project qualifies for the "residential exemption" defined in 62-257.200, F.A.C.~~

~~(3) Notification Required. The owner or operator of a renovation or demolition at a facility is required to submit the "Notice of Renovation or Demolition Form" (Form 62-257.900(1)), electronically through the Department's Business Portal at <http://www.fldepportal.com/go>, effective xxx, 2024, or by hardcopy, herein adopted and incorporated by reference, effective xxx, 2024, (link), to the Local Air Program or where there is no delegated Local Air Program, to the Department's District Office having jurisdiction over the facility. Copies of the form and instructions may be obtained by writing to the State Asbestos Coordinator, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. The form is also available on the internet at www.floridadep.gov/air or at the Department's District Offices or at Local Air Program offices.~~

~~(a) The notice will be complete when the owner or operator legibly provides all the information requested on the Department's form, and must include a copy of the survey required by subsection 62-257.301(1), F.A.C.; If applicable, the additional information required by 40 C.F.R. 61.145(b), adopted and incorporated by reference in Rule 62-204.800,~~

~~F.A.C., for ordered demolitions or emergency renovation operations must also be attached.~~

~~(b) No change.~~

~~(3) through (5) renumbered (c) through (e) No change.~~

~~(f) Notification Exemptions. The owner or operator of a renovation or demolition is not required to submit a "Notice of Renovation or Demolition Form" if:~~

~~1. The renovation or demolition project meets the definition of "residential exemption"; or~~

~~2. The renovation involves less than the threshold amount of regulated asbestos-containing material.~~

~~(g) Fee Required. Except as noted in paragraph 62-257.301(3)(h), F.A.C., each asbestos removal project fee shall be calculated in accordance with the following fee schedule~~

~~1. Electronic Submittal through the Department's Business Portal with concurrent electronic payment: \$100.00 Flat Fee~~

~~2. Electronic Submittal through the Department's Business Portal with no concurrent electronic payment: \$200.00 Flat Fee~~

~~3. Hard Copy Submittal of Florida DEP Asbestos Notification Form, DEP Form 62-257.900(1): \$200.00 Flat Fee~~

~~(h)(6) Fee Exemptions. Except in the following situations, The owner or operator of an asbestos removal project is not required to shall pay a fee to the Department under the following circumstances calculated pursuant to Rule 62-257.400, F.A.C., Fee Schedule.~~

~~1.(a) The asbestos removal project involves Department's fee requirements are not applicable to schools, colleges, or universities, or to a residential dwelling as defined in Rule 62-257.200, F.A.C.~~

~~(b) The Department's fee requirements are not applicable to those persons otherwise exempted from licensure under Section 469.002(4), F.S.~~

~~2.(e) The Department's fee requirements are not applicable if the county in which the asbestos removal project is located in Broward, Hillsborough, Miami-Dade, Orange, Palm Beach, Pinellas, or Sarasota counties; and is not at a county-owned facility collects a fee for providing asbestos notification and inspection services according to 40 C.F.R. 61, Subpart M, adopted and incorporated by reference in Rule 62-204.800, F.A.C. In this circumstance, the owner or operator will be invoiced by the local program office according to their local fee schedule.~~

~~(d) The fee to be paid by a small business, as small business is defined in Section 288.703, F.S., shall not exceed \$300.00. Rulemaking Authority 376.60, 403.061 FS. Law Implemented 376.60, 403.061 FS. History—New 3-31-94, Formerly 17-257.301, Amended 11-23-94, 3-24-96, 2-9-99, 10-12-08, _____.~~

62-257.400 Fee Schedule.

~~Rulemaking Authority 376.60 FS. Law Implemented 376.60 FS. History—New 3-31-94, Formerly 17-257.400, Amended 11-23-94, 2-9-99, Repealed _____.~~

62-257.900 Form.

Rulemaking Authority 376.60, 403.061 FS. Law Implemented 376.60, 403.061 FS. History—New 3-31-94, Formerly 17-257.900, Amended 11-23-94, 2-9-99, 10-12-08, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Preston McLane
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Shawn Hamilton
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 07, 2024
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 7, 2024

Section III

Notice of Changes, Corrections and Withdrawals

NONE

Section IV

Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF ENVIRONMENTAL PROTECTION
RULE NOS.:RULE TITLES:
62-6.005Location and Installation
62-6.008System Size Determinations
62-6.009Alternative Systems
62-6.014Construction Standards for Drainfield Systems
62-6.026Applications for Innovative System Permits and System Construction Permits
62-6.028Location and Installation
NOTICE IS HEREBY GIVEN that on December 09, 2024, the Department of Environmental Protection, received a petition for variance that is revised (Petition) pursuant to Section 120.542, Florida Statutes, from Geomatrix Systems LLC (Geomatrix). The Petition seeks an additional 24-month variance from subsection 62-6.005(2), subsection 62-6.008(5), subsection 62-6.009 (3), paragraphs 62-6.009 (3)(d), 62-6.009(3)(f), 62-6.009(3)(e), subsection 62-6.014(5), paragraph 62-6.014(5)(b), 62-6.014(5)(g), subsection 62-6.026(1), subsection 62-6.028(3), and 62-6.0028(4)), Florida

Administrative Code, which relate to sizing subsurface and mound drainfields, mound shoulder and setback requirements, construction standards for drainfield systems, innovative system permit application standards, and performance-based treatment system requirements. Geomatrix is incorporated in Connecticut, with its principal business address located at 114 Mill Rock Road East, Old Saybrook, CT 06475. The revised Petition was assigned OGC No. 24-1639.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Debby Tipton, telephone: (850)245-8629, e-mail: Debby.Tipton@floridaDEP.gov, Department of Environmental Protection, Division of Water Resource Management, Onsite Sewage Program, Mail Station 3596, 2600 Blair Stone Road Tallahassee, Florida 32399; during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

Public participation is solicited without regard to race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status. Persons who require special accommodations under the American with Disabilities Act (ADA) or persons who require translation services (free of charge) are asked to contact DEP’s Limited English Proficiency Coordinator at (850)245-2118 or LEP@FloridaDEP.gov at least ten (10) days before the meeting. If you have a hearing or speech impairment, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Beaches and Coastal Systems
RULE NOS.:RULE TITLES:

62B-33.002 Definitions
62B-33.0051 Coastal Armoring and Related Structures
NOTICE IS HEREBY GIVEN that on December 05, 2024, the Department of Environmental Protection, received a petition for variance or waiver pursuant to section 120.542, F.S. from Roy Link. The petition requested a variance from subsections 62B-33.002(12), 62B-33.002(39), 62B-33.002(59), subparagraph 62B-33.0051(1)(a)1., and subsection 62B-33.0051(4), F.A.C., to meet eligibility requirements for construction of armoring. The property is located at 2002 Sea Palm Court, Vero Beach, FL 32963. The petition has been assigned OGC #24-3061.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Douglas Aarons, Florida Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3522, Tallahassee, Florida 32399-2400; telephone (850)245-7672; e-mail Douglas.Aarons@floridadep.gov, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday,