## Attachment 21: Florida Administrative Code Rules Regarding Notice

[62-110.106(5), (8) & (9), Florida Administrative Code](https://www.flrules.org/gateway/readFile.asp?sid=0&tid=2209677&type=1&file=62-110.106.doc)

(5) Notices: General Requirements. Each person who files an application for a Department permit or other approval may publish or be required to publish a notice of application or other notice as set forth below in this section. Except as specifically provided otherwise in this paragraph, each person publishing such a notice under this section shall do so at his own expense in the legal advertisements section of a newspaper of general circulation (i.e., one that meets the requirements of Sections 50.011 and 50.031 of the Florida Statutes) in the county or counties in which the activity will take place or the effects of the Department’s proposed action will occur, and shall provide proof of the publication to the Department within seven days of the publication. For federally enforceable general permits approved by the Department for air operations, however, notice of a draft permit shall be published in the Florida Administrative Weekly, in accordance with 40 C.F.R. sec. 70.7(h)(1). In addition to the provisions of this section, other specific requirements for notices are as follows: notices for variances and waivers are governed by Rule 62-110.104, F.A.C., notices for federally enforceable air operation permits are governed by Rule 62-210.350, F.A.C., notices for exemptions from water quality criteria are governed by paragraph 62-4.243(1)(a), F.A.C., those for exemptions for water bodies classified for navigation, utility, and industrial use are governed by paragraph 62-4.243(2)(a), F.A.C., notices for exemptions from the limitations imposed on mixing zones are governed by paragraph 62-4.244(1)(c), F.A.C., notices for general permits are generally governed by subsection 62-4.530(5), F.A.C., notices on site-specific alternative criteria are governed by subparagraph 62-302.800(4)(c)7., F.A.C., notices for “noticed general permits” in the environmental resource permitting program are governed by paragraphs 62-343.090(1)(d)-(e), (2)(c), and (2)(h)-(j), F.A.C., notices on permits for underground injection wells are governed by Rule 62-528.315, F.A.C., notices on wastewater facility permits are governed by Rule 62-620.550, F.A.C., notices for general permits for solid waste transfer stations are governed by subsection 62-701.801(7), F.A.C., and notices (including the federal requirement for such notice to be broadcast over one or more local radio stations) for hazardous waste permits are governed by subsections 62-730.220(9) and (11), F.A.C.

 (8) Notice of Proposed Agency Action (Non-permitting). On a matter other than a permit application, the Department or any applicant, petitioner for a variance or waiver, party to a consent order, or person seeking the Department’s authorization or approval of a report, plan, proposal, or other request (excluding any request for hearing) may publish or be required to publish notice of the proposed action in substantially the following format:

State of Florida Department of Environmental Protection Notice of Proposed Agency Action

The Department of Environmental Protection gives notice that it proposes [insert phrase describing the agency action proposed (e.g., to approve a consent order)] in reference to [a description and location of the subject matter or activity covered by the action, the Department’s identification number, and the name and address of any person to whom the action is directed]. Complete copies [of any document and accompanying material expressing the proposed agency action] are available for public inspection during normal business hours 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at [name and address of office].

[Insert the language setting forth the notice of rights, as provided in paragraph (12) of this rule, below, except that references in that notice to deadlines of fourteen days shall be replaced by references to twenty-one days.]

(9) Proof of Publication. Notice to substantially affected persons on applications for Department permits or other authorizations is an essential and integral part of the state environmental permitting process. Therefore, no application for a permit or other authorization for which published notice is required shall be granted until proof of publication of notice is made by furnishing a uniform affidavit in substantially the form prescribed in Section 50.051 of the Florida Statutes, to the office of the Department issuing the permit or other authorization. Applicants for hazardous waste permits must also comply with subsection 62-730.220(11), F.A.C.

##