

(2) For transfer of a certification, the following shall apply ~~modifications pursuant to Section 403.511(5), F.S.:~~

(a) A transfer of certification of all or part of a certified facility shall be initiated by the licensee's filing written notification, including a completed Notice of Intent to Transfer Certification Form (DEP Form No. 62-17.211(1)), adopted and incorporated by reference herein (link), (effective date), with the department and each agency listed in section 403.507(2)(a) and (b), F.S., of its intent to transfer the certification to a new licensee. The licensee's written notification shall identify the time period for objections specified in paragraph 62-17.211(2)(b), F.A.C. In accordance with Section 403.511(5)(a), F.S., if new rules are adopted which prescribe new or stricter criteria which are applicable to the certified electrical power plant, the certification holder must operate the certified electrical power plant in accordance with such rules unless variances or other relief have been granted.

(b) The agencies identified in paragraph 62-17.211(2)(a), F.A.C., shall have 30 days to file any written objections with the department upon receipt of the written notification and form. If, in accordance with Section 403.511(5)(b), F.S., any holder of a certification pursuant to this Part chooses to operate the certified electrical power plant in compliance with any rules subsequently adopted by the department which prescribe criteria more lenient than the criteria required by the terms and conditions in the certification which are not site specific, the certification holder shall notify the department prior to modifying its method of operation.

(c) The transfer shall be approved unless the department objects to the transfer on the grounds of the inability of the new licensee to comply with the conditions of certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a section 120.57, F.S., administrative hearing. A copy of the department's action on the transfer of certification shall be sent to all agencies identified in paragraph 62-17.211(2)(a), F.A.C.

(3) ~~A transfer of certification of all or part of a certified facility shall be initiated by the licensee's filing with the department and the parties a notice of intent to transfer certification to a new licensee. The notice of intent shall identify the intended new certification holder or licensee and the identity of the entity responsible for compliance with the certification. Parties shall have 30 days to file in writing with the department any objections to transfer of the certification. Upon the filing with the department of a written agreement from the intended new licensee to abide by all conditions of certification and applicable laws and regulations, the transfer shall be approved unless the department objects to the transfer on the grounds of the inability of the new licensee to comply with the conditions of certification, specifies in writing its reasons therefore, and gives notice and opportunity to petition for a Section 120.57,~~

~~F.S., administrative hearing. A copy of the department's action on the transfer of certification shall be sent to all parties.~~

(4) ~~For modifications in relation to federally delegated or approved permit programs, pursuant to Section 403.516(1)(b), F.S., the department shall modify a certification order and conditions of certification to conform to any subsequent department issued amendments, modifications or renewals of any separately issued prevention of significant deterioration (PSD) permit, Title V Air Operation permit, National Pollutant Discharge Elimination System (NPDES) permit, or any other permit for the certified electrical power plant issued by the department under a federally delegated or approved permit program so long as no state rule exists which conflicts or is more stringent than the provisos of the federal permits. Pursuant to Section 403.516(1)(b)2., F.S., if the matter has been previously noticed under the requirements for the relevant federally delegated or approved permit program, notice is not required for the modification. However, if the matter has not been previously noticed under the requirements for the relevant federally delegated or approved permit program, notice is required for the modification pursuant to Section 403.516(1)(c)2., F.S.~~

Rulemaking Authority 403.504(1) FS. Law Implemented 403.511(5), 403.516 FS. History—New 5-7-74, Amended 12-27-77, Formerly 17-17.17, Amended 5-9-83, Formerly 17-17.211, Amended 2-1-99, 2-13-08, 5-9-13, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Ann Seiler

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Noah Valenstein

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/08/2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/22/2020

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-213.202	Responsible Official
62-213.420	Permit Applications
62-213.440	Permit Content
62-213.900	Forms and Instructions

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule (NPR) is to revise Chapter 62-213, F.A.C., to clarify language in Rule 62-213.202, F.A.C., regarding "Primary Responsible Official" and its use on the notification form, revise the Responsible Official Notification Form to add instructions, adopt and incorporate by reference the Statement of Compliance Form and Responsible Official Notification Form in the rules where they are referenced, clarify monitoring and related recordkeeping and reporting requirements, repeal



rule section 62-213.900, F.A.C., and remove obsolete references to the federal Clean Air Interstate Rule (CAIR).

SUMMARY: The proposed rule amendments address Operation Permits for Major Sources of Air Pollution.

OTHER RULES INCORPORATING RULE 62-213.202, F.A.C.: 62-213.900, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-213.420, F.A.C.: 62-4.090, 62-110.107, 62-204.800, 62-210.200, 62-210.300, 62-213.405, 62-213.412, 62-213.415, 62-213.430, 62-213.440, 62-214.320, 62-214.360, 62-214.430, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-213.440, F.A.C.: 62-213.405, 62-213.412, 62-213.420, 62-213.900, 62-214.420, F.A.C.

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

OTHER RULES INCORPORATING RULE 62-213.900, F.A.C.: 62-213.202, 62-213.440, F.A.C.

EFFECT ON THOSE OTHER RULES: There will be the intended 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.

RULEMAKING AUTHORITY: 403.061, 403.087, 403.0872, FS.

LAW IMPLEMENTED: 403.061, 403.087, 403.0872, 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@Floridadepr.gov](mailto:Cindy.Phillips@Floridadepr.gov)

#### THE FULL TEXT OF THE PROPOSED RULE IS:

##### 62-213.202 Responsible Official.

(1) Each Title V source must identify a responsible official on each application for Title V permit, permit revision, and permit renewal. For Title V sources with only one responsible official, the permit application form may be used to this is how the Title V source designates the responsible official. However, when a change in responsible official is needed other than at the time of permit application, a Title V Source with only one responsible official shall submit the Responsible Office Notification (DEP Form No. 62-213.202), herein adopted and incorporated by reference (link), (effective date), to change the responsible official.

(2) Each Title V source may designate more than one responsible official, provided a primary responsible official is designated on the Responsible Office Notification (DEP Form No. 62-213.202), as responsible for the certifications of all other designated responsible officials. Any action taken by the primary responsible official shall take precedence over any action taken by any other designated responsible official.

(3) Any facility initially designating more than one responsible official or changing the list of responsible officials must submit to the permitting authority a Responsible Official Notification ~~Form (DEP Form No. 62-213.202) (DEP Form No. 62-213.900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C.)~~ designating all responsible officials for a Title V source, stating which responsible official is the primary responsible official, and providing an effective date for any changes to the list of responsible officials and reason(s) for any replacements. Any previously-designated responsible official that is not included in the most recently submitted form will no longer be considered by the permitting authority or compliance authority to be a responsible official. Each individual listed on the Responsible Official Notification Form must meet the definition of responsible official given at Rule 62-210.200, F.A.C.

(4) Each individual listed on the Responsible Official Notification (DEP Form No. 62-213.202), must meet at least one of the responsible official qualifications listed on the form. The qualifications are based on the definition of "Responsible Official" given at Rule 62-210.200, F.A.C. A Title V source with only one responsible official shall submit DEP Form No. 62-213.900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C., for a change in responsible official.

(5) No person shall take any action as a responsible official at a Title V source unless designated a responsible official as required by this rule, ~~except that the existing responsible~~



~~official of any Title V source which had a change in responsible official during the term of the permit and before the effective date of this rule may continue to act as a responsible official until the first submittal of DEP Form No. 62-213.900(3), adopted and incorporated by reference at Rule 62-213.900, F.A.C., or the next application for Title V permit, permit revision or permit renewal, whichever comes first.~~

(6) The completed Responsible Official Notification (DEP Form No. 62-213.202), may be submitted electronically, but must be submitted to the department's district office or contracted local program office that is the identified permitting authority for the Title V source.

Rulemaking Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.061, 403.0872 FS. History—New 6-2-02, Amended 6-29-11,\_\_\_\_\_.

#### 62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and subsections 62-4.050(1) through (3), F.A.C.

(a) Timely Application.

1. through 3. No change.

~~4. For purposes of the CAIR Part form (DEP form number 62-210.900(1)(b)), a timely application is one that is submitted as follows.~~

~~a. For a CAIR unit covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department by May 1, 2008. The form shall be submitted as part of a Title V permit revision application.~~

~~b. For a CAIR unit not covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department prior to the unit commencing operation. The form shall be incorporated into the Title V permit upon issuance of an initial, revised, or renewal Title V permit, whichever comes first.~~

~~c. A CAIR Part form shall be submitted simultaneously with any Title V permit renewal application for a CAIR source.~~

(b) Complete Application.

1. No change.

2. The application shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a certified application for permit, permit revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or for permit renewal, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program ~~and CAIR Program~~, until the conclusion of proceedings associated

with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3., F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to subparagraphs 62-213.420(1)(b)3., F.A.C.

3. through 5. No change.

(2) through (5) No change.

~~(6) CAIR Part Form. For a source subject to the CAIR Program, there shall be included in the Title V permit application a certified CAIR Part form (DEP form number 62-210.900(1)(b)) that contains requirements concerning all CAIR units at the CAIR source for which the application is submitted, in the format prescribed by DEP form number 62-210.900(1)(b)).~~

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08, 3-11-10,\_\_\_\_\_.

#### 62-213.440 Permit Content.

(1) Standard Permit Requirements. Each permit issued under this chapter shall incorporate all applicable requirements for the Title V source and for each method of operation proposed by the applicant and approved by the Department. Each such permit shall include all emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements, with citation to the Department's rule authority for each term or condition, and identification of any difference in form from the applicable requirement upon which the term or condition is based. However, when there are multiple, redundant, or conflicting applicable requirements, these provisions can be reduced to a single streamlined term or condition that is the most stringent of the multiple applicable requirements. In addition, the Department shall label permit terms or conditions "not federally enforceable" consistent with 40 CFR 70.6(b)(2), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Emissions units or pollutant-emitting activities within a Title V source determined to be insignificant pursuant to subsection 62-213.430(6), F.A.C., shall be identified. Whenever any condition or requirement of a Title V permit is added, changed, or deleted during the term of the permit, any such previous condition shall be documented with the permit for the duration of the term and any such new or changed condition shall include a condition effective date.

(a) No change.

(b) Monitoring and Related Recordkeeping and Reporting Requirements.



1. through 2. No change.

3. Each permit shall incorporate reporting requirements as follows:

a. The permittee shall monitor compliance with the terms and conditions of this permit and shall submit reports ~~Submittal of reports of any required monitoring~~ at least every 6 months. Each semi-annual report shall cover the 6-month periods of January 1 – June 30 and July 1 – December 31. The reports shall be submitted by the 60<sup>th</sup> day following the end of each calendar half (i.e., March 1<sup>st</sup> and August 29<sup>th</sup> of every year). All instances of deviations from permit requirements (including conditions in the referenced Appendices) must be clearly identified in such reports. If there are no deviations during the reporting period, the report shall indicate no deviation.

b. Reporting, in accordance with requirements of subsection 62-210.700(5) ~~62-210.700(6)~~ and Rule 62-4.130, F.A.C., of deviations from permit requirements, including those attributable to upset conditions as defined in the permit. Reports shall include the probable cause of such deviations, and any corrective actions or preventive measures taken.

c. No change.

(c) Emission Allowances. The Acid Rain Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Federal Acid Rain Program. ~~The CAIR Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the CAIR Program.~~ The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program ~~or the CAIR Program~~, provided that such increases do not require a permit revision pursuant to Rule 62-213.400, F.A.C. ~~Each CAIR Part incorporates every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> or CAIR NO<sub>x</sub> ozone season allowance to or from the compliance account of the CAIR source covered by the permit, upon recording by the Administrator.~~

2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program ~~or the CAIR Program~~.

3. Allowances shall be accounted for under the Federal Acid Rain Program ~~or the CAIR Program~~.

4. ~~Each CAIR Part incorporates the definitions of terms under 40 CFR 96.102, 96.202, and 96.302, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

(d) No change.

(2) No change.

(3) Statement of Compliance.

(a) For each applicable requirement, the permit shall contain:

1. No change.

2. A requirement that the source submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C. Such statements shall be accompanied by certification in accordance with subsection 62-213.420(4), F.A.C., for Title V requirements, and with Rule 62-214.350, F.A.C., for Acid Rain requirements, ~~and with Rule 62-296.470, F.A.C., for CAIR Program requirements.~~ Such statement shall be submitted (postmarked) to the Department and EPA:

a. through b. No change.

3. In lieu of requiring a responsible official to individually identify all applicable requirements and specify times of compliance with, noncompliance with, and deviation from each, a provision that a responsible official may use the Statement of Compliance Form (DEP Form No 62-213.440) ~~DEP Form No. 62-213.900(2), herein~~ adopted and incorporated by reference (link), (effective date) at Rule 62-213.900, F.A.C., as such statement of compliance so long as the responsible official specifically identifies all reportable deviations from and all instances of non-compliance with any applicable requirements and includes all information required by the federal regulation relating to each reportable deviation and instance of non-compliance.

(b) No change.

(4) Periodic Monitoring.

(a) No change.

(b) Monitoring performed pursuant to any of the following satisfies periodic monitoring for that applicable requirement:

1. through 4. No change.

~~5. CAIR Program requirements for which monitoring requirements are established pursuant to 40 CFR Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History–New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, 3-16-08, 3-11-10, 6-29-11, \_\_\_\_\_.

62-213.900 Forms and Instructions.

Rulemaking Authority 403.061 FS. Law Implemented 403.0872 FS. History–New 12-21-92, Amended 11-25-93, Formerly 17-213.900, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 2-24-99, 1-3-01, 6-2-02, 4-14-03, 10-12-08, 6-29-11, 12-31-13, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ashley Kung



NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Noah Valenstein  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 12/08/2020  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 10/22/2020

## DEPARTMENT OF HEALTH

### Board of Dentistry

RULE NOS.: RULE TITLES:

64B5-2.013 Florida Dental Examinations

64B5-2.0135 Dental Hygiene Examination

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the rules based on 2020 legislation (HB 713).

SUMMARY: The rules will be updated based on 2020 legislation (HB 713).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

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

RULEMAKING AUTHORITY: 456.017(1)(b), 466.004(4), 466.006(5)(a) FS.

LAW IMPLEMENTED: 456.017(1)(b), (2), 466.006(4), 466.006(5)(a), 466.007 466.009 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: Jessica Sapp, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08,

Tallahassee, Florida 32399-3258 or  
 Jessica.Sapp@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 64B5-2.013 Dental Examination.

Each applicant applying for a Florida dental license is required to complete the examinations as provided for in Section 466.006, F.S. The Florida examinations for dentistry shall consist of a Written Examination, a Practical or Clinical Examination and a Diagnostic Skills Examination. All three examinations will be conducted in English. Applicants for examination or re-examination must have taken and successfully completed ~~Part I and Part II~~ of the National Board of Dental Examiners dental examination.

(1) Practical or Clinical Examination:

(a) No change.

~~(b) The ADEX shall be administered in the State of Florida and shall be graded by Florida licensed dentists.~~

~~(b)(e)~~ All parts of the ADEX ~~ADLEX~~ shall be completed within eighteen (18) months from the initial start of any portion of the examination. A failure to complete all parts of the examination within eighteen (18) months will require the applicant to retake the entire examination.

~~(c)(d)~~ Each part of the ADEX ~~ADLEX~~ shall be completed with a grade of at least seventy-five (75%) percent.

~~(d)(e)~~ Provided the Board of Dentistry maintains representation on the Board of Directors of the American Board of Dental Examiners, Inc., and the Examination Development Committee of the American Board of Dental Examiners Inc., the practical or clinical examination procedures, standards, and criteria of the ADEX ~~ADLEX~~ are approved.

~~(e)(f)~~ If any portion of the clinical or practical portion of the ADEX ~~ADLEX~~ exam was completed in a jurisdiction other than Florida, applicants must comply with the applicable provisions of Sections 466.006(4)(b)3. and 466.006(6), F.S., Rules 64B5-2.0150 and 64B5-2.0152, F.A.C.

~~(f)(g)~~ No change.

(2) No change.

Rulemaking Authority 456.017(1)(b), 466.004(4), 466.006(5)(a) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.006(5)(a), 466.009 FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08, 6-28-09, 8-25-10, 5-8-12, 2-25-15, \_\_\_\_\_.

#### 64B5-2.0135 Dental Hygiene Examination.

(1) Practical or Clinical Examination:

(a) Currently, the Florida practical or clinical examination is the Dental Hygiene Examination developed by the American