

STATE OF FLORIDA

COMMISSIONERS:
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GARY F. CLARK



OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

October 4, 2017

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

HAND DELIVERY

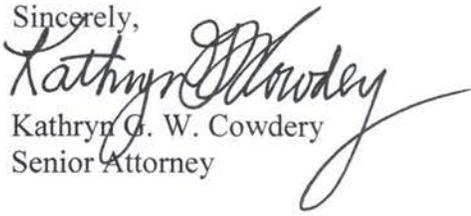
Re: Docket No. 20170163-OT; Rules 25-22.017, Rulemaking Proceeding – Adoption; 25-22.039, Intervention; 25-22.060, Motion for Reconsideration of Final Orders; and 25-40.001, Exceptions to the Uniform Rules of Procedure, Florida Administrative Code.

Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rules:

1. A copy of the proposed rules.
2. There are no materials incorporated by reference in the proposed rules.
3. A copy of the F.A.R. notices.
4. A statement of facts and circumstances justifying the proposed rules.
5. A federal standards statement.
6. Statement of Estimated Regulatory Costs for the rules.

If there are any questions with respect to these rules, please do not hesitate to call me at 413-6216.

Sincerely,

Kathryn G. W. Cowdery
Senior Attorney

RECEIVED-FPSC
2017 OCT -4 PM 12: 51
COMMISSION CLERK

RECEIVED
2017 OCT -4 AM 11: 4
JOINT ADMINISTRATIVE PROCEDURES COMMITTEE

Enclosures
cc: Office of Commission Clerk

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25-22.017 Rulemaking Proceeding - Adoption.

~~(1) At a public meeting, the Commission shall consider the record, the proposed rule, timely exceptions to the presiding officer's final recommended version, if permitted, and the recommendation of the presiding officer. The Commission may also question staff and other persons as part of its deliberations prior to adopting, rejecting or modifying the proposed rule.~~

~~(2) Oral argument and petitions for reconsideration are not appropriate to the rulemaking process. However, any interested person may petition the Commission after a rule is adopted or amended, for initiation of rulemaking proceedings pursuant to Rule 28-103.006, F.A.C., to amend or otherwise modify the adopted rule or amendment.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 120.525, 120.54(3) FS. History—New 12-21-81, Amended 10-25-83, Formerly 25-22.17, Amended 5-3-99. Repealed.

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 **25-22.039 Intervention.**

2 ~~Persons, other than the original parties to a pending proceeding, who have a substantial~~
3 ~~interest in the proceeding, and who desire to become parties may petition the presiding officer~~
4 ~~for leave to intervene. Petitions for leave to intervene must be filed at least five (5) days before~~
5 ~~the final hearing, must conform with Uniform subsection 28-106.201(2), F.A.C., and must~~
6 ~~include allegations sufficient to demonstrate that the intervenor is entitled to participate in the~~
7 ~~proceeding as a matter of constitutional or statutory right or pursuant to Commission rule, or~~
8 ~~that the substantial interests of the intervenor are subject to determination or will be affected~~
9 ~~through the proceeding. Intervenors take the case as they find it.~~

10 *Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS.*

11 *History—Formerly 25-2.34, Amended 12-21-81, Formerly 25-22.39, Repealed*

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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

1 **25-22.060 Motion for Reconsideration of Final Orders.**

2 (1) Scope and General Provisions.

3 (a) Any party to a proceeding who is adversely affected by an order of the Commission
4 may file a motion for reconsideration of that order. The Commission will not entertain any
5 motion for reconsideration of any order that disposes of a motion for reconsideration.

6 Petitions for reconsideration are not authorized in the rulemaking process, and the
7 Commission will not entertain any motion for reconsideration on the adoption, repeal, or
8 amendment of a rule.

9 (b) A party may file a response to a motion for reconsideration and may file a cross motion
10 for reconsideration. A party may file a response to a cross motion for reconsideration.

11 (c) A final order shall not be deemed rendered for the purpose of judicial review until the
12 Commission disposes of any motion and cross motion for reconsideration of that order, but
13 this provision does not serve automatically to stay the effectiveness of any such final order.
14 The time period for filing a motion for reconsideration is not tolled by the filing of any other
15 motion for reconsideration.

16 (d) Failure to file a timely motion for reconsideration, cross motion for reconsideration, or
17 response, shall constitute waiver of the right to do so.

18 ~~(e) A motion for reconsideration of an order adopting, repealing, or amending a rule shall~~
19 ~~be treated by the Commission as a petition to adopt, repeal, or amend a rule under Section~~
20 ~~120.54(7), F.S. and Rule 28-103.006, F.A.C.~~

21 (2) Contents. Any motion or response filed pursuant to this rule shall contain a concise
22 statement of the grounds for reconsideration, and the signature of counsel, if any.

23 (3) Time. A motion for reconsideration of a final order shall be filed within 15 days after
24 issuance of the order. A response to a motion for reconsideration or a cross motion for
25 reconsideration shall be served within 7 days of service of the motion for reconsideration to

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from existing law.

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which the response or cross motion is directed. A response to a cross motion for reconsideration shall be served within 7 days of service of the cross motion.

Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS.

History—New 12-21-81, Amended 10-4-84, Formerly 25-22.60, Amended 7-11-96, 1-1-07.

25-40.001 Exceptions to the Uniform Rules of Procedure.

The following provisions of the Commission's rules are exceptions to the uniform rules of procedure:

UNIFORM RULE	COMMISSION RULE THAT IS AN EXCEPTION
CHAPTER 28-102, F.A.C. AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS	Rule 25-22.0021, F.A.C. Agenda Conference Participation.
CHAPTER 28-102, F.A.C. – AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS AND CHAPTER 28-106, F.A.C. – DECISIONS DETERMINING SUBSTANTIAL INTERESTS	Rule 25-22.0022, F.A.C. Oral Argument Rule.
Rule 28-102.001, F.A.C. Notice of Public Meeting, Hearing, or Workshop.	Rule 25-22.001, F.A.C. Notice of Meeting or Workshop.
Subsection 28-102.002(2), F.A.C. Agenda of Meetings, Hearings, and Workshops.	Rule 25-22.002, F.A.C. Agenda of Meetings.
CHAPTER 28-103, F.A.C. RULEMAKING	Rule 25-22.017, F.A.C. Rulemaking Proceeding – Adoption.
CHAPTER 28-106, F.A.C. DECISIONS DETERMINING SUBSTANTIAL INTERESTS	Rule 25-22.006, F.A.C. Confidential Information. Rule 25-22.029, F.A.C. Point of Entry Into Proposed Agency Action Proceedings. Rule 25-22.0376, F.A.C. Reconsideration of Non-Final Orders. Subsections 25-22.0406(7)-(8) , F.A.C. Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies. Subsections 25-22.0407(8) and (10) , F.A.C. Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities. Rule 25-22.060, F.A.C. Motion for Reconsideration of Final Orders.
Rule 28-106.205, F.A.C. Intervention.	Rule 25-22.039, F.A.C. Intervention.
Rule 28-106.208, F.A.C. Notice of Hearing.	Rule 25-22.029, F.A.C. Point of Entry into PAA Proceeding. Rule 25-22.0405, F.A.C. Notices of Hearings.
Rule 28-106.212, F.A.C. Subpoenas.	Rule 25-22.045, F.A.C. Subpoenas.
CHAPTER 28-107, F.A.C. LICENSING	Rule 25-22.075, F.A.C. Transmission Line Permitting Proceedings. Rule 25-22.080, F.A.C. Electrical Power Plant Permitting Proceedings.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS: RULE TITLES:

25-22.017 Rulemaking Proceeding – Adoption

25-22.039 Intervention

25-22.060 Motion for Reconsideration of Final Orders

PURPOSE AND EFFECT: To repeal Rule 25-22.017, F.A.C., as obsolete and unnecessary to the implementation of Section 120.54, FS; to repeal Rule 25-22.039, F.A.C., Intervention, and replace it with Rule 28-106.205, F.A.C., the Uniform Rule of Procedure on Intervention; and to amend Rule 25-22.060, F.A.C., to delete obsolete language referencing repealed Uniform Rules of Procedure chapters 28-103 and 28-107, FS, and to clarify that motions for reconsideration are not appropriate in rulemaking proceedings.

Docket No. 20170163-OT

SUMMARY: Rule 25-22.017, F.A.C., is repealed as obsolete and unnecessary to implementation of Section 120.54 FS. Rule 25-22.039, F.A.C., is repealed and replaced with Uniform Rule of Procedure 28-106.205, F.A.C. Rule 25-22.060, F.A.C., is amended to delete obsolete reference to repealed Uniform Rule of Procedure chapters 28-103 and 28-107, F.A.C., and to clarify that motions for reconsideration are not appropriate in rulemaking proceedings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment and repeals will not have an adverse impact on economic growth, business competitiveness, or small business.

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: based upon the information contained in the SERC.

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: 350.01(7), 350.127(2) FS.

LAW IMPLEMENTED: 120.525, 120.54(3), 120.569, 120.57 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: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-22.017 Rulemaking Proceeding - Adoption.

Rulemaking Authority 350.127(2) FS. Law Implemented 120.525, 120.54(3) FS. History—New 12-21-81, Amended 10-25-83, Formerly 25-22.17, Amended 5-3-99. Repealed.

25-22.039 Intervention.

Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History—Formerly 25-2.34, Amended 12-21-81, Formerly 25-22.39, Repealed.

25-22.060 Motion for Reconsideration of Final Orders.

(1) Scope and General Provisions.

(a) Any party to a proceeding who is adversely affected by an order of the Commission may file a

motion for reconsideration of that order. The Commission will not entertain any motion for reconsideration of any order that disposes of a motion for reconsideration. Petitions for reconsideration are not authorized in the rulemaking process, and the Commission will not entertain any motion for reconsideration on the adoption, repeal, or amendment of a rule.

(b) through (d) No change.

~~(e) A motion for reconsideration of an order adopting, repealing, or amending a rule shall be treated by the Commission as a petition to adopt, repeal, or amend a rule under Section 120.54(7), F.S. and Rule 28-103.006, F.A.C.~~

(2) through (3) No change.

Rulemaking Authority 350.01(7), 350.127(2) FS. Law Implemented 120.569, 120.57 FS. History—New 12-21-81, Amended 10-4-84, Formerly 25-22.60, Amended 7-11-96, 1-1-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G. W. Cowdery

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2017

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 125, June 28, 2017.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE:

25-40.001 Exceptions to the Uniform Rules of Procedure

PURPOSE AND EFFECT: To delete reference to Uniform Rules of Procedure Chapters 28-103 and 28-107, FS, and to delete Rule 25-22.039, F.A.C., from the list of exceptions because it has been repealed.

Docket No. 20170163-OT

SUMMARY: Rule 25-40.001, F.A.C., is amended to delete reference to Uniform Rules of Procedure Chapters 28-103 and 28-107, F.A.C., because those chapters are repealed and to delete Rule 25-22.039, F.A.C., from the list of exceptions because it has been repealed.

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 been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business.

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: based upon the information contained in the SERC.

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: 120.54(5)(a)3. FS.

LAW IMPLEMENTED: 120.54(5)(a)3. 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: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-40.001 Exceptions to the Uniform Rules of Procedure.

The following provisions of the Commission's rules are exceptions to the uniform rules of procedure:

UNIFORM RULE	COMMISSION RULE THAT IS AN EXCEPTION
CHAPTER 28-102, F.A.C. AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS	Rule 25-22.0021, F.A.C. Agenda Conference Participation.
CHAPTER 28-102, F.A.C. – AGENDA AND SCHEDULING OF MEETINGS AND WORKSHOPS AND CHAPTER 28-106, F.A.C. – DECISIONS DETERMINING SUBSTANTIAL INTERESTS	Rule 25-22.0022, F.A.C. Oral Argument Rule.
Rule 28-102.001, F.A.C. Notice of Public Meeting, Hearing, or Workshop.	Rule 25-22.001, F.A.C. Notice of Meeting or Workshop.
Subsection 28-102.002(2), F.A.C. Agenda of Meetings, Hearings, and Workshops.	Rule 25-22.002, F.A.C. Agenda of Meetings.
CHAPTER 28-103, F.A.C. RULEMAKING	Rule 25-22.017, F.A.C. Rulemaking Proceeding—Adoption.
CHAPTER 28-106, F.A.C. DECISIONS DETERMINING SUBSTANTIAL INTERESTS	Rule 25-22.006, F.A.C. Confidential Information.

	<p>Rule 25-22.029, F.A.C. Point of Entry Into Proposed Agency Action Proceedings. Rule 25-22.0376, F.A.C. Reconsideration of Non-Final Orders. Subsections 25-22.0406(7)-(8) , F.A.C. Notice and Public Information on General Rate Increase Requests by Electric, Gas and Telephone Companies. Subsections 25-22.0407(8) and (10) , F.A.C. Notice of and Public Information for General Rate Increase Requests by Water and Wastewater Utilities. Rule 25-22.060, F.A.C. Motion for Reconsideration <u>of Final Orders.</u></p>
<p>Rule 28-106.205, F.A.C. Intervention.</p>	<p>Rule 25-22.039, F.A.C. Intervention.</p>
<p>Rule 28-106.208, F.A.C. Notice of Hearing.</p>	<p>Rule 25-22.029, F.A.C. Point of Entry into PAA Proceeding. Rule 25-22.0405, F.A.C. Notices of Hearings.</p>
<p>Rule 28-106.212, F.A.C. Subpoenas.</p>	<p>Rule 25-22.045, F.A.C. Subpoenas.</p>
<p>CHAPTER 28-107, F.A.C. LICENSING</p>	<p>Rule 25-22.075, F.A.C. Transmission Line Permitting Proceedings. Rule 25-22.080, F.A.C. Electrical Power Plant Permitting Proceedings.</p>

Rulemaking Authority 120.54(5)(a)3. FS. Law Implemented 120.54(5)(a)3. FS. History—New 4-28-99, Amended 3-28-07, 9-28-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn G. W. Cowdery
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2017
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 125, June 28, 2017.

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Rule 25-22.017, F.A.C., Rulemaking Proceeding – Adoption, is repealed because it is obsolete to the extent that it refers to Uniform Rule 28-103.006, F.A.C., which has been repealed. Further, Rule 25-22.017, F.A.C., is unnecessary for implementation of Section 120.54, F.S., because Section 120.54, F.S., addresses the specific procedural requirements that are followed by the Commission for rule adoptions.

Rule 25-22.039, F.A.C., Intervention, is repealed and replaced with the Uniform Rule of Procedure Rule 25-106.205, F.A.C., Intervention, because the provisions in the Uniform Rule are better aligned with hearing procedure at the Commission. The Uniform Rule provides that, except for good cause shown, motions for leave to intervene must be filed at least 20 days before the final hearing, rather than 5 days before hearing as was required in Rule 25-22.039, F.A.C. The 20-day time period should allow intervenors more time prior to hearing and therefore more meaningful participation in the proceeding. In addition, the Uniform Rule is advantageous in that it provides specifically for a 7-day time period for filing a response in opposition to a motion to intervene; provides that a presiding officer may impose terms and conditions on the intervenor to limit prejudice to parties; provides specifically what information a motion to intervene shall contain; and provides that specifically-named persons whose substantial interests are being determined may become a party by entering an appearance and need not request leave to intervene.

Rule 25-22.060, F.A.C., Motion for Reconsideration of Final Orders, is amended to delete the provision that a motion for reconsideration of a final order will be treated as a petition

to adopt, repeal or amend a rule under Section 120.54(7), F.S., and Rule 28-103.106, F.A.C. This provision is obsolete because Rule 28-103.106, F.A.C., has been repealed. In addition this provision is unnecessary to implementation of Section 120.54, F.S., because Section 120.54(7), F.S., gives the specific requirements to be followed for a person to petition an agency to adopt, amend, or repeal a rule. Rule 25-22.060, F.A.C., is amended to clarify that petitions for reconsideration are not authorized in the rulemaking process, and the Commission will not entertain any motion for reconsideration on the adoption, repeal, or amendment of a rule.

Rule 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure, is amended to delete reference to the Uniform Rule of Procedure Chapters 28-103 and 28-107, F.A.C., and Rule 25-22.039, F.A.C., all of which are repealed.

STATEMENT ON FEDERAL STANDARDS

There are no federal standards for these rules.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 26, 2017

TO: Kathryn G.W. Cowdery, Senior Attorney, Office of the General Counsel

FROM: Suzanne M. Ollila, Economic Analyst, Division of Economics *S.M.O.*

RE: Statement of Estimated Regulatory Costs for Proposed Repeal of Rules 25-22.017 and 25-22.039 and for Proposed Amendments to Rule 25-0.600 and 25-40.001, Florida Administrative Code (F.A.C.)

The purpose of the recommended rulemaking is to repeal two rules and to amend two rules. Rule 25-22.017, F.A.C., Rulemaking Proceeding - Adoption, would be repealed as obsolete and unnecessary to the implementation of Section 120.54, Florida Statutes (F.S.). Rule 25-22.039, F.A.C., Intervention, would be repealed and the Commission would follow the Uniform Rule of Procedure Rule 28-106.205, F.A.C. Rule 25-22.060, Motion for Reconsideration for Final Orders, would be amended to delete paragraph (1)(e) as obsolete and unnecessary for the implementation of Section 120.54, F.S. Rule 25-40.001, F.A.C., Exceptions to the Uniform Rules of Procedure, would be amended to remove Chapters 28-103, F.A.C., Rulemaking, and 28-107, F.A.C., Licensing, from the list of Uniform Rules because those chapters are repealed. If Rule 25-22.039, F.A.C., Intervention, is repealed, Rule 25-40.001, F.A.C. would be amended to remove Rule 25-22.039, F.A.C.

The attached SERC addresses the considerations required pursuant to Section 120.541, F.S. No workshop was requested in conjunction with the recommended rule revisions. No regulatory alternatives were submitted pursuant to paragraph 120.541(1)(a), F.S. None of the impact/cost criteria established in paragraph 120.541(2)(a), F.S., will be exceeded as a result of the recommended revisions.

FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS
Chapter 25-22.017, 25-22.039, 25-22.060, and 25-40.001, F.A.C.

1. Will the proposed rule have an adverse impact on small business?
[120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?
[120.541(2)(a)1, F.S.]

Economic growth Yes No

Private-sector job creation or employment Yes No

Private-sector investment Yes No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?
[120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes No

Productivity Yes No

Innovation Yes No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis:

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

Anyone who wants to be involved in a proceeding where intervention is an issue will be required to comply with the rule.

(2) A general description of the types of individuals likely to be affected by the rule.

Regulated electric, gas, telecommunications, and water and wastewater entities as well as any potential party to a proceeding.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

None. The rule will only affect the Commission.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule.

[120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities:
[120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.
[120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- No regulatory alternatives were submitted.
- A regulatory alternative was received from
 - Adopted in its entirety.
 - Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.