### STATE OF FLORIDA

COMMISSIONERS: ART GRAHAM, CHAIRMAN JULIE I. BROWN DONALD J. POLMANN GARY F. CLARK ANDREW GILES FAY



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

# **Public Service Commission**

February 16, 2018

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

HAND DELIV

Re: Docket No. 20170263-TP; Rule 25-4.511, F.A.C., Application for Certificate and Rule 25-4.512, F.A.C., Application for Approval of Sale or Transfer of Certificate

Dear Mr. Plante:

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

- 1. A copy of the proposed rules.
- 2. A copy of all materials incorporated by reference in the proposed rules.
- 3. A copy of the F.A.R. notices.
- A statement of facts and circumstances justifying the proposed rules. 4.
- 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 413-6214.

Sincerely,

Pamela H. Page

Senior Attorney

Enclosures

Office of Commission Clerk cc:

1	25-4.511 Application for Original or Transfer of Pay Telephone Certificate.
2	(1) In order Any person desiring to provide pay telephone service services, must have a
3	pay telephone service certificate or transfer of certificate must be granted by the Florida Public
4	Service Commission.
5	(2) Each An applicant shall apply by using submit an application on Form PSC 1021
6	(1/18) PSC/TEL 32 (2/13), entitled "Application Form for Original Authority or Transfer of
7	Authority to Provide Pay Telephone Service In Within the State of Florida.;" The application
8	which is incorporated into this rule by reference and may be obtained from the Commission's
9	website at <a href="http://www.floridapsc.com/telecommunication/TelecomPATSApplication">http://www.floridapsc.com/telecommunication/TelecomPATSApplication</a>
10	www.floridapse.com/utilities/telecomm/ or from the Office of Industry Development and
11	Market Analysis Telecommunications. Such form may also be accessed at the Department of
12	State website at: [Dept. of State Hyperlink]
13	http://www.flrules.org/Gateway/reference.asp?No=Ref-02213. A non-refundable application
14	or transfer fee of \$250.00 must accompany the filing of each application to cover processing
15	costs. The Commission's acceptance of the application fee does not imply that the application
16	or transfer of a certificate will be granted all applications.
17	(3) Certificates authorizing pay telephone service shall not be transferred by the holder
18	without prior Commission approval.
19	(4)(3) An original and one copy of Tthe application shall be filed with the Office of
20	Commission Clerk.
21	(4) Any pay telephone service authority previously granted or granted hereafter is subject
22	to the following:
23	(a) Authority granted is statewide.
24	(5)(b) Authority is to provide both local and intrastate toll pay telephone service. A
25	certificate to provide pay telephone service does not carry with it the authority to provide local
	CODING: Words <u>underlined</u> are additions; words in <del>struck through</del> type are deletions from existing law.

1	exchange or interexchange service. A separate application must be made for such authority to
2	provide this service.
3	Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.3375
4	FS. History-New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06, 5-29-
5	08, 2-7-13, Formerly 25-24.511,
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CODING: Words  $\underline{\text{underlined}}$  are additions; words in  $\underline{\text{struck through}}$  type are deletions from existing law.

1	25-4.512 Application for Approval of Sale or Transfer of Certificate.
2	(1) Certificates of authority or necessity authorizing pay telephone service shall not be
3	sold, assigned or transferred by the holder without prior Commission approval.
4	(2) A person seeking to obtain a certificate from a sale or transfer from the holder shall
5	submit an application jointly with the certificate holder on Commission Form PSC/TEL 32
6	(2/13), entitled "Application Form for Authority to Provide Pay Telephone Service Within th
7	State of Florida." The application form may be obtained from the Commission's website at
8	www.floridapsc.com/utilities/telecomm/ or from the Office of Telecommunications. Such
9	form may also be accessed at the Department of State website at:
10	http://www.flrules.org/Gateway/reference.asp?No=Ref-02214. A nonrefundable application
11	fee of \$250.00 must accompany the filing of all applications to cover processing costs. The
12	Commission's acceptance of the application fee does not imply that the application for sale or
13	transfer of a certificate will be granted.
14	(3) An original and one copy of the application shall be filed with the Office of
15	Commission Clerk.
16	(4) An application for sale or transfer of a certificate will be granted if the Commission
17	determines that such approval is in the public interest.
18	(5) A certificate may be sold or transferred only as a whole.
19	Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, <del>364.337,</del> 364.3375,
20	364.345 FS. History-New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, 2-7-13, Formerly 25-
21	24.512, <u>Repealed</u> .
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25	

# FLORIDA PUBLIC SERVICE COMMISSION

# OFFICE OF INDUSTRY DEVELOPMENT AND MARKET ANALYSIS

APPLICATION FOR ORIGINAL AUTHORITY
OR TRANSFER OF AUTHORITY
TO PROVIDE
PAY TELEPHONE SERVICE
IN THE STATE OF FLORIDA

# INSTRUCTIONS

This form should be used as the application for an original certificate to provide authority and approval of transfer or sale of an existing pay telephone certificate (from a Florida certificated company to a non-certificated company). In the case of a transfer, the information shall be provided by the transferee. If you have other questions about completing the form, call **(850) 413-6600**.

Print or type all responses to each item requested in the application. If an item is not applicable, please explain. All questions must be answered. If unable to answer the question in the allotted space, please continue on a separate sheet.

Once completed, submit the **original and one copy** of this form along with a **non-refundable** fee of \$250.00 to:

Florida Public Service Commission Office of Commission Clerk 2540 Shumard Oak Blvd. Tallahassee, Florida 32399-0850 (850) 413-6770

# **APPLICATION**

This	s is an application for (check one):
	Original certificate (new company).
	Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate rather than apply for a new certificate.
Plea	ase provide the following:
1.	Full name of company (including fictitious name, etc. that must match identically what is on file with the Florida Department of State, Division of Corporations registration):
2.	The Florida Secretary of State corporate registration number:
3.	F.E.I. Number:
4.	Structure of organization:
	company will be operating as a: eck all that apply):
	☐ Corporation       ☐ General Partnership         ☐ Foreign Corporation       ☐ Foreign Partnership         ☐ Limited Liability Company       ☐ Limited Partnership         ☐ Sole Proprietorship       ☐ Other, please specify below:
lf a	partnership, a copy of the partnership agreement.
	foreign limited partnership, proof of compliance with the foreign limited partnership ute (Chapter 620.169, FS). The Florida registration number is:

<ol><li>Who will serve as point</li></ol>	of contact to the Commission in regard to the following?
(a) This application:	
Name:	
Title:	
Street Marrie & Murriber.	
Post Office Box.	
City.	
State.	
Zip:	
relephone No.:	
Fax No.:	
E-Mail Address:	
(b) Ongoing operation (This company liaiso of contact can be up time the application	on will be the point of contact for FPSC correspondence. This point odated if a change is necessary but this must be completed at the
Name:	
Street Name & Number:	
_	
31316	
V <u>−</u>	
Telephone No :	
Fax No.:	
E-Mail Address:	
(c) Optional secondary p	point of contact or liaison:
FPSC).	t will not receive FPSC correspondence but will be on file with the
Name:	
I ITIA:	
Street Address:	
Post Office Box:	
City:	
State:	
Zip:	
Fax No.:	
E-Mail Address:	
Physical address for the	applicant that will do business in Florida:

5.

Street address		
City		
State		
Zip		
Telephone No.		
Fax No.		7
F-Mail Address		

# THIS PAGE MUST BE COMPLETED AND SIGNED

**REGULATORY ASSESSMENT FEE:** I understand that all telecommunications companies must pay a regulatory assessment fee. A minimum annual assessment fee, as defined by the Commission, is required.

**RECEIPT AND UNDERSTANDING OF RULES:** I understand the Florida Public Service Commission's rules, orders, and laws relating to the provisioning of pay telephone service in Florida.

**APPLICANT ACKNOWLEDGEMENT:** By my signature below, I, the undersigned owner or officer, attest to the accuracy of the information contained in this application and attached documents. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules, orders and laws.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

I understand that any false statements can result in being denied a pay telephone certificate, transfer of a certificate or approval of sale of a certificate in Florida.

# Print Name: Title: Telephone No.: E-Mail Address: Signature: Date:

# **CERTIFICATE TRANSFER**

	Service Commission Certificate Number, and join in the applicant's request for a transfer of the
sale	
☐ transfer	
COMPANY OWNER OR OFFICE	R OF TRANSFEREE
Print Name:	
litle:	
Street/Post Office Box:	
City:	
State:	
Zip:	
l elephone No.:	
Fax No.:	
E-Mail Address.	
Signature:	Date:

### Notice of Proposed Rule

### PUBLIC SERVICE COMMISSION

**RULE NOS.: RULE TITLES:** 

25-4.511 Application for Certificate

25-4.512 Application for Approval of Sale or Transfer of Certificate

PURPOSE AND EFFECT: To update and clarify the application form and process for obtaining a certificate to provide pay telephone service or the transfer of the certificate.

Docket No. 20170263-TP

SUMMARY: Rule 25-4.511, F.A.C., sets forth the requirements and the process to apply for a certificate to provide pay telephone service. The amendments streamline Rule 25-4.511, F.A.C., so that applicants are clearly on notice of the procedures and requirements to provide pay telephone service or the transfer of such certificate. The application form is hyperlinked to the Department of State and is incorporated by reference to the Commission website. Rule 25-4.512, F.A.C., would be repealed and its provisions included in Rule 25-4.511, F.A.C. Repeal of Rule 25-4.512, F.A.C., allows one rule to address both the applications for and the transfer of a pay telephone certificate.

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), F.S., and concluded that the rule amendment and repeal will not have an adverse impact on economic growth, business competitiveness, or small business and that there may be transactional cost savings to the individual and entities, including government entities, required to comply with the rule

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: 350.127(2) FS

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.3375, 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: Pamela H, Page, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6214, phpage@psc,state.fl.us.

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

25-4.511 Application for Original or Transfer of Pay Telephone Certificate.

- (1) <u>In order Any person desiring</u> to provide pay telephone <u>service</u> <u>services</u>, <u>must have</u> a <u>pay telephone service</u> certificate <u>or transfer of certificate must be granted by the Florida Public Service Commission</u>.
- (2) Each An applicant shall apply by using submit an application on Form PSC 1021 (1/18) PSC/TEL 32 (2/13), entitled "Application Form for Original Authority or Transfer of Authority to Provide Pay Telephone Service In Within the State of Florida.;" The application which is incorporated into this rule by reference and may be obtained from the Commission's website at <a href="http://www.floridapsc.com/telecommunication/TelecomPATSApplicationwww.floridapsc.com/utilities/telecomm/">http://www.floridapsc.com/utilities/telecomm/</a> or from the Office of Industry Development and Market Analysis Telecommunications. Such form may also be accessed at the Department of State website at: [Dept. of State Hyperlink] <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-02213">http://www.flrules.org/Gateway/reference.asp?No=Ref-02213</a>. A non-refundable application or transfer fee of \$250.00 must accompany the filing of each application to cover processing costs. The Commission's acceptance of the application fee does not imply that the application or transfer of a certificate will be granted all applications.

- (3) <u>Certificates authorizing pay telephone service shall not be transferred by the holder without prior Commission approval.</u>
  - (4)(3) An original and one copy of Tthe application shall be filed with the Office of Commission Clerk.
  - (4) Any pay telephone service authority previously granted or granted hereafter is subject to the following:
  - (a) Authority granted is statewide.
- (5)(b) Authority is to provide both local and intrastate toll pay telephone service. A certificate to provide pay telephone service does not carry with it the authority to provide local exchange or interexchange service. A separate application must be made for such authority to provide this service.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.3375 FS. History-New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06, 5-29-08, 2-7-13, Formerly 25-24.511,

- 25-4.512 Application for Approval of Sale or Transfer of Certificate.
- (1) Certificates of authority or necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.
- (2) A person seeking to obtain a certificate from a sale or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/TEL 32 (2/13), entitled "Application Form for Authority to Provide Pay Telephone Service Within the State of Florida." The application form may be obtained from the Commission's website at <a href="http://www.floridapsc.com/utilities/telecomm/">www.floridapsc.com/utilities/telecomm/</a> or from the Office of Telecommunications. Such form may also be accessed at the Department of State website at: <a href="http://www.flrules.org/Gateway/reference.asp?No=Ref-02214">http://www.flrules.org/Gateway/reference.asp?No=Ref-02214</a>. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale or transfer of a certificate will be granted.
  - (3) An original and one copy of the application shall be filed with the Office of Commission Clerk.
- (4) An application for sale or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.
- (5) A certificate may be sold or transferred only as a whole.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.337, 364.3375, 364.345 FS. History—New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, 2-7-13, Formerly 25-24.512, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Fogleman

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 43, Number 196, October 10, 2017.

### Notice of Change/Withdrawal

### FLORDIDA PUBLIC SERVICE COMMISSION

**RULE NOS.:RULE TITLES:** 

25-4.511 Application for Certificate

25-4.512 Application for Approval of Sale or Transfer of Certificate

### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rules in Vol. 44, No. 28, February 9, 2018 issue of the Florida Administrative Register. Commission Docket No. 20170263-TP The correction is as follows:

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2018

Rules, 25-4.511 and 25-4.512, F.A.C. Docket No. 20170263-TP

# STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE

Rule 25-4.511, F.A.C., and Rule 25-4.512, F.A.C., set forth the requirements and the process to apply for a certificate to provide pay telephone service or for the transfer of such certificate. The amendments to Rule 25-4.511, F.A.C., modify, streamline and clarify the application form and avoid applicant confusion as to the specific information required to apply for a certificate. Rule 25-4.512, F.A.C., will be repealed and its provisions included in Rule 25-4.511, F.A.C. The repeal of Rule 25-4.512, F.A.C., will allow one rule that contains the required elements on applications for and the transfer of a pay telephone certificate.

### 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:

December 13, 2017

TO:

Pamela H. Page, Senior Attorney, Office of the General Counsel

FROM:

Suzanne M. Ollila, Economic Analyst, Division of Economics ANO

RE:

Statement of Estimated Regulatory Costs (SERC) for Proposed Amendments to Rule 25-4.511 (Application for Certificate) and for Proposed Repeal of Rule 25-4.512 (Application for Approval of Sale or Transfer of Certificate), Florida

Administrative Code (F.A.C.)

Both rules concern pay telephone service. The purpose of the rulemaking is to streamline, update, and clarify Rules 25-4.511 and 25-4.512, F.A.C., resulting in the repeal of Rule 25-4.512, F.A.C. Rule 25-4.511, F.A.C., establishes the requirements and processes necessary to apply for a certificate to provide pay telephone service. Rule 25-4.512, F.A.C., establishes the requirements for transfer or sale of a pay telephone certificate. Both rules contain links to their application forms and both rules require a nonrefundable application fee of \$250. The proposed amendments to Rule 25-4.511, F.A.C., incorporate the requirements of Rule 25-4.512, F.A.C., update and clarify language, and provide for the same application form for both the application for a certificate and transfer of a certificate (the link to the application would continue to be available in the amended rule). The nonrefundable application fee of \$250 is unchanged in the proposed amendments.

The attached SERC addresses the considerations required pursuant to Section 120.541, Florida Statutes (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 Rules 25-4.511 and 25-4.512, F.A.C.

	1. Will the propos [120.541(1)(b),	ed rule have an adverse im F.S.] (See Section E., beld	npact on small business? ow, for definition of small business.)
	Yes		No 🖂
	If the answer to Qu	uestion 1 is "yes", see comr	nents in Section E.
	excess of \$200	rule likely to directly or ind ,000 in the aggregate in this of the rule? [120.541(1)(b)	irectly increase regulatory costs in s state within 1 year after , F.S.]
	Yes		No 🖂
C	the answer to eithe costs (SERC) must b howing:	r question above is "yes", a be prepared. The SERC sha	a Statement of Estimated Regulatory all include an economic analysis
	A. Whether the rule	e directly or indirectly:	
0.500	(1) Is likely to have million in the aggreg [120.541(2)(a)1, F.S	gate within 5 years after imp	of the following in excess of \$1 plementation of the rule?
	Economic	growth	Yes ☐ No ⊠
	Private-se	ector job creation or employ	ment Yes No 🖂
	Private-se	ector investment	Yes ☐ No ⊠
r	(2) Is likely to have a million in the aggreg [120.541(2)(a)2, F.S	ate within 5 years after imp	of the following in excess of \$1 olementation of the rule?
	business in	competitiveness (including to the state to compete with comestic markets)	he ability of persons doing persons doing business in other  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.
2 (number of applications for certificates in 2016).
(2) A general description of the types of individuals likely to be affected by the rule.
Utilities, other companies, and governmental entities who wish to provide pay telephone service.
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.
9: 191
(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.
Applicants may see cost savings because amendments clarify the process, eliminate redundancy, and streamline the process. There is no change in the filing fee.

(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 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.	
Applicants may see cost savings because amendments clarify the process, eliminate redundancy, and streamline the process. There is no change in the filing fee.	
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.
Applicants may see cost savings because amendments clarify the process, eliminate redundancy, and streamline the process. There is no change in the filing fee.
(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.
Applicants may see cost savings because amendments clarify the process, eliminate redundancy, and streamline the process. There is no change in the filing fee.
Q Q
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	nor rejecting that	alternative.	