

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE NO.: RULE TITLE:

5N-1.116 Classification of Licenses; Insurance; Fees

PURPOSE AND EFFECT: This proposed rulemaking effectuates amendments to Chapter 493, FS, passed during the 2016 legislative session, requiring Division licensees have their fingerprints entered into and retained within the statewide automated biometric identification system established in Section 943.05(2)(b), F.S. Additional amendments remove language duplicative of statutory requirements, organize existing license and examination fees into biennial and triennial licenses, and update a citation to, and remove an outdated website for, an agency form. The effect will be to ensure implementation of a statutory mandate while updating the Division’s rule.

SUBJECT AREA TO BE ADDRESSED: Fingerprint Retention Fees and other technical rule amendments.

RULEMAKING AUTHORITY: 215.405, 493.6103, 493.6105(3)(j), 493.6107, 493.6202, 493.6302, 493.6402, 493.6203(5), F.S.

LAW IMPLEMENTED: 215.405, 493.6105(1), 493.6105(3)(j), 493.6107, 493.6110, 493.6111, 493.6113, 493.6115(13), 493.6201, 493.6202, 493.6203(5), 493.6301, 493.6302, 493.6401, 493.6402, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Roberts, Government Analyst I, Department of Agriculture and Consumer Services, Division of Licensing, P.O. Box 5708, Tallahassee, Florida 32314, (850)245-5459, John.Roberts@freshfromflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE NO.: RULE TITLE:

5N-1.119 Credit for Relevant Military Training and Education

PURPOSE AND EFFECT: To establish the method by which veterans may apply for and receive full or partial credit for a license under Chapter 493, F.S. considering training and education received during military service.

SUBJECT AREA TO BE ADDRESSED: Credit for relevant military training and education.

RULEMAKING AUTHORITY: 493.6103, FS.

LAW IMPLEMENTED: 493.61035, FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Roberts, Government Analyst I, Division of Licensing; John.Roberts@FreshfromFlorida.com; (850)245-5459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.: RULE TITLES:

61G15-22.0001 Renewal of Active Licenses

61G15-22.0002 Renewal of Inactive Licenses

PURPOSE AND EFFECT: The purpose of the amendments is to update rule text and incorporated forms.

SUBJECT AREA TO BE ADDRESSED: Update rules and incorporated forms.

RULEMAKING AUTHORITY: 471.017(2) FS.

LAW IMPLEMENTED: 471.017(2), 471.017 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303; (850)521-0500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-5.002 RULE TITLE: Conditional Non-native Species

PURPOSE AND EFFECT: The purpose of this rule amendment is to change the conditional species restrictions for blue tilapia, Nile tilapia and Northern Largemouth Bass.

SUBJECT AREA TO BE ADDRESSED: Subject areas addressed in the rule development are possession, culture and transport restrictions for blue tilapia and Nile tilapia and clarification on the ability to take Northern Largemouth Bass on fee or for-hire basis north and west of the Suwannee River.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Kristen Sommers, Section Leader, Wildlife Impact Management, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, MS 10, Tallahassee, Florida 32399-1600, (850)488-3831

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NOS.: 73B-20.005, 73B-20.008, 73B-20.012, 73B-20.019
 RULE TITLES: Time for Filing Appeal, Appearances, Disqualification of Appeals Referee, Subpoenas

PURPOSE AND EFFECT: The purpose and effect of the rule revisions are to simplify and consolidate the Department's rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revisions consolidate related rules regarding hearings before appeals referees, including the time for filing an appeal; representatives; disqualification and substitution of appeals referees; and subpoenas.

RULEMAKING AUTHORITY: 443.012(11), FS.

LAW IMPLEMENTED: 443.151(3)(a), (4)(a), (4)(b)1., (4)(d), (7), 443.041(2), 443.171(6), (7), FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anne Marie Frazee, Executive Senior Attorney, Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-21.003 RULE TITLE: Filing an Appeal

PURPOSE AND EFFECT: The purpose and effect of the rule revision is to simplify and consolidate the Department's rules.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision consolidates related rules regarding filing an appeal of an adverse referee decision to the Commission.

RULEMAKING AUTHORITY: 443.012(11), 443.151(4)(b), (d) FS.

LAW IMPLEMENTED: 443.151(4)(b), (c), (d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anne Marie Frazee, Executive Senior Attorney, Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

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DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-22.009 **RULE TITLE:** Record on Appeal to the Court
PURPOSE AND EFFECT: The purpose and effect of the rule revision is to simplify and consolidate the Department's rules.
SUBJECT AREA TO BE ADDRESSED: The proposed rule revision consolidates related rules regarding the Commission's preparation of the record on appeal to court.
RULEMAKING AUTHORITY: 443.012(11) FS.
LAW IMPLEMENTED: 443.151(4)(c)-(e) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anne Marie Frazee, Executive Senior Attorney, Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
 Proposed Rules**

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NOS.:	RULE TITLES:
60A-1.015	Insurance
60A-1.016	Contract and Purchase Order Requirements
60A-1.017	Acquisition of Commodities through Construction Contracts or Contracts Which Include Services
60A-1.021	Electronic Posting of Decisions and Intended Decisions

PURPOSE AND EFFECT: This is a substantial rewording of the rules to remove unused, duplicative, or otherwise unnecessary wording, modify wording to reflect preferred practices, make technical amendments, and provide further clarification and flexibility. These changes improve the state's ability to provide fair and transparent procurement processes and clarify requirements for state agencies during various stages and types of procurement. Changes also create or modify relevant forms to reflect current practices and statutory requirements.

SUMMARY: These proposed rules are a rewrite primarily to clarify expectations and requirements for state agencies, remove duplicative or unnecessary language, and incorporate revised forms, that simplify requirements, for agencies to use.

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.

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: 287.012, 287.032, 287.042, FS.

LAW IMPLEMENTED: 287.001, 287.012, 287.022, 287.042, 287.057, 287.058, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, November 3, 2016, 9:00 a.m.
PLACE: 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Daniel May, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: (850)487-3833, Email: Daniel.May@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Daniel May, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, Phone: (850)487-3833, Email: Daniel.May@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

Substantial rewording of Rule 1.015, F.A.C. follows. See Florida Administrative Code for present text.

60A-1.015 Insurance.

(1) Agencies shall request the Department to procure insurance by submitting Form PUR XXXX (xx/16), "Agency Request for Procurement of Insurance," effective September 2016, which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-> or <http://dms.myflorida.com/purchasing>. Upon request, the Department will procure insurance for agencies when coverage is not available under the State Risk Management Trust Fund and is not excepted by law, and when any part of the premium is paid by the State. Agencies must obtain approval from the Department through the online procurement system prior to issuing payment for notary seals and bonds.

(2) No agency shall contact the agent of record representing the insurance carrier with the exception of reporting a claim.

Rulemaking Authority 287.032(2), 287.042(12) FS. Law Implemented 287.022, 287.042(6)(b) FS. History–New 8-6-81, Amended 11-4-82, Formerly 13A-1.15, Amended 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.015, Amended 8-24-93, 1-9-95, 7-6-98, 1-2-00, 6-21-04, 11-7-04,_____.

Substantial rewording of Rule 1.016, F.A.C. follows. See Florida Administrative Code for present text.

60A-1.016 Contractual Services Notice of Noncompliance.

An Agency that fails to have a signed contract by an agency head or designee and the contractor before rendering contractual services in excess of CATEGORY TWO shall submit to the Department a completed Form PUR 1010, "Notice of Non-Compliance," effective September 2016,

which is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-06940> or <http://dms.myflorida.com/purchasing>.

Rulemaking Authority 287.032(2), 287.042(12) FS. Law Implemented 287.058(2) FS. History–New 8-6-81, Amended 11-4-82, 2-13-83, 5-26-83, 10-13-83, 5-10-84, 11-12-84, 12-17-85, Formerly 13A-1.16, Amended 6-5-86, 2-9-87, 11-3-88, 1-18-90, 4-10-91, Formerly 13A-1.016, Amended 4-24-94, 1-9-95, 1-1-96, 3-24-96, 7-6-98, 1-2-00, 7-11-04, 10-15-06,_____.

60A-1.017 Acquisition of Commodities through Service Contracts ~~or Contracts Which Include Services.~~

~~Construction~~ Contracts which include services that provide for a Vendor to purchase commodities for subsequent transfer to the State, may be entered into by an agency only under the following circumstances:

(1) ~~When~~ The agency has determined that there is a demonstrated need to acquire the commodity through the Vendor ~~vendor~~, as opposed to direct acquisition by the agency;

(2) The agency has provided a means to identify the commodity, including line-item costs, acquired by the Vendor ~~vendor~~ for subsequent transfer to and control by the agency; and

(3) The agency has, ~~where necessary~~, specified the quality of the commodity to be acquired and made provisions for warranty, service, and transfer of ownership.

Rulemaking Authority 287.032(2), 287.042(12) FS. Law Implemented 287.042(3),(6)(4) FS. History–New 11-3-88, Formerly 13A-1.017, Amended _____.

Substantial rewording of Rule 1.021, F.A.C. follows. See Florida Administrative Code for present text.

60A-1.021 Electronic Posting of Solicitations, Decisions ~~or and~~ Intended Decisions.

(1) The Department has designated the Florida Vendor Bid System (VBS) at www.myflorida.com/apps/vbs as the State's centralized procurement website for electronic posting of agency solicitations, decisions or intended decisions.

(2) All agency decisions or intended decisions shall be electronically posted on the VBS. All competitive solicitations issued by agencies shall be electronically posted on the VBS for at least 10 calendar days prior to the date for receipt of responses, unless the Department or other agency determines in writing that a shorter period of time is necessary to avoid harming the interests of the state.

Rulemaking Authority 287.032(2), 287.042(12) FS. Law Implemented 287.042(3)(2),(b) FS. History–New 8-22-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Daniel May, Governance Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 13, 2016

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-552.200	Definitions
62-552.300	General Program Information
62-552.350	Pre-construction Loans for Rate-Based Community Water Systems
62-552.360	Pre-construction Grants for Financially Disadvantaged Communities
62-552.370	Construction Grants for Financially Disadvantaged Communities
62-552.400	Program Administration Costs
62-552.420	Project Allowances
62-552.430	Construction Loans for Rate-Based Community Water Systems
62-552.500	Funds Reserved for Specific Purposes
62-552.600	Project List Information
62-552.650	Priority Determination
62-552.655	Ranking Projects for Project List Development
62-552.680	Project List Management
62-552.700	Planning, Design, Construction, and Post-Construction Requirements
62-552.800	Audits Required
62-552.900	Forms for the State Revolving Fund Program for Drinking Water Facilities

PURPOSE AND EFFECT: To make principal forgiveness funding available to more communities and to make the rule more consistent with the Clean Water State Revolving Fund rule, Chapter 62-503, F.A.C.

SUMMARY: Changes to the rule chapter that governs the Drinking Water State Revolving Fund Program are being proposed. The changes are intended to ensure a more fair and equitable distribution of funds from the program to drinking water systems for infrastructure improvement projects.

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: The proposed amendments are not regulatory in nature, and therefore do not impose any costs.

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: 403.8532, FS.

LAW IMPLEMENTED: 403.804, 403.1832, 403.1837, 403.852, 403.8532, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 4, 2016, beginning at 9:00 a.m. and ending no later than 3:00 p.m.

PLACE: Room 137 of the Douglas Building at 3900 Commonwealth Blvd., Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Greg Alfsen at (850)245-2983 or email at Gregory.Alfsen@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-552.200 Definitions.

For purposes of this rule chapter:

(1) "Act" means the Federal Safe Drinking Water Act, 42 USC § 300f et seq., as amended, December 2002, hereby adopted and incorporated by reference. This document is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No-Ref-00###>.

~~(2) "Additional completion loan" means a loan, subsequent to execution of a pre construction loan agreement and the Department's authorization to incur post allowance project costs, which may be made to the project sponsor by the Department for the purpose of furnishing additional funds to finance post allowance project costs. The interest rate for any additional completion loan shall be established under rule 62-552.300(9), F.A.C.~~

~~(3) "Adjusted post allowance project costs" means the costs associated with post allowance project activities for a project that will qualify for construction loan or construction grant funding. Capitalized interest and loan repayment reserve pertain to loans only, and such costs for loan funded projects are excluded from adjusted post allowance project costs.~~

(2) "Asset management plan" means a systematic management technique for utility systems that focuses on the long-term life cycle of the assets and their sustained performance, rather than on short-term, day-to-day aspects of

the assets. This plan includes the identification of and costs for rehabilitating, repairing, or replacing all assets as well as the schedule to do so. Subsection 62-552.700(7), F.A.C., provides details on the contents of the plan.

(3) "Capitalization grant project" means a project for which the project sponsor shall document compliance with specific federal requirements under subsection 62-552.700(1), F.A.C., in addition to the general requirements under subsections 62-552.700(2) through (6), F.A.C., to qualify for a loan. Capitalization grant project funding totals will be identified in an amount corresponding to the annual capitalization grant received by the Department from the United States Environmental Protection Agency (EPA).

(4) "Capitalized interest" means interest accruing at the loan interest rate set for the loan and compounding annually from the time when disbursements are made until six (6) months before the first semiannual loan repayment is due.

(5) "Community water system" means a public water system which serves at least 15 service connections used by year round residents or to regularly serves at least 25 year round residents.

(6) "Complete grant application" means completed form 62-552.900(3), Grant Application.

(7) "Complete loan application" means completed form 62-552.900(2), Loan Application.

(5) "Construction costs" means costs associated with allowable construction, equipment, materials, demolition, land acquisition, and system consolidation or regionalization.

(6) "Construction loan" means a financial assistance agreement to fund a drinking water construction project, equipment purchase, or system consolidation or regionalization. To be eligible for a construction loan, a planning document and plans and specifications must be accepted by the Department, the environmental review process described in Rule 62-552.751, F.A.C., must be complete, all required Department permits and authorizations must have been obtained, all necessary site certifications must have been submitted to the Department, and any other pertinent information deemed necessary for success of the project. For design/build projects, the approval of the procurement process shall be accepted in lieu of the plans, specifications, site certifications, and permits unless any portion of these documents are available at that time. The requirements for planning documents are described in subsection 62-552.700(2), F.A.C., and the requirements for plans and specifications are described in subsection 62-552.700(3), F.A.C.

(7) "Construction manager at risk" means a firm or other single entity that contracts with the project sponsor for a guaranteed maximum price for the work. The construction

manager is responsible for performance under individual construction contracts.

(8) "Contingency portion" means the portion of a project list consisting of projects qualified to be on the fundable portion upon list adoption but for which there are insufficient funds.

(8)(9) "Cost-effective" means the lowest present worth (or equivalent annual value) of the implementable and environmentally acceptable alternatives to achieve the project sponsor's objectives considering capital costs as well as operation and maintenance costs.

(9)(10) "Department" means the Department of Environmental Protection, Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000. For electronic information requests and submittals, email SRF_Reporting@dep.state.fl.us.

(10) "Design/build" means a contracting procedure whereby a firm or other single entity contracts with the project sponsor for a fixed price or a cost-plus-a-fixed-fee with a guaranteed maximum price and is responsible for both design and construction of the project. The procurement process must be competitive best value or competitive qualifications based. For a competitive best value selection, the most advantageous proposal to the project sponsor is selected based on criteria that include price and other factors. For competitive qualifications based procurement, the qualifications of the responsible vendor are the primary consideration in the selection process and shall use open book accounting for this process.

(11) "Design loan" means a financial assistance agreement to fund design activities that will result in biddable, permissible plans and specifications for an eligible construction project. Design/build projects are not eligible for a design loan. Additionally, a planning document defining the scope of the project to be funded must have been accepted by the Department. The requirements for an acceptable planning document are described in subsection 62-552.700(2), F.A.C.

(11) "EPA" means the U.S. Environmental Protection Agency.

(12) "Equivalency project" means a project for which the project sponsor shall document compliance with specific federal requirements under rule 62-552.700(1), F.A.C., in addition to the general requirements under rules 62-552.700(2) through (11), F.A.C.

(13) "ERC" means the Environmental Regulation Commission.

(12)(14) "Financially disadvantaged community" means a municipality, county or agency (such as a county-wide department) thereof, franchised area or other entity with a defined public water system service jurisdiction having meeting the following requirements:

(a) It must be served by a community water system;

(b) It has a median household income of less than the statewide average as reported in the most recent American Community Survey (ACS) 5-year estimate from the U.S. Census Bureau or from verifiable estimates, recently available decennial census, or as of a more recent verifiable determination and, for the purpose of qualifying for a grant to fund post allowance project activities, it would have a debt service component, reflecting both existing indebtedness and that which would be required to implement the proposed project without financial assistance under this rule chapter, of the annual average residential drinking water user charge (or the equivalent thereof) to median household income financial burden ratio exceeding the following criterion:

1. When the median household income is at least 80% but less than the 100% of the statewide average, the financial burden ratio criterion shall be 1.0%;

2. When the median household income is below 80% of the statewide average, the financial burden ratio criterion shall be 0.5%.

(13)(15) "Fiscal year" means the 12-month period between July 1 and the following June 30.

(14)(16) "Fundable portion" means the portion of a priority project list consisting of the projects to which funds allocated each year by the Department have been assigned scheduled to receive approval for funding during the fiscal year for which a list is prepared.

(15)(17) "Funds allocated each year by the Department" means funds that are credited to the Drinking Water Revolving Loan Trust Fund in any fiscal year and are available, or expected to be available, for project grants and loans (including those for financially disadvantaged communities and small communities) during the fiscal year for which a priority project list is being developed, as follows:

(a) As a direct result of federal capitalization grants and state appropriations less the amount of any funds appropriated, or similarly designated, for specific purposes or projects;

(b) As a direct result of loan repayments from project sponsors; and

(c) As a direct result of investment earnings, project list management actions under Rules 62-552.680(4) and (5), F.A.C., project cost underruns, and previous allocations by the Department that leave funds unassigned to projects on the fundable portion.

(16) "Interest rate" means the semiannual compounding rate at which charges are imposed on the unpaid principal, including capitalized interest, of a State Revolving Fund (SRF) loan as described in subsection 62-552.300(6), F.A.C. The interest rate for a loan shall not be less than zero percent.

(17) "Leveraged loan" means a loan issued by the Florida Water Pollution Control Financing Corporation (FWPCFC).

(18) "Loan" means financing provided by the Department under this rule chapter and which has been, or will be, secured using a formal agreement executed by the project sponsor's authorized representative and the Secretary.

(18) "Loan Service Fee" means a fee paid by the project sponsor in an amount that ranges from two to four percent of the total loan amount less the portion of the loan for capitalized interest and shall not be included in the principal of the loan. The loan service fee shall be estimated at the time of execution of the loan agreement, revised with any increase or decrease amendment, and shall be finalized in the final loan amendment based on the total loan disbursed. The loan recipient shall pay the loan service fee from the first available repayments following the final amendment.

(19) "Non community water system" means a public water system which provides piped water for human consumption to at least 15 service connections or which serves at least 25 individuals at least 60 days out of the year but which is not a community water system. NOTE: The difference between a community water system and a non-community water system is that the former serves inhabitants whereas the latter serves transients or non residents who otherwise do not inhabit the building served by the system. Private and limited use public water systems are addressed in chapter 64E-8, F.A.C., and are regulated by the Department of Health.

(20) "Non profit water system" means a public water system that is owned by a non profit Florida corporation qualifying for such status under chapter 617, F.S., the Florida Not for Profit Corporation Act.

(21) "Non transient non community water system" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six (6) months per year.

(19) "Planning loan" means a financial assistance agreement to perform the initial planning and administration for a project. The deliverable for this loan shall be a planning document. The requirements for the planning document are described in subsection 62-552.700(2), F.A.C. A planning loan shall not be used to acquire any interest in real property.

(20)(22) "Planning portion" means the portion of the priority project list consisting of alphabetically ordered projects that do not qualify for the fundable or waiting portion for which planning and design related activities are incomplete and, as a result, may receive funding in a future fiscal year.

(21)(23) "Pledged revenue" means project sponsor revenue specifically approved by the Department and dedicated to pledged for the repayment of the loan.

(24) "Post allowance activities" shall mean the construction, procurement of equipment and materials, land

~~acquisition, demolition, and technical services after construction bid opening.~~

~~(25) "Post-allowance project costs" means allowable costs for post allowance activities and contingency and, for projects to be funded with loans, capitalized interest and loan repayment reserve.~~

~~(22) "Principal forgiveness" means the portion of a loan that does not have to be repaid.~~

~~(23) "Priority list" means the annual listing of Fundable, Waiting, and Planning portion projects.~~

~~(24)(26) "Project" means the planning, design, or construction of any components or facilities cost effective devices and systems associated with the supply, storage, transmission, treatment, disinfection, and distribution of drinking water, including rehabilitation of existing facilities. Project construction need not, in and of itself, result in an operable system. The principal purpose of the project shall be to provide safe drinking water for the population projected to require such service during the design life of the project. This includes components of a water/energy conservation project that meet EPA eligibility requirements. The scope of a project shall include ~~includes only~~ those components or facilities that which qualify for funding under this rule chapter.~~

~~(25) "Project costs" means costs for planning, design and construction, procurement of equipment and materials, contingency, demolition, legal, technical services, land acquisition, system consolidation or regionalization, capitalized interest, and implementation of a qualifying conservation project.~~

~~(27) "Project list" means the yearly listing of fundable, contingency, and planning portion projects for financial assistance.~~

~~(26)(28) "Project sponsor" means an entity that owns a public water system as defined in any of the following that seeks or obtains financial assistance under this rule chapter.~~

~~(a) A municipality, county, district, or authority, or any agency thereof, or a combination of two or more of the foregoing acting jointly in connection with a project, having jurisdiction over a public water system; or~~

~~(b) A legally responsible entity representing a privately owned, investor owned, or cooperatively held public water system.~~

~~(27)(29) "Public water system" means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if all facilities, including land, necessary for the treatment and distribution of water for human consumption and includes a community, non-transient non-community, or non-community system for the provision to the public of piped water for human consumption, provided that such system has at least fifteen 15 service connections or regularly serves an~~

~~average of at least twenty-five 25 individuals daily at least sixty60 days out of the year. The term includes: (a) Any collection, treatment, storage and distribution facility or facilities under control of the operator of such system and used primarily in connection with such system.(b) Any collection or pretreatment storage facility or facilities not under control of the operator of such system but used primarily in connection with such system.~~

~~(30) "Rate based community water system" means a community water system providing water to its customers in exchange for revenues based, at least in part, on the quantity of water that may be provided. One characteristic of a rate-based community water system is that operating revenues may be generated in excess of the operating expenses.~~

~~(31) "Refinancing loan" means a loan under this rule chapter to finance any portion of project construction and related services that has been completed or partially completed before the execution of the loan agreement if the project sponsor incurred debt to enable construction.~~

~~(28)(32) "Request for inclusion" means completed form RFI-DW162-552-900(1), Request for Inclusion on the Drinking Water Priority List for Drinking Water Facilities, effective (effective date of rule), hereby adopted and incorporated by reference. This form is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00###>.~~

~~(29) "Segment cap" means the maximum amount available to any one sponsor during a fiscal year. The segment cap amount shall be established at a public meeting approving the priority list and shall be less than or equal to 25 percent of the funds available. Adjustments to the segment cap amount shall be made at a list management public meeting if additional funds become available and all projects eligible for placement on the fundable portion of the priority list at the most recent list approval or list management public meeting have been funded.~~

~~(33) "Secretary" means the Secretary of the Department of Environmental Protection.~~

~~(30) "Service area" means all connections and proposed connections to be served by the project sponsor's public water system. Population of the service area shall be calculated by multiplying the number of service connections by the number of persons per connection. Persons per connection shall be calculated by dividing the community population by the number of households as provided by the most recent American Community Survey (ACS) 5-year estimate from the U.S. Census Bureau.~~

~~(34) "Segmented project" means a project for which the allowable costs in a given fiscal year exceed the amount that~~

~~the Department commits to provide under Rule 62-552.500(1)(d), F.A.C., or 62-552.600(1)(b), F.A.C.~~

~~(31)(35) "Small community" means a municipality or unincorporated community or other identifiable entity with a total service area population of less than 10,000 or less as of the most recent decennial census or as of a more recent verifiable determination.~~

~~(36) "Target date" means the anticipated effective date for a financial assistance agreement for any part of the amount listed on the fundable portion of the project list.~~

~~(32) "Useful life" means for land – 100 years; conveyance pipes – 50 years; other structures such as buildings and tankage – 30 to 50 years; process equipment – 15 to 20 years; and auxiliary equipment such as power generators and controls – 10 to 15 years.~~

~~(37) "Water facilities plan" means plans and studies formally adopted by the project sponsor that directly relate to selecting facilities for a public water system. The requirements for a water facilities plan are set forth in Rule 62-552.700(4), F.A.C.~~

~~(33) "Waiting portion" means the portion of a priority list consisting of projects that are qualified to be on the fundable portion but cannot be placed on the fundable portion until there are sufficient funds.~~

~~(34) The following terms and phrases used throughout this Rule Chapter have the meaning given these words in sections 287.012, 403.8532, or 403.852, Florida Statutes: best value, FWPCFC, and local governmental agencies.~~

~~Rulemaking Specific Authority 403.8532, 403.852 FS. Law Implemented 403.852, 403.8532 FS. History-New 4-7-98, Amended 8-10-98, 7-20-99.~~

Substantial Rewording of Rule 62-552.300 follows. See F.A.C. for present text.

62-552.300 General Program Information.

(1) Steps involved in obtaining a loan.

(a) Request for Inclusion. The project sponsor shall submit a complete Request for Inclusion Form, referenced in 62-552.200(28), F.A.C., to the Department to establish project ranking on the priority list as outlined in paragraph (1)(e) below.

1. The Department shall review requests for inclusion to verify eligibility and accuracy of the information provided.

2. Additional information shall be requested by the Department when the data provided by the project sponsor is incomplete or unclear.

(b) Documentation required for priority listing. The documentation that must be timely submitted to compete for funding at a priority list meeting varies depending on the type of loan being requested and is known as the readiness-to-proceed criteria.

1. For planning loans, the completed Request for Inclusion form and its necessary attachments are the only documentation required.

2. For design loans, the Request for Inclusion form and all planning documentation required in subsection 62-552.700(2), F.A.C., must be accepted by the Department, and the environmental review process described in Rule 62-552.751, F.A.C., must be complete.

3. For construction loans, the Request for Inclusion form and all planning and design documentation referenced in subsections 62-552.700(2) through 62-552.700(5), F.A.C., must be accepted by the Department and the environmental review process described in Rule 62-552.751, F.A.C., must be complete.

4. A project sponsor has the option to request a combined loan for both planning and design at the same priority list meeting. In this case, the completed Request for Inclusion form and its necessary attachments are the only documentation required to compete for funding. The project sponsor must agree to the submittal of biddable plans and specifications within 1-year after being placed on the fundable portion of the priority list to qualify for a combined planning and design loan.

(c) Priority List Public Meeting.

1. Except as provided in subparagraph 2. below, if funds are available for new projects, a priority list public meeting shall be held on the second Wednesday in August or as otherwise noticed in the Florida Administrative Register at least sixty (60) days in advance of the public meeting.

2. If the waiting portion from the previous fiscal year exceeds twice the anticipated available funds, no public meeting shall be held, unless it is necessary to add projects to meet federal requirements. If such a public meeting is held, only those projects necessary to comply with the federal requirements shall be considered. For the purposes of this paragraph, anticipated available funds means federal capitalization grants and state matching funds expected to be received during the state fiscal year, loan repayments minus debt service payments to be received during the state fiscal year, any carry over funds from the previous year, and anticipated interest earnings during the fiscal year.

3. If additional funds are available after the priority list public meeting, one or more priority list management public meetings shall be scheduled to allocate the additional funds.

(d) Readiness-to-Proceed Deadline. For a project to appear on the priority list, the sponsor shall have postmarked or delivered to the Department all documentation as required in paragraph (b) above no later than 45 days before the priority list public meeting at which the project competes for funding. Electronic submittals to the Department are encouraged. The project sponsor must respond to all Department comments

related to the required documentation and must submit these responses at least 15 days prior to the public meeting. The planning and environmental review process required for a design loan or construction loan shall be reviewed and accepted by the Department no later than 45 days before the priority list meeting. This does not include those qualified sponsors that have opted to combine both planning and design funding at a priority list meeting.

(e) Priority System. Timely submitted projects shall be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on public health and drinking water quality. The final priority score for each project shall be determined as described in subparagraphs 1. through 3. below.

1. Base Priority Score. Each project shall receive a base priority score (BPS) dependent on the weighted average of its components. The BPS shall be determined using the following formula where CPS means the component priority score and CCC means component construction cost or:

$$BPS = [CPS_1 \times CCC_1 + \dots + CPS_n \times CCC_n] / \text{Total Construction Cost}$$

a. Project components shall be assigned a component priority score (CPS) according to the categories in Table 1 below.

Table 1

Project Component	CPS
Acute Public Health Risk	800 points
1a. E-Coli or Fecal Coliform Maximum Contaminant Level (MCL) Exceedance (subsection 62-550.310(5), F.A.C)	
1b. Nitrate, Nitrite, or Total Nitrogen MCL Exceedance (subsection 62-550.310(1), F.A.C., Table 1)	
1c. Lead or Copper Action Level Exceedance (Rule 62-550.800, F.A.C)	
1d. Surface Water Filtration and Disinfection Noncompliance (subsection 62-550.817(2), F.A.C.)	
Potential Acute Public Health Risk	700 points
2a. Nitrate, Nitrite, or Total Nitrogen Exceed 50% of MCL (subsection 62-550.310(1), F.A.C., Table 1)	
2b. Microbiological MCL Exceedance (subsection 62-550.310(5), F.A.C)	
2c. Surface Water Enhanced Filtration and Disinfection Noncompliance (subsection 62-550.817(3), F.A.C.)	
2d. State Health Officer Certification of Acute Health Risk for Unregulated Microbiological Contaminants	
2e. Violation of Disinfection Requirements (subsection 62-555.320(12), F.A.C.)	

Chronic Public Health Risk	600 points
3a. Inorganic or Organic Contaminant MCL Exceedance (subsection 62-550.310(1) & (4), F.A.C., Tables 1,4,5)	
3b. Disinfection Byproducts MCL Exceedance (subsection 62-550.310(3), F.A.C., Table 3)	
3c. Radionuclide MCL Exceedance (subsection 62-550.310(6), F.A.C)	
Potential Chronic Public Health Risk	500 points
4a. Inorganic or Organic Contaminant Exceed 50% of MCL (subsection 62-550.310(1) & (4), F.A.C., Tables 1,4,5)	
4b. Disinfection Byproducts Exceed 80% of MCL (subsection 62-550.310(3), F.A.C., Table 3)	
4c. State Health Officer Certification of Chronic Health Risk for Unregulated Chemical Contaminants	
Compliance-1	400 points
5a. Infrastructure upgrades to facilities that are undersized, exceed useful life, or have continual equipment failures	
5b. Insufficient water supply source, treatment capacity, or storage	
5c. Water distribution system pressure less than 20 psi	
5d. Eliminate dead ends and provide adequate looping in a distribution system	
5e. Replace distribution mains to correct continual leaks, pipe breaks, and water outages	
5f. New public water system or extension of existing system to replace contaminated or low yield residential wells	
5g. Lack of significant safety measures (e.g. chemical containment)	
5h. Secondary Contaminant MCL Exceedance (Rule 62-550.320, F.A.C.)	
5i. Drinking water supply project as defined in paragraph 403.8532(9)(a), F.S.	
Compliance-2	300 points
6a. Treatment, Storage, Power, and Distribution Requirements (Rule 62-555.320, F.A.C)	
6b. Minimum Required Number of Wells (subsection 62-555.315(2), F.A.C)	
6c. Well Set-back and Construction Requirements (Rule 62-555.312 and 62-555.315, F.A.C)	
6d. Cross-Connection Control Requirements (Rule 62-555.360, F.A.C)	
6e. Physical Security Project Documented in a Vulnerability Analysis	
6f. Consolidation or regionalization of public water systems	
6g. Water/Energy Conservation Project	

Other Projects	100 points
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b. Project component scores that are based on contaminant levels shall be justified by sample analytical data. The date samples were collected must be no older than 24-months from the date of submittal of a Request for Inclusion. The sample results shall show an ongoing and current problem with a drinking water quality standard. The project sponsor shall provide documentation demonstrating contaminant levels (e.g. disinfection byproducts) cannot be reduced by adjusting system operations, if applicable. Samples shall be analyzed by a state certified laboratory as defined in Rule 62-550.550, F.A.C.

c. A project component score of 400 points that is based on compliance-1 categories of Table 1 shall be supported by documentation demonstrating the need for the project; otherwise, a component score of 300 points will be assigned.

d. A project sponsor with a qualifying water conservation project is eligible to receive an additional 100 points added to their priority score if the sponsor provides a water conservation plan in accordance with EPA’s Water Conservation Plan Guidelines, document number EPA-832-D-98-001, hereby adopted and incorporated by reference. The sponsor must demonstrate that the proposed project meets the objective of the water conservation plan. This document is available from the Department’s Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, or electronic versions are available at <https://www3.epa.gov/watersense/pubs/guide.html> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-00###>.

e. If 50% or more of residential wells of a given project meet the contamination levels indicated in Table 1 and connect to a new or existing public water system, then the project would be awarded component priority points according to the appropriate public health risk. Surface water flooding of wells of residents with septic drainfields and wells under the direct influence of surface water are considered an unregulated microbiological potential acute public health risk, and require substantiated documentation of occurrence in lieu of sampling data.

2. Affordability Score. The extent of affordability existing in a small community to be served by the project shall be reflected in the priority score. Points shall be awarded based upon two affordability criteria: namely, median household income (MHI) and service area population. These points are to be added to the base priority score. Affordability Score = (MHI Score + Population Score).

a. MHI Score. MHI score shall be derived based on the extent a community’s MHI falls below the statewide average.

MHI data used to determine points shall come from the most recent American Community Survey (ACS) 5-year estimate from the U.S. Census Bureau or from verifiable estimates and shall represent all areas to be served by the project sponsor’s public water system.

(I) MHI score shall not exceed a maximum of 75 points, shall not be less than zero points, and shall be rounded to the nearest whole number.

(II) MHI score is calculated as follows:

MHI Score = 100 x (1.00 - MHI fraction), MHI fraction is equal to the MHI of the service area divided by the statewide MHI.

b. Population Score. Projects for small systems are generally less affordable than those for larger systems due to a limited rate base from which to recover costs. Special consideration is given to such projects based on service area population. Population data used to determine the score shall come from verifiable estimates and shall represent all areas to be served by the project sponsor’s public water system.

(I) Population score shall not be less than zero points and shall be rounded to the nearest whole number.

(II) The population score is calculated as follows

Population score = 50 - (P/200). P is the population of the service area.

3. Tie-breaking procedure. The sponsor with the larger population will have the higher priority.

(f) Priority List Development. The priority list is developed prior to the public meeting and includes the fundable, waiting, and planning portions. Projects that meet the requirements of paragraph (b) above compete for placement on the fundable or waiting portions using a tiered ranking system. Tier 1 includes all projects previously on the fundable portion which require an increase to an existing loan, tier 2 includes new projects that receive a total priority score of 500 points or more, and tier 3 includes all other projects. Tier 1 is the highest priority and tier 3 is the lowest. Within each tier, projects are ranked in priority score order with the highest score at the top of the tier. Once the segment cap has been determined, the available funds are assigned to projects in tiers 1 and 2 moving down the list until all projects have been assigned funds, up to the lower of the requested amount or the segment cap, or until the available funds are exhausted. The unfunded balance is then placed on the waiting portion by tier then priority score order. If funds remain available, they are assigned to projects in tier 3 until the funds are exhausted or all projects have been funded. Projects that must be added to meet special provisions of a federal capitalization grant shall be added to the bottom of the fundable portion, bypassing projects that would otherwise be placed on the fundable portion. After the ranking of projects, the proposed priority list shall be posted on the Department’s website before

the priority list public meeting. Projects from tier 3 that do not receive any funding are placed on the planning portion in alphabetical order. To receive funding, projects on the planning portion must compete for funding at a subsequent priority list public meeting. The service area population and median household income values used to calculate priority score must be verified as the most current values prior to project placement on the priority list.

(2) Steps involved in obtaining a loan with principal forgiveness. Loans with principal forgiveness shall follow the process described in subsection 62-552.300(1), F.A.C., above, but the waiting and planning portions of the priority list are not applicable. Principal forgiveness loans are only assigned to those qualifying projects with the highest priority score until all projects have either been assigned funds or until all available funds have been exhausted. Principal forgiveness funds shall be made available twice per fiscal year or semiannually. Those projects not assigned a loan with principal forgiveness are eligible for loan only; but the project sponsor may opt out and reapply, and compete for principal forgiveness at the next semiannual priority list public meeting. Sponsors receiving principal forgiveness for a project adopted at a previous public meeting are ineligible for an increase in principal forgiveness unless the increase is deemed critical to the project. The principal forgiveness funds made available each year shall at least meet the minimum federal requirements. A maximum of 50% of the principal forgiveness funds available at each semiannual public meeting can be given to any one project. Principal forgiveness recipients are determined prior to each priority list public meeting. If a principal forgiveness recipient chooses to opt out before adoption on a priority list, then those principal forgiveness funds will be made available to the next qualifying sponsor or sponsors. If a project sponsor declines principal forgiveness or fails to meet Department deadlines after project adoption on the priority list, then those principal forgiveness funds will be made available to other projects at the next semiannual public meeting. The service area population and median household income values used to calculate the percentage of principal forgiveness must be verified as the most current values prior to placement of a project on the priority list.

(a) The project sponsor for a loan with principal forgiveness shall qualify as a financially disadvantaged small community, unless specifically exempted by these rules.

(b) Principal forgiveness percentage.

1. Planning and/or design loan. The maximum principal forgiveness percentage available for a planning and/or design loan is 50 percent of total invoiced costs. Only a project sponsor that directly qualifies as a financially disadvantaged small community is eligible.

2. Construction loan.

a. The principal forgiveness percentage (PF%) for a construction loan shall be determined using the following formula:

$$PF\% = 1760/9 - 160 \times (MHI/SMHI) - 7/4500 \times P$$

Where:

MHI = Median Household Income

SMHI = State of Florida MHI

P = Population of the service area

$$20\% \leq PF\% \leq 90\%$$

b. The principal forgiveness amount available for a construction loan shall initially be based on the estimated construction costs. The final principal forgiveness amount shall be based on total invoiced costs.

3. Technical Services.

a. The maximum principal forgiveness percentage for technical services performed during the planning and design of a project is 50 percent of the total invoiced costs. Only a financially disadvantaged small community having a planning and/or design loan with the Department is eligible.

b. Technical services up to 5% of construction costs are eligible for loan with principal forgiveness. Technical services above 5% are eligible for loan only. Construction costs for this purpose exclude land acquisition and the non-construction portion of a system consolidation or regionalization project. These costs shall be incurred after bid opening.

4. Asset Management Plan. The maximum principal forgiveness percentage available for an asset management plan prepared and implemented in accordance with subsection 62-552.700(7), F.A.C., is 50 percent of total invoiced costs. Only a project sponsor that directly qualifies as a financially disadvantaged small community and has a construction loan with the Department is eligible.

(c) Those projects awarded a loan with principal forgiveness are eligible for a construction loan increase with principal forgiveness if the project sponsor can demonstrate that the proposed additional work is critical to the successful completion of the project; otherwise, the increase is eligible for loan only if within the scope of work. The increased portion of principal forgiveness shall not exceed the percentage calculated in subparagraph 62-552.300(2)(b)2, F.A.C., or the percentage given in paragraph 62-552.300(2)(g), F.A.C.

(d) The project sponsor shall have only one open loan with principal forgiveness. A loan shall be considered open until the final disbursement has been paid by the Department.

(e) The total principal forgiveness amount shall be estimated until the time of project close-out.

(f) A financially disadvantaged community with a service area population of 10,000 persons or greater is eligible for 20% principal forgiveness for a construction loan if dollars are

available after funding all eligible financially disadvantaged small communities.

(g) A sponsor, regardless of status as a financially disadvantaged small community, is eligible for a construction loan with principal forgiveness to connect a financially disadvantaged community that has less than 250 residential private wells or that has an existing public water system with less than 250 service connections. The sponsor that owns and operates a separate, non-interconnected, public water system that qualifies as a financially disadvantaged small community, regardless of the number of systems owned and operated by the sponsor, is eligible for a construction loan with principal forgiveness for that system. Verifiable documentation of the community's median household income, number of service connections, and estimated persons per household is required to calculate the percentage of principal forgiveness in accordance with these rules, not to exceed 50% of the construction loan amount. This type of project would follow the same priority listing process as a financially disadvantaged small community in competing for principal forgiveness dollars.

(3) Allowable Project Costs. Categories of allowable project costs include the following drinking water activities subject to such limitations for leveraged loans as are necessary to maintain the tax-exempt status of bonds issued by the FWPCFC:

(a) Land, including easements and right-of-ways. Funding shall be limited to the fair market value of the acreage, in fee simple, of land necessary for and integral to locate the project facilities thereon including mandatory set-backs. Funding for loans with principal forgiveness shall be limited to the appraised market value of the acreage. The appraisal report must be less than 12 months old at the time the construction loan application is received. If additional land is acquired, the eligible amount shall be the acreage of land necessary for the project divided by the total area purchased times the purchase price;

(b) Construction and related procurement;

(c) Demolition and removal of existing structures related to the project;

(d) Contingency for project cost overruns under subsection 62-552.300(5), F.A.C.;

(e) Technical services after bid opening or award of design/build or construction manager at risk projects, and legal services resulting directly from the requirements of the Department supplied supplementary conditions that are included in the bid documents to comply with federal requirements, or legal services resulting from contractor non-compliance with the construction contract;

(f) Costs associated with interim financing for project sponsors that proceed without sufficient loan funds from the

Department, for which the sponsor has received prior written authorization from the Department;

(g) Capitalized interest;

(h) Technical services for test wells, water quality testing, soil and hydrogeological testing, geotechnical evaluations, pilot studies, archaeological surveys, land surveys, and any other technical service deemed necessary for the planning, design, and construction of a project. Also for value engineering services performed by a SAVE International Certified Value Specialist. See the SAVE International web site at <http://www.value-eng.org/>;

(i) Costs for project administration, planning, or engineering under a planning and/or design loan;

(j) Acquiring all or part of an existing public water system as part of a consolidation or regionalization project. The project sponsor shall demonstrate a substantial benefit to the existing public water system to be eligible for funding. Funding of an acquisition shall be limited to the fair market value. If the funding includes principal forgiveness, then the acquisition shall be limited to the appraised market value;

(k) Capacity purchase in an existing public water system;

(l) Preparation and implementation of an asset management plan. To be eligible for reimbursement, the asset management plan must meet the requirements of subsection 62-552.700(7), F.A.C.;

(m) The refinancing of unretired debt principal for a qualifying sponsor whose project meets the environmental review and procurement process of these rules; however, a project that is financed with a loan from the Department shall not be refinanced by the Department at a lower interest rate; and

(n) Costs associated with the implementation of a qualifying conservation project.

(4) Ineligible Project Costs.

(a) Project facilities or activities not included within the Department approved project scope;

(b) Costs for the use of the project sponsor's personnel or equipment in the planning, design, or construction of project facilities;

(c) Costs incurred after the project closeout has been conducted by the Department to document project completion, final project costs, and adequacy of sponsor's project files;

(d) Project facilities or services for which the planning, design, construction and procurement requirements of Rule 62-552.700, F.A.C., are not met;

(e) Any project for which the construction loan amount is less than \$75,000;

(f) That part of any project primarily intended to serve future growth or fire protection not justified by public water system service demand projections in the planning documents;

(g) Costs incurred before the adoption of the project on the fundable portion of the priority list;

(h) Any portion of a project funded by an executed agreement from another regional, state, or federal funding agency;

(i) Service connections on private property; and

(j) Any other cost not listed as allowable under subsection (3) above.

(5) Project Contingency.

(a) At the time of loan approval and when actual costs are unknown, project contingency shall not exceed 10% of the estimated sum of the construction costs and costs for allowable land. The contingency shall be adjusted by the Department to not more than 5% after procurement contracts have been executed. There shall be no contingency for land when the costs are known.

(b) The contingency funds remaining after accounting for contract change orders shall be retained by the Department when project closeout occurs.

(c) Contingency funds shall not be used to purchase equipment or pay for construction work or other activities not described in the loan agreement.

(6) Interest Rate.

(a) The interest rate shall be calculated as follows:

% of MR = 40 x (MHI/SMHI) + 15

Where:

% of MR = Percentage of Market Rate

MHI = Median Household Income

SMHI = State of Florida MHI

35% ≤ % of MR ≤ 75%

When bond proceeds are available for leveraged loans, the market rate shall be the most recent rate at which bonds were sold by the FWPCFC. When bond proceeds are not available, the market rate for interest shall be established using the Thomson Publishing Corporation's "Bond Buyer" 20-Bond GO Index. The market rate is established by the Department as of January 1, April 1, July 1, and October 1 of each year and it is the average weekly yield during the three (3) months immediately preceding the date of determination. The average weekly yield is derived from the yields reported in the "Bond Buyer" for the full weeks occurring during the three-month period. The median household income value used to calculate the interest rate must be verified as the most current value prior to execution of the loan agreement.

(b) The interest rate shall be fixed for the principal amount of a planning and/or design loan including any amendments and for the duration of the loan repayment period. A planning loan may be rolled into a design loan but the interest rate remains fixed. A design loan cannot be rolled into a construction loan.

(c) The interest rate shall be fixed for the principal amount of a construction loan including any amendments and for the duration of the loan repayment period, except for the qualified adjustments below. The adjustments shall not reduce the interest rate below zero percent.

1. Projects with a Department accepted and implemented asset management plan that meets all requirements in subsection 62-552.700(7), F.A.C., shall be eligible for an interest rate reduction of 0.1% if implementation has been verified at least three (3) months prior to the first scheduled repayment.

2. Projects that have at least a 25% cost component that qualifies as a drinking water supply project as defined in paragraph 403.8532(9)(a), F.S., or as a water conservation project shall be eligible for an interest rate reduction of 0.25% if the project sponsor provides the required supporting documentation outlined in subparagraph 62-552.300(1)(e)1, F.A.C. For these projects the interest rate reduction shall be applied only after the project has been bid.

3. Projects that include a requirement for Davis Bacon wage rates as provided in 29 C.F.R. Part 5, Subpart A (7-1-2013 Edition), hereby adopted and incorporated by reference, shall be eligible for an interest rate reduction of 0.25%. This document is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00###>.

4. Projects that include a requirement for American Iron & Steel (AIS) as provided in 40 C.F.R. Part 35, Subpart E (7-1-2013 Edition), or 2 C.F.R. Part 176, Subpart B (1-1-2013 Edition), hereby adopted and incorporated by reference, shall be eligible for an interest rate reduction of 0.75%. This document is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00###> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-00###>.

(7) Debt coverage for non-governmental sponsors. A non-governmental sponsor of a project that qualifies for funding shall document that it has a current term debt and capital lease coverage ratio of at least 1.15. This ratio shall have, as its numerator, net operations income plus non-operating income plus depreciation plus interest on term debt (multi-year debt) minus payroll and income taxes minus owner withdrawals; and, as its denominator, the sum of scheduled payments on term debt and long-term leases.

(8) A project sponsor with an executed loan agreement with the Department or with an adopted project on the fundable portion of a priority list prior to the effective date of this rule chapter shall be governed under the rules in effect at

that time. The sponsor shall not be eligible for a time extension to submit documentation required by a preconstruction loan agreement or an adopted project on a priority list. Failure to meet the time frames provided shall render an agreement or priority listing null and void. The sponsor shall not be eligible for a funding increase for a construction loan unless the sponsor's project was adopted on the contingency portion of a priority list prior to the effective date of this rule chapter, or unless the sponsor can demonstrate that an increase is critical to the successful completion of the project. A preconstruction loan is not eligible for rollover into a construction loan and no additional allowances shall be available upon completion of a preconstruction loan agreement.

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.804, 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-20-99, _____.

62-552.350 Pre-construction Loans for Rate-Based Community Water Systems

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 8-10-98, Amended 7-20-99, Repealed.

62-552.360 Pre-construction Grants for Financially Disadvantaged Communities.

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 8-10-98, Amended 7-20-99, Repealed.

62-552.370 Construction Grants for Financially Disadvantaged Communities.

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 8-10-98, Amended 7-20-99, Repealed.

62-552.400 Program Administration Costs.

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 7-20-99, Repealed.

62-552.420 Project Allowances.

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98 Amended 8-10-98, 7-20-99, Repealed, _____.

Substantial Rewording of Rule 62-552.430 follows. See F.A.C. for present text.

62-552.430 ~~Construction—Loans Applications and Agreements for Rate-Based Community Water Systems.~~

(1) General.

(a) A complete loan application, Form Application DW-1, State Revolving Fund Loan Program for Drinking Water Facilities Loan Application, effective (effective date of rule), hereby adopted and incorporated by reference, shall be submitted to the Department within 120 days after the project

is listed on the fundable portion of the priority list. The project sponsor may incorporate into the loan application, by reference, any information previously submitted to the Department. This form is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00###>.

(b) To receive a loan, a project sponsor must submit a complete loan application, provide reasonable assurance that it has the financial capability to complete the project and repay the loan, and enter into a negotiated written agreement. Loan agreements shall be offered to project sponsors for projects listed on the fundable portion of the priority list in the order of receipt of a complete loan application irrespective of priority score, project rank, or qualification for the financially disadvantaged and small-community reserve funds.

(c) If a project sponsor does not submit a complete loan application within 120 days, or a loan agreement is not executed within 210 days after a project is added to the fundable portion, the project is subject to removal from the priority list at the next scheduled public meeting, unless mitigating circumstances are presented to the Department by the beginning of that meeting that document why the application was not submitted or why the agreement was not executed by the appropriate deadline.

(d) Project sponsors shall provide reasonable financial assurance that project activities will be completed, including requirements for service providers and equipment suppliers or manufacturers to provide performance guarantees, insurance covering workers' compensation, comprehensive general liability, vehicle liability, and property damage to the extent that coverage is available for project activities.

(e) The Department shall have the primary responsibility for drafting the loan agreement and setting its terms. The loan agreement shall have terms to meet program requirements. Loan agreement covenants may vary for direct and leveraged loans. Projects being funded under (or pursuant to) different sections of the Act or as a result of different sources of pledged revenues may have different loan agreement provisions.

(2) Pledged Revenues. The loan recipient shall make deposits of pledged revenues to a restricted or assigned debt service account and shall be responsible for the maintenance of that account.

(a) Pledged revenues for projects sponsored by a local government shall be a minimum of 1.15 times the amount required to make each semiannual loan repayment unless the project sponsor establishes a restricted or assigned reserve account in an amount not less than the equivalent of two semiannual loan repayments. The pledged revenue coverage for the loan from the Department shall not be transferred or

derived from coverage required by senior lien debt instruments.

(b) Pledged revenues for projects sponsored by other than a local governmental agency shall be a minimum of 1.15 times the amount required to make each semiannual loan repayment and shall be secured with collateral having an appraised market value not less than 125% of the total of both the dollar amount owed on the property and the dollar amount of the SRF loan principal. The appraisal report must be less than 12 months old at the time the loan application is received. The loan applicant must own the real property in fee simple without any encumbrances on the title that would prevent sale of the property in case of default on the loan.

(3) Legal Affirmation. When a loan agreement executed by a project sponsor is submitted to the Department for execution, it shall include an affirmation by the project sponsor's legal counsel that:

(a) The loan agreement constitutes a valid and legal obligation of the borrower;

(b) The loan agreement specifies the revenues pledged to the repayment of the loan; and

(c) The pledge is valid and enforceable.

(4) Security. The Department shall have no lien on or security interest in or claim on any monies or property except as expressly provided in the loan agreement and, for projects sponsored by other than a local government, the security interest agreement.

(5) Assurance of Compliance. The project sponsor shall provide assurance that:

(a) Records will be kept using generally accepted accounting practices. The Department, the Auditor General, and their agents shall have access to all records pertaining to the loan.

(b) Project facilities will be properly operated and maintained and best management practices shall be continued, as appropriate.

(c) Loan funds will not be used for the purpose of lobbying.

(6) Disbursements. Disbursements to the project sponsor shall be for allowable invoiced costs, unless the project sponsor qualifies and is approved for advanced payments in accordance with subsection 216.181(16), F.S. Disbursements shall be subject to the following requirements:

(a) Requests for disbursements for construction, technical services, and for planning and design costs shall be accompanied by itemized summaries of the materials, labor, or services to identify the nature of the work performed. The disbursement package shall also include a statement that the construction or other services for which payment or reimbursement is sought has been satisfactorily performed;

(b) The materials, labor, and services shall be part of the approved project scope; and

(c) The disbursement shall be due under the terms of the loan agreement, and there shall be money available under the loan agreement for payment.

(7) Repayments. The project sponsor shall begin repaying a loan no later than the date scheduled under the loan agreement. The scheduled date shall be six (6) months after the estimated completion date or, for projects using interim financing to complete the project prior to receiving a SRF loan, six (6) months after the first available interim loan payoff date.

(8) Loan Repayment Term.

(a) Loan repayment periods for construction projects sponsored by a local governmental agency shall be limited to twenty (20) years or the useful life of the project, whichever is less. Loan repayment periods may be extended to a maximum of thirty (30) years or the useful life of the project, whichever is less, as allowed under the Act for projects to benefit a small community that is financially disadvantaged.

(b) Repayment periods for construction loans sponsored by other than a local governmental agency shall be limited to twenty (20) years or the useful life of the project, whichever is less.

(c) Repayment periods for planning and design loans shall be limited to ten (10) years.

(9) Annual Certification. No later than three (3) months prior to the first loan repayment and annually thereafter until the final loan repayment is made, the project sponsor's authorized representative or its chief financial officer shall submit a certification that:

(a) Pledged revenue collections satisfy the rate coverage requirement;

(b) The debt service account contains the funds required;

(c) The restricted or assigned pledged revenue account contains the funds required, if applicable; and

(d) For loans awarded after (effective date of rule), the revenue generation system is in conformance with subparagraph 62-552.700(2)(i)3, F.A.C.

(10) Remedies for Defaults. Remedies for delinquent loan repayment and other events of default shall be limited to those set forth in the loan agreement. Events of default shall include non-compliance with any of the terms of the loan agreement. No delay or omission to exercise any right or power accruing upon an event of default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein.

Rulemaking Specific—Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-20-99, _____

62-552.500 Funds Reserved for Specific Purposes.

~~A portion of the funds allocated each year by the Department, including the financially disadvantaged community funds established under subsection 62-552.300(8), F.A.C., is reserved for the benefit of small communities. Funds are also reserved to reimburse the Department for its administrative costs in managing the program.~~

(1) Small Community Reserve.

~~(a) Fifteen percent of the funds allocated each year by the Department less the amount of any bonds issued or to be issued by the Florida Water Pollution Control Financing Corporation shall be reserved to fund for projects that will serve small communities. The Department shall administer the small community reserve funds as follows:~~

~~(a) Projects that will serve small communities that have sufficient priority ranking, after the assignment of a priority score under Rule 62-552.650, F.A.C., shall be listed on the fundable portion list using the procedures under Rule 62-552.655 or 62-552.680, F.A.C.~~

~~(b) A project that will serve a small community shall be eligible for construction loan funding from the small community reserve even if the project sponsor does not qualify as a small community subject to the conditions listed below. This provision shall not apply to pre-construction grants or construction grants. This provision shall not apply to pre-construction loans unless the project priority is based, in part, on regionalization or consolidation under paragraph 62-552.650(5)(c), F.A.C.~~

~~1. A county government or agency thereof is the project sponsor; or~~

~~2. The existing population of the small community is at least one half of the total existing population to be served by the project; and~~

~~3. The design year population growth projected for the small community represents at least one half of the total design year population growth to be served by the project.~~

~~(b)(c) When the priority project list is adopted, any part of the reserved amount not needed for to place small community projects on the fundable portion shall become available for all no longer be reserved exclusively for small community projects.~~

~~(d) The amount of funds that may be lent for any construction project in any one year to serve a small community shall be limited to 25% of the funds reserved under this subsection. Projects qualifying for additional assistance shall be subject to the same limitations and entitlements as those segmented under paragraph 62-552.600(1)(b), F.A.C.~~

~~(e) The amount of funds that may be lent for any pre-construction project shall be subject to the limitations under subsection 62-552.350(1), F.A.C.~~

~~(f) The amount of grant funds that shall be reserved for a pre-construction project shall be subject to the limitations under Rule 62-552.360 and subsection 62-552.300(8), F.A.C.~~

~~(g) The amount of grant funds that shall be reserved for all construction grant projects shall be subject to the limitations under subsection 62-552.300(8), F.A.C.~~

(2) Financially Disadvantaged Community Reserve.

~~(a) Up to fifteen percent of the funds allocated each year by the Department less the amount of any bonds issued or to be issued by the FWPCFC or up to the maximum percentage allowable of the Federal Capitalization Grants for Drinking Water SRF in any fiscal year, whichever is less, shall be reserved to fund projects that will serve financially disadvantaged communities.~~

~~(b) When the priority list is adopted, any part of the reserved amount not needed for financially disadvantaged community projects shall become available for all projects.~~

~~(2) Service fees under Rule 62-552.400, F.A.C., shall be deposited in the Department's Grants and Donations Trust Fund. Fee proceeds, including investment earnings, shall be reserved to pay for the administration of the financial assistance programs of the Bureau of Water Facilities Funding.~~

~~(3) Funds reserved for principal forgiveness. If required in the federal capitalization grant, funds shall be reserved for providing loan principal forgiveness to projects that qualify as a financially disadvantaged small community. The percentage of principal forgiveness shall be determined as described in paragraph 62-552.300(2)(b), F.A.C.~~

~~Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History-New 4-7-98, Amended 8-10-98, 7-20-99, _____~~

62-552.600 Project List Information.

~~Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.804, 403.8532 FS. History-New 4-7-98, Amended 8-10-98, Repealed.~~

62-552.650 Priority Determination.

~~Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History-New 4-7-98, Amended 7-20-99, Repealed.~~

~~62-552.655 Ranking Projects for Project List Development.~~

~~Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History-New 4-7-98, Amended 8-10-98, Repealed.~~

62-552.680 Project List Management.

~~Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.804, 403.8532 FS. History-New 4-7-98, Amended 8-10-98, Repealed.~~

Substantial Rewording of Rule 62-552.700 follows. See F.A.C. for present text.

62-552.700 Planning, Design, Construction, and Procurement ~~Post-Construction~~ Requirements.

(1) General. The requirements of subsections (2) through (6) below shall be met for all projects. Qualifying projects, including eligible conservation projects, may only need a subset of these requirements depending on the scope of work.

(a) Federal regulations incorporated by reference shall be read so that the terms "United States," "federal," "EPA," and "officials of EPA" mean "the Department" unless the context clearly indicates otherwise.

(b) Capitalization grant projects shall be subject to the requirements of specific federal cross-cutting authorities identified in the loan application.

(2) Project Planning Documentation. The project sponsor shall submit the following planning documentation. Electronic submittals are encouraged.

(a) Sufficient illustrative detail of the local area to identify where the project or activity would be located to include existing and proposed service areas. Landmarks and other readily identifiable features shall be noted.

(b) A description of the existing and recommended facilities and system performance, projection of population and water demand, present and historic water usage and population, estimated capital costs, and estimated operation and maintenance costs, if applicable.

(c) Identify and locate wellhead and source water protection areas that may be impacted and potential pollution sources that may affect drinking water sources within the project area as a result of the proposed project.

(d) Summary of any technical services performed in project planning and design as described in paragraph 62-552.300(3)(h), F.A.C.

(e) The need or justification for the project or activity and the environmental and economic impacts and benefits of the project.

(f) A cost comparison of at least three alternatives, unless it can be demonstrated that fewer alternatives are available. The project sponsor shall demonstrate that all viable, cost effective alternatives were considered.

(g) Resolution of comments received by the Florida State Clearinghouse during its intergovernmental review of the project.

(h) The public participation process used to explain the project and the financial impacts to the public.

(i) Financial feasibility information addressing the following:

1. The sources and amounts of revenues to be dedicated to repaying the loan and the expenses, charges, and liens against or to be paid from such dedicated funds or revenues. The

information shall demonstrate the ability to repay the loan with a margin of safety. Examples of a margin of safety are as follows:

a. Pledged revenue coverage ratio of at least 1.15 for projects sponsored by a local governmental agency; and

b. A current term debt and capital lease coverage ratio of at least 1.15, as explained in subsection 62.552.300(7), F.A.C., for projects sponsored by other than a local governmental agency.

2. Capital improvements that will be financed from the same funds or revenues dedicated to repaying the loan.

3. The proposed system of charges, rates, fees, and other collections that will generate the revenues to be dedicated to loan repayment. The rate structure of the revenue generation system shall be approved at least six months before the first State Revolving Fund loan repayment is due or before the project closeout, whichever occurs first. The rate structure shall be implemented in a timely manner to ensure the generation of sufficient revenues dedicated to loan repayment and may be implemented in phases to the extent timely and sufficient revenue generation will be accomplished. The revenue generation system shall be revised, as necessary, to satisfy the pledged revenue requirements of the loan.

(j) An updated Request for Inclusion to include the schedule, scope, and costs for implementing the recommended facilities or activities, if necessary.

(k) An adopting resolution or other action establishing a commitment to implementing the planning recommendations.

(3) Plans and Specifications. The project sponsor shall submit biddable plans and specifications conforming to the planning documentation described in subsection 62-552.700(2), F.A.C., for projects involving construction. For design/build projects, the sponsor shall submit a copy of the request for qualifications, or requests for proposals, and the preliminary design report shall be submitted for permitting. Final permitted plans and specifications shall be submitted for each component of the project. Electronic submittals are encouraged.

(4) Site Certification. The project sponsor shall certify that all sites necessary for the construction, operation, and maintenance of the project or to otherwise carry out project activities over the useful life of the project are available.

(5) Permitting. The project sponsor shall submit evidence that all required permits have been obtained, or written documentation from the applicable permitting authorities that the project will be permitted, or that a permit is not required.

(6) Procurement. Procurement must be in conformance with 40 CFR 31.36, (July 1, 2011), hereby adopted and incorporated by reference. This document is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000,

or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00###>. When procuring property and services under a SRF loan, a project sponsor shall follow the policies and procedures it uses for procurements from its non-SRF funds provided that the procurement conforms to applicable federal, state and local laws and regulations, and the following requirements:

(a) All procurement transactions shall be conducted in a manner providing full and open competition. The use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals is prohibited. For small purchases that cost \$100,000 or less, a price or rate quotation shall be obtained from a minimum of two qualified sources.

(b) Construction contractors shall be selected according to a recognized procurement method such as formal advertised competitive bidding, competitive best value or competitive qualifications based proposals, or noncompetitive proposals. Delivery methods shall be design/bid/build, design/build or construction manager at risk.

(c) Requirements for the formal advertised competitive bidding method of procurement shall be as follows:

1. All solicitations shall incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured.

a. Such description shall not contain features that unduly restrict competition.

b. The description shall include a statement of the qualitative nature of the materials, products or services to be procured and; when necessary, shall set forth those minimum essential characteristics and standards to which they must conform to satisfy their intended use.

c. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by the bidders shall be clearly stated.

d. All requirements that the bidders must fulfill and all other factors to be used in evaluating bids or proposals shall be identified.

2. Project sponsors shall ensure that all prequalified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

3. The invitation for bids shall be publicly advertised and bids shall be solicited from an adequate number of known suppliers to ensure open competition, providing them sufficient time prior to the date set for opening the bids.

4. The invitation for bids, which shall include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond.

5. All bids shall be publicly opened at the time and place prescribed in the invitation for bids, and a firm-fixed-price contract (lump sum or unit price) awarded to the responsible bidder whose bid conforms to all the material terms and conditions of the invitation for bids.

6. Any or all bids may be rejected if there is a sound, documented reason.

7. Project changes after advertising for bids or other project proposals and before bid or proposal opening shall be made by addendum. Changes to executed contracts involving construction shall be made by change order. The project sponsor shall submit all addenda and change orders to the Department. The Department shall perform an eligibility determination for each change order.

(d) Competitive proposals shall be solicited from an adequate number of qualified sources to ensure open competition. The loan recipients shall have a method for conducting technical evaluations of the proposals received and for selecting awardees.

1. For the competitive best value selection method of procurement, awards shall be made to the responsible offeror whose proposal is most advantageous to the loan recipient, with price and other factors considered.

2. For the competitive qualifications based selection method of procurement, statements of qualifications shall be solicited from an adequate number of sources. Statements of qualifications received from at least three responsible vendors shall be considered adequate unless it is determined by the loan recipient that it is in its best interest to proceed with the procurement having received less than three proposals. Statements of qualifications shall be evaluated based on the request for qualifications. Awards shall be made to the responsive and responsible vendor whose statement of qualifications is deemed to be most advantageous by the loan recipient.

(e) Requirements for the noncompetitive proposals method of procurement shall be as follows:

1. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source or, after solicitation of a number of sources, the competition is determined inadequate.

2. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals, and one of the following circumstances applies:

a. The item is available only from a single source;

b. The public exigency or emergency for the requirement shall not permit a delay resulting from competitive solicitation; or

c. After solicitation of a number of sources, competition is determined inadequate.

3. A cost analysis verifying the proposed cost data and an evaluation of the specific elements of costs and profits is required.

4. Loan recipients shall submit the proposed procurement to the Department for pre-award review.

(f) Design/build and Construction Manager at Risk (CMR) procurement:

1. Competitive best value or competitive qualifications based selection shall be used as the selection process for design/build procurement.

a. Requests for competitive best value or competitive qualifications based selection proposals shall be submitted to the Department prior to advertising for a determination of compliance with loan program requirements.

b. The proposal solicitation shall describe the work eligible for a loan, the requirements with which the successful respondent shall comply, and the evaluation process to be used in selecting the successful respondent.

c. The design/build team will be identified as part of awarding the contract. If the construction contractor is not identified as part of the award, procurement shall follow steps to ensure a competitive process as described in paragraphs 62-552.700(6)(a) through 62-552.700(6)(d), F.A.C.

2. Requests for proposals shall be used in the selection process for CMR procurement.

a. The request for proposals shall describe the work eligible for a loan, the requirements with which the successful respondent shall comply, and the evaluation process to be used in selecting the successful respondent.

b. Requests for proposals shall be submitted to the Department prior to advertising for a determination of compliance with loan program requirements.

c. Work performed directly by the CMR shall be limited to no more than 50% of the guaranteed maximum price unless a higher percentage is requested and approved by the Department. For any construction work that will be performed by the CMR, bids or request for proposals shall be submitted to and reviewed by the sponsor or any other neutral party as determined by the sponsor to avoid a conflict of interest.

3. Advertising shall include announcement in a publication having general circulation on a statewide basis, in a construction trade journal, in a professional journal, or in an electronic plan room.

4. The time allowed for development of proposals or qualifications shall be commensurate with the complexity and

extent of the work and with the extent of the conceptual documents provided with the request for proposals.

5. Both the qualifications of the respondents and the price for completing the advertised work shall be considered in the selection process.

6. The project sponsor shall demonstrate that the competition solicited is sufficient for the complexity and extent of the work.

(g) Loan recipients shall maintain a contract administration system that ensures contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(h) Loan recipients shall maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, or agent of the loan recipient shall participate in selection, or in the award or administration of a contract supported by SRF funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his immediate family, his or her partner, or an organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The loan recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. Loan recipients may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by state or local law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the loan recipient's officers, employees, or agents, or by contractors or their agents.

(i) Loan recipients are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost. Loan recipients are also encouraged to complete water efficiency and energy audits to minimize operational costs.

(j) Loan recipients shall make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(k) Loan recipients shall maintain records sufficient to detail the significant history of a procurement. These records shall include the following: rationale for the method of

procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(l) Loan recipients shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.

(m) Retention of all required records for five (5) years after loan recipients or sub loan recipients make final payments and all other pending matters are closed.

(n) For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the Department shall accept the bonding policy and requirements of the loan recipient when the Department has made a determination that the Department's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

1. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

2. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

3. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(o) A loan recipient's contracts shall contain provisions for:

1. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms;

2. Such sanctions and penalties as may be appropriate;

3. Termination for cause and for convenience by the loan recipient including the manner by which it shall be effected and the basis for settlement;

4. Access by the loan recipient, the Department, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor that are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions; and

5. Incorporating the Department's Supplementary Conditions into its bid or request for proposals documents. These Supplementary Conditions include, but are not limited to, the following provisions:

a. Equal Employment Opportunity compliance;

b. Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act, section 508 of the Clean Water Act, and Executive Order 11738; and

c. Contracting with small and minority firms, women's business enterprise, and labor surplus area firms (if applicable).

(7) Asset Management Plan. Loan recipients are encouraged to implement an asset management plan to promote long term sustainability of the system. To be accepted for the interest rate adjustment and to be eligible for reimbursement, an asset management plan must be adopted by ordinance or resolution and written procedures must be in place to implement the plan and it shall be implemented in a timely manner. The plan must include each of the following:

(a) Identification of all assets within the project sponsor's system;

(b) An evaluation of the current age, condition, and anticipated useful life of each asset;

(c) The current value of the assets;

(d) The cost to operate and maintain all assets;

(e) A capital improvement plan based on a survey of industry standards, life expectancy, life cycle analysis, and remaining useful life;

(f) An analysis of funding needs;

(g) An analysis of population growth and drinking water use projections, as applicable, for the sponsor's planning area, and a model, if applicable, for impact fees; commercial, industrial and residential rate structures;

(h) The establishment of an adequate funding rate structure;

(i) A threshold rate set to ensure the proper operation of the utility; if the sponsor transfers any of the utility proceeds to other funds, the rates must be set higher than the threshold rate to facilitate the transfer and proper operation of the utility; and

(j) A plan to preserve the assets; renewal, replacement, and repair of the assets, as necessary; and a risk-benefit analysis to determine the optimum renewal or replacement time.

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History--New 4-7-98, Amended 8-10-98.

62-552.751 Environmental Review.

(1) General.

(a) The Department shall perform an environmental review for each project to be funded. The environmental review shall evaluate the environmental significance of a proposed project and whether the planning of the project meets the requirements of this chapter. The results of the

Department's environmental review for each project shall be issued as an environmental information document which shall be valid for five (5) years from the date of issue, after such time, the document is no longer valid unless a Florida Reaffirmation Notice, pursuant to subsection 62-552.751(5), F.A.C. is written by the Department. The different environmental information documents are described in subsections (2) through (5) below. A notice of availability of an environmental information document shall be published in the Florida Administrative Register to announce the results of the Department's environmental review. The notice of availability shall include instructions about the procedures for accessing the project information and the Department's findings. The Department shall provide a thirty (30) day period commencing as of the date of the notice of availability for public comment about the environmental impacts of proposed projects. Written comments from the public shall be considered by the Department before approving a project for funding if postmarked or delivered within the thirty (30) day comment period to the Department.

(b) The project sponsor shall document cultural, historical, archaeological, and biological aspects of a project during the planning process. Conditions shall be placed on a financial assistance loan agreement to enhance the compatibility of the project with the existing environment when such conditions will satisfy environmentally based objections to the project.

(c) Review procedures, identical to those described in this subsection, shall be used when the Department amends an environmental information document to announce project changes that have potentially significant environmental impacts.

(2) Florida Categorical Exclusion Notice (FCEN). The Department shall issue a FCEN for certain projects that are not expected to generate controversy over potential environmental effects. A FCEN shall not be used when there are documented environmental objections to a project before the local governmental agency adopted the planning recommendations provided that such objections have a basis in statute, regulation, or ordinance.

(a) In issuing a FCEN, the Department shall:

1. Briefly describe the project, the justification for the categorical exclusion, and the proposed loan funding.

2. Conclude the environmental review only after the 30-day public comment period, under subsection (1) above, has expired and:

a. No information is received about adverse environmental impacts;

b. Information is received about adverse environmental impacts and the objections either are without a basis in statute, regulation, or ordinance or the objections are resolved; or

c. Information is received about adverse environmental impacts, the FCEN is rescinded, and an environmental review is undertaken according to subsection (3) or (4) below.

(b) Projects potentially eligible for categorical exclusion are:

1. Rehabilitation of existing facilities or replacement of existing structures, wells, waterlines, or equipment;

2. Facilities for the disinfection of public water supplies;

3. Facilities that will not result in more than a 50% increase of existing public water system capacity and there is no acquisition of land other than easements and rights-of-way where streets have been established, underground utilities installed, building sites excavated, or where such lands have otherwise been disturbed from a natural condition;

4. Back-up supply wells where, after disinfection, existing water quality meets drinking water standards and there is no acquisition of land; and

5. Facilities that will result solely in the provision of adequate public water system pressure.

(3) Florida Finding of No Significant Impact (FFONSI). The Department shall issue a FFONSI when a project sponsor proposes a project not categorically excluded from a detailed environmental review and not requiring a Florida Environmental Impact Statement. In issuing a FFONSI, the Department shall:

(a) Record the basis for the decision to provide financial assistance for the project, addressing:

1. The environmental consequences of the project;

2. The purpose and the need for the project;

3. The alternatives, including no action, and the cost considerations for the project;

4. Any environmental enhancement measures to be implemented;

5. The public participation process;

6. The results, if available, of the State Clearinghouse Review; and

7. Compliance with relevant rules of the Department.

(b) Consider public comments about environmental impacts of a project if the comments are received within 30 days after the date of posting of the notice of availability.

(c) Conclude the environmental review for the project only after the 30-day comment period has expired and:

1. No information is received about previously unconsidered adverse environmental impacts; and

2. Information is received about previously unconsidered adverse environmental impacts and one of the following occurs:

a. The objections are either without a basis in statute, regulation, or ordinance or the objections are resolved;

b. A re-evaluation of the project is made as a result of the comments and the Department confirms the original decision

or requires environmental enhancement measures before implementing the project; or

c. The FFONSI is rescinded.

(4) Florida Environmental Impact Statement (FEIS). A FEIS and a Florida Record of Decision (FROD), as required in 40 CFR Part 35 Subparts K & L, shall be used for a project for which there is an adverse direct or indirect impact on land use and population patterns, the quality of the environment, cultural or environmental resource areas, or the habitats of endangered or threatened species. A FEIS and FROD also shall be used when there is unresolved public controversy over the environmental impacts of a project provided that the objections to the project have a basis in statute, regulation, or ordinance. A FEIS shall be prepared by the Department or, at the direction of the Department and in accordance with the Consultants' Competitive Negotiation Act, Section 287.055, F.S., by others with no conflicting interest in the outcome. In completing the environmental review, the Department shall:

(a) Issue a notice of intent to prepare a FEIS for the project;

(b) Develop a plan of study and convene a meeting of government, including EPA, and other interested parties to determine the scope of the FEIS;

(c) Identify and evaluate project alternatives;

(d) Provide for public participation and review by federal and state environmental regulatory agencies;

(e) Ensure that adverse impacts of the project are minimized or eliminated;

(f) Document the findings of the environmental review using both the FROD and FEIS;

(g) Announce the funding eligibilities using a FROD and consider public comments about environmental impacts if received during the thirty (30) day period beginning on the date of posting of the notice of availability in the *Florida Administrative Register*; and

(h) Conclude the environmental review only after a 30-day public comment period has expired without receipt of comments about adverse environmental impacts or if, after receipt of such comments, the Department takes action to:

1. Confirm the original decision;

2. Require additional analysis and environmental enhancement as a condition of confirmation of the original decision; or

3. Rescind the original decision.

(5) Florida Reaffirmation Notice (FRAN). A FRAN shall be used to establish the Department's continuing intention to make funds available for unimplemented projects, the planning for which was previously documented as accepted by the Department in a FCEN, FFONSI, FROD, or analogous documents issued by EPA, or amendments to any of the foregoing that are no longer valid after five (5) years have

elapsed since issuance. In issuing a FRAN, the Department shall:

(a) State the findings being reaffirmed.

(b) Consider public comments about changed conditions altering the environmental impacts since the previous FCEN, FFONSI, FROD, or analogous documents issued by EPA, or amendments to any of the foregoing. Comments shall be considered if received during the thirty (30) day period beginning on the date of posting of the notice of availability of the FRAN in the *Florida Administrative Register*.

(c) Conclude the environmental review only after the public comment period has expired and:

1. No information is received about changed conditions resulting in adverse environmental impacts; and

2. Information is received about changed conditions resulting in adverse environmental impacts and one of the following occurs:

a. The objections are resolved;

b. A re-evaluation of the project is made as a result of the comments and the Department confirms the original decision or requires environmental enhancement measures before implementing the project; or

c. The FRAN is rescinded.

(6) State Clearinghouse. Project planning documentation shall be submitted to the state clearinghouse for a multi-disciplined intergovernmental review. All comments resulting from this review shall be addressed by the Department prior to its approval of the planning documentation.

(7) Project Revision Memoranda (PRM). For a project that requires modifications to the selected alternative that does not alter its environmental effects, a PRM shall be written by the Department to document the changes.

Rulemaking Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New

Substantial Rewording of Rule 62-552.800 follows. See F.A.C. for present text.

62-552.800 Audits Required.

(1) Federal or State Audit Required.

(a) In the event that the project sponsor expends more than the federal audit threshold in federal awards in its fiscal year, the project sponsor must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as published in the *Federal Register*, June 26, 2007, hereby adopted and incorporated by reference. This document is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd, Tallahassee, Florida 32399-3000, or electronic versions are _____ available _____ at <http://www.whitehouse.gov/sites/default/files/omb/assets/a133>

[/a133_revised_2007.pdf](#) or <http://www.flrules.org/Gateway/reference.asp?No=Ref-00###>.

(b) Section 215.97, F.S., imposes audit requirements on the project sponsor and sub-recipients based on designated thresholds for expenditures. Each agreement entered into pursuant to this rule chapter shall include the audit requirements applicable to the project at the time the agreement is executed.

(2) For your information, pursuant to Section 215.97, F.S., the state is authorized to conduct an audit within five (5) years following project closeout if loan compliance problems have been noted; record keeping deficiencies are noted during close-out; the project involves unusual or questioned costs; or other justification for conducting the audit becomes apparent.

(a) The Department shall give the project sponsor advance notice of any audit.

(b) The Department shall prepare a written report on each audit and shall provide a copy of the report to the project sponsor. The project sponsor must respond, in writing, to the findings and recommendations within 30 days after receipt of a written request from the Department.

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 8-10-98, _____

62-552.850 Exceptions to Program Requirements.

(1) The Department shall consider a request for an exception to the requirements of this chapter if the exception does not conflict with state or federal law or federal regulations.

(2) A request for exception must contain the following information:

(a) The name of the project sponsor, project number, award date, application date, and the financial assistance amount involved;

(b) The specific rule to which an exception is requested;

(c) A complete description of what the exception would accomplish and justification for the exception;

(d) A statement of whether the same or a similar exception previously has been sought; and, if so, an explanation of the reason for that request and the outcome;

(e) A demonstration that compliance with the specified rules is unnecessary for abatement of pollution and protection of public health; and

(f) A demonstration that the economic, social, and environmental costs of compliance exceed the economic, social, and environmental benefits of compliance.

Rulemaking Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New

62-552.900 Forms for the State Revolving Fund Program for Drinking Water Facilities.

Rulemaking Specific Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-20-99, repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Trina Vielhauer, Director, Division of Water Restoration Assistance

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jonathan P. Steverson, Secretary, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 22, 2015

DEPARTMENT OF CHILDREN AND FAMILIES

Family Safety and Preservation Program

RULE NO.: 65C-16.013
RULE TITLE: Determination of Maintenance Subsidy Payments

PURPOSE AND EFFECT: The Department intends to amend Rule 65C-16.013, Determination of Maintenance Subsidy Payments, to delete unnecessary and confusing language.

SUMMARY: An exception to the requirement to explore placement without a subsidy when the child's adoption is by his or her current caregiver is deleted.

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: The Department used a checklist to conduct an economic analysis and determine if there is an adverse impact or regulatory costs associated with this rule that exceeds the criteria in section 120.541(2)(a), F.S. Based upon this analysis, the Department has determined that the proposed rule is not expected to require legislative ratification.

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: 409.166(8) FS.

LAW IMPLEMENTED: 409.166(4) 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: Jodi Abramowitz, jodi.abramowitz@myflfamilies.com or (850)717-4189

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-16.013 Determination of Maintenance Subsidy Payments.

(1) through (5) No change.

~~(6) The only exception to the requirement to explore placement without subsidy is when the child's adoption by his or her current caregiver, with whom he or she has established significant emotional ties, is the placement of choice. However, the current caregiver must be asked if he or she will adopt the child without subsidy. This inquiry must be documented in the child's record.~~ The CBC or subcontractor agency adoption staff shall inform the caregiver that adoption subsidy, unlike foster care board rate payments, is not intended to cover the complete cost of the child's care. The maintenance subsidy payment is intended to assist the adoptive parent in supporting the extra costs associated with adopting a child with special needs.

(7) through (15) No change.

Rulemaking Authority 409.166(8) FS. Law Implemented 409.166(4) FS. History--New 2-14-84, Formerly 10M-8.20, Amended 5-20-91, 4-19-94, Formerly 10M-8.020, Amended 12-23-97, 8-19-03, 11-30-08, 7-7-16, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Courtney Smith

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Carroll

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 12, 2016

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-27.003
 RULE TITLE: Designation of Endangered and Threatened Species; Prohibitions

PURPOSE AND EFFECT: The purposes of this proposed rule revision are to change the rule title; authorize take, possession, or selling of State-designated Threatened species if such conduct is authorized in a management plan approved by the Commission; and to implement species status changes found warranted by the Commission. The effect of this rule revision

is a title that better describes the rule, more clarity on what conduct may be permitted to cause take or possession of State-designated Threatened species, and a listing status for species as found warranted by the Commission.

SUMMARY: The Commission's imperiled species rules were significantly revised in 2010, and as a result, all then listed species that had not had their status recently reviewed were evaluated against the listing criteria. Based on these evaluations, staff made listing status recommendations to the Commission. The Commission approved these recommendation in June 2011. However, as specified by rule, any listing status changes were not to be implemented until a management plan for the species was approved. The Imperiled Species Management Plan (ISMP) covering these species is being approved concurrently with this rule revision. This revision includes reclassifying 23 species from Species of Special Concern to State designated Threatened and adding them to the Florida Endangered and Threatened Species List, and reclassifying two species from State-designated Threatened to unlisted and removing them from the list.

Additionally, during development of the ISMP it was determined that some activities or conduct which may cause some minor amount of take may be authorized in the management plan because they are known to benefit species or not to cause significant impacts to species. Under the current rule, these activities or conduct would be a violation of the rule even though the overall impact is beneficial. Proposed revisions to the rule allow for such activities or conduct.

Finally, the rule title is being revised to more clearly label the content of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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 agency is acting pursuant to its constitutional authority and is, therefore, not an agency as defined by Chapter 120.52, F.S., and the requirements of Chapter 120, F.S. would not apply to this proposed rule. However, in January of 2008, the agency promulgated a rule requiring the agency to prepare a SERC when one is required by the APA that was in place in January 2008. Section 120.54 (2007), F.S., the law in place in January 2008, does not require a SERC in this instance. Nevertheless, the agency has prepared a SERC for this proposed rule.

Overall, FWC and external economic analysis showed that the rule changes adding state-Threatened species to Rule 68A-27.003, F.A.C. will not significantly impact the costs and/or revenues for other state and federal agencies, private

businesses or other economic sectors. Uncertainty about final approved permitting guidelines as well as limitations inherent in the economic assessment likely bias the results for over-reporting of anticipated costs. While a few sectors estimate increasing costs over the next 5 years, others will see a slight increase in revenue annually. Overall, gains in other sectors may result in little or no net change to Florida's economy. FWC anticipates that much of the costs may already be accounted for in other state or federal permitting processes and will monitor potential costs to applicants by conducting economic assessments as species permitting guidelines are developed in consultation with stakeholders. The SERC is available upon request from Imperiled@MyFWC.com.

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: the nature of the rule and its implementing authority.

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: Art. IV, Sec. 9, Florida Constitution

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: During the Commission's regular meeting November 16-17, 2016, 8:30 a.m. to 5:00 p.m., each day.

PLACE: University of South Florida Student Center, 200 6th Street South, St. Petersburg, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: : Dr. Brad Gruver, Section Leader, Species Conservation Planning Section, Division of Habitat and Species Conservation, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.003 Florida Endangered and Threatened Species List; Prohibitions Designation of Endangered and Threatened Species; Prohibitions.

(1) No changes.

(2) State-designated Threatened species:

(a) No person shall take, possess, or sell any threatened species included in this subsection or parts thereof or their nests or eggs except as authorized by Commission rule or by permit from the Commission or when such conduct is authorized in a management plan as defined in this Chapter and approved by the Commission, or as authorized in Commission-approved guidelines.

(b) The species in this subsection are hereby declared to be State-designated Threatened Species, and shall be afforded the protective provisions specified.

(c) Fish:

1. Blackmouth shiner (*Notropis melanostomus*),

2. Bluenose shiner (*Pteronotropis welaka*),

32. Crystal darter (*Crystallaria asprella*),

43. Key silverside (*Menidia conchorum*),

5. Saltmarsh topminnow (*Fundulus jenkinsi*),

6. Southern tessellated darter (*Etheostoma olmstedi maculaticeps*).

(d) Amphibians:

1. Florida bog frog (*Lithobates okaloosae*),

2. Georgia blind salamander (*Eurycea wallacei*).

(e) Reptiles:

1. Barbour's map turtle (*Gratemys barbouri*),

24. Florida brownsnake (*Storeria victa*); lower Keys population only,

2. Peninsula ribbon snake (*Thamnophis sauritus sackenii*); lower Keys population only,

3. Florida Keys mole skink (*Plestiodon egregius egregius*),

4. Florida pine snake (*Pituophis melanoleucus mugitus*),

53. Gopher tortoise (*Gopherus polyphemus*). The Gopher tortoise shall be afforded the protective provisions specified in this subparagraph. No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise or parts thereof or their eggs, or molest, damage, or destroy gopher tortoise burrows, except as authorized by Commission permit or when complying with Commission approved guidelines for specific actions which may impact gopher tortoises and their burrows. A gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise. Permits will be issued based upon whether issuance would further management plan goals and objectives.

64. Key ringneck snake (*Diadophis punctatus acricus*),

75. Rim rock crowned snake (*Tantilla oolitica*),

86. Short-tailed snake (*Stilosoma extenuatum*),

7. Striped mud turtle (*Kinosternon baurii*); lower Keys population only.

(f)(e) Birds:

- 1. American oystercatcher (*Haematopus palliatus*),
 - 2. Black skimmer (*Rynchops niger*),
 - 3. Florida burrowing owl (*Athene cunicularia floridana*),
 - 44. Florida sandhill crane (~~Grus~~ *Antigone canadensis pratensis*),
 - 52. Least tern (~~Sterna~~ *Sterna antillarum*),
 - 6. Little blue heron (*Egretta caerulea*),
 - 7. Marian’s marsh wren (*Cistothorus palustris marianae*),
 - 8. Reddish egret (*Egretta rufescens*),
 - 9. Roseate spoonbill (*Platalea ajaja*),
 - 10. Scott’s seaside sparrow (*Ammodramus maritimus peninsulae*),
 - 113. Snowy plover (*Charadrius nivosus alexandrinus*),
 - 124. Southeastern American kestrel (*Falco sparverius paulus*),
 - 13. Tricolored heron (*Egretta tricolor*),
 - 14. Wakulla seaside sparrow (*Ammodramus maritimus juncicola*),
 - 155. White-crowned pigeon (*Patagioenas leucocephala*),
 - 16. Worthington’s marsh wren (*Cistothorus palustris griseus*).
- (g)(f) Mammals:
- 1. Big Cypress fox squirrel (*Sciurus niger avicennia*),
 - 2. Everglades mink (*Neovison vison evergladensis*),
 - 3. Sanibel rice rat (*Oryzomys palustris sanibeli*),
 - 4. Sherman’s short-tailed shrew (*Blarina shermani*),
- (h) Crustaceans:
- 1. Black Creek crayfish (*Procambarus pictus*),
 - 2. Santa Fe crayfish (*Procambarus erythrops*).
- Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 6-22-80, 7-1-83, 7-1-84, 7-1-85, Formerly 39-27.03, Amended 6-1-86, 5-10-87, 4-27-89, 9-14-93, 6-23-99, Formerly 39-27.003. Amended 12-16-03, 7-20-09, 11-8-10, 11-14-11, 8-23-12, 9-19-12, 6-10-15,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dr. Thomas H. Eason, Ph.D.
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 8, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 12, 2016

**Section III
Notice of Changes, Corrections and
Withdrawals**

**DEPARTMENT OF EDUCATION
State Board of Education**

RULE NO.: 6A-1.09533 RULE TITLE: Minimum School Term, Emergencies
NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 42 No. 190, September 29, 2016 Florida Administrative Register has been continued from October 26, 2016 to November 16, 2016.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.318 RULE TITLE: Occupational Therapy Services
NOTICE OF CORRECTION

The Notice of Correction in the Vol. 42 No. 196, October 7, 2016 issue of the Florida Administrative Register was published in error. The corrected Notice reads as follows:
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule 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. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs. Rule 59G-4.318, F.A.C. establishes requirements for providers to receive reimbursement for occupational therapy services under the Florida Medicaid program, it also establishes who is eligible to receive services. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.320 RULE TITLE: Therapy Services
NOTICE OF CORRECTION

The Notice of Correction in the Vol. 42, No. 196, October 7, 2016, issue of the Florida Administrative Register was published in error. The corrected Notice reads as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule 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. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs. Rule 59G-4.320, F.A.C. establishes requirements for providers to receive reimbursement for therapy services under the Florida Medicaid program, it also establishes who is eligible to receive services. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.322 Respiratory Therapy Services
NOTICE OF CORRECTION

The Notice of Correction in the Vol. 42, No. 196, October 7, 2016, issue of the Florida Administrative Register was published in error and should be disregarded.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-4.324 Speech-Language Pathology Services
NOTICE OF CORRECTION

The Notice of Correction in the Vol. 42, No. 196, October 7, 2016, issue of the Florida Administrative Register was published in error. The corrected Notice reads as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule 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. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs. Rule 59G-4.324, F.A.C. establishes requirements for providers to receive reimbursement for speech-language pathology services under the Florida Medicaid program, it also establishes who is eligible to receive services. Based on this information at the time of the analysis and pursuant to section 120.541, Florida Statutes, the rule will not require legislative ratification.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-11.0011 Mandatory HIV/AIDS and Prevention of Medical Errors Education
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 42 No. 192, October 3, 2016 issue of the Florida Administrative Register.

The Summary of Statement of Estimated Regulatory Cost and Legislative Ratification has been corrected and now reads as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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: Because the amendments will expand eligibility for licensure, there will be no adverse impact on small business nor increase in costs to any entity in excess of \$200,000 within 1 year; further, legislative ratification will not be necessary, as costs will not to exceed \$1 million in 5 years.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257; (850)245-4393

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-4.091 Publications, Forms and Agreements Incorporated by Reference

NOTICE IS HEREBY GIVEN that on October 11, 2016, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner’s Name: Green Swamp Mitigation Bank, LLC

Rule No.: 40D-4.091, F.A.C.

Nature of the rule for which variance or waiver is sought: Variance from the requirements set forth in Appendix 4, Section 9(i)(1) of the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, with respect to the financial responsibility requirements for the perpetual management of the Green Swamp Mitigation Bank under Permit Number 43034641.000

The Petition has been assigned tracking No. 2016060.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Christopher Tumminia, 7601 US Highway 301 North, Tampa, Florida 33637-6759, (813)985-7481, ext. 4658, chris.tumminia@swfwmd.state.fl.us. Any interested person or other agency may submit written comments within fourteen (14) days after the publication of this notice.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-4.091 Publications, Forms and Agreements Incorporated by Reference

NOTICE IS HEREBY GIVEN that on October 11, 2016, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner’s Name: Hillsborough River Mitigation Bank, LLC

Rule No.: 40D-4.091, F.A.C.

Nature of the rule for which variance or waiver is sought: Variance from the requirements set forth in Appendix 4, Section 9(i)(1) of the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, with respect to the financial responsibility requirements for the perpetual management of the Hillsborough River Mitigation Bank under Permit Number 43034658.000.

The Petition has been assigned tracking No. 2016062.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Christopher Tumminia, 7601 US Highway 301 North, Tampa, Florida 33637-6759, (813)985-7481, ext. 4658, chris.tumminia@swfwmd.state.fl.us. Any interested person or other agency may submit written comments within fourteen (14) days after the publication of this notice.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

NOTICE IS HEREBY GIVEN that on October 11, 2016, the Southwest Florida Water Management District received a petition for a variance or waiver.

Petitioner’s Name: Hillsborough River Mitigation Bank, LLC

Rule No.: 62-342.700, F.A.C.

Nature of the rule for which variance or waiver is sought: Variance from the requirements set forth in Section 373.4136, Florida Statutes, and Rule 62-342.700, Florida Administrative Code, with respect to the financial responsibility requirements for the perpetual management of the Hillsborough River Mitigation Bank under Permit Number 43034658.008.

The Petition has been assigned tracking No. 2016059.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Christopher Tumminia, 7601 US Highway 301 North, Tampa, Florida 33637-6759, (813)985-7481, Ext. 4658, chris.tumminia@swfwmd.state.fl.us. Any interested person or other agency may submit written comments within fourteen (14) days after the publication of this notice.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-4.091 Publications, Forms and Agreements Incorporated by Reference

NOTICE IS HEREBY GIVEN that on October 11, 2016, the Southwest Florida Water Management District, received a petition for a variance or waiver.

Petitioner’s Name: Withlacoochee Wetland Mitigation Bank, LLC

Rule No.: 40D-4.091, F.A.C.

Nature of the rule for which variance or waiver is sought: Variance from the requirements set forth in Appendix 4, Section 9(i)(1) of the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, with respect to the financial responsibility requirements for the perpetual management of the Withlacoochee Wetland Mitigation Bank under Permit Number 43040545.000.

The Petition has been assigned tracking No. 2016061.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Christopher Tumminia, 7601 US Highway 301 North, Tampa, Florida 33637-6759, (813)985-7481, ext. 4658, chris.tumminia@swfwmd.state.fl.us. Any interested person or other agency may submit written comments within fourteen (14) days after the publication of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on October 12, 2016, The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code, and Paragraph 5-202.11(A), 2009 FDA Food Code from Embajador Colombiano located in Tampa. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water and to collect wastewater at the handwash sink.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Daisy.Aleman@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

NOTICE IS HEREBY GIVEN that on September 28, 2016, the Florida Real Estate Appraisal Board received a petition for variance or waiver from Section 475.617(3), F.S., filed by Luke Johnson. Petitioner requested a variance or waiver from the requirements of the minimum education and experience prescribed by the rule of the board. Comments on this petition should be filed with Juana Watkins, Executive Director, Florida Real Estate Appraisal Board, 400 West Robinson Street, #N801, Orlando, FL 32801, (850)487-1395, Juana.Watkins@myfloridalicense.com, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juana Watkins, Executive Director, Florida Real Estate Appraisal Board, at the above address.

DEPARTMENT OF HEALTH

Board of Optometry

NOTICE IS HEREBY GIVEN that on October 6, 2016, the Board of Optometry received a petition for variance filed by Harry N. Snyder, OD, FAAO, from Rule 64B13-10.001, F.A.C., regarding Florida license as certified Optometrist. Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee,

FL 32399-3255, (850)488-0595 or by email: Anthony.Spivey@flhealth.gov, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dr. Anthony Spivey, Executive Director, Board of Optometry, at the above address.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

The Board of Physical Therapy Practice hereby gives notice that on August 15, 2016, an Order was filed on a Petition for Variance or Waiver. The Petition was filed by Fahed Mehyar on July 19, 2016, seeking a variance or waiver from paragraph 64B17-3.002(2)(a), F.A.C., which requires a foreign educated applicant have education credentials determined by an appropriate accrediting agency recognized by Commission on Recognition of Postsecondary Accreditation or the United States Department of Education to be equivalent to education requirements for licensure as a physical therapist in the United States. The Notice was published in Volume 42, No. 140, of the Florida Administrative Register, on July 20, 2016. The Board, at its meeting held on August 5, 2016, voted to deny the Petition for Variance or Waiver finding that the Petitioner did not demonstrate a substantial hardship and that application of the rule did not violate the principles of fairness.

A copy of the Order or additional information may be obtained by contacting: the Board of Physical Therapy Practice, Allan Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373 or MQA_PhysicalTherapy@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

The Board of Physical Therapy Practice hereby gives notice that on August 22, 2016, an Order was filed on a Petition for Variance or Waiver. The Petition was filed by Joseane Estrela Stacy on June 13, 2016, seeking a variance or waiver from sub-subparagraph 64B17-3.001(3)(b)1.c., F.A.C., which requires a foreign educated applicant have education credentials determined by the Foreign Credentialing Commission on Physical Therapy (FCCPT) to be equivalent to educational requirements for licensure as a physical therapist in the United States. The Notice was published in Volume 42, No. 132, of the Florida Administrative Register, on July 8, 2016. The Board, at its meeting held on August 5, 2016, voted to deny the Petition for Variance or Waiver, finding that the Petitioner did not demonstrate a substantial hardship; that application of the rule did not violate the principles of fairness; and that the purpose of the underlying statute was not met.

A copy of the Order or additional information may be obtained by contacting: the Board of Physical Therapy Practice, Allan Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373 or MQA_PhysicalTherapy@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

The Board of Physical Therapy Practice hereby gives notice that on August 15, 2016, an Order was filed on the Petition for Variance or Waiver. The Petition was filed by Priya Tamhane, on April 27, 2016, seeking a variance or waiver of certain general education requirements for licensure in Florida as a Physical Therapist with examination pursuant to Section 486.081, Florida Statutes, and Rule 64B17-3.003, F.A.C. Petitioner is foreign educated and licensed in the State of Michigan. The Notice was published in Volume 42, No. 148, of the Florida Administrative Register, on August 1, 2016. The Board's next scheduled public meeting was scheduled August 4, 2016. Subsection 120.542(8), F.S., provides that a petition not granted or denied within 90 days after receipt of completed petition is deemed approved. The granting of the waiver of Petitioner's general education course requirements became effective July 27, 2016, by operation of subsection 120.542(8), Florida Statutes.

A copy of the Order or additional information may be obtained by contacting: the Board of Physical Therapy Practice, Allan Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373 or MQA_PhysicalTherapy@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

The Board of Physical Therapy Practice hereby gives notice that on February 29, 2016, an Order was filed on the Petition for Variance or Waiver. The Petition was filed by Renee Navarro, Jr., on January 13, 2016, seeking a variance or waiver from Rule 64B17-3.003, F.A.C., of the requirement that an applicant for licensure have passed the National Physical Therapy Examination by or on the fifth attempt or be precluded from licensure. The Notice was published in Volume 42, No. 14, of the Florida Administrative Register, on January 22, 2016. The Board, at its meeting held on February 5, 2016, voted to deny the Petition for Variance or Waiver finding that the Petitioner did not demonstrate a substantial hardship; that application of the rule did not violate the principles of fairness; and that the purpose of the underlying statute was not met.

A copy of the Order or additional information may be obtained by contacting: the Board of Physical Therapy Practice, Allan Hall, Executive Director, 4052 Bald Cypress

Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373 or MQA_PhysicalTherapy@doh.state.fl.us.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

The Board of Physical Therapy Practice hereby gives notice that on June 8, 2016, an Order was filed on a Petition for Variance or Waiver. The Petition was filed by Ashwini Sheth on April 5, 2016, seeking a variance or waiver from Rule 64B17-3.003, F.A.C., which requires a foreign educated applicant attempting to demonstrate minimum qualifications to submit a certified copy of the credentialing evaluation used by the licensing board of another state. The Notice was published in Volume 42, No. 77, of the Florida Administrative Register, on April 20, 2016. The Board, at its meeting held on May 6, 2016, voted to deny the Petition for Variance or Waiver finding that the Petitioner has failed to demonstrate how the purpose of the underlying statute has been achieved by other means.

A copy of the Order or additional information may be obtained by contacting: the Board of Physical Therapy Practice, Allan Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373 or MQA_PhysicalTherapy@doh.state.fl.us.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Bureau of Historic Preservation announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2016, 9:00 a.m. – 11:00 a.m.

PLACE: R.A. Gray Building, Room 404, 500 South Bronough Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This webinar is intended to educate local government, tribal, private not-for-profit, and individual owners of historic properties in Florida on available financial programs to assist in disaster recovery.

How to Participate:

Advance registration for webinar participation is required. Register for the webinar at <https://attendee.gotowebinar.com/register/8073978143438148610>. After registering, you will receive a confirmation email containing information about joining the webinar.

At the time of the event, participants may access the webinar by visiting GoToWebinar.com and joining the session using webinar ID 843-988-411.

Participants may use their speakers and a headset to access audio through VOIP, or use their telephone.

Dial-in numbers: telephone number: +1(213)929-4212, access code: 565-628-817, audio PIN: shown after joining the webinar.

A copy of the agenda may be obtained by contacting: Ken Cureton at (850)245-6343 or Kenneth.Cureton@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ken Cureton at (850)245-6343 or Kenneth.Cureton@dos.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pest Control Enforcement Advisory Council (PCEAC) announces a public meeting to which all persons are invited.

DATE AND TIME: November 2, 2016, 10:00 a.m.

PLACE: UF/IFAS Mid Florida Research and Education Center Auditorium, 2725 South Binion Road, Apopka, FL 32703, phone number (directions only): (407)884-2034 or GoToMeeting:

<https://global.gotomeeting.com/join/466230797>;

teleconference information: 1(888)670-3525, access/pass code: 731-934-2066

GENERAL SUBJECT MATTER TO BE CONSIDERED: To address the business of the Council.

A copy of the agenda may be obtained by contacting: Mr. Dale Dubberly, Bureau Chief, (850)617-7984, dale.dubberly@freshfromflorida.com.

A copy of the agenda may be obtained by contacting: Dale Dubberly.

For more information, you may contact: Mr. Dale Dubberly, Bureau Chief, 3125 Conner Boulevard, Tallahassee, Florida 32399, (850)617-7984, dale.dubberly@freshfromflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

The Florida Motor Vehicle Repair Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, October 27, 2016, 1:30 p.m.

PLACE: Call-in number: 1(888)670-3525, participant code: 4220265671

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Florida Motor Vehicle Repair Advisory Council.

A copy of the agenda may be obtained by contacting: Amy Topol, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3800.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Amy Topol at (850)410-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA COMMISSION ON OFFENDER REVIEW

The Florida Commission on Offender Review announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, November 2, 2016, 9:00 a.m.; Thursday, November 3, 2016, 9:00 a.m.; Wednesday, November 9, 2016, 9:00 a.m.; Thursday, November 10, 2016, 9:00 a.m.; Wednesday, November 30, 2016, 9:00 a.m.; Thursday, December 1, 2016, 9:00 a.m.

PLACE: Florida Commission on Offender Review, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Commission on Offender Review at ada@fcor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-8.041 Minimum Flows

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: The WebBoard (internet-based) will be available for public comment from 9:00 a.m. October 21, 2016, through 5:00 p.m. November 30, 2016, and available for public viewing from October 21, 2016 through June 30, 2017, on the proposed Minimum Flows for the Pithlachascotee River.

PLACE: <https://swfwmd.discussion.community/categories>
For persons without Internet access, WebBoard access during the public comment period is available at the headquarters office of the Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida, 8:00 a.m. – 5:00 p.m., Eastern Daylight Time, Monday through Friday.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This website <https://swfwmd.discussion.community/categories> will be an open forum, allowing public access to and participation in communications among the chairman and members of the independent peer review panel assembled to review the proposed Minimum Flows for the Pithlachascotee River, pursuant to Section 373.042, Florida Statutes. Beginning at 9:00 a.m. on October 21, 2016, and continuing through delivery of the Panel's Final Report to the District at 5:00 p.m. on November 30, 2016, the WebBoard will be open/active. Peer review panelists will post information, pose questions to one another and use the WebBoard for revisions and additions to the proposed Minimum Flows for the Pithlachascotee River. During that time, the public can also provide comment directly on any aspect of the proposed Minimum Flows for the Pithlachascotee River, particularly on relevant scientific or technical data and findings. Interested parties may access electronically stored communications, documents, and other public records associated with the peer review at any time after they are posted between October 21, 2016, and June 30, 2017. In addition to the open forum WebBoard, the peer reviewers will participate in teleconferences on the proposed Minimum Flows for the Pithlachascotee River System, to be held as follows:

DATES AND TIMES: October 31, 2016, 1:00 p.m. – 4:00 p.m.; November 8, 2016, 1:00 p.m. – 4:00 p.m.; November 28, 2016, 1:00 p.m. – 4:00 p.m.

PLACE: Teleconference: call-in number: 1(888)670-3525, participant code: 1372920332#

NOTE: One or more members of the District's Governing Board may attend this public meeting/participate in the WebBoard forum.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, Attention: Doug Leeper, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or DougLeeper@swfwmd.state.fl.us, and will be accessible at <https://swfwmd.discussion.community/categories>. This contact can also be used to obtain WebBoard records.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director, (352)796-7211, or 1(800)423-1476 (FL only), ext. 4703, or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: in writing addressed to the Southwest Florida Water Management District, Attention: Doug Leeper, 2379 Broad Street, Brooksville, Florida 34604 or by calling Doug Leeper at (352)796-7211.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: October 24, 2016, 2:00 p.m.

PLACE: The River Center, 805 N. US Highway 1, Jupiter, FL 33477

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department's Division of Environmental Assessment and Restoration (DEAR) is holding a public meeting on the preparation of a Reasonable Assurance Plan (RAP) for the Loxahatchee River to address water quality impairments. A RAP is being developed to establish water quality targets and restoration activities that will address related pollutant loadings to the Loxahatchee River.

A copy of the agenda may be obtained by contacting: Julie Espy, Water Quality Assessment Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida 32399-2400, julie.espy@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Julie Espy, Water Quality Assessment Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida 32399-2400, julie.espy@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Julie Espy, Water Quality Assessment Program, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida 32399-2400, julie.espy@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection announces a public meeting to which all persons are invited.

DATE AND TIME: October 28, 2016, 9:00 a.m. – 12:00 Noon

PLACE: Marathon Government Center, Board Meeting Room, 2798 Overseas Highway, Marathon, FL 33050

GENERAL SUBJECT MATTER TO BE CONSIDERED: Update the members of the Subcommittee and the general public on the progress of ongoing canal water quality restoration projects and discussion of future actions. The meeting is open to the public.

A copy of the agenda may be obtained by contacting: Gus Rios, Environmental Administrator, South District Marathon Office, (305)289-7081, gus.rios@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gus Rios, Environmental Administrator, South District Marathon Office, (305)289-7081, gus.rios@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Air Resource Management announces a hearing to which all persons are invited.

DATE AND TIME: November 16, 2016, 10:00 a.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, Lab Conference Room 204-208, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to 40 C.F.R. 51.102, the Department of Environmental Protection (DEP) announces the opportunity for the public to request a hearing or offer comments on a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act. The proposed SIP revision consists of amendments to one Florida Administrative Code (F.A.C.) rule section. The rule section that the Department is requesting be amended within Florida's SIP are contained in Chapter 62-210, F.A.C., "Stationary Sources – General Requirements." This proposed SIP revision is intended to meet the legal requirements of the United States Environmental Protection Agency's Notice of Final Rule published in the Federal Register on June 12, 2015 (80 FR 33840). EPA's Final Rule has been challenged in the D.C. Circuit Court of Appeals by multiple states, including the State of Florida, in *Walter Coke, Inc. v. U.S. EPA*, USCA Case No. 15-1166. The materials comprising DEP's proposed SIP revision are accessible at the following website: <http://www.dep.state.fl.us/air/rules/regulatory.htm>. The

materials may also be inspected during normal business hours at the DEP, Division of Air Resource Management offices,

2600 Blair Stone Road, Tallahassee, Florida, or accessed with the aid of any DEP District Air Section or DEP-approved local air pollution control office. A public hearing will be held, if requested, at the date, time, and place given above. It is not necessary that the hearing be held or attended in order for persons to comment on DEP's proposed submittal to EPA. Any request for a public hearing must be submitted by letter to Preston McLane, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400 or by email to Preston.McLane@dep.state.fl.us, and received no later than November 14, 2016. A copy of the hearing agenda may be obtained by contacting: Preston McLane by letter sent to the above address, by email to Preston.McLane@dep.state.fl.us or by calling (850)717-9089. If no request for a public hearing is received, the hearing will be cancelled, and notice of the cancellation will be posted at the following website: <https://www.fldepnet.org/public-notices>. Persons may also contact Terri Long at (850)717-9023 to find out if the hearing has been cancelled. It is not necessary that the hearing be held or attended in order for persons to comment on DEP's proposed submittal to EPA. Any comments must be submitted to Preston McLane by letter to the address above or by email to Preston.McLane@dep.state.fl.us, with a copy to Terri Long, Terri.Long@dep.state.fl.us, and received no later than November 14, 2016.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Long at (850)717-9023 or Terri.Long@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mr. McLane by letter or email or by calling (850)717-9089.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

The Board of Chiropractic Medicine announces a public meeting to which all persons are invited.

DATE AND TIME: November 4, 2016, 8:30 a.m.

PLACE: Marriott North, 6650 N. Andrews Avenue, Ft. Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Meeting.

A copy of the agenda may be obtained by contacting: <http://floridaschiropracticmedicine.gov/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 72 hours before the workshop/meeting by contacting: Anthony.Spivey@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Anthony.Spivey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Psychology

The Board of Psychology announces a public meeting to which all persons are invited.

DATE AND TIME: November 17, 2016, 8:00 a.m., ET

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

A copy of the agenda may be obtained by contacting: The Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255; by calling the board office at (850)245-4373 or by visiting the website: www.floridaspsychology.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)245-4444, ext. 3418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Division of Environmental Health

The Bureau of Environmental Health, Onsite Sewage Programs announces a public meeting to which all persons are invited.

DATE AND TIME: October 21, 2016, 9:00 a.m., ET

PLACE: Florida Department of Health Southwood Complex, 4042 Bald Cypress Way, Conference Room 301, Tallahassee, Florida 32399; telephone conference: toll-free call-in number: 1(888)670-3525, conference code: 8605907413, website: http://connectpro22543231.adobeconnect.com/rrac_new/

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This is a meeting of the Research Review and Advisory Committee. The purpose of this meeting is to discuss and guide current, proposed, and potential future onsite sewage research projects. The focus of this meeting is to discuss what has happened since the Department of Health’s Nitrogen Reduction Strategies Study final legislative report was submitted in December 2015. This may include a discussion on potential changes to Chapter 64E-6, Florida Administrative Code. There will also be a discussion on the Department’s Florida Water Management Inventory, which shows the drinking water source and wastewater disposal method for every built property in the state. Part of this meeting may be accessible via web conference with details to be posted on the Bureau website: <http://www.floridahealth.gov/environmental-health/onsite-sewage/research/rrac.html>.

A copy of the agenda may be obtained by contacting: Elke Ursin, Department of Health, Bureau of Environmental Health, Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4444, ext. 2708, Elke.Ursin@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Elke Ursin, Department of Health, Bureau of Environmental Health, Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4444, ext. 2708, Elke.Ursin@flhealth.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Elke Ursin, Department of Health, Bureau of Environmental Health, Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4444, ext. 2708, Elke.Ursin@flhealth.gov.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation (the “Issuer”) announces a public meeting to which all persons are invited.

DATE AND TIME: November 10, 2016, 9:30 a.m.

PLACE: City Centre Building, 227 North Bronough Street, Fifth Floor, Formal Conference Room, Tallahassee, Florida 32301-1329
GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Public Hearing concerning Bonds to Finance Owner-Occupied Residences.

Notice is hereby given that the Florida Housing Finance Corporation (the “Issuer”) will conduct a public hearing pursuant to Section 147(f) of the Internal Revenue Code of

1986, as amended (the “Code”), to which all interested persons are invited.

To conduct a public hearing concerning a plan of financing (within the meaning of Section 147 (f)(2)(C) of the Code) pursuant to which the Issuer will issue its single family mortgage revenue bonds (the “Bonds”) in an amount not to exceed \$900,000,000 in one or more series to finance owner-occupied residences within the State of Florida (the “State”). Proceeds of the Bonds are expected to be available to finance owner-occupied residences for persons or families of low, moderate or middle income within any county of the State, subject to the participation of lending institutions in the counties they elect to serve. If the Bonds are issued in more than one series, each issue subsequent to the initial series will be issued within three years of the date of issuance of the initial series pursuant to a common plan of finance.

All interested parties are invited to submit written comments and/or present oral comments at the public hearing regarding the issuance of the Bonds or the purpose of the financing. Written comments should be received by the Issuer on or before November 3, 2016.

Any persons desiring to present oral comments should appear at the hearing.

Any person who decides to appeal any decision made by the Issuer with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based. Any questions or comments regarding the proposed issuance of Bonds should be directed to Mr. Steven P. Auger, Executive Director of the Issuer.

A copy of the agenda may be obtained by contacting: Rene Knight, (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rene Knight, Florida Housing Finance Corporation, by November 3, 2016 at (850)488-4197. If you are hearing or speech impaired, please contact: the Florida Housing Finance Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

WALTON COUNTY HEALTH DEPARTMENT

The Walton County Health Department announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2016, 11:30 a.m.

PLACE: Walton County Health Department

GENERAL SUBJECT MATTER TO BE CONSIDERED: Various Board information.

A copy of the agenda may be obtained by contacting: Patricia Hall at (850)890-8040, ext. 1174.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Patricia Hall at (850)890-8040, ext. 1174. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia Hall at (850)892-8040, ext. 1174.

FLORIDA SURPLUS ASSET FUND TRUST

The Florida Surplus Asset Fund Trust announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2016, 12:00 Noon

PLACE: Akerman LLP Offices, 420 South Orange Avenue, Suite 1200, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Surplus Asset Fund Trust, 10151 University Blvd., #227, Orlando, Florida 32817

AGENDA- REGULAR ELECTION MEETING OF PARTICIPANTS

This meeting of the Board of Trustees and Participants for Florida Surplus Asset Fund Trust will be held on Thursday, October 20, 2016 at 12:00 Noon at Akerman LLP, offices of Mike Williams, Esq., FL SAFE Counsel, CNL Center II Building, 420 South Orange Avenue, Suite 1200, Orlando, Florida 32801. Complimentary early lunch and parking provided at 11:00 a.m. (see attached). 11:30 a.m. Economic/Market Update.

Conference call number: 1(800)201-2375, participation code: 365753#

MEETING OF THE BOARD OF TRUSTEES - BOARD OF PARTICIPANTS

A. BUSINESS ITEMS

1. Call to Order/ Roll Call
2. Public Comments
3. Results of Board Seat Elections- Board Vice Chair- Administrator
4. Approval Prior Board Meeting Minutes
(a) July 28, 2016
5. Participant and Guest Introductions

- 6. Approval of 2017 Budget- FMAS- PMA
- 7. FLSAFE Auditor Engagement- Clifton Larson Allen
- B. OTHER ITEMS
 - 1. Investment Advisor/Operations Manager Update - PMA
 - (a) Economic and Market Update
 - (b) FLSAFE LGIP Portfolio Update; Comparative Market Review
 - (c) Operations Manager Report
 - (d) Board Ratification of Term Series
 - (e) Update- December 2016 Term Series
 - (f) PMA Comments
 - 2. Administrator Update- FMAS
 - (a) Marketing Update, Presentations
 - (b) Upcoming Conferences (FGFOA, FCCMA, FGFOA School, FGFOA Chapters)
 - (c) FMAS Comments
 - 3. FLSAFE Counsel's Comments
 - 4. Participants' Comments
 - 5. Board Members' Comments
- C. SET NEXT MEETING DATE/ ADJOURNMENT

- 1. Future meeting dates: January 26, 2017; April 2017; July 2017; October 2017

I look forward to seeing you in the meeting. In the meantime, if you have any questions, please do not hesitate to contact either: Jeff Larson, FLSAFE Administrator at (407)496-1597, jlarson@floridamanagementservices.com or me at (954)597-3550.

Very truly yours,
/s/ Mark C. Mason, CPA

Mark C. Mason, CPA, Chairman

A copy of the agenda may be obtained by contacting: Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com or at (407)496-1597.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com or at (407)496-1597. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Jeff Larson, FMAS Administrator, jlarson@floridamanagementservices.com or at (407)496-1597.

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Optometry

NOTICE IS HEREBY GIVEN that the Board of Optometry has issued an order disposing of the petition for declaratory statement filed by Thomas F. Panza, on behalf of Nova Southeastern University's College of Optometry (NSU-COO) on December 15, 2015. The following is a summary of the agency's disposition of the petition:

The Notice of the Petition for Declaratory Statement was published in Volume 42, No. 30, of the February 15, 2016, issue of the Florida Administrative Register. The Board reviewed the Petition at its meeting held on August 19, 2016. The petition seeks the Board's interpretation of Rule 64B13-3.003, subsection 64B13-3.007(6), and Rule 64B13-3.010, F.A.C., regarding the applicability of NSU-COO performing public service through the provision of free vision screenings to school children and/or others. Based upon the facts set forth in the Petition the Board hereby finds as follows: If the visual screenings to be provided by NSU-COO are, in fact, "public screenings," then the screening would fall under the exception found at paragraph 64B13-3.007(6)(c), F.A.C. Individuals screened by NSU-COO in public service visual screenings are not patients of NSU-COO for the purpose of 64B13-3.003. Individuals screened by NSU-COO in public service visual screenings are not patients of NSU-COO for the purpose of 64B13-3.010, F.A.C.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dr. Anthony Spivey, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3255, (850)488-0595, Anthony.Spivey@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

NOTICE IS HEREBY GIVEN that the Board of Physical Therapy Practice has issued an order disposing of the petition for declaratory statement filed by Joseane Estrela Stacy on June 13, 2016. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 42, No. 132, of the July 8, 2016, Florida Administrative Register. The Petitioner seeks a declaratory statement of the Board's interpretation of 486.031(3)(b),

Florida Statutes, and Rule 64B17-3.003, F.A.C., governing the issuance of a physical therapy license as applied to Petitioner’s particular circumstances. The Board’s Order, filed on August 22, 2016, declines to issue a declaratory statement in this matter because the statute and rule are clear and unambiguous as written regarding the requirements for licensure of a foreign educated physical therapist without examination.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: the Board of Physical Therapy Practice, Allan Hall, Executive Director, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255, (850)245-4373 or MQA_PhysicalTherapy@doh.state.fl.us.

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

AJAX BUILDING CORPORATION
FSU EARTH OCEAN ATMOSPHERIC SCIENCES
BUILDING
NOTICE TO BIDDERS

Date: 10/13/16

Sealed bids for furnishing all labor and material and performing all work necessary and incidental to the completion of

Bid Group	Bid Package Number – Description	Pre-Bid Conference Date – Time	Bid Date – Time
A	1.1 – Site Survey	10/20/2016 – 10:00 a.m.	11/15/2016 – 2:00 p.m.
A	1.2 – Material Testing	10/20/2016 – 10:00 a.m.	11/15/2016 – 2:00 p.m.
A	2.1 – Site work	10/20/2016 – 10:00 a.m.	11/15/2016 – 2:00 p.m.
A	3.1 – Concrete	10/20/2016 – 10:00 a.m.	11/15/2016 – 2:00 p.m.
A	31.1 – Auger Cast Grout Piles	10/20/2016 – 10:00 a.m.	11/15/2016 – 2:00 p.m.
A	31.2 – Sheet Piling	10/20/2016 – 10:00 a.m.	11/15/2016 – 2:00 p.m.

for the FSU Earth Ocean and Atmospheric Sciences Building (FS-259) will be received by Ajax Building Corporation, 1080 Commerce Boulevard, Midway, FL 32343 until 2:00 p.m. Local Time, on the above referenced dates.

Each bid must be accompanied by a Bid Bond on the form enclosed in this package, certified check or cashier's check in an amount no less than five percent (5%) of the total amount of the base bid as guarantee that the bidder will, if awarded the contract, enter into a written contract, satisfactory in form, containing a penalty clause and requiring workers' compensation and public liability insurance and approval of subcontractor by Ajax Building Corporation and shall be prepared to provide Payment and Performance Bonds on the forms enclosed in this bid package to Ajax Building Corporation in the full amount of the contract price within seven (7) days after acceptance. Bidder must be a licensed Florida Contractor.

The Contract Documents, as defined in Subcontract Agreement form, may be examined at the office of Ajax Building Corporation, 1080 Commerce Boulevard, Midway, FL 32343. In addition, prequalified bidders may obtain a set of Contract Documents by downloading from Ajax Building

Corporation's project-specific FTP site. Access information will be made available through validation of the prequalification process.

The Bid Documents are anticipated to be available to prequalified bidders on the following dates:

Bid Group A: 10/17/2016

Interested bidders may obtain pre-qualification forms by contacting Ajax Building Corporation's office. Only bidders meeting pre-qualification criteria may bid. Bidders must submit a completed experience questionnaire and financial statement on the form entitled "Bidder Qualifications Questionnaire", incorporated herein by reference. The subcontractor's financial condition must demonstrate that adequate fixed and liquid assets and equipment are available to properly perform the Subcontract.

No bids may be withdrawn after the scheduled closing time for receipt of same for a period of one hundred thirty (130) days.

Proposals shall be sealed and plainly marked, "Bid", with name of project, bid package number and description, name and address of bidder, time and date due.

The Construction Manager reserves the right to reject any and all bids received and to waive any and all informalities or irregularities in regard thereto.

Pre-Bid Conferences will be held at the above listed dates, times, and locations. Pre-Bid Conferences are mandatory.

Dates are subject to change. Notice will be given to Prequalified bidders.

For additional information, contact: Quinn Toulon, Sr. Project Manager, at (850)224-9571 or quinn@ajaxbuilding.com.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Chiefland Chrysler-Dodge-Jeep, Inc. d/b/a Chiefland Chrysler Dodge Jeep Ram FIAT for the establishment of FIAT vehicles

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that FCA US LLC, intends to permit the establishment of Chiefland Chrysler-Dodge-Jeep, Inc. d/b/a Chiefland Chrysler Dodge Jeep Ram FIAT as a dealer for the sale of FIAT passenger cars and light trucks (line-make FIAT) at 2771 North Young Boulevard, Chiefland, Florida 32626, on or after October 15, 2016.

The name and address of the dealer operator(s) and principal investor(s) of Chiefland Chrysler-Dodge-Jeep, Inc. d/b/a Chiefland Chrysler Dodge Jeep Ram FIAT are dealer operator(s): Arthur Sullivan, 2771 North Young Boulevard, Chiefland, Florida 32626, and Tim Johns, 2771 North Young Boulevard, Chiefland, Florida 32626; principal investor(s): Sullivan Automotive Group, Inc., 4000 SW College Road, Ocala, Florida 34474. The principle investors of Sullivan Automotive Group, Inc. are: Arthur Sullivan, 2771 North Young Boulevard, Chiefland, Florida 32626, Melissa Sullivan, 2771 North Young Boulevard, Chiefland, Florida 32626, Chris Smith, 2771 North Young Boulevard, Chiefland, Florida 32626, Scott Bostic, 2771 North Young Boulevard, Chiefland, Florida 32626, Tim Johns, 2771 North Young Boulevard, Chiefland, Florida 32626, Andy Johnson, 2771 North Young Boulevard, Chiefland, Florida 32626, Francois Sullivan, 2771 North Young Boulevard, Chiefland, Florida 32626, Kevin Eller, 2771 North Young Boulevard, Chiefland, Florida 32626, Mike Noble, 2771 North Young Boulevard, Chiefland, Florida 32626, Jim Roberts, 2771 North Young Boulevard, Chiefland, Florida 32626, Terry Garbig, 2771 North Young Boulevard, Chiefland, Florida 32626, Charlie Smith, 2771 North Young Boulevard, Chiefland, Florida 32626 and Sean Sullivan, 2771 North Young Boulevard, Chiefland, Florida 32626.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris Chandler, FCA US LLC, 10300 Boggy Creek Road, Orlando, Florida 32824.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

G4 Autowerks, LLC d/b/a Audi Wesley Chapel for the establishment of Audi vehicles

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to the requirements of Section 320.642, Florida Statutes, notice is given that Audi of America, Inc., an operating unit of Volkswagen Group of America, Inc., intends to establish G4 Autowerks, LLC dba Audi Wesley Chapel as a dealership for the sale and service of new Audi motor vehicles at a location on the north side of State Road 56 approximately 1.13 miles east of the intersection with Bruce B. Downs Blvd., Wesley Chapel, Pasco County, Florida 33543, more particularly described as Lot 6, Lot 7, and Lot 8 of Wiregrass Parcel M20 and a portion of Parcel M8, as per the plat thereof recorded in Plat Book 73, Pages 51-58, of the Public Records of Pasco County, Florida. Audi of America, Inc. intends to engage in business with G4 Autowerks, LLC dba Audi Wesley Chapel on or after March 1, 2017, assuming that no protest is filed.

The name and address of the dealer operator(s) and principal investor(s) of G4 Autowerks, LLC dba Audi Wesley Chapel are dealer operator(s): Richard R. Dimmitt, 25191 US Highway 19 North, Clearwater, FL 33763; principal investor(s): Richard R. Dimmitt and Doreen B. Dimmitt, Trustees Richard R. Dimmitt Revocable Trust

Beneficiaries: Richard R. Dimmitt and Doreen B. Dimmitt 25191 US Highway 19 North Clearwater, Florida 33763;

Michael D. Magidson, Trustee RRD-RD 2016 Irrevocable Trust Beneficiary: Richard R. Dimmitt, Jr. 25191 US Highway 19 North, Clearwater, Florida 33763; Michael D. Magidson, Trustee RRD-PD 2016 Irrevocable Trust Beneficiary: Peter B. Dimmitt 25191 US Highway 19 North Clearwater, Florida 33763; Scott Larguier 3610 South Carter Street, Tampa, Florida 33629.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles,

Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Cody Thacker, Volkswagen Group of America, Inc., 2520 Northwinds Parkway, Suite 500, Alpharetta, Georgia 30009.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Villages Golf Cart Man LLC, for relocation of Cruise Car (CRUS) low speed vehicles

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Cruise Car, Inc., intends to allow the relocation of Villages Golf Cart Man LLC, as a dealership for the sale of low-speed vehicles manufactured by Cruise Car, Inc. (line-make CRUS) from its present location at 4525 Monaco Way # C, Wildwood, (Sumter County), Florida, 34785, to a proposed location at 4095 County Road 106, Oxford, (Sumter County), Florida, 34484, on or after October 14, 2016.

The name and address of the dealer operator(s) and principal investor(s) of Villages Golf Cart Man LLC are dealer operator(s): Anthony Colangelo, 4095 County Road 106, Oxford, Florida, 34484, principal investor(s): Anthony Colangelo, 4095 County Road 106, Oxford, Florida, 34484.

The notice indicates intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: William A. Kics, Cruise Car, Inc., 5120 Middle Avenue North, Sarasota, Florida, 34234.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

PUBLIC SERVICE COMMISSION

NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider, at its November 1, 2016 Commission Conference, Docket No. 160200-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an amount not to exceed in the aggregate \$1.2 billion, during the twelve-month period, ending December 31, 2017. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety, with the maximum amount of short-term debt outstanding at any one time being \$0.9 billion, during the twelve month period, ending December 31, 2017. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, November 1, 2016. The Commission Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850.

PURPOSE: To take final action in Docket No. 160200-EI.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. For more information, please contact: Wesley Taylor, Office of the General Counsel, (850)413-6175.

PUBLIC SERVICE COMMISSION

NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider at its November 1, 2016 Commission Conference, Docket No. 160196-EI, Application of Duke Energy Florida, LLC for authority to issue and sell securities during 12 months ending December 31, 2017. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell or otherwise incur during 2017 up to \$1.5 billion of any combination of equity securities, long-term debt securities and other long-term obligations. Additionally, the Company requests authority to issue, sell or otherwise incur during 2017 and 2018 up to \$1.5 billion outstanding at any time of short-term debt securities and other obligations, which amount shall be in addition to and in excess of the amount the Company is authorized to issue pursuant to Section 366.04, Florida Statutes, which permits the Company to issue short-term securities aggregating to not more than five percent of the par value of the Company's other outstanding securities.

DATE AND TIME: Tuesday, November 1, 2016. The Commission Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850.

PURPOSE: To take final action in Docket No. 160196-EI.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. For more information, please contact: Wesley Taylor, Office of the General Counsel, (850)413-6175.

PUBLIC SERVICE COMMISSION

NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider at its November 1, 2016 Commission Conference, Docket No. 160213-EI Application for authority to issue and sell securities during calendar year 2017, pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, by Florida Power & Light Company. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, to issue and sell, and/or exchange any combination of the long-term debt and equity securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$6.1 billion during calendar year 2017. In addition, the Company seeks permission to issue and sell short-term

securities during the calendar years 2017 and 2018 in an amount or amounts such that the aggregate principal amount of short-term securities outstanding at the time of, and including, any such sale shall not exceed \$4.0 billion.

DATE AND TIME: Tuesday, November 1, 2016. The Commission Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850.

PURPOSE: To take final action on Docket No. 160213-EI.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. For more information, please contact: Wesley Taylor, Office of the General Counsel, (850)413-6175.

PUBLIC SERVICE COMMISSION

NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider at its November 1, 2016 Commission Conference, Docket No. 160214-EI, Gulf Power Company’s Application for authority to issue and sell securities and to receive common equity contributions during the twelve months ending December 31, 2017. Pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code, Gulf seeks authority to receive equity funds from and/or issue common equity securities to the Southern Company, Gulf’s parent company; issue and sell long-term debt and equity securities; and issue and sell short-term debt securities during 2017. The maximum amount of common equity contributions received from and proceeds from common equity shares issued to Southern, the maximum amount of equity securities issued and the maximum principal amount of long-term debt securities issued will total not more than \$750 million. The maximum principal amount of short-term debt outstanding at any one time will total not more than \$500 million.

DATE AND TIME: Tuesday, November 1, 2016. The Commission Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850.

PURPOSE: To take final action on Docket No. 160214-EI.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate

at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. For more information, please contact Wesley Taylor, Office of the General Counsel, (850)413-6175.

DEPARTMENT OF HEALTH

Board of Massage Therapy

Notice of Emergency Action

On October 12, 2016, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Gary MacNeil, L.M.T., License # MA 76440. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On October 12, 2016, State Surgeon General issued an Order of Emergency Restriction of Certification with regard to the certificate of Edward Marlin Robinson, C.N.A., Certificate # 282897. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On October 12, 2016, State Surgeon General issued an Order of Emergency Restriction of Certification with regard to the certificate of Jovoni Pryor, C.N.A., Certificate # 291731. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On October 12, 2016, the State Surgeon General issued an Order of Emergency Suspension of Certification with regard to the certificate of Nick William Monrabal, C.N.A., Certificate # CNA 303494. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2016). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-16-197

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-197 on October 12, 2016, in response to an application submitted by Innerarity Townhome Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department's Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Agency.Clerk@DEO.MyFlorida.com.

Section XIII

**Index to Rules Filed During Preceding
Week**

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.
