

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:

40C-1.135 Delegations of Authority

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to update the positions that are delegated authority in 40C-1.135(2), F.A.C., after a recent reorganization that renamed or deleted several positions. The rest of this rulemaking will be merged into the statewide environmental resource permit (ERP) cleanup rulemaking, for which a Notice of Rule Development was published in the FAR on February 12, 2015 (Vol.41/ No.71).

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would update the positions that are delegated authority to review and take final agency action on certain applications to use sovereign submerged lands.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.016, 373.103, 373.113, 373.118, 373.4131 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.

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: District Clerk, (386)329-4127 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: Tom Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108, or tmayton@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40C-1.135 Delegations of Authority.
- (1) No change.

(2) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may further delegate review and decision making authority to District staff. Therefore, the Governing Board delegates this authority to the Executive Director, ~~Assistant Executive Director, Director and Assistant Director~~ of the Division of Regulatory Services, Chief of the Bureau of Environmental Resource Regulation, and each Regulatory Coordinator ~~Service Center Director~~, when an application to use sovereign submerged lands involves an activity which is reviewed pursuant to the general permit procedures of Chapter 62-330, F.A.C.

Rulemaking Authority ~~420.53(1)~~, 373.044, 373.113 FS. Law Implemented ~~420.53~~, 373.016, 373.103, 373.113, 373.118, 373.4131 FS. History—New 8-1-89, Amended 1-4-96, 11-11-03, 10-1-13.,

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:

40C-8.031 Minimum Surface Water Levels and Flows
and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to revise the established minimum surface water levels for Lake Kerr in Marion County.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would revise the established minimum surface water levels for Lake Kerr pursuant to the mandate of Section 373.042, Florida Statutes. Each revised surface water level has an associated duration and return interval. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum surface water levels established by the District, if adopted, the minimum surface water levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 2, 2015, 1:00 p.m. – 3:00 p.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

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: District Clerk, (386)329-4127 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: Tom Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108 or tmayton@sjrwmd.com, and Mary Ellen Winkler, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)312-2340 or mwinkler@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) through (3) No change.

(4) The following minimum surface water levels are established:

System Name	County	Minimum Level	Level (ft NGVD)	Level (ft NAVD)	Hydroperiod Category	Duration (days)	Return Interval (years)
(a) through (zz) No change							
(aaa) Kerr	Martin	Infrequent High	25.6	24.6		30	25
		Frequent High	23.3	22.3	Seasonally Flooded	14-	2-
		Average	24.4	23.3			
			21.7	20.7	Typically Saturated	180-	1.7-
			22.9	21.9			
		Frequent Low	20.4	19.4	Semipermanently Flooded	120-	5-
			21.5	20.5			

(bbb) through (cccc) No change.

(5) through (6) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-12-03, 11-10-03, 1-12-04, 2-1-06, 12-3-06, 5-10-07, 5-24-07, 1-11-10, 8-22-13, 4-3-14,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-8.031
 RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to revise the established minimum surface water levels for Lake Tarhoe in Putnam County.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would revise the established minimum surface water levels for Lake Tarhoe pursuant to the mandate of Section 373.042, Florida Statutes. Each revised surface water level has an associated duration and return interval. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum surface water levels established by the District, if adopted, the minimum surface water levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

Members of the District’s Governing Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 2, 2015, 1:00 p.m. – 3:00 p.m.

PLACE: Governing Board Room, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

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: District Clerk, (386)329-4127 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: Tom Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4108 or tmayton@sjrwmd.com, and Karen Ferguson, Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4288 or K Ferguson@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) through (3) No change.

(4) The following minimum surface water levels are established:

System Name	County	Minimum Level	Level (ft NGVD)	Level (ft NAVD)	Hydroperiod Category	Duration (days)	Return Interval (years)
(a) through (rrrr) No change .	Putnam	Frequent High	<u>36.6</u> 37.0	<u>35.7</u> 36.0	Seasonally Flooded	<u>30</u>	<u>3</u>
		Average	<u>35.1</u> 36.0	<u>34.2</u> 35.1	Typically Saturated	<u>180</u>	<u>1.7</u>
		Frequent Low	<u>33.0</u> 35.2	<u>32.0</u> 34.3	Semipermanently Flooded	<u>120</u>	<u>5</u>

(tttt) through (ccccc) No change.

(5) through (6) No change.

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-12-03, 11-10-03, 1-12-04, 2-1-06, 12-3-06, 5-10-07, 5-24-07, 1-11-10, 8-22-13, 4-3-14, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:

40C-44.301 Conditions for Issuance of Permits

PURPOSE AND EFFECT: The St. Johns River Water Management District (SJRWMD) gives notice that it is initiating rulemaking to amend the above referenced rule. This rule was last amended on October 1, 2013, to make it consistent with Section 373.4131, F.S., which required the Department of Environmental Protection in coordination with the five water management districts (WMDs) to develop statewide environmental resource permitting (ERP) rules. The purpose and effect of this rulemaking is to update subsection 40C-44.301(3), F.A.C., which currently references Rule 40C-44.900, F.A.C., because Rule 40C-44.900, F.A.C. is being repealed as redundant with subsection 40C-44.101(2), F.A.C. The rest of this rulemaking will be merged into the statewide environmental resource permit (ERP) cleanup rulemaking, for which a Notice of Rule Development was published in the FAR on February 12, 2015 (Vol.41/ No.71).

SUBJECT AREA TO BE ADDRESSED: This rule development will update subsection 40C-44.301(3), F.A.C. to reference subsection 40C-44.101(2), F.A.C. instead of Rule 40C-44.900, F.A.C. regarding the appropriate application form.

RULEMAKING AUTHORITY: 373.016, 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS.

LAW IMPLEMENTED: 373.016, 373.409, 373.4131, 373.416, 373.418 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.

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: District Clerk, (386)329-4127 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: Veronika Thiebach, Sr. Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488 or vthiebach@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-44.301 Conditions for Issuance of Permits.
 (1) through (2) No change.

(3) Existing systems which are required to obtain a permit pursuant to this chapter are presumed to satisfy the conditions for issuance in subsections (1) and (2) above provided the information requested on the appropriate application form, pursuant to subsection 40C-44.101(2) ~~40C-44.900~~, F.A.C., is submitted and the applicant demonstrates compliance with the performance standards of Rule 40C-44.065, F.A.C. If available information indicates that the operation and maintenance of the system is inconsistent with the conditions for issuance in subsections (1) and (2) above, the District shall require additional information which demonstrates that the existing system is in compliance with the performance standards of Rule 40C-44.065, F.A.C.

Rulemaking Authority 373.016, 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.016, 373.409, 373.4131, 373.416, 373.418 FS. History—New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, 10-1-13,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE NO.: RULE TITLE:

61G18-16.003 Continuing Education Standards

PURPOSE AND EFFECT: This amendment will add approved provider

SUBJECT AREA TO BE ADDRESSED: Additional provider

RULEMAKING AUTHORITY: 474.206, 474.211 FS.

LAW IMPLEMENTED: 474.211 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: Ruthanne Christie, Executive Director, Division of Professions, Board of Veterinary Medicine, 1940 N. Monroe Street, Tallahassee, FL 32399-0783

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.017 Optional Informed Consent for Cataract Surgery

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate a revised form into the Board’s rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of the revised optional informed consent form for cataract surgery.

RULEMAKING AUTHORITY: 458.351 FS.

LAW IMPLEMENTED: 458.351 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: Adrienne Rodgers, Interim Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NOS.: RULE TITLES:

64B11-2.002 Admission by Endorsement

64B11-2.003 Fees; Application

64B11-2.007 HIV/AIDS and Medical Error Prevention Education for Initial Licensure

64B11-2.008 Fees; Initial License

64B11-2.009 Fees; Renewal of License

64B11-2.011 Definition of Supervised Fieldwork Experience

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to consolidate language with regard to occupational therapists and occupational therapy assistants in one chapter and to delete outdated or unnecessary language. Additionally, the Board proposes the development of the revised application form DH-MQA 1152.

SUBJECT AREA TO BE ADDRESSED: The consolidation of language from Chapter 64B11-3 into Chapter 64B11-2, and the incorporation of the revised application form.

RULEMAKING AUTHORITY: 456.013, 468.204, 468.213(1), 468.221 FS.

LAW IMPLEMENTED: 456.013, 456.0635, 468.209, 468.213(1), 468.221 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: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF CHILDREN AND FAMILIES

Mental Health Program

RULE NOS.: RULE TITLES:

- 65E-14.001 Applicability
- 65E-14.003 Audits of SAMH-Funded Entities
- 65E-14.005 Matching
- 65E-14.017 Cost Principles
- 65E-14.021 Schedule of Covered Services

PURPOSE AND EFFECT: The purpose of this rulemaking is to update Chapter 65E-14, F.A.C. to 1) reflect changes to budget entity and program-specific language adopted in the Fiscal Year 2015-16 General Appropriations Act; 2) replace references incorporating various Office of Management and Budget Circulars with a reference incorporating the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, also known as “The Super-Circular”; and 3) incorporate a simplified version of Form CF-MH 1045, Program Description. The effect of this rulemaking will be to more closely align the SAMH financial regulations to recently revised appropriations classifications and national standards for accounting and auditing.

SUBJECT AREA TO BE ADDRESSED: This rulemaking addresses budgeting, accounting and auditing standards applicable to community substance abuse and mental health service funds.

RULEMAKING AUTHORITY: 394.74, 394.78(1), (3), (5), 394.9082(11), 397.321(5), 402.73 FS.

LAW IMPLEMENTED: 394.74, 394.76, 394.77, 394.78(1), (3), (5), 394.9082, 397.321(10), 397.481, 402.73(1) 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: Jimmers Micallef, jimmers.micallef@myflfamilies.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-14.001 Applicability.

(1) This Chapter applies to all SAMH-Funded Entities as defined in paragraph (2)(r) of this rule when providing services using community substance abuse and mental health funds appropriated by the Legislature to the Department of Children and Families through the Community Substance Abuse and Mental Health Services budget entity substance abuse and/or mental health budget entities.

(2) Definitions.

(a) through (c) No change.

(d) “Audit” means a single or program-specific audit in accordance with 2 C.F.R. §§200.0-521, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (January 1, 2014), herein incorporated by reference, OMB Circular A 133 <http://www.flrules.org/Gateway/reference.asp?No=Ref 04200>, as specified in subsection 65E-14.003(1), F.A.C. and Section 215.97, F.S. Copies of this incorporated document may be obtained from the Office of Substance Abuse and Mental Health, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700 and are also available at <https://federalregister.gov/a/2013-30465>.

(e) through (x) No change.

Rulemaking Authority 394.74, 394.78(1), 394.9082(11), 397.321(5) FS. Law Implemented 394.74, 394.77, 394.9082, 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.01, Amended 7-29-96, Formerly 10E-14.001, Amended 7-1-03, 12-14-03, 1-2-05, 7-27-14.

65E-14.003 Audits of SAMH-Funded Entities.

(1) SAMH-Funded Entities shall engage an independent auditor to perform an annual single program or program-specific audit in accordance with Section 215.97, F.S., and 2 C.F.R. §§200.0-521, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (January 1, 2014). OMB Circular A 133 Audits of States, Local Governments, and Non Profit Organizations (revised to show changes published in the Federal Register June 27, 2003 and June 26, 2007), <https://www.flrules.org/gateway/reference.asp?NO=Ref 04200XXXXX>, which is herein incorporated by reference, copies of which may be obtained from the Office of Substance Abuse and Mental Health, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700. When a financial audit is

required to be performed by an independent auditor pursuant to 2 C.F.R. §§200.0-.521, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (January 1, 2014), ~~OMB Circular A-133~~, the audit package shall contain the documents listed in paragraphs (1)(a)-(d), which are hereby incorporated by reference. Copies of these documents may be obtained from the Office of Substance Abuse and Mental Health, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

- (a) through (d) No change.
- (2) No change.

(3) When 2 C.F.R. §§200.0-.521, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (January 1, 2014), ~~OMB Circular A-133~~ does not require an audit by an independent auditor, the SAMH-Funded Entity's chief financial officer shall prepare the schedules required in subsection (1) of this rule. If no chief financial officer exists, the entity's executive director shall prepare the required schedules.

- (4) through (6) No change.

Rulemaking Authority 394.74, 394.78(1), (3), (5), 394.9082(11) FS. Law Implemented 394.74, 394.76(5), 394.77, 394.78(3), 394.9082 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.03, Amended 7-29-96, Formerly 10E-14.003, Amended 7-1-03, 12-14-03, 7-27-14,_____.

65E-14.005 Matching.

This rule contains standards for Service Providers to satisfy State requirements for matching.

- (1) No change.
- (2) Unallowable for Matching. The following costs and expenditures may not be used to satisfy the match requirement.

- (a) through (d) No change.

(e) Unallowable costs specified in 2 C.F.R. §§200.0-.521, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (January 1, 2014) ~~as the OMB Circulars incorporated by Rule 65E-14.017, F.A.C.;~~ and

- (f) No change.

- (3) – (8) No change.

Rulemaking Authority 394.74, 394.9082(11) FS. Law Implemented 394.74, 394.76, 394.9082 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.05, 10E-14.005, Amended 7-1-03, 12-14-03, 1-2-05, 7-27-14,_____.

65E-14.017 Cost Principles.

- (1) through (2) No change.

(3) All SAMH-Funded Entities shall use the accounting standards established by 2 C.F.R. §§200.0-.521, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (January 1, 2014) ~~the~~

~~Office of Management and Budget (OMB) circulars incorporated by subsection (4) of this rule to account for the expenditure of funds.~~

~~(4) General Principles.~~

~~The following documents are hereby incorporated by reference, copies of which may be obtained from the Office of Substance Abuse and Mental Health, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:~~

~~(a) OMB Circular A-110; Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations, revised November 19, 1993 as further amended September 30, 1999 <https://www.flrules.org/Gateway/reference.asp?No=Ref-04214>;~~

~~(b) OMB Circular A-122; Cost Principles for Non Profit Organizations, revised May 10, 2004 <https://www.flrules.org/Gateway/reference.asp?No=Ref-04199>;~~

~~(c) OMB Circular A-133, Audits of States, Local Governments, and Non Profit Organizations, revised to show changes published in the Federal Register June 27, 2003 and June 26, 2007 <http://www.flrules.org/Gateway/reference.asp?No=Ref-04200>; and~~

~~(d) OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments, revised May 10, 2004 <https://www.flrules.org/gateway/reference.asp?NO=Ref-04197>.~~

~~(4)(5) All SAMH-Funded Entities contracting directly with the department shall also report actual expenditure data on a monthly basis to the department according to the reporting requirements and templates included in the terms of each entity's contract.~~

Rulemaking Authority 394.78(1), 394.9082(11) FS. Law Implemented 394.74, 394.77, 394.78(1), 394.9082 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.17, Amended 7-29-96, Formerly 10E-14.017, Amended 9-17-97, 7-1-03, 7-27-14,_____.

65E-14.021 Schedule of Covered Services.

This rule provides guidelines and requirements applicable to service providers under direct contract with the department or service providers under subcontracts with a Managing Entity.

- (1) through (3) No change.

(4) The descriptions, applicable programs, measurements standards, and data elements for SAMH Covered Services are as follows:

- (a) Aftercare.

- 1. No change.

2. Programs – Community Adult Mental Health, Children's Mental Health, Adult Substance Abuse, and Community Children's Substance Abuse.

3. through 4. No change.

(b) Assessment.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(c) Case Management.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(d) Comprehensive Community Service Team.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(e) Crisis Stabilization.

1. No change.

2. Programs – Community Adult Mental Health and Children’s Mental Health.

3. through 4. No change.

(f) Crisis Support/Emergency.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(g) Day Care.

1. Description – Day care services, in a non-residential group setting, provide for the care of children of persons who are participating in mental health or substance abuse services. In a residential setting, day care services provide for the residential and care-related costs of a child living with a parent receiving residential services. This covered service must be provided in conjunction with another Covered Service provided to a person 18 years of age or older.

2. Programs – Community Adult Mental Health and Community Adult Substance Abuse.

3. through 4. No change.

(h) Day Treatment.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(i) Drop-in/Self-Help Centers.

1. Description – These centers are intended to provide a range of opportunities for persons with severe and persistent

mental illness to independently develop, operate, and participate in social, recreational, and networking activities. This covered service may not be provided to a person less than 18 years old.

2. Programs – Community Adult Mental Health.

3. through 4. No change.

(j) Florida Assertive Community Treatment (FACT) Team.

1. Description – A FACT team is comprised of slots for participants with a severe and persistent mental illness. Participants are enrolled on a weekly basis. For a provider to identify themselves as a FACT team, the provider must demonstrate adherence to assertive community treatment principles. FACT Teams provide non-residential services that are available twenty-four hours per day, seven days per week. Rehabilitative, support and therapeutic services are provided in the community, by a multidisciplinary team. This covered service may not be provided to a person less than 18 years old.

2. Programs – Community Adult Mental Health and Community Adult Substance Abuse.

3. through 4. No change.

(k) Incidental Expenses.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(l) Information and Referral.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(m) In-Home and On-Site.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(n) Inpatient.

1. No change.

2. Programs – Community Adult Mental Health and Children’s Mental Health.

3. through 4. No change.

(o) Intensive Case Management.

1. No change.

2. Programs – Community Adult Mental Health and Children’s Mental Health.

3. through 4. No change.

(p) Intervention.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(q) Medical Services.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(r) Medication-Assisted Treatment.

1. No change.

2. Programs – Community Adult Substance Abuse, Children’s Substance Abuse.

3. through 4. No change.

(s) Mental Health Clubhouse Services.

1. Description – Structured, evidence-based services designed to both strengthen and/or regain the individual’s interpersonal skills, provide psycho-social therapy toward rehabilitation, develop the environmental supports necessary to help the individual thrive in the community and meet employment and other life goals and promote recovery from mental illness. Services are typically provided in a community-based program with trained staff and members working as teams to address the individual’s life goals and to perform the tasks necessary for the operations of the program. The emphasis is on a holistic approach focusing on the individual’s strengths and abilities while challenging the individual to pursue those life goals. This service would include, but not be limited to, clubhouses certified under the International Center for Clubhouse Development. This covered service may not be provided to a person less than 18 years old.

2. Programs – Community Adult Mental Health.

3. through 4. No change.

(t) Outpatient.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(u) Outreach.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(v) Prevention – Indicated.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(w) Prevention – Selective.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(x) Prevention – Universal Direct.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(y) Prevention – Universal Indirect

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(z) Recovery Support.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(aa) Residential Level I.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(bb) Residential Level II.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(cc) Residential Level III.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. – 4. No change.

(dd) Residential Level IV.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. – 4. No change.

(ee) Respite Services.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(ff) Room and Board with Supervision Level I.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(gg) Room and Board with Supervision Level II.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(hh) Room and Board with Supervision Level III.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(ii) Short-term Residential Treatment.

1. Description – These individualized, stabilizing acute and immediately sub-acute care services provide short and intermediate duration intensive mental health residential and habilitative services on a twenty-four hours per day, seven days per week basis. These services shall meet the needs of individuals who are experiencing an acute or immediately sub-acute crisis and who, in the absence of a suitable alternative, would require hospitalization. This covered service may not be provided to a person less than 18 years old.

2. Programs – Community Adult Mental Health.

3. through 4. No change.

(jj) Substance Abuse Inpatient Detoxification.

1. No change.

2. Programs – Community Adult Substance Abuse, Children’s Substance Abuse.

3. through 4. No change.

(kk) Substance Abuse Outpatient Detoxification.

1. No change.

2. Programs – Community Adult Substance Abuse, Children’s Substance Abuse.

3. through 4. No change.

(ll) Supported Employment.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(mm) Supportive Housing/Living.

1. No change.

2. Programs – Community Adult Mental Health, Children’s Mental Health, Adult Substance Abuse, and Community Children’s Substance Abuse.

3. through 4. No change.

(nn) Treatment Alternatives for Safer Communities (TASC).

1. No change.

2. Programs – Community Adult Substance Abuse, Children’s Substance Abuse.

3. through 4. No change.

(5) Budgeting and Accounting for Revenues and Expenditures.

(a) through (d) No Change.

(e) Service Provider Required Fiscal Reports.

1. All service providers shall prepare and submit the following proposed fiscal reports to the department or Managing Entity, as appropriate, for approval prior to the start of the contract or subcontract period:

a. through b. No change.

c. CF-MH 1045, July 2014 CF-MH 1045, July 2014, Program Description, hereby incorporated by reference.

(I) through (II) No change.

2. through 3. No change.

(6) through (8) No change.

Rulemaking Authority 394.78(1), (5), 394.9082(11), 397.321(5), 402.73 FS. Law Implemented 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1), (5), 394.9082, 397.321(10), 402.73(1) FS. History—New 7-1-03, Amended 12-14-03, 1-2-05, 7-27-14, 6-28-15.

Section II Proposed Rules

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-30.029	Legal Description Of Service Area
25-30.030	Notice of Application
25-30.032	Applications
25-30.033	Application for Original Certificate of Authorization and Initial Rates and Charges
25-30.034	Application for Certificate of Authorization for Existing Utility Currently Charging for Service
25-30.035	Application for Grandfather Certificate
25-30.036	Application for Amendment to Certificate of Authorization to Extend or Delete Service
25-30.037	Application for Authority to Transfer
25-30.038	Application for Transfer to a Governmental Authority
25-30.039	Application for Name Change
25-30.090	Abandonments

PURPOSE AND EFFECT: New Rule 25-30.029, F.A.C. specifies the format of the legal description of the utility's service area to be used in water and wastewater certificate applications. New Rule 25-30.038 addresses applications for transfer to a governmental authority. The amendments to Rules 25-30.030, 25-30.032, 25-30.033, 25-30.034, 25-30.035, 25-30.036, and 25-30.037, F.A.C. update, streamline, and clarify the Commission's requirements for applications for water and wastewater utility certificates of authorization. Rule 25-30.039, F.A.C. is changed from an application to a notice of name change. Rule 25-30.090, F.A.C. is updated and clarified as to abandonment requirements. Forms applicable to applications are incorporated by reference in the rules.

Docket No. 150198-WS.

SUMMARY: Rule 25-30.029, F.A.C., Legal Description of Service Area, is a new rule addressing legal description requirements for applications for a certificate, extension or deletion of service area, or transfer, which were previously located in Rule 25-30.030, F.A.C. Rule 25-30.030, F.A.C., Notice of Application and of Customer Meeting, is amended to delete the legal description requirements that are relocated into Rule 25-30.029, F.A.C.; to clarify by listing the specific applications and relevant rule sections to which this rule applies; to update application titles; to clarify information to be included in notices; and to update and codify existing practice concerning notice publication and persons to whom notices must be sent. Rule 25-30.032, F.A.C., Combined Applications, is amended to delete the obsolete requirement of filing multiple copies of applications and to reflect that the number of copies to be filed is now addressed in Rule 25-22.028, F.A.C.; to delete an unnecessary subsection

concerning the official filing date that is now addressed in Rule 25-30.030(5), F.A.C.; and to amend the title to reflect that the rule addresses combined applications. Rule 25-30.033, F.A.C., Application for Original Certificate of Authorization and Initial Rates and Charges, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; to clarify by codifying the specific information required by applicants to demonstrate the need for service and the technical and financial ability of the applicant to provide service; and to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.034, F.A.C., Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; to clarify by codifying specific information required by applicants to demonstrate the need for service and the technical and financial ability of the applicant to provide service; and to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.035, Application for Original Certificate of Authorization Following Rescission of Jurisdiction by a County, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; is amended to codify specific information required in this type of application, including documentation from the county showing authorization to serve and copies of all DEP and water management permits; and is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.036, F.A.C., Application for Amendment to Certificate of Authorization to Extend or Delete Service Area, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; is clarified by codifying specific information required by applicants to demonstrate the need for service; is amended to require a copy of all current DEP and water management district permits, the most recent sanitary survey, compliance inspection report, secondary standards drinking water report, and correspondence with DEP, the county health department and water management district for the past five years, in order for the Commission to be able to assess the utility's compliance with secondary drinking water standards; and is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.037, F.A.C., Application for

Authority to Transfer, is amended to clarify and update the rule to reflect current Commission practice and to delete vague, obsolete and redundant language; is clarified by codifying specific information required by applicants when there is a transfer of an exempt entity or utility in a non-jurisdictional county to a Commission regulated utility that results in a system whose service transverses county boundaries; is amended to require a copy of all current DEP and water management district permits, the most recent sanitary survey, compliance inspection report, secondary standards drinking water report, and correspondence with DEP, the county health department and water management district for the past five years, in order for the Commission to be able to assess the utility's compliance with secondary drinking water standards; and is amended to incorporate by reference an example, fillable application form and water and wastewater tariff forms that will make the application process easier for applicants. Rule 25-30.038, F.A.C., Application for Transfer to a Governmental Authority, is a new rule addressing applications for transfer to a governmental authority that were previously submitted pursuant to Rule 25-30.037(4), F.A.C.. Rule 25-30.039, F.A.C., Notice of Name Change, is amended to require a notice of name change instead of an application for name change, consistent with language of the implementing statute Section 367.1214, F.S; and is amended to codify the practice of requiring the utility to file with the Commission Clerk a statement verifying the date that the notice of name change was sent to the utility customers. Rule 25-30.090, F.A.C., Abandonments, is amended to improve readability and clarity; is amended to require a receiver to provide the Commission with a copy of the court order of appointment within 10 days of appointment; and to clarify that a receiver who is a governmental authority is not required to file a revised tariff with the Commission. Application requirements related to various actions concerning water and wastewater certificates of authorization are updated, streamlined, and clarified.

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

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the proposed rules are not likely to have an adverse impact on the factors listed therein, and that there is no anticipated effect on state or local revenues and no cost to the Public Service Commission, or any other

state and local government entity to implement and enforce the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

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

RULEMAKING AUTHORITY: 350.127(2), 367.045, 367.121, 367.1213, 367.1214 FS.

LAW IMPLEMENTED: 367.031, 367.045, 367.071, 367.083, 367.121, 367.1213, 367.1214, 367.165, 367.171 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.029 Legal Description of Service Area

(1) The utility shall provide a legal description of the service area to be served, extended, deleted, or transferred in the following applications:

(a) An original certificate of authorization and initial rates and charges as provided in Rule 25-30.033, F.A.C.;

(b) An original certificate of authorization for an existing utility currently charging for service provided in Rule 25-30.034, F.A.C.;

(c) An original certificate of authorization following rescission of jurisdiction by a county as provided in Rule 25-30.035, F.A.C.;

(d) An extension of service area as provided in Sections 25-30.036(2) or (3), F.A.C.;

(e) A deletion of service area as provided in Section 25-30.036(4), F.A.C.;

(f) A transfer of a regulated utility to another regulated utility as provided in Section 25-30.037(2), F.A.C.;

(g) A transfer of an exempt entity to a regulated utility or transfer of a utility in a nonjurisdictional county to a regulated utility as provided in Section 25-30.037(3), F.A.C.;

(h) A transfer of majority organizational control of a regulated utility as provided in Section 25-30.037(4), F.A.C.;

(i) A transfer of a regulated utility to an exempt entity other than a governmental authority as provided in Section 25-30.037(5), F.A.C.; or

(j) A partial transfer of a regulated utility to a governmental authority as provided in paragraph 25-30.038(2)(h)2., F.A.C.

(2) The legal description of the service area to be served, extended, deleted or transferred shall identify:

(a) A reference to township(s), range(s), land section(s), and county(s); and

(b) A complete and accurate description of the service area to be served, added, deleted, or transferred. The description may reference interstates, state roads, local streets, and major bodies of water, but shall not rely on references to government lots, recorded plats or lots, tracts, or other recorded instruments. The description shall be provided in one of the following formats:

1. Sections. If the service area includes complete sections, the description shall only include the township, range, and section reference. If the service area includes partial sections, the description shall identify the subsections to be included or excluded.

2. Metes and bounds. The description shall identify a point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the service area boundary and closing at the point of beginning. The description shall identify all bearings and distances necessary to provide continuous description.

Rulemaking Authority 350.127(2), 367.045, 367.121(1) FS. Law Implemented 367.045, 367.071 FS. History New-

25-30.030 Notice of Application and of Customer Meeting.

(1) ~~When a utility applies for a certificate of authorization, an extension or deletion of its service area, or a sale, assignment or transfer of its certificate of authorization, facilities or any portion thereof or majority organizational control, it shall provide notice of its application in the manner and to the entities described in this rule when it applies for any of the following: section.~~

(a) An original certificate of authorization and initial rates and charges as provided in Rule 25-30.033, F.A.C.;

(b) An original certificate of authorization for existing utility currently charging for service as provided in Rule 25-30.034, F.A.C.;

(c) An extension of service area as provided in Rule 25-30.036(2) or (3), F.A.C.;

(d) A deletion of service area as provided in Rule 25-30.036(4), F.A.C.;

(e) A transfer of a regulated utility to another regulated utility as provided in Rule 25-30.037(2), F.A.C.;

(f) A transfer of an exempt entity to a regulated utility or transfer of a utility in a nonjurisdictional county to a regulated utility as provided in Rule 25-30.037(3), F.A.C.;

(g) A transfer of majority organizational control of a regulated utility as provided in Rule 25-30.037(4), F.A.C.; or

(h) A transfer of a regulated utility to an exempt entity other than a governmental authority as provided in Rule 25-30.037(5), F.A.C.

(2) After filing an application as described in subsection (1) above, and ~~b~~Before providing notice in accordance with this section, a utility shall obtain from the Commission ~~staff~~ a list of the names and addresses of the governing body of the county(ies) or municipality(ies) affected, municipalities, the county or counties, the appropriate regional planning council, the Office of Public Counsel, the Commission's Office of Commission Clerk, the appropriate regional office of the Department of Environmental Protection, the appropriate water management district, and privately-owned water and wastewater utilities that hold a certificate granted by the Public Service Commission and that are located within the county in which the utility or the territory proposed to be served is located. ~~In addition, If any portion of the proposed territory is within one mile of a county boundary, the utility shall obtain from the Commission a list shall include of the names and addresses of the privately-owned utilities located in the bordering county counties and holding a certificate granted by the Commission. The utility's request for the list shall include a complete legal description of the territory to be requested in the application that includes:~~

(a) A reference to township(s), range(s), land section(s) and county; and

(b) A complete and accurate description of the territory served or proposed to be served in one of the following formats. The description may reference interstates, state roads, and major bodies of water. The description shall not rely on references to government lots, local streets, recorded plats or lots, tracts, or other recorded instruments.

1. Sections: If the territory includes complete sections, the description shall only include the township, range, and section reference. If the territory includes partial sections, the description shall either identify the subsections included or excluded.

2. Metes and bounds: A point of beginning which is referenced from either a section corner or a subsection corner, such as a quarter corner. The perimeter shall be described by traversing the proposed territory and closing at the point of beginning. The description shall include all bearings and distances necessary to provide a continuous description.

(3) The notice shall be titled, as applicable appropriately styled:

(a) Notice of Application for ~~Original an Initial~~ Certificate of Authorization and Initial Rates and Charges for Water, Wastewater, or Water and Wastewater ~~Service Certificate~~;

(b) Notice of Application for Original Certificate of Authorization for Existing Utility Currently Charging for Water, Wastewater, or Water and Wastewater Service;

~~(c)(b)~~ Notice of Application for Amendment to Certificate of Authorization To Extend an Extension of Service Area;

~~(d)(e)~~ Notice of Application for Amendment to Certificate of Authorization To Delete Deletion of Service Area;

~~(e)(d)~~ Notice of Application for Authority to a Transfer of Water, Wastewater, or Water and Wastewater Certificate(s) of Authorization to Another Regulated Utility; ~~or~~

(f) Notice of Application for Authority to Transfer an Exempt Entity to a Regulated Utility or Transfer of a Utility in a Non-jurisdictional County To a Regulated Utility That Results in a System Whose Service Transverses County Boundaries;

~~(g)(e)~~ Notice of Application for Authority to a Transfer of Majority Organizational Control of a Regulated Utility; ~~or~~

(h) Notice of Application for Authority to Transfer a Regulated Utility to an Exempt Entity Other than a Governmental Authority.

(4) The Notice of Application notice shall be provided to the Office of Commission Clerk, for Commission staff approval prior to distribution and shall state include the following:

(a) The date the notice is given;

(b) The name, ~~and~~ address, telephone number, and, if available, e-mail address, and fax number of the applicant;

(c) The common name of developments served by the utility;

(d) The application docket number and title, if available;

(e) The common reference of street names bordering the area served by the utility, if applicable;

~~(f)(e)~~ A description, ~~using township, range and section references~~, of the service area territory proposed to be either served, extended, added, deleted, or transferred as provided by Rule 25-30.029, F.A.C. An abbreviated description using section, township, and range of the subject service area may be provided so long as the notice contains a disclosure that the legal description has been simplified and that a complete legal description can be obtained from the applicant; ~~and~~

(g) If applicable, the notice shall include a statement that the utility is not requesting any changes to its rates, classifications, charges, rules, and regulations in the application; and

~~(h)(d)~~ A statement that any objections to the application must be filed with the ~~Director~~, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, no later than 30 days after the last date that the notice was mailed or published, ~~whichever is later~~.

(5) ~~Within 7 days of filing its application~~, The utility shall provide a copy of the notice of the service area proposed to be served, extended, deleted, or transferred as follows by regular mail to:

(a) By regular mail to the governmental entities and utilities identified on the list described in subsection (2) above;

~~(a) The governing body of the county in which the utility system or the territory proposed to be served is located;~~

~~(b) The governing body of any municipality contained on the list obtained pursuant to subsection (2) above;~~

~~(c) The regional planning council designated by the Clean Water Act, 33 U.S.C. 1288(2);~~

~~(d) All water or wastewater utilities contained on the list(s) obtained pursuant to subsection (2) above;~~

~~(e) The office of Public Counsel;~~

~~(f) The Commission's Office of Commission Clerk;~~

~~(g) The appropriate regional office of the Department of Environmental Protection; and~~

~~(h) The appropriate Water Management District.~~

~~(b)(6) No sooner than 21 days before the application is filed and no later than 7 days after the application is filed, the utility shall also provide a copy of the Notice, B~~by regular mail or personal service, to each customer and owner of property located within the existing service area and the service area to be served, extended, deleted or transferred; and, of the system to be certificated, transferred, acquired, or deleted.

~~(c)(7) By publication~~ The Notice shall be published once in a newspaper of general circulation in the proposed service area. If the utility service area crosses county lines, notice shall be published in a newspaper of general circulation in each county territory proposed to be served, added, deleted, or transferred. The publication shall be within 7 days of filing the application.

(6) All applications requiring noticing shall be deemed deficient until affidavits of noticing required by Sections 367.045(1)(e) and (2)(f), F.S., along with a copy of the notice, are filed with the Office of Commission Clerk. The affidavits shall attest that the notices were given as prescribed in paragraphs (5)(a), (b), and (c) above. The applicant shall obtain the affidavit of notice publication, pursuant to paragraph (5)(c) above, from the newspaper(s).

~~(8) A copy of the notice(s) and list of the entities receiving notice pursuant to this rule shall accompany the affidavit required by Sections 367.045(1)(e) and (2)(f), F.S. The affidavit shall be filed no later than 15 days after filing the application.~~

(7) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within the affected service areas. The notice shall be approved by the Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

~~(8)(9) This rule does not apply to applications for grandfather certificates following rescission of jurisdiction by counties filed under Section 367.171, F.S.; or to applications for transfers to governmental authorities filed under Section 367.071, F.S.; or abandonments filed under Section 367.165, F.S. to name changes.~~

Rulemaking Authority 350.127(2), 367.045(2), 367.121(1) FS. Law Implemented 367.031, 367.045, 367.071, FS. History—New 4-5-81, Formerly 25-10.061, 25-10.061, Amended 11-10-86, 1-27-91, 11-30-93,_____.

25-30.032 Combined Applications.

~~(1) Each utility subject to regulation by the Commission shall apply for an initial certificate of authorization, amendment to an existing certificate of authorization, transfer, or name change, by filing a completed application and six copies, in accordance with either Rule 25-30.033, 25-30.034, 25-30.035, 25-30.036, subsection 25-30.037(1) or (2), or Rule 25-30.039, F.A.C. However, a utility shall apply for a transfer to a governmental authority by filing a completed application and two copies, in accordance with subsections 25-30.037 (3) and (4), F.A.C. The application shall be filed with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Sample application forms may be obtained from the Division of Engineering, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.~~

(2) A utility may file a combined application applications for multiple certificate actions if it is applying for certificates of authorization or any amendments thereto for both water and wastewater systems; however, the utility shall remit a separate application fee for each action and system service. The Commission will treat a combined application as if a separate application had been filed for each action and system service.

~~(3) The official filing date of an application for an original certificate, any amendment to an existing certificate, or any transfer shall be the date a completed application is filed with the Office of Commission Clerk, except that the noticing requirements set forth in Rule 25-30.030, F.A.C., do not need to be completed at that time. If, however, the utility has not completed the noticing within the time limits prescribed by Rule 25-30.030, F.A.C., the official filing date shall be the date the noticing is complete.~~

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.031, 367.045, 367.071, ~~367.083~~ FS. History—New 1-27-91, Amended 11-30-93, 5-29-08,_____.

25-30.033 Application for Original Certificate of Authorization and Initial Rates and Charges.

(1) Each applicant application for an original certificate of authorization and initial rates and charges shall file with the Commission Clerk provide the following information: set forth in paragraphs (a) through (q). Form PSC 1001 (12/15), entitled "Application for Original Certificate of Authorization for a Proposed or Existing System Requesting Initial Rates and Charges," which is incorporated by reference in this rule and is available at [Dept. of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form is also available on the Commission's Web site, www.floridapsc.com.

(a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's applicant's name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;

(d)(b) The nature of the utility's applicant's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association, etc.; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(e)(e) The name(s), and address(es), and percentage of ownership of each entity or person that owns or will own more than 5 percent interest in the utility of all corporate officers, directors, partners, or any other person(s) or entities owning an interest in the applicant's business organization;

~~(f)(d)~~ The election the business has made ~~Whether the applicant has made an election under the Internal Revenue Code for taxation purposes § 1362 to be an S corporation;~~

(g) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

~~(h)(e) To demonstrate A statement showing the necessary financial and technical ability of the applicant to provide service to the proposed service area, the applicant shall provide; and the need for service in the proposed area. The statement shall identify any other utilities within the area proposed to be served that could potentially provide service, and the steps the applicant took to ascertain whether such other service is available;~~

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, which shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided; and

2. A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements;

(i) To demonstrate the technical ability of the applicant to provide service, the applicant shall provide:

1. A statement of the applicant's experience in the water or wastewater industry;

2. A copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;

3. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and

4. A copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years;

(j) To describe the proposed service area, the applicant shall provide:

1. A legal description of the proposed service area in the format described in Rule 25-30.029, F.A.C.;

2. A detailed system map showing the existing and proposed lines and treatment facilities, with the territory proposed to be served plotted thereon, consistent with the legal description provided in subparagraph (j)1. above. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served; and

3. An official county tax assessment map, or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in subparagraph (j)1. above;

(k) To demonstrate the need for service in the proposed area, the applicant shall provide:

1. The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers currently being served and anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development will be in phases, this information shall be separated by phase;

2. A copy of all requests for service from property owners or developers in areas not currently served;

3. The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service; and

~~(f) A statement that to the best of the applicant's knowledge, the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the application is filed, or, if not consistent, a statement demonstrating why granting the certificate of authorization would be in the public interest;~~

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

~~(l)(g) The date applicant began or plans to begin serving customers. If already serving customers, a description of when and under what circumstances the applicant began serving;~~

~~(h) The number of equivalent residential connections (ERCs) proposed to be served, by meter size and customer class. If development will be in phases, separate this information by phase;~~

~~(i) A description of the types of customers anticipated, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;~~

~~(m)(j) Documentation of the utility's right to access and continued use of Evidence, in the form of a warranty deed, that the utility owns the land upon which the utility treatment facilities are or will be located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The Commission may consider a written easement or other cost effective alternative. The applicant may submit a contract for the purchase and sale of land with an unrecorded unexecuted copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located warranty deed, provided the applicant files a an executed and recorded copy of the deed, or executed copy of the lease, within the time required in 30 days after the order granting the certificate;~~

~~(k) One original and two copies of a sample tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Model tariffs are available from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;~~

~~(l) A description of the territory to be served, using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;~~

~~(m) One copy of a detailed system map showing the proposed lines, treatment facilities and the territory proposed to be served. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served;~~

~~(n) One copy of the official county tax assessment map, or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning;~~

~~(n)(e) A description of statement regarding the separate capacities of the existing and proposed lines and treatment facilities in terms of equivalent residential connections (ERCs) and gallons per day estimated demand per ERC for water and wastewater and the basis for such estimate. If the development will be in phases, separate this information shall be separated by phase;~~

~~(o)(p) A written description of the type of water treatment, wastewater treatment, and method of effluent disposal;~~

~~(q) If subsection (p) above does not include effluent disposal by means of reuse, a statement that describes with particularity the reasons for not using reuse;~~

~~(r) A detailed financial statement (balance sheet and income statement), certified if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The income statement shall be for the preceding calendar or fiscal year. If an applicant has not operated for a full year, then the income statement shall be for the lesser period. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the source and application of funds shall also be provided;~~

~~(s) A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;~~

~~(t) A cost study including customer growth projections supporting the proposed rates, charges and service availability charges. A sample cost study, and assistance in preparing initial rates and charges, are available from the Division of Economics;~~

~~(p) To support the proposed rates and charges, the applicant shall provide:~~

~~1. The existing and projected cost of the system(s) and associated depreciation by year until design capacity is reached using the National Association of Regulatory Utility Commissioners (NARUC) 1996 Uniform System of Accounts (USOA), which is incorporated by reference in Rule 25-30.115, F.A.C. The applicant shall identify the year that 80 percent of design capacity is anticipated. (u) A schedule showing the projected cost of the proposed system(s) by uniform system of accounts (USOA) account numbers pursuant to Rule 25-30.115, F.A.C., and the related capacity of each system in ERCs and gallons per day. If the utility will be built in phases, this shall apply only to the first phase;~~

~~2. The existing and projected annual contributions-in-aid-of-construction (CIAC) and associated amortization by year including a description of assumptions regarding customer growth projections using the same projections used in subparagraph (1)(k)1. above for the proposed service area. The projected CIAC shall identify cash and property contributions and amortization at 100 percent of design capacity and identify the year when 80 percent of design capacity is anticipated. The projected CIAC shall be consistent with the service availability policy and charges in the proposed tariff provided in paragraph (q) below, the schedule provided in subparagraph (p)6. below, and the CIAC guidelines in 25-30.580, F.A.C. If the utility will be built in phases, this shall apply only to the first phase;~~

~~(v) A schedule showing the projected operating expenses of the proposed system by USOA account numbers, when 80 percent of the designed capacity of the system is being utilized. If the utility will be built in phases, this shall apply to the first phase; and~~

~~3.(w) A schedule showing the projected capital structure including the methods of financing the construction and operation of the utility until the utility reaches 80 percent of the design capacity of the system. If the utility will be built in phases, this shall apply only to the first phase;~~

~~4. The current annual operating expenses and the projected annual operating expenses at 80 percent of design capacity using the NARUC USOA. If the utility will be built in phases, this shall apply only to the first phase;~~

~~5. A schedule showing how the proposed rates were developed;~~

~~6. A schedule showing how the proposed service availability policy and charges were developed, including meter installation, main extension, and plant capacity charges, and proposed donated property; and~~

~~7. A schedule showing how the customer deposits and miscellaneous service charges were developed, including initial connection, normal reconnection, violation reconnection, and premises visit fees, consistent with Rules 25-30.311 and 25-30.460, F.A.C.; and~~

~~(q) A tariff containing all rates, classifications, charges, rules, and regulations which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff," which is incorporated by reference in this rule and is available at [Department of State hyperlink] and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which is incorporated by reference in this rule and is available at [Department of State hyperlink], are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com.~~

~~(2) through 3 No change.~~

~~(4) Utilities obtaining original initial certificates of authorization pursuant to this rule are authorized to accrue allowance for funds used during construction (AFUDC) for projects found eligible pursuant to subsection 25-30.116(1), F.A.C.~~

~~(a) through (c) No change.~~

Rulemaking Authority 350.127(2), 367.045(1), 367.121, 367.1213 FS. Law Implemented 367.031, 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, _____.

25-30.034 Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service.

(1) Each applicant for an original certificate of authorization for an existing utility currently charging for service, which is applying for an initial certificate of authorization, other than an application filed under Section 367.171, F.S., shall file with the Commission Clerk provide the following information: set forth in paragraphs (a) through (o) and, if applicable, paragraphs (2)(a) through (c). Form PSC 1002 (12/15), entitled "Application for Original Certificate of Authorization for Existing Utility Currently Charging for Service," which is incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form is also available on the Commission's website, www.floridapsc.com.

(a) A filing fee pursuant to Rule 25-30.020(2)(a), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and if available, e-mail address and fax number;

(d)(b) The nature of the utility's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, association, etc.; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor; and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(e)(e) The name(s), and address(es), and percentage of ownership of each entity or person which owns or will own more than a 5 percent of all corporate officers, directors, partners, or any other person(s) owning an interest in the utility;

(f) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

(g) A description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial;

(h) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed;

~~(i)(d)~~ To demonstrate a statement regarding that the applicant has the necessary financial and technical ability of the applicant to continue to provide service to the proposed service area, the applicant shall provide:

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, which shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided;

2. A list of all entities, including affiliates, upon which the applicant is relying to provide funding to the utility and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements;

(j) To demonstrate the technical ability of the applicant to provide service, the applicant shall provide the following:

1. A statement of the applicant's experience in the water and wastewater industry;

2. A copy of all current permits from the Department of Environmental Protection (DEP) and the water management district;

3. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report; and

4. A copy of all correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years;

(k) To describe the proposed service area, the applicant shall provide:

1. A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.;

2. A detailed system map showing existing and proposed lines and treatment facilities with the territory proposed to be served plotted thereon, consistent with the legal description provided in subparagraph (1)(k)1. above. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory proposed to be served; and

3. An official county tax assessment map, or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon, consistent with the legal description provided in subparagraph (k)1. above;

(l) A statement explaining when and under what circumstances the applicant began providing service prior to obtaining a certificate of authorization;

(m)(e) Documentation of the utility's right to access and continued term use of Evidence that the utility owns the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time required in the order granting the certificate. The Commission may consider a written easement or other cost effective alternative;

(n) Documentation specifying on what date and under what authority the current rates and charges were established; and

(o)(f) A One original and two copies of a model tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com. Model tariffs are available from the Division of Economics, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850;

(g) A statement specifying on what date and under what authority the current rates and charges were established;

(h) A description of the territory to be served, using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;

(i) One copy of a detailed system map showing the lines, treatment facilities and the territory to be served. Any territory not served at the time of the application shall be specifically identified on the system map. The map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served;

(j) One copy of the official county tax assessment map, or other map showing township, range, and section with a scale such as 1"=200' or 1"=400', with the proposed territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning;

(k) The numbers and dates of any permits issued for the systems by the Department of Environmental Protection;

(l) The date the utility was established;

~~(m) A statement explaining how and why applicant began providing service prior to obtaining a certificate of authorization; and~~

~~(n) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully occupied.~~

(2) No change.

(a) To demonstrate A statement showing the need for service in the proposed area, the applicant shall provide the following:

1. The number of customers proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial. If the development will be in phases, this information shall be separated by phase; and

2. A copy of all requests for service from property owners or developers in areas not currently served; and

(b) The current land use designation of the proposed service territory as described in A statement that to the best of the applicant's knowledge, the provision of service in this territory will be consistent with the water and wastewater sections of the local comprehensive plan as approved by the Department of Community Affairs at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service described in paragraph (2)(a) above; and, or, if not consistent, a statement demonstrating why granting the territory would be in the public interest.

(c) Any known land use restrictions, such as environmental restrictions imposed by governmental authorities.

Rulemaking Authority 350.127(2), 367.045, 367.121(1), 367.1213 FS. Law Implemented 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, _____.

25-30.035 Application for Original Grandfather Certificate of Authorization Following Rescission of Jurisdiction by a County.

(1) Each applicant for an original a certificate of authorization following rescission of jurisdiction by a county under the provisions of Section 367.171, F.S., (commonly known as the grandfather provision), shall file with the Commission Clerk one original of provide the following information: set forth in paragraphs (2) through (16) below. Form PSC 1003 (12/15), entitled "Application for Original Certificate of Authorization Following Rescission of Jurisdiction by a County (Grandfather Certificate)," which is

incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form may also be obtained from the Commission's website, www.floridapsc.com;

(2) A filing fee pursuant to Rule 25-30.020(2)(d), F.A.C.;

(3)(4) The utility's complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;

(4)(2) The nature of the utility's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association, etc.; The applicant must provide documentation from the Florida Department of State, Division of Corporations, showing:

(a) The utility's business name and registration/document number for the business, unless operating as a sole proprietor; and

(b) The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

(5)(3) The name(s), and address(es), and percentage of ownership of each entity or person which owns or will own of all corporate officers, directors, partners, or any other person(s) owning more than a 5 percent an interest in the utility;

(6) A statement indicating whether the application is for water, wastewater, or both. If the applicant is applying for water or wastewater only, the statement shall include how the other service is provided;

(7)(4) The date the utility was established;

(8)(5) A description of the types of customers served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial, etc.;

(9) A schedule showing the number of customers currently served, by class and meter size, as well as the number of customers projected to be served when the requested service territory is fully developed;

(10) A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C. The utility must provide documentation of the territory the utility was serving, or was authorized to serve, from the county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable to the utility;

(11)(6) Documentation of the utility's right to access and continued use of Evidence that the utility owns the land upon which the utility treatment facilities are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land,

such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided the applicant files a recorded copy within the time required in the order granting the certificate; The Commission may consider a written easement or other cost effective alternative;

(12) Documentation, or if no documentation exists, a statement, specifying on what date and under what authority the current rates and charges were established;

(13)(7) ~~One original and two copies of~~ A tariff, containing all rates, classifications, charges, rules, and regulations, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com; Sample tariffs are available from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399 0850;

(8) A statement specifying on what date and under what authority the current rates and charges were established;

(9) A description using township, range, and section references as specified in subsection 25 30.030(2), F.A.C., of the territory the utility was serving, or was authorized to serve by the county which had jurisdiction over the utility on the day Chapter 367, F.S., became applicable to the utility;

(14)(10) ~~One copy of~~ A detailed system map showing the existing and proposed lines, and treatment facilities, with and the territory proposed to be served plotted thereon, consistent with the legal description provided in subsection (10) above. Any territory not served at the time of the application shall be specifically identified, and The map shall be of sufficient scale and detail to enable correlation with the description of the territory to be served;

(15)(11) ~~An~~ One copy of the official county tax assessment map, or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in subsection (10) above by use of metes and bounds or quarter sections, and with a defined reference point of beginning; and

(16)(12) ~~The numbers and dates of any~~ A copy of all current permits issued for the systems by the Department of Environmental Protection and water management district. ; and

(13) A schedule showing the number of customers currently served, by class and meter size, as well as the

~~number of customers projected to be served when the requested service territory is fully occupied.~~

Rulemaking Authority 350.127(2), 367.121, 367.1213 FS. Law Implemented 367.1213, 367.171 FS. History—Amended 7-21-65, 1-7-69, 2-3-70, 3-6-71, Revised 9-12-74, Amended 3-26-81, Formerly 25-10.02, 25-10.002, Amended 11-10-86, 1-27-91, 11-30-93, _____.

25-30.036 Application for Amendment to Certificate of Authorization to Extend or Delete Service Area.

(1) This rule applies to any certificated water or wastewater utility that proposes to extend its service territory into an area in which there is no existing water or wastewater system or proposes to delete a portion of its service territory. Form PSC 1004 (12/15) entitled "Application for Amendment of Certificate (Extension, Quick Take Extension, or Deletion)," which is incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with subsection (2), (3), or (4) below. This form may also be obtained from the Commission's website, www.floridapsc.com.

~~(2) A request for service territory expansion and amendment of an existing certificate or issuance of a new certificate shall be considered approved under the following conditions if no protest is timely filed to the notice of application:~~

~~(a) The utility has provided a written statement of an officer of the utility that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout; and~~

~~(b) The utility has provided the written statement of an officer of the utility that, upon investigation, to the best of his or her knowledge:~~

~~1. There is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and~~

~~2. The person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because (1) a private well has been contaminated or gone dry, (2) a septic tank has failed; or (3) service is otherwise not available.~~

~~(c) The utility has filed a completed application in accordance with subsection (2) of this rule within 45 days of the completion of the notice requirements.~~

(2)(3) Each utility proposing to extend its service area (except applications filed pursuant to subsection (3) below), shall file with the Commission Clerk one original of the information set forth in paragraphs (a) through (q). (2) above, which shall file only paragraphs (a), (d), (e), (i), (m), (o), (p), (q), and (r) listed below) shall provide the following:

(a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;

(b) Proof of Noticing pursuant to Rule 25-30.030, F.A.C.;

(c)(a) The utility's certificated complete name, and address, telephone number, Federal Employer Identification Number, authorized representative, and, if available, e-mail address and fax number;

(b)A statement showing the financial and technical ability of the utility to provide service and the need for service in the area requested;

(d) To demonstrate the need for service in the proposed area, the applicant must provide:

1. The number of customers currently being served and proposed to be served, by customer class and meter size, including a description of the types of customers anticipated to be served, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial;

2. A copy of all requests for service from property owners or developers in areas not currently served;

3. The current land use designation of the proposed service territory as described in the local comprehensive plan at the time the application is filed. If the proposed development will require a revision to the comprehensive plan, describe the steps taken and to be taken to facilitate those changes, including changes needed to address the proposed need for service; and

(e) A statement that to the best of the applicant's knowledge the provision of service will be consistent with the water and wastewater sections of the local comprehensive plan at the time the application is filed, as approved by the Department of Community Affairs, or, if not, a statement demonstrating why granting the amendment would be in the public interest;

4. Any known land use restrictions, such as environmental restrictions imposed by governmental authorities;

(e)(d) If the utility is planning to build a new water or wastewater treatment plant to serve the proposed territory, provide documentation of the utility's right to access and continued use of Evidence that the utility owns the land upon which the new utility treatment facilities that will serve the proposed territory will be are located. Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease or a copy of an agreement, such as a 99-year lease, or recorded easement which provides for the continued use of the land. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the amendment to the certificate of

authorization; The Commission may consider a written easement or other cost effective alternative;

(f)(e) A legal description of the territory proposed to be served, in the format prescribed in Rule 25-30.029, F.A.C. In addition, if the extension of territory is adjacent to existing territory, provide a legal description of the resulting territory including both existing and expanded portions in the format prescribed in Rule 25-30.029, F.A.C. using township, range and section references as specified in subsection 25-30.030(2), F.A.C.;

(g)(f) One copy of Aa detailed system map showing the proposed lines, and treatment facilities, with and the territory proposed to be served plotted thereon, consistent with the legal description provided in paragraph (2)(f) above. If the territory to be served is adjacent to the utility's existing territory, provide a complete map showing both existing and expanded territories. The map shall be of sufficient scale and detail to enable correlation with the description of the territory;

(g) If the utility is planning to build a new wastewater treatment plant, or upgrade an existing plant to serve the proposed territory, provide a written description of the proposed method(s) of effluent disposal;

(h) If (g) above does not include effluent disposal by means of reuse, a statement that describes with particularity the reasons for not using reuse;

(h)(i) An One copy of the official county tax assessment map or other map showing township, range, and section, with a scale such as 1" = 200' or 1" = 400', with the proposed territory plotted thereon, consistent with the legal description provided in paragraph (2)(f) above;

by use of metes and bounds or quarter sections, and with a defined reference point of beginning;

(i)(j) A statement describing the capacity of the existing lines, the capacity of the existing treatment facilities, and the design capacity of the proposed extension;

(j)(k) A copy of all current The numbers and dates of any permits issued for the proposed systems by the Department of Environmental Protection and by the water management district;

(k) A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report;

(l) A copy of all correspondence with the DEP, county health department and water management district, including consent orders and warning letters, and the utility's response to the same, for the past five years;

(m)(d) A detailed statement regarding the proposed method of financing the construction, and the projected impact on the utility's capital structure;

~~(m) A description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, commercial, etc.;~~

~~(n) A statement regarding the projected impact of the extension on the utility's monthly rates and service availability charges;~~

~~(o) All tariff pages that reflect the additional proposed service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com; The original and two copies of sample tariff sheets reflecting the additional service area; and~~

~~(p) The applicant's current certificate for possible amendment.~~

~~(q) The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and~~

~~(r) An affidavit that the utility has tariffs and annual reports on file with the Commission.~~

(3) A request for service territory extension and amendment of an existing certificate (commonly known as a "quick take" amendment) shall be considered approved under the following conditions if no protest is timely filed to the notice of application:

(a) The utility has provided a written statement that the proposed new territory includes a maximum of 25 equivalent residential connections within such territory at the time the territory is at buildout. In addition, the statement must include a description of the types of customers anticipated to be served by the extension, i.e., single family homes, mobile homes, duplexes, golf course clubhouse, or commercial;

(b) The utility has provided a written statement that, upon investigation:

1. There is no other utility in the area of the proposed territory that is willing and capable of providing reasonably adequate service to the new territory; and

2. The person(s) or business(es) requesting water or wastewater service have demonstrated to the utility that service is necessary because (1) a private well has been contaminated or gone dry, (2) a septic tank has failed, or (3) service is otherwise not available; and

(c) The utility has filed an application which meets the requirements of paragraphs (2)(a), (b), (c), (e), (f), (h), (j), (o), (p) and (q) above.

(4) Each utility proposing to delete a portion of its service area shall file with the Commission Clerk one original of the information set forth in paragraphs (4)(a) through (k) below. submit the following:

(a) A filing fee pursuant to paragraph 25-30.020(2)(b), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The utility's complete name, and address, telephone number, authorized representative, and, if available, e-mail address and fax number. The utility's name should reflect the business and/or fictitious name(s) registered with the Department of State's Division of Corporations;

(d) A statement specifying the reasons for the proposed deletion of territory;

(e) A legal description of the territory proposed to be deleted and a legal description of the remaining territory in the format prescribed in Rule 25-30.029, F.A.C. using township, range and section references;

(f) One detailed system map with the territory proposed to be deleted and retained plotted thereon, consistent with the legal description provided in paragraph (e) above, showing the existing lines, treatment facilities, and territory served. The map shall show existing lines and treatment facilities in the area retained and shall be of sufficient scale and-detail to enable correlation with the legal description of the territory;

(g) The number of current active connections within the territory to be deleted;

(h) An official county tax assessment map, or other map, showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the territory proposed to be deleted plotted thereon, consistent with the legal description provided in paragraph (e) above by use of metes and bounds or quarter sections, and with a defined reference point of beginning;

(i) A statement specifying the reasons for the proposed deletion of territory;

(j) A statement indicating why the proposed deletion of territory is in the public interest;

(k) The number of current active connections within the territory to be deleted, as well as the number of connections retained. For each active connection in the area to be deleted, if any, the utility must detail as to the effect of the proposed deletion on the ability of those customers or potential customer to receive water and wastewater services, including alternative source(s) of service;

(i) ~~All The original and two copies of sample~~ tariff pages sheets that reflect reflecting the revised service area, which shall be consistent with Chapter 25-9, F.A.C. Form PSC 1010 (12/15), entitled "Water Tariff," and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com;

~~(j) The applicant's current certificate for possible amendment;~~

~~(j)(k) The number of the most recent order of the Commission establishing or changing the applicant's rates and charges; and~~

~~(k)(h) An affidavit that the utility has tariffs and annual reports on file with the Commission.~~

~~Rulemaking Authority 350.127(2), 367.045, 367.121, 367.1213 FS. Law Implemented 367.045, 367.1213 FS. History—New 1-27-91, Amended 11-30-93, _____.~~

25-30.037 Application for Authority to Transfer.

(1) This rule applies to any application for the transfer of an existing water or wastewater utility system, regardless of whether service is currently being provided. ~~This rule does not apply where the transfer is of an exempt or non-jurisdictional system and will result in the system continuing to be exempt from or not subject to Commission jurisdiction.~~ The application for transfer may result in the transfer or cancellation of the seller's existing certificate, amendment of the buyer's existing certificate or granting of an original initial certificate to the buyer, or a transfer of majority organizational control of the utility.

(a) If a transfer occurs prior to Commission approval, the utility shall submit an application for authority to transfer no later than 90 days after the sale closing date.

(b) When a utility applies for any of the following transfer authorizations by the Commission, it shall provide its application as prescribed in the appropriate subsection below:

1. A transfer of a regulated utility to another regulated utility shall be pursuant to subsection (2) below;

2. A transfer of an exempt entity to a regulated utility shall be pursuant to subsection (3) below;

3. A transfer of a utility in a nonjurisdictional county to a regulated utility that results in a system whose service transverses county boundaries shall be pursuant to subsection (3) below;

4. A change of majority organizational control of a regulated utility shall be pursuant to subsection (4) below; or

5. A transfer of a regulated utility to an exempt entity other than a governmental authority shall be pursuant to subsection (5) below.

(c) Form PSC 1005 (12/15), entitled "Application for Transfer of Certificates or Facilities from a Regulated Utility to Another Regulated Utility," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], Form PSC 1006 (12/15), entitled "Application for Transfer of an Exempt Entity to a Regulated Utility or Transfer of a Utility in a Non-jurisdictional County to a Regulated Utility That Results in a System Whose Service Transverses County Boundaries," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], Form PSC 1007 (12/15), entitled "Application for a Transfer of Majority Organizational Control of a Regulated Utility," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], and Form PSC 1008 (12/15), entitled "Application for Transfer of Facilities from a Regulated Utility to an Exempt Entity Other Than a Governmental Authority," which is incorporated by reference in this rule and which is available at [Department of State hyperlink], are example applications that may be completed by the applicant and filed with the Office of Commission Clerk to comply with subsection (2), (3), (4), or (5) below, respectively. These forms may also be obtained from the Commission's website, www.floridapsc.com.

(2) Transfer of a regulated utility to another regulated utility. Each applicant application for transfer of certificate of authorization, facilities, or any portion thereof, from a regulated utility to another regulated utility to a non-governmental entity shall file with the Commission Clerk the information set forth in paragraphs (a) through (v) below. include the following information:

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

~~(c)(a) The certificated complete name, and address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number of the utility/seller;~~ (d)(b) The complete name and address, telephone number, Federal Employer Identification Number, authorized representative and, if available, e-mail address and fax number of the buyer(s) buyer and the new name of the utility if the buyer plans to operate under a different name;

(e) The name, address, telephone number, and if available, e-mail address and fax number of the person in possession of the books and records when the application is filed;

~~(f)(c) The nature of the buyer's business organization, i.e., corporation, limited liability company, partnership, limited partnership, sole proprietorship, or association. The buyer must provide documentation from the Florida Department of State, Division of Corporations, showing:~~

1. The utility's/buyer's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's/buyer's fictitious name and registration number for the fictitious name, if operating under a fictitious name;

~~(g)(d)~~ The name(s), and address(es) and percentage of ownership of each entity or person that owns or of all of the buyer's corporate officers, directors, partners or any other person(s) who will own more than a 5 percent an interest in the utility;

~~(h)(e)~~ The date and state of incorporation or organization of the buyer;

~~(f)~~ The names and locations of any other water or wastewater utilities owned by the buyer;

~~(i)(g)~~ A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval; - which shall include, if applicable:

(j) The buyer must provide the following documentation of the terms of the transfer:

1. The date the closing occurred or will occur;

~~2.1.~~ The purchase price and terms of payment;

~~3.2.~~ A list of and the dollar amount of the assets purchased and liabilities assumed or not assumed, including those of nonregulated operations or entities; and

~~4.3.~~ A description of all consideration between the parties, including for example, promised salaries, retainer fees, stock, stock options, and assumption of obligations; -

~~5.(h)~~ Provisions The contract for sale shall also provide for the disposition, where applicable, of - the following: 1. Customer deposits and interest thereon, 2. Any guaranteed revenue contracts, 3. Developer agreements, 4. Customer advances, 5. Debt of the utility, and 6. Leases;

6. A statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;

7. A statement that the buyer has or will obtain the books and records of the seller, including all supporting documentation for rate base additions since the last time rate base was established for the utility;

8. A statement that the utility's books and records will be maintained using the 1996 National Association of Regulatory Utilities Commissioners (NARUC) Uniform System of Accounts (USOA), incorporated by reference in Rule 25-30.115, F.A.C.; and

9. A statement that the utility's books and records will be maintained at the utility's office(s) within Florida, or that the utility will comply with the requirements of paragraphs 25-30.110(1)(b) and (c), F.A.C., regarding maintenance of utility records at another location or out-of-state. If the records will be maintained at the utility's office(s), the statement should include the location where the utility intends to maintain the books and records;

~~(i)~~ A statement describing the financing of the purchase;

~~(k)(j)~~ A statement explaining why indicating how the transfer is in the public interest, including a summary of the buyer's experience in water or wastewater utility operations, a showing of the buyer's financial ability to provide service, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;

(l) To demonstrate the financial ability of the buyer to maintain and operate the acquired utility, the buyer shall provide:

1. A detailed financial statement (balance sheet and income statement), audited if available, of the financial condition of the applicant, that shows all assets and liabilities of every kind and character. The financial statements shall be for the preceding calendar or fiscal year. The financial statement shall be prepared in accordance with Rule 25-30.115, F.A.C. If available, a statement of the sources and uses of funds shall also be provided; and

~~2.(k)~~ A list of all entities, including affiliates, upon which the buyer applicant is relying to provide funding to the utility buyer, and an explanation of the manner and amount of such funding. The list need not include any person or entity holding less than 5 percent ownership interest in the utility. The applicant shall provide copies of any financial agreements between the listed entities and the utility and proof of the listed entities' ability to provide funding, such as financial statements; - which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;

(m) To demonstrate the technical ability of the buyer to provide service, the buyer shall provide:

1. An explanation of the buyer's experience in the water or wastewater industry; and

2. The buyer's plans for ensuring continued operation of the utility, such as retaining the existing plant operator(s) and office personnel, or contracting with outside entities;

(n) A legal description of the proposed service area in the format prescribed in Rule 25-30.029, F.A.C.;

~~(o)(4)~~ The proposed net book value of the system as of the date of the proposed transfer, and a statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested. If rate base has been established by this Commission, provide the docket and state -the order number, and date issued and identify all adjustments made to update this rate base to the date of transfer; In addition, provide a schedule of all subsequent changes to rate base;

~~(m)~~ A statement setting out the reasons for the inclusion of an acquisition adjustment, if one is requested;

~~(n)~~ If the books and records of the seller are not available for inspection by the Commission or are not adequate for purposes of establishing the net book value of the system, a statement by the buyer that a good faith, extensive effort has been made to obtain such books and records for inspection by the Commission and detailing the steps taken to obtain the books and records;

~~(p)(6)~~ A statement from the buyer that it has obtained or will obtain copies of all of the federal income tax returns of the seller from the date the utility was first established, or the rate base was last established by the Commission, whichever is later, or, If the tax returns have not been obtained, provide a description of a statement from the buyer detailing the steps taken to obtain the tax returns;

~~(q)(8)~~ A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the Department of Environmental Protection (DEP) or, if the system is in need of repair or improvement, has any outstanding Notice of Violation of any standard set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a description of the repairs or improvements that have been identified, the governmental authority that required the repairs or improvements, if applicable, the approximate cost to complete the repairs or improvements, and any agreements between the seller and buyer regarding who will be responsible for any identified repairs or improvements; list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violation, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost to make them;

(r) The applicant shall provide the following documents:

1. A copy of the utility's current permits from the DEP and the water management district;

2. A copy of the most recent DEP and/or county health department sanitary survey, compliance inspection report, and secondary standards drinking water report;

3. A copy of all of the utility's correspondence with the DEP, county health department, and water management district, including consent orders and warning letters, and the utility's responses to the same, for the past five years; and

4. A copy of all customer complaints that the utility has received regarding DEP secondary water quality standards during the past five years;

~~(s)(9)~~ Documentation of the utility's right to access and continued use of ~~Evidence that the utility owns~~ the land upon which the utility treatment facilities are located, Documentation of continued use shall be in the form of a recorded warranty deed, recorded quit claim deed accompanied by title insurance, recorded lease, or a copy of an agreement which provides for the continued use of the land, such as a 99-year lease, or recorded easement. The applicant may submit an unrecorded copy of the instrument granting the utility's right to access and continued use of the land upon which the utility treatment facilities are or will be located, provided that the applicant files a recorded copy within the time required in the order granting the transfer; The Commission may consider a written easement or other cost-effective alternative;

~~(t)(7)~~ A statement regarding the disposition of any outstanding regulatory assessment fees, fines, or refunds owed and which entity will be responsible for paying regulatory assessment fees and filing the annual report for the year of the transfer and subsequent years;

~~(u)(5)~~ The original and two copies of sample T tariff sheets reflecting any changes resulting from the transfer, the change in ownership; Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms are also available on the Commission's website, www.floridapsc.com; and

~~(t)~~ The utility's current certificate(s), or if not available, provide an explanation of the steps the applicant took to obtain the certificate(s).

(v) If the buyer owns other water or wastewater utilities that are regulated by the Commission, provide a schedule reflecting any economies of scale that are anticipated to be achieved within the next three years and the effect on rates for existing customers served by both the utility being purchased and the buyer's other utilities.

(3) Transfer of an exempt entity to a regulated utility, or transfer of a utility in a nonjurisdictional county to a regulated utility that results in a system whose service transverses county boundaries. Each applicant shall file with the Commission the information set forth in paragraphs (a) through (f) below.

(a) A combined filing fee pursuant to Rule 25-30.020(2)(b) and (c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), and (v) above;

(d) The requirements of Rule 25-30.036(2)(h) and (i), F.A.C.;

(e) An explanation of when and under what authority the current rates and charges of the exempt entity or utility in a non-jurisdictional county were established, if applicable; and

(f) An explanation of how the seller is either exempt pursuant to Section 367.022, F.S., or is a utility in a nonjurisdictional county.

(4)(3) In case of a transfer change of majority organizational control, of a regulated utility. Each applicant for a transfer of majority organizational control shall file with the Commission the information set forth in paragraphs (a) through (d) below. the application shall include the following information:

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (f), (i), (j), (k), (l), (m), (q), (t) and (u) above; and

(d) A description of the ownership transfer, including the date the transfer occurred or will occur and a description of the resulting ownership interests in the utility.

(a) The complete name and address of the seller;

(b) The complete name and address of the buyer;

(c) The name(s) and address(es) of all of the buyer's corporate officers, directors, partners and any other person(s) who will own an interest in the utility;

(d) The names and locations of any other water or wastewater utilities owned by the buyer;

(e) A statement describing the financing of the purchase;

(f) A statement describing how the transfer is in the public interest, including a summary of the buyer's experience in water or wastewater utility operations, a showing of the buyer's financial ability to provide service, and a statement that the buyer will fulfill the commitments, obligations and representations of the seller with regard to utility matters;

(g) A list of all entities, including affiliates, that have provided, or will provide, funding to the buyer, and an explanation of the manner and amount of such funding, which shall include their financial statements and copies of any financial agreements with the utility. This requirement shall not apply to any person or entity holding less than 10 percent ownership interest in the utility;

~~(h) A statement from the buyer that after reasonable investigation, the system being acquired appears to be in satisfactory condition and in compliance with all applicable standards set by the DEP or, if the system is in need of repair or improvement, has any outstanding Notice of Violation(s) of any standard(s) set by the DEP or any outstanding consent orders with the DEP, the buyer shall provide a list of the improvements and repairs needed and the approximate cost to make them, a list of the action taken by the utility with regard to the violations, a copy of the Notice of Violation(s), a copy of the consent order and a list of the improvements and repairs consented to and the approximate cost;~~

~~(i) Evidence that the utility owns the land upon which the utility treatment facilities are located, or a copy of an agreement which provides for the continued use of the land, such as a 99 year lease. The Commission may consider a written easement or other cost effective alternative;~~

~~(j) The original and two copies of sample tariff sheets reflecting the change in ownership; and~~

~~(k) The utility's current certificate(s), or if not available, the applicant shall provide an explanation of the steps the applicant took to obtain the certificate(s).~~

(5) A transfer of a regulated utility to an exempt entity other than a governmental authority. Each applicant for a transfer of ownership of a regulated utility to an exempt entity other than a governmental authority shall file with the Commission Clerk the information set forth in paragraphs (a) through (e) below.

(a) A filing fee pursuant to Rule 25-30.020(2)(c), F.A.C.;

(b) Proof of noticing pursuant to Rule 25-30.030, F.A.C.;

(c) The requirements of paragraphs (2)(c), (d), (k), (l), (m), and (r) above;

(d) Documentation of the following terms of the transfer:

1. A copy of the contract for sale and all auxiliary or supplemental agreements. If the sale, assignment, or transfer occurs prior to Commission approval, the contract shall include a provision stating that the contract is contingent upon Commission approval;

2. The closing date;

3. A statement regarding the disposition of customer deposits and interest thereon; and

4. A statement regarding the disposition of any outstanding regulatory assessment fees, fines, refunds, or annual reports; and

(e) An explanation of how the buyer is exempt pursuant to Section 367.022, F.S.

~~(4) Each application for transfer of certificate of authorization, facilities, or any portion thereof, or majority organizational control to a governmental authority shall contain the following information:~~

~~(a) The name and address of the utility and its authorized representative;~~

~~(b) The name of the governmental authority and the name and address of its authorized representative;~~

~~(c) A copy of the contract or other document transferring the utility system to the governmental authority;~~

~~(d) A list of any utility assets not transferred to the governmental authority if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation;~~

~~(e) A statement that the governmental authority obtained, from the utility or Commission, the most recent available income and expense statement, balance sheet, statement of rate base for regulatory purposes, and contributions in aid of construction;~~

~~(f) The date on which the governmental authority proposes to take official action to acquire the utility;~~

~~(g) A statement describing the disposition of customer deposits and interest thereon; and~~

~~(h) A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed.~~

~~(5) If a utility is transferring a portion of its facilities to a governmental agency, it must provide the following additional information:~~

~~(a) A description of the remaining territory using township, range, and section references;~~

~~(b) One copy of the official county tax assessment map, or other map, showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon by use of metes and bounds or quarter sections, and with a defined reference point of beginning; and~~

~~(c) The original and two copies of sample tariff sheets reflecting the remaining territory.~~

~~(6) Upon its receipt of items required in paragraphs (4)(a), (b), (c), (d), (e) and (f), the Commission will issue an order acknowledging that the facilities or any portion thereof have been acquired by the governmental authority.~~

~~(7) Upon receipt of the items required in paragraphs (4)(g) and (h) and, if applicable, paragraphs (5)(a), (b), and (c), and upon the completion of all pending proceedings before the Commission, the utility's certificate will be amended or cancelled. Amendment or cancellation of the certificate shall not affect the utility's obligation pursuant to Rule 25 30.120, F.A.C., Regulatory Assessment Fees.~~

Rulemaking Authority 367.121, 367.1213, 350.127(2) FS. Law Implemented 367.071, 367.1213 FS. History—New 1-27-91, Amended 11-30-93,_____.

25-30.038 Application for Transfer to a Governmental Authority.

(1) This rule applies to an application to transfer a regulated utility to a governmental authority pursuant to Section 367.071(4)(a), F.S.

(2) Each applicant for acknowledgement of the transfer of facilities, or any portion thereof, from a regulated utility to a governmental authority shall file the information set forth in paragraphs (a) through (h) below with the Office of Commission Clerk. Form PSC 1009 (12/15) entitled "Application for Transfer to a Governmental Authority," which is incorporated by reference in this rule and is available at [Department of State hyperlink], is an example application that may be completed by the applicant and filed with the Office of Commission Clerk to comply with this subsection. This form may also be obtained from the Commission's website, www.floridapsc.com.

(a) The certificated name, address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number of the utility;

(b) The name, address, and telephone number, and authorized representative, and, if available, e-mail address and fax number of the governmental authority;

(c) The date on which the governmental authority assumed ownership or proposes to assume ownership, operation, management, or control of the utility;

(d) A copy of the contract or other document transferring the utility system to the governmental authority;

(e) A statement that the governmental authority obtained from the utility or Commission the most recent available annual report;

(f) A statement describing the disposition of customer deposits and interest thereon;

(g) A statement regarding the disposition of any outstanding regulatory assessment fees, fines or refunds owed; and

(h) If a utility is transferring only a portion of its facilities to a governmental authority, it must provide the following additional information:

1. A list of any utility assets not transferred to the governmental authority, if such remaining assets constitute a system providing or proposing to provide water or wastewater service to the public for compensation;

2. A legal description of the territory not transferred to the governmental authority in the format prescribed in Rule 25-30.029, F.A.C.;

3. An official county tax assessment map or other map showing township, range, and section with a scale such as 1" = 200' or 1" = 400', with the remaining territory plotted thereon, consistent with the legal description provided in paragraph (2)(h)2. above; and

4. Tariff sheets reflecting the remaining territory. Form PSC 1010 (12/15), entitled "Water Tariff" and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com. Rulemaking Authority 367.045, 367.121, 350.127(2) FS. Law Implemented 367.045, 367.071 FS. History—New _____.

25-30.039 Notice of Application for Name Change

(1) No change.

(2) Before notifying its customers of a utility name change, the utility shall provide Commission staff with the following: Each application for approval of a change in name of a certificated utility shall include the following information:

(a) The utility's certificated complete name, address, telephone number, certificate number(s), authorized representative, and, if available, e-mail address and fax number and type of business entity of the certificated utility;

(b) The proposed change in name and documentation from the Florida Department of State, Division of Corporations, showing:

1. The utility's business name and registration/document number for the business, unless operating as a sole proprietor, and

2. The utility's fictitious name and registration number for the fictitious name, if operating under a fictitious name the type of business entity under the new name;

~~(c) A statement setting out the reasons for the name change;~~

~~(c)(d) The effective date of the name change;~~

~~(d)(e) In the case of a corporation, limited partnership, or any other type of entity that is chartered by the State of Florida or any other state, a copy of the certificate, or other document issued by the state showing its acceptance of the entity's new name. In addition, an officer of the entity shall provide A statement that the ownership and control of the utility and its assets will not change under the new proposed name. In the case of a sole proprietorship, general partnership, or any other type of entity not chartered by the State of Florida or any other state, a statement, signed by a duly authorized representative, that the ownership and control of the utility and its assets will not change under the proposed name;~~

~~(e)(f) A draft proposed notice to be sent to the customers of the utility informing them of the change in utility name; and~~

~~(f)(g) A An original and two copies of a proposed tariff reflecting the name change, including all standard forms, Form PSC 1010 (12/15), entitled "Water Tariff," and Form PSC 1011 (12/15), entitled "Wastewater Tariff," which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission's website, www.floridapsc.com. ; and,~~

~~(h) The applicant's current certificate.~~

(3) After the Commission staff approves the customer notice, the utility shall send the approved customer notice to all existing customers with the next regular billing, advising them of the name change. The utility shall file with the Commission Clerk a statement verifying the date that the notice was actually sent to the customers.

Rulemaking Authority 350.127(2), 367.121, 367.1214 FS. Law Implemented 367.121, 367.1214 FS. History—New 11-30-93, Amended _____.

25-30.090 Abandonments.

(1) No change.

(2) The notice of abandonment to be issued by the utility to the Commission and the county's administrator, pursuant to required by Section 367.165, F.S., shall identify include the following:

(a) No change.

(b) The person to contact regarding this notice, including that person's their address, and telephone number, and, if available, e-mail address and fax number;

~~(c) The location of the utility's books and records;~~

~~(c)(d) The date of the notice;~~

~~(d)(e) The date the utility will be abandoned;~~

~~(e)(f) Whether the water system, wastewater system, or both are to be abandoned;~~

~~(f)(g) A statement of the reason the utility will is to be abandoned;~~

~~(g)(h) A statement of the status of the utility with the Department of Environmental Protection regarding outstanding citations or violations; and~~

~~(h) The location of the utility's books and records.~~

(3) Within 10 days of the appointment of a receiver by the circuit court, the receiver shall provide the Commission with a copy of the order of appointment and shall request from the Commission a copy of the utility's tariff and most recent annual report.

(4) Within 90 days of the appointment, a of the receiver who is not a governmental authority the receiver shall file the utility's water and/or wastewater a proposed tariff that is revised to show revision amending the title page to reflect the

name, address and telephone number of the receiver and identifies the receiver as the issuing officer. This revision shall not affect the certificated name of the utility. Form PSC 1010 (12/15), entitled “Water Tariff” and Form PSC 1011 (12/15), entitled “Wastewater Tariff,” which are incorporated by reference in Rule 25-30.033, F.A.C., are example tariffs that may be completed by the applicant and included in the application. These forms may also be obtained from the Commission’s website, www.floridapsc.com.

~~(5) During the pendency of the receivership, the receiver shall fulfill be responsible for fulfilling the utility’s obligations pursuant to Chapter 367, F.S., and Chapter 25-30, F.A.C., during the pendency of the receivership. However, in no event shall a receiver shall not be held responsible by the Commission for failure to provide safe, efficient and sufficient service where such failure is substantially caused by actions or omissions pre-dating appointment of the receiver, unless the receiver is given reasonable opportunity to rectify such failure.~~

~~(6) If the receiver appointed by the circuit court is a governmental authority as defined by Section 367.021(7), F.S., the governmental authority, upon request, shall be found exempt pursuant to Section 367.022(2), F.S.~~

Rulemaking Authority 350.127(2), 367.121 FS. Law Implemented 367.121, 367.165 FS. History—New 11-30-93, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Paul Vickery
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 40, Number 141, July 22, 2014

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:
40C-3.035 Agreements

PURPOSE AND EFFECT: The purpose and effect will be to incorporate an Amended Interagency Agreement between St. Johns River Water Management District and Florida Department of Environmental Protection Concerning Applications for Projects Involving the Construction and Operation of Underground Injection of Water Facilities into Rule 40C-3.035, Florida Administrative Code.

SUMMARY: This amendment would incorporate an Amended Interagency Agreement between St. Johns River Water Management District and Florida Department of Environmental Protection Concerning Applications for Projects Involving the Construction and Operation of

Underground Injection of Water Facilities into Rule 40C-3.035, F.A.C. This Amended Agreement updates an existing Interagency Agreement between the two agencies, which is currently incorporated into Rule 40C-5.011, F.A.C. Chapter 40C-5, F.A.C. is proposed for repeal as a result of the July 2015 rule review performed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) because those rules were determined to be obsolete, unnecessary, or redundant. The Interagency Agreement, however, is necessary to avoid duplication of effort and permitting requirements related to applications for projects involving the construction and operation of underground injection of water facilities.

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 District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.106, 373.109, 373.308, 373.309 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

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: District Clerk, (386)329-4127. 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: Karen Ferguson, Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4288, or kferguson@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-3.035 Agreements

The Governing Board hereby incorporates by reference the following documents:

(1) through (17) No change.

(18) An Amended Interagency Agreement between St. Johns River Water Management District and Florida Department of Environmental Protection Concerning Applications for Projects Involving the Construction and Operation of Underground Injection of Water Facilities dated _____, (Insert URL).

~~(19)~~(18) Copies of these documents are available from: Office of General Counsel ~~District Rules Coordinator~~
St. Johns River Water Management District
4049 Reid Street
Palatka, Florida 32177-2529
(386) ~~329-4500~~~~326-3026~~

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.106, 373.109, 373.308, 373.309 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-6-01, 6-25-02, 7-25-02, 1-11-06, 5-18-06, 5-24-07, 5-20-08, 1-5-12, 11-12-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Ferguson, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4288

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 24, 2015

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-5.011	Policy and Purpose
40C-5.041	Permits Required
40C-5.051	Exemptions
40C-5.101	Content of Application
40C-5.301	Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purpose and effect will be to repeal these rules.

SUMMARY: These rules are being repealed as a result of the July 2015 rule review performed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR). These rules were determined to be obsolete, unnecessary, or redundant.

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 District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendments, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to subsection 120.541(3), F.S.

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: 373.044, 373.113, 373.616, 373.6161, 403.812 FS.

LAW IMPLEMENTED: 373.106, 373.171, 373.223, 373.226, 373.306, 373.308, 373.171, 403.812 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

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: District Clerk, (386)329-4127. 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: Karen Ferguson, Assistant General Counsel, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177, (386)329-4288, or kferguson@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-5.011 Policy and Purpose.

This repeal will become effective when the related amendment to Rule 40C-3.035, F.A.C., becomes effective.
Rulemaking Authority 373.044, 373.113, 403.812 FS. Law Implemented 373.106, 373.223, 373.226, 373.306, 373.308, 373.171, 403.812 FS. History—New 8-7-84, Amended 8-1-89, Repealed _____.

40C-5.041 Permits Required.

This repeal will become effective when the related amendment to Rule 40C-3.035, F.A.C., becomes effective.
Rulemaking Authority 373.044, 373.113, 373.616, 373.6161 FS. Law Implemented 373.106, 373.171, 373.223, 373.226, 373.306, 373.308 FS. History—New 8-7-84, Repealed _____.

40C-5.051 Exemptions.

This repeal will become effective when the related amendment to Rule 40C-3.035, F.A.C., becomes effective.
Rulemaking Authority 373.044, 373.113, 373.616 FS. Law Implemented 373.106, 373.223, 373.226, 373.306, 373.308 FS. History—New 8-7-84, Repealed _____.

40C-5.101 Content of Application.

This repeal will become effective when the related amendment to Rule 40C-3.035, F.A.C., becomes effective.
Rulemaking Authority 373.044, 373.113, 403.812 FS. Law Implemented 373.106, 373.171, 373.223, 373.226, 373.306, 373.308 FS. History—New 8-7-84, Amended 8-1-89, 1-11-99, Repealed _____.

40C-5.301 Conditions for Issuance of Permits.

This repeal will become effective when the related amendment to Rule 40C-3.035, F.A.C., becomes effective.
Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.106, 373.171, 373.223, 373.226, 373.306, 373.308 FS. History—New 8-7-84, Amended 8-1-89, 1-11-99, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Ferguson, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4288
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2015

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: RULE TITLE:

60S-4.010 Retirement Benefit Payment Options

PURPOSE AND EFFECT: To incorporate by reference an amended Florida Retirement System Pension Plan Option Selection form.

SUMMARY: Incorporate by reference an amended Option Selection Form.

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:

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: 121.031, 121.052(14) FS.

LAW IMPLEMENTED: 121.021, 121.031(2), 121.052, 121.055, 121.091(6), 121.091(11) 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: December 7, 2015, 10:00 a.m.

PLACE: 2450 Shumard Oak Blvd., Bldg. 1, Tallahassee, FL 32311

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 2450 Shumard Oak Blvd., Bldg. 2, Tallahassee FL 32311, (850)414-6349

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-4.010 Retirement Benefit Payment Options

(1) Prior to the receipt of his or her first monthly benefit payment, an FRS Pension Plan member who is eligible for a retirement benefit computed in accordance with Rule 60S-4.004, 60S-4.005, or 60S-4.006, F.A.C., shall select one of the four optional forms of payment of such benefits, as provided in paragraphs (a), (b), (c), or (d), on Form FRS-11o, effective (Rev. 12/14), [http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-00357)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-00357>, “Florida Retirement System Pension Plan Option Selection for FRS Members”, herein adopted and incorporated by reference, which also requires such member to attest to his or her marital status on Form SA-1 (Rev. 01/10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00368>, Florida Retirement System Spousal Acknowledgment Form, herein adopted by reference. Both these forms may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division Toll Free at (844) 377-1888, if calling from outside the Tallahassee calling area or locally at (850) 907-6500. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771. A married member who selects option 1 under paragraph (a) or option 2 under paragraph (b) shall notify his or her spouse of such option selection, and the spouse shall acknowledge any such option selection in accordance with subsection 60S-4.010(9), F.A.C. The four options are as follows:

- (a) through (e) No change.
- (2) through (11) No change.

Rulemaking Authority 121.031, 121.052(14) FS. Law Implemented 121.021, 121.031(2), 121.052, 121.055, 121.091(6), (11) FS. History—New 1-1-72, Amended 12-31-74, 7-1-79, 5-18-80, 8-26-81, 1-18-83, 11-6-84, 4-17-85, Formerly 22B-4.10, Amended 3-11-87, 9-5-90, 5-15-91, 9-8-92, Formerly 22B-4.010, Amended 3-12-96, 12-12-96, 2-24-99, 8-13-03, 4-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dan Drake, Director
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Chad Poppell, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2015
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 3, 2015

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-23.005
RULE TITLE: Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

PURPOSE AND EFFECT: To add subparagraphs (3)(e)1. through 2. which were approved by the Board and included in the proposed rule published on June 16, 2015, in Vol. 41, No. 116, of the Florida Administrative Registrar but which were inadvertently omitted from the rule as filed for adoption and effective November 3, 2015.

SUMMARY: Add subparagraphs (3)(e)1. through 2. back into the rule text as proposed on June 16, 2015.

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: The Board considered the SERC checklist when the language was originally approved and, based upon the answers, determined that no SERC was required nor was legislative ratification necessary.

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: 471.025(1), 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.025, 471.033(1)(d), 668.006 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: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0050

THE TEXT OF THE PROPOSED RULE IS:

61G15-23.005 Procedures for Electronically Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

- (1) through (3)(d)3. No change.

(e) Formatting of seals and text similar to that depicted below may be used.

1. When a digitally created seal is used:



This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a SHA-1 authentication code.

Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.

2. When a digitally created seal is not used:

C. S. Hammatt, State of Florida, Professional Engineer, License No. X

This item has been electronically signed and sealed by C. S. Hammatt, PE. On [DATE] using a SHA-1 authentication code.

Printed copies of this document are not considered signed and sealed and the SHA-1 authentication code must be verified on any electronic copies.

Rulemaking Authority 471.025(1), 471.033(2), 471.008 FS. Law Implemented 471.025, 471.033(1)(d), 668.006 FS. History—New 11-3-15, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 26, 2015

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.: RULE TITLES:

66B-1.005 Funds Allocation

66B-1.008 Project Eligibility

PURPOSE AND EFFECT: The proposed rule amendment is being promulgated to implement changes in the administration of the District's Cooperative Assistance Program that will improve the quality and variety of projects submitted through the grant program. This makes minor changes to the Cooperative Assistance program rule sections: Funds Allocation and Project Eligibility, increasing potential funding for land acquisition projects and marine law enforcement vessels.

SUMMARY: The amendments being proposed at this time will increase potential funding for land acquisition projects and marine law enforcement vessels and clarify funding for picnic shelters.

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: 1) No requirement for a SERC was triggered under Section 120.541(1), F.S. and 2) Based upon the nature of the rule, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S. It is anticipated that the proposed rule will not have any negative economic impact.

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: 374.976(2) FS.
LAW IMPLEMENTED: 374.976(1)-(3) 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: December 15, 2015, 11:00 a.m.

PLACE: Florida Inland Navigation District, 1314 Marcinski Rd., Jupiter, Florida 33477

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: Janet Zimmerman, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Rd., Jupiter, FL 33477, Phone: (561)627-3386. 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: Janet Zimmerman, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Rd., Jupiter, FL 33477, Phone: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULE IS:

66B-1.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible state and regional agencies of the availability of program funding and the authorized submission period. Applications will be reviewed by the Board utilizing District Form No. 00-25 and No. 00-25 (a) thru (f) Cooperative Assistance Program Application Evaluation and Rating Worksheet (effective date 4-24-06) hereby incorporated by reference and available from the District office.

(1) through (5) No change.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more publicly accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project;

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

All other public navigation projects or project elements must have a minimum of one facility open to the public and

will only qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: Land acquisition projects that provide for commercial/industrial waterway access shall qualify for a maximum of fifty (50) percent funding. All other land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.005, Amended 5-17-98, 3-31-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, and inlet management, maritime management planning, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension or improvement, of the following for public use on land and water:

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;

6. Waterway signs and buoys for safety, regulation or information;

7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;

8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;

9. Derelict Vessel Removal;

10. Waterways related environmental education programs and facilities;

11. Public fishing and viewing piers;

12. Public waterfront parks and boardwalks and associated improvements;

13. Maritime Management Planning;

14. Waterways boating safety programs and equipment;

15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and

16. Environmental restoration, enhancement or mitigation projects; and

17. Other waterway related projects. Navigation projects that do not meet specific criteria in subsection 66B-1.005(6), F.A.C., but are located on eligible waterways shall be considered for funding under the priority listing of "other waterway related project" and eligible for 25% funding.

(b) Ineligible Projects or Project Elements: Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;

2. Restrooms for non-waterway users;

3. Roadways providing access to non-waterway users;

4. Parking areas for non-waterway users;

5. Utilities for non-waterway related facilities;

6. Lighting for non-waterway related facilities;

7. Project maintenance and maintenance equipment;

8. Picnic shelters and furniture for non-waterway related facilities;

9. Vehicles to transport vessels;

10. Operational items such as fuel, oil, etc.;

11. Office space that is not incidental and necessary to the operation of the main eligible public building;

12. Conceptual project planning, including: cost-benefit analysis, public surveys, opinion polls, public meetings, and organizational conferences; and

13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

a. Project management, administration and inspection;

b. Design, permitting, planning, engineering or surveying costs for completed construction project;

c. Restoration of sites disturbed during the construction of an approved project; and

d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting, ~~vessels are eligible for a maximum of \$60,000 in initial District funding.~~ Marine law enforcement and other vessels are eligible for a maximum of ~~\$30,000~~ \$60,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) through (7) No change.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Janet Zimmerman

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Board of Commissioners, Florida Inland Navigation District

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 21, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: October 27, 2015

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.: RULE TITLES:

66B-2.005 Funds Allocation

66B-2.008 Project Eligibility

PURPOSE AND EFFECT: The proposed rule amendment is being promulgated to implement changes in the administration of the District's Waterway Assistance Program that will improve the quality and variety of projects submitted through the grant program. This makes minor changes to the Waterway Assistance program rule sections: Funds Allocation and Project Eligibility, increasing potential funding for land acquisition projects and marine law enforcement vessels.

SUMMARY: The amendments being proposed at this time will increase potential funding for land acquisition projects and marine law enforcement vessels and clarify funding for picnic shelters.

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: 1) No requirement for a SERC was triggered under Section 120.541(1), F.S. and 2) Based upon the nature of the rule, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S. It is anticipated that the proposed rule will not have any negative economic impact.

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: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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:

DATE AND TIME: December 15, 2015, 11:00 a.m.

PLACE: Florida Inland Navigation District, 1314 Marcinski Rd., Jupiter, Florida 33477

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: Janet Zimmerman, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Rd., Jupiter, FL 33477, Phone: (561)627-3386. 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: Janet Zimmerman, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Rd., Jupiter, FL 33477, Phone: (561)627-3386.

THE FULL TEXT OF THE PROPOSED RULE IS:

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 and 91-25 (A) through (F) Waterways Assistance Program Application and Evaluation Worksheet (effective date 1/2014), hereby incorporated by reference and available at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-03568> and available from the District office or by download from the District's webpage at: www.aicw.org.

(1) through (5) No change.

(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to seventy-five percent (75%) program funds must be within the Intracoastal Right-of-Way (ROW), or provide public navigation channel access to two or more publicly accessible launching, mooring or docking facilities. In addition, the following shall apply:

(a) Navigation channel dredging: The project sponsor must demonstrate that the source of channel sedimentation has been identified and is in the process of, or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers must be located on primary or secondary public navigation channels.

Navigation projects or project elements that have one facility open to the public will qualify for up to fifty percent (50%) program funding. Dredging that is associated or ancillary to another use (such as a boat ramp, marina or pier) will be prioritized according to the associated use.

(7) Land Acquisition: Land acquisition projects that provide for commercial/industrial waterway access shall qualify for a maximum of fifty (50) percent funding. All other land acquisition projects shall qualify for a maximum of twenty-five (25) percent program funding. All pre-agreement expenses for land acquisition must be completed within one-year of the date of application for funding. All funded land acquisition projects must construct the required boating access facility within 7 years of completion of the land acquisition, or the District may require the applicant to refund the program funding. Immediately upon acquiring title to the land, the applicant shall record a declaration of covenants in favor of the District stating that if the required boating access facility is not constructed within 7 years and dedicated for the public use as a boating access facility for a minimum period of 25 years after completion of construction, the District shall require the applicant to refund the program funding.

(8) No change.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (3) FS. History—New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, 4-1-09, 3-7-11, 3-7-12, 4-10-13, 1-27-14, _____.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, maritime management planning, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;
2. Public navigation aids and markers;
3. Inlet management projects that are a benefit to public navigation in the District;
4. Public shoreline stabilization directly benefiting the District's waterway channels;
5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;
6. Waterway signs and buoys for safety, regulation or information;
7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;
8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;
9. Derelict Vessel Removal;
10. Waterways related environmental education programs and facilities;
11. Public fishing and viewing piers;
12. Public waterfront parks and boardwalks and associated improvements;
13. Maritime Management Planning;
14. Waterways boating safety programs and equipment;
15. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and
16. Environmental restoration, enhancement or mitigation projects; and
17. Other waterway related projects. Waterway projects that do not meet specific criteria in subsection 66B-2.005(5) or (6) or subparagraphs 66B-2.008(1)(a)1.-16., F.A.C., but are located on eligible waterways shall be considered for funding under the priority listing of "other waterway related project" and eligible for 25% funding.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;
2. Restrooms for non-waterway users;
3. Roadways providing access to non-waterway users;

- 4. Parking areas for non-waterway users;
- 5. Utilities for non-waterway related facilities;
- 6. Lighting for non-waterway related facilities;
- 7. Project maintenance and maintenance equipment;
- 8. Picnic shelters and furniture for non-waterway related facilities;
- 9. Vehicles to transport vessels; and
- 10. Operational items such as fuel, oil, etc.
- 11. Office space that is not incidental and necessary to the operation of the main eligible public building; and
- 12. Conceptual project planning, including: public surveys, opinion polls, public meetings, organizational conferences; and
- 13. Inlet maintenance.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

- 1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:
 - a. Project management, administration and inspection;
 - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
 - c. Restoration of sites disturbed during the construction of an approved project;
 - d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine fire-fighting, ~~vessels are eligible for a maximum of \$60,000 in initial District funding.~~ Marine law enforcement and other vessels are eligible for a maximum of ~~\$30,000~~ \$60,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District’s waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) through (7) No change.
 Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, 2-22-10, 3-7-11, 3-7-12, 1-27-14, 2-17-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Janet Zimmerman
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Commissioners, Florida Inland Navigation District
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2015
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 27, 2015

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
 61C-1.008 License Fees

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 220, November 12, 2015 issue of the Florida Administrative Register. The notice of change published on November 5, 2015 was published in error.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
 61C-1.008 License Fees

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 207, October 23, 2015 issue of the Florida Administrative Register. The following language is inserted in the Summary of Statement of Estimated Regulatory Costs:

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 economic review conducted by the agency.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-22.0105 Approval of Continuing Education Courses in Law and Rules.

NOTICE OF CORRECTION

NOTICE IS HEREBY GIVEN that the following correction has been made to the Notice of Change published in Vol. 41, No. 203, October 19, 2015, issue of the Florida Administrative Register:

- (3)(6) No change.
- (4)(7) No change.
- (5)(8) No change.
- (6)(9) No change.

The person to be contacted regarding the rule is: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303, (850)521-0050

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NOS.: RULE TITLES:
64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants
64B4-3.009 Limited Licenses
64B4-3.010 Marriage and Family Therapy Dual Licensure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 131, July 8, 2015 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and a vote by the Board at a duly noticed public meeting held on October 22, 2015. The changes are as follows:

Rule 64B4-3.001, F.A.C., shall now read as follows:

64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

Every applicant for licensure as a clinical social worker, marriage and family therapist or mental health counselor shall submit to the Board a completed application on Form DH-MQA 1174, Application for Licensure (revised 10/15 04/15), hereby adopted and incorporated by reference, which can be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref_ or the web at <http://www.floridasmentalhealthprofessions.gov/resources>. The application shall be accompanied with the application fee and the initial licensure fee.

(1) through (2) No change.

Rulemaking Authority 491.004(5) FS. Law Implemented 456.013, 456.0635, 491.005, 491.006, 491.0065 FS. History—New 7-6-88, Amended 1-28-91, 11-3-92, Formerly 21CC-3.001, 61F4-3.001, Amended 11-13-96, Formerly 59P-3.001, Amended 6-8-09, 2-24-10, 4-4-13,_____.

Rule 64B4-3.009, F.A.C., shall now read as follows:

64B4-3.009 Limited Licenses.

(1) No change.

(2) Any person desiring to obtain a limited license shall submit a completed application to the Board on Form DH-MQA 1178, Application for Limited Licensure (Revised 10/15 04/15), hereby adopted and incorporated by reference, which can be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref_ or the Board's website at <http://www.floridasmentalhealthprofessions.gov/resources/applications/application-limited-licensure.pdf>. The application shall be accompanied by the documents required by Section 456.015(2), F.S., and a fee of \$25 unless the applicant provides a notarized statement from the employer stating that the applicant will not receive monetary compensation for service involving the practice of his profession.

(3) No change.

Rulemaking Authority 456.015 FS. Law Implemented 456.015, 456.0635 FS. History—New 11-13-96, Formerly 59P-3.009, Amended 6-8-09, 3-11-10,_____.

Rule 64B4-3.010, F.A.C., shall now read as follows:

64B4-3.010 Marriage and Family Therapy Dual Licensure.

Any psychologist licensed under Chapter 490, F.S., or clinical social worker or mental health counselor licensed under this chapter, or any advanced registered nurse practitioner certified under Section 464.012, FS, and determined by the Board of Nursing to be a specialist in psychiatric mental health, desiring to obtain licensure as a marriage and family therapist shall submit a completed application to the Board on Form DH-MQA 1177, Marriage and Family Therapy Dual Licensure Application (Revised 10/15 04/15), hereby adopted and incorporated by reference, which can be obtained from http://www.flrules.org/Gateway/reference.asp?No=Ref-___ or the Board's website at <http://www.floridamentalhealthprofessions.gov/resources/applications/application-dual-licensure.pdf>. The application shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

Rulemaking Authority 491.004(5) FS. Law Implemented 456.0635, 491.0057 FS. History—New 6-8-09, Amended 2-24-10.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.602 RULE TITLE: Food Assistance Program Case Processing
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 41 No. 213, November 2, 2015 issue of the Florida Administrative Register.

DATE AND TIME: November 24, 2015, 10:00a.m. – 11:00 a.m.

PLACE: Winewood Boulevard Building 3, Room 455, Tallahassee, Florida 32399-0700

**Section IV
Emergency Rules**

NONE

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-6.011 RULE TITLE: Policy and Purpose

NOTICE IS HEREBY GIVEN that on November 2, 2015, the South Florida Water Management District (District), received a petition for waiver from Nicole Guinea Oliva (Application No. 15-1102-4) for utilization of Works or Lands of the District known as the C-100C Canal, for existing fence enclosure, trees, and hedge within fence enclosure located within the east right of way; Section 5, Township 55 South, Range 40 East, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4) and (6), F.A.C., which govern the placement of permanent and semi-permanent above-ground encroachments within 40 feet of top of canal bank within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or email: jurussel@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attention: Juli Russell, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.001 RULE TITLE: Safety Standards

NOTICE IS HEREBY GIVEN that on November 9, 2015, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for St. Anthony's Friary. Petitioner seeks an emergency permanent variance of the requirements of ASME A17.1b, Section 2.2.2.5, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators sump and pump operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-283).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

NOTICE IS HEREBY GIVEN that on November 10, 2015, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Park Centre @ Telecom. Petitioner seeks emergency permanent variance of the requirements of ASME A17.1b, Section 2.2.2.5, as adopted by subsection 61C-5.001(1), F.A.C., that requires upgrading the elevators sump and pump operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2015-284).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michelle Comingore, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-13.001 Continuing Education for Biennial Renewal

NOTICE IS HEREBY GIVEN that on November 6, 2015, the Board of Osteopathic Medicine received a petition for waiver or variance filed by Jason Remick, D.O., from Rule 64B15-13.001, F.A.C., with regard to the requirement for biennial renewal CME to be in live lecture format. Comments on this petition should be filed with the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3056, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Claudia Kemp, Executive Director, Board of Osteopathic Medicine, at the above address or telephone: (850)245-4161.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Cultural Affairs

The Florida Division of Cultural Affairs and the Florida Council on Arts and Culture announce a telephone conference call to which all persons are invited.

DATE AND TIME: November 19, 2015, 9:00 a.m.

PLACE: This meeting will be held via teleconference. Please visit <http://www.florida-arts.org/documents/panels/teleconference.instructions.cfm> for more instructions.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Council members must participate in the conference call in order to vote. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken.

A copy of the agenda may be obtained by contacting: the Division of Cultural Affairs at (850)245-6470 or by visiting our website: www.florida-arts.org/calendar.

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: Rachelle Ashmore at rachelle.ashmore@dos.myflorida.com or at (850)245-6490. 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: The Division of Cultural Affairs at (850)245-6470.

FLORIDA COMMISSION ON OFFENDER REVIEW

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

DATES AND TIMES: Wednesday, December 2, 2015, 9:00 a.m.; Thursday, December 3, 2015, 9:00 a.m.; Wednesday, December 9, 2015, 9:00 a.m.; Thursday, December 10, 2015, 9:00 a.m.; Wednesday, December 16, 2015, 9:00 a.m.; Thursday, December 17, 2015, 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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

The Florida Building Commission, "THE COMMISSION", Mechanical Technical Advisory Committee, announces a public meeting to which all persons are invited.

DATE AND TIME: December 1, 2015, 10:00 a.m. until completion

PLACE: Access the teleconference number for audio only and the webinar for visual only: <https://global.gotomeeting.com/join/736494453>; conference call: United States, +1(224)501-3318; United States (toll-free), 1(866)899-4679; access code: 736-494-453; audio pin shown after joining the meeting; meeting ID, 736-494-453

Public point of access: Department of Business and Professional Regulation, Northwood Centre, Florida Building Commission, Suite 90A, 1940 North Monroe Street, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and accept the draft report for a research project titled, "Evaluating the Economic Impacts the Legislatively Delayed Provision of the 5th Edition (2014) Florida Building Code":

- Mandatory blower door testing for residential buildings or dwelling units as contained in Section R402.4.1.2 of the Florida Building Code, 5th Edition (2014) Energy Conservation volume.

- Mechanical ventilation for residential buildings or dwelling units as contained in Section R303.4 of the Florida Building Code, 5th Edition (2014) Residential Volume. Also, to consider and discuss the following request for Declaratory Statement: DS 2015-136 by Julien Croteau, Condo unit owner.

A copy of the agenda may be obtained by contacting: Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90, 1940 N. Monroe Street, Tallahassee, Florida 32399, calling (850)487-1824 or visiting the calendar on our website at <http://floridabuilding.org/c/default.aspx>.

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 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL, (850)487-1824 or fax: (850)414-8436. 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 Mr. Norman Bellamy, Building Codes and Standards Office, Department of Business and Professional Regulation, Suite 90, 1940 N. Monroe Street, Tallahassee, Florida 32399; call (850)487-1824, or visit the calendar on our website at <http://floridabuilding.org/c/default.aspx>.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

The Department of Health/CMS: Early Steps Workgroup announces a workshop to which all persons are invited.

DATE AND TIME: November 20, 2015, 9:00 a.m. – 10:00 a.m.

PLACE: Department of Education/Turlington Building, 325 W. Gaines Street, Tallahassee, FL 32399; Bureau of Exceptional Education and Student Services (BEESS) Resource and Information Center (BRIC) Conference Room 628 B

GENERAL SUBJECT MATTER TO BE CONSIDERED: Department of Health/CMS: Early Steps Workgroup Meeting

- Transition from IDEA Part C to Part B. Exploration and discussion related to 1) improving the effectiveness of transition of children from Early Steps to the school district prekindergarten program for children with disabilities through the tracking of child outcomes data and 2) developing a longitudinal study to determine the percentage of children by county who participated in Early Steps and have graduated.

A copy of the agenda may be obtained by contacting: Carole West at Carole.West@fldoe.org or by phone: (850)245-0475.

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: Carole West at Carole.West@fldoe.org or by phone: (850)245-0475. 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 ECONOMIC OPPORTUNITY

Division of Workforce Services

The Reemployment Assistance Appeals Commission announces a public meeting to which all persons are invited.

DATE AND TIME: November 18, 2015, 9:30 a.m.

PLACE: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deliberation for cases pending before the Reemployment Assistance Appeals Commission that are ready for final review and the Chairman’s report. No public testimony will be taken.

A copy of the agenda may be obtained by contacting: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. 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: Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

PARSONS BRINCKERHOFF

The Florida Department of Transportation, District One announces a public meeting to which all persons are invited.

DATE AND TIME: November 28, 2015, 5:00p.m. – 7:00 p.m.

PLACE: Ellenton United Methodist Church, 3607 US 301 North, Ellenton, Florida 34222

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) invites the community to a public meeting about proposed safety improvements to the US 301 at Haben Boulevard intersection. The proposed improvements include creating a dual left-turn lane from US 301 westbound onto Haben Boulevard.

This meeting consists of an open house from 5:00 p.m. to 7:00 p.m., allowing people time to view displays, ask questions, and discuss the work one-on-one with members of the project team.

Financial Project ID No: 433412-1-52-01

A copy of the agenda may be obtained by contacting: jamie.schley@dot.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 7 days before the workshop/meeting by contacting: Jamie Schley, Florida Department of Transportation, District One, 801 N. Broadway Street, Bartow, Florida 33830-3809, (863)519-2573, jamie.schley@dot.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: Brian Bollas, Project Public Information Officer at (727)946-1869 or Robin Stublen, FDOT Public Information Officer, at the address listed above or by phone: 1(800)292-3368.

FLORIDA VETERANS FOUNDATION

The Florida Veterans Foundation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 19, 2015, 1:00 pm.

PLACE: 400 S. Monroe St., Room 2107, Tallahassee, FL 32399-0001 or telephone conference: (302)202-1106, conference code: 471060

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business and address administrative matters.

A copy of the agenda may be obtained by contacting: www.FloridaVeteransFoundation.org or Molly Papania, (850)488-4181.

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: Molly Papania. 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: Molly Papania, (850)488-4181.

Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

NOTICE IS HEREBY GIVEN that the Department of Financial Services (the "Department") has issued an order disposing of the petition for declaratory statement filed by James Schock, St. Johns County Board of County Commissioners (the "Petitioner") on August 17, 2015. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published October 25, 2015, in Vol. 41, No. 165 of the Florida Administrative Register. The Petition asks what license is required to install and inspect sprinklers that are constructed under the Florida Building Code-Residential plumbing section P2904. The Petition answers: Pursuant to Section 633.224(1), Florida Statutes, a currently certified Contractor I, Contractor II, or Contractor IV may engage in the business or act in the capacity of a contractor of automatic fire sprinkler systems for one-family dwellings, two-family dwellings, and mobile homes. It is unlawful for any other person to engage in such business.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Melissa E. Dembicer, Assistant General Counsel, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333 or by email: Melissa.dembicer@myfloridacfo.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

NOTICE IS HEREBY GIVEN that the Department of Financial Services (the "Department") has issued an order disposing of the petition for declaratory statement filed by Phillip Green (the "Petitioner") on August 12, 2015. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published October 20, 2015 in Vol. 41, No. 162 of the Florida Administrative Register. The Petition asks whether Section 633.124(2)(a), Florida Statutes, applies to fire sprinkler systems installed in one and two family dwellings based on a local government requirement in accordance with Section 633.208, Florida Statutes. The Petition was answered: The requirement to maintain an operable fire protection system only applies to those systems in locations which are mandated by statutes and rules, pursuant to Section 633.124(2)(a),

Florida Statutes. One and two family dwellings do not fall within these requirements as there are no statutes and rules requiring such systems be installed in one and two family dwellings pursuant to Section 633.208(8), Florida Statutes. If a local government enacts such an ordinance, and the homeowner of a one or two family dwelling disables the fire protection system, the homeowner could not be charged with a first degree misdemeanor pursuant to Section 633.124(2)(a).

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Melissa E. Dembicer, Assistant General Counsel, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333 or by email: Melissa.dembicer@myfloridacfo.com.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has issued an order disposing of the petition for declaratory statement filed by inmate Daniel Howe, DC# R00932 on November 10, 2015. The following is a summary of the agency's disposition of the petition:

As an inmate of the Florida Department of Corrections, Daniel Howe, DC# R00932, may only participate in administrative proceedings pursuant to Sections 120.54(3)(c) and (7), Florida Statutes. Pursuant to Section 120.81(3), Florida Statutes, the Petitioner lacks standing to bring a Petition for Declaratory Statement, and the Department lacks jurisdiction to issue a declaratory statement in this case.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Valerie Robinson, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to: Adam Stallard, 501 S. Calhoun Street, Tallahassee, Florida 32399.

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

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

W. D., C. V., K. E. and K. M. vs. Department of Health; Case No.: 15-6009RP; Rule No.: 64C-4.003

The Public Health Trust of Miami-Dade County, Florida vs. Department of Health; Case No.: 15-6204RP; Proposed Rule Nos.: 64J-2.007, 64J-2.008, 64J-2.009 and 64J-2.010

G. B.; Z. L., through his guardian K. L.; J. H.; and M.R. vs. Agency for Persons with Disabilities; Case No.: 15-5903RP

Hobert Harrison vs. Florida Parole Commission and Florida Department of Corrections; Case No.: 15-6000RU

Florida Bee Distribution, Inc., d/b/a Tobacco Express Distributors vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 15-6108RU

Planet Trading, Inc., and Melbourne, LLC vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 15-6148RU

A. R., A. S., Y. S., D. S., and Q. J. vs. the Florida Department of Health, State of Florida; Case No.: 15-3735RU

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

The Hospice of the Florida Suncoast, Inc., d/b/a Suncoast Hospice vs. Agency for Health Care Administration; Case No.: 15-3656RX; Rule Nos.: 59C-1.008(2)(a)2, 59C-1.008(2)(a)3; Dismissed

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

A. R., A. S., Y. S., D. S., and Q. J. vs. the Florida Department of Health, State of Florida; Case No.: 15-3735RU; Children’s Medical Services Network’s Clinical Eligibility Screening Guide constitutes an unadopted rule

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

NONE

**Section XII
Miscellaneous**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Notice of Publication of the Florida State Fair Authority Regulatory Plan

On November 9, 2015, the Florida State Fair Authority published its Regulatory Plan, pursuant to Florida Statutes 120.74. The published plan may be accessed on the Florida State Fair website at www.floridastatefair.com.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

SOUTH FLORIDA WATER MANAGEMENT DISTRICT GIVES NOTICE OF DISTRICT DECISION

The South Florida Water Management District (SFWMD or District) gives notice of its decision on November 12, 2015, approving the 2015 Central Florida Water Initiative Regional Water Supply Plan (CFWI RWSP), including the 2035 Water Resources Protection and Water Supply Strategies (Solutions Strategies), which was jointly developed by the St. Johns River Water Management District (SJRWMD), SFWMD, and Southwest Florida Water Management District (SWFWMD) (collectively, the Districts) in coordination with stakeholders for those portions of the water supply planning region within the SFWMD’s District boundaries as established in section 373.069, Fla. Stat. The documents are further described below:

1. 2015 CFWI RWSP (Volume I)
2. Appendices to Volume I (Volume IA)
3. Solutions Strategies (Volume II)
4. Appendices to Volume II (Volume IIA)

Collectively, these documents are referred to as the 2015 CFWI RWSP Document Series. The files containing the 2015 CFWI RWSP Document Series are available at <http://cfwiwater.com> and are available for inspection Monday through Friday, except for legal holidays, from 8:00 a.m. to 5:00 p.m. at the South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406; contact Brenda Low, District Clerk, (561)682-6805. If you wish to receive a copy, please submit your request to the Office of the District Clerk of the South Florida Water Management District, Attention: Brenda Low, District Clerk, at the address listed above.

A person whose substantial interests are or may be affected by the District's decision on a regional water supply plan or the designation of the CFWI Planning Area as a water resource caution area has the right to request an administrative hearing in accordance with Section 120.569 and 120.57, Fla. Stat., and Chapter 28-106, Fla. Admin. Code. Persons seeking a hearing on a SFWMD decision which affects or may affect their substantial interests shall file a petition for hearing with the Office of the District Clerk of the SFWMD, in accordance with the filing instructions set forth herein, within twenty-one (21) days of receipt of written notice of the decision. "Receipt of written notice of agency decision" means receipt of written notice through mail, electronic mail, or posting that the SFWMD has or intends to take final agency action, or publication of notice that the SFWMD has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

If the District takes final agency action which materially differs from the noticed intended agency decision, persons who may be substantially affected shall, unless otherwise provided by law, have an additional Rule 28-106.111, Fla. Admin. Code, point of entry.

A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Chapter 28-106, Fla. Admin. Code. The District will not accept a petition sent by facsimile (fax), as explained below. Mediation pursuant to Section 120.573, Fla. Stat., is not available.

A petition for administrative hearing must be filed with the Office of the District Clerk of the SFWMD. Filings with the Office of the District Clerk may be made by mail, hand-delivery, or e-mail. Filings by facsimile will not be accepted. A petition for an administrative hearing is deemed filed upon receipt during normal business hours by the Office of the District Clerk at SFWMD Headquarters in West Palm Beach, Florida. The District's normal business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Any document received by the Office of the District Clerk after 5:00 p.m. shall be deemed filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the District Clerk, P.O. Box 24680, West Palm Beach, Florida 33416. Filings by hand-delivery must be delivered to the Office of the District Clerk. Delivery of a petition to the SFWMD's security desk does not constitute filing. It will be necessary to request that the SFWMD's security office contact the Office of the District Clerk. An employee of the SFWMD's Clerk's office will receive and file the petition.

- Filings by e-mail must be transmitted to the Office of the District Clerk at clerk@sfwmd.gov. The filing date for a document transmitted by electronic mail shall be the date the Office of the District Clerk receives the complete document. A party who files a document by email shall (1) represent that the original physically signed document will be retained by that party for the duration of the proceeding and of any subsequent appeal or subsequent proceeding in that cause and that the party shall produce it upon the request of other parties; and (2) be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed.

Pursuant to Sections 120.54(5)(b)4. and 120.569(2)(c), Fla. Stat., and Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8½ by 11 inch white paper. All petitions shall contain those items required by the uniform rules adopted pursuant to Section 120.54(5)(b), Fla. Stat.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

Central Florida Water Initiative (CFWI) Regional Water Supply Plan

The St. Johns River Water Management District (District) gives notice of its decision on November 10, 2015, approving the 2015 Central Florida Water Initiative Regional Water Supply Plan (CFWI RWSP), including the 2035 Water Resources Protection and Water Supply Strategies (Solutions Strategies), which was jointly developed by the St. Johns River Water Management District (SJRWMD), South Florida Water Management District (SFWMD), and Southwest Florida Water Management District (SWFWMD) (collectively, the Districts) in coordination with stakeholders. The documents are further described below:

1. 2015 CFWI RWSP (Volume I) is available at http://cfwiwater.com/pdfs/plans/CFWI_RWSP_VolI_Draft_2015-10-26.pdf
2. Appendices to Volume I (Volume IA) is available at http://cfwiwater.com/pdfs/plans/CFWI_RWSP_VolIA_Draft_2015-10-26.pdf
3. Solutions Strategies (Volume II), is available at http://cfwiwater.com/pdfs/plans/WRP_VolII_Draft_2015-10-23.pdf
4. Appendices to Volume II (Volume IIA) is available at http://cfwiwater.com/pdfs/plans/WRP_VolIIA_Draft_2015-10-26.pdf

Collectively, these documents are referred to as the 2015 CFWI RWSP Document Series. The 2015 CFWI RWSP Document Series were developed and approved to implement section 373.709, Florida Statutes. In the 2015 CFWI RWSP, the Districts have determined that existing sources of water are not adequate in all of Orange, Osceola, Polk and Seminole Counties, and southern Lake County (CFWI Planning Area) to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems through 2035. The CFWI Planning Area shall be considered a Water Resource Caution Area (WRCA) for the purposes of Section 403.064, F.S. The 2015 CFWI RWSP Document Series identifies alternative water supply (AWS) projects from which water suppliers may choose for meeting water supply needs within the designated WRCA. Although AWS projects added to the 2015 CFWI RWSP Document Series are potentially eligible for certain District funding, there is no assurance of funding.

The file(s) containing the 2015 CFWI RWSP Document Series are available for inspection Monday through Friday, except for legal holidays, from 8:00 a.m. to 5:00 p.m. at the St. Johns River Water Management District Headquarters, 4049 Reid St., Palatka, Florida, 32177-2529. If you wish to receive a copy, please submit your request to the Office of Business and Administrative Services, 4049 Reid Street, Palatka, Florida, 32177-2529. You may also review these documents by using your web browser to go to the website described above.

A person whose substantial interests may be affected by the District's decision on a regional water supply plan or the designation of the CFWI Planning Area as a water resource caution area has the right to request an administrative hearing in accordance with Section 120.569 and 120.57, F.S., and Chapter 28-106, F.A.C. A request for hearing must be filed with (received by) the District either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by email with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax), as explained below. Mediation pursuant to Section 120.573, F.S., is not available.

A person whose substantial interests are or may be affected has the right to a formal administrative hearing pursuant to Sections 120.569 and 120.57, F.S., where there is a dispute between the District and the party regarding an issue of material fact. A petition for formal hearing must also comply with the requirements set forth in Rule 28-106.201, F.A.C. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), F.S., where no material facts are in dispute. A petition for an informal hearing must comply with the requirements set forth in Rule 28-106.301, F.A.C.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida. Petitions received by the District Clerk after 5:00 p.m., or on a Saturday, Sunday, or legal holiday, shall be deemed filed as of 8:00 a.m. on the next regular District business day. The District's acceptance of petitions filed by email is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, F.A.C.), which is available at www.sjrwmd.com/agency_statement.pdf. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.

Failure to file a request for hearing within the specified time period shall constitute a waiver of any right any such person may have to request a hearing pursuant to Sections 120.569 and 120.57, F.S., and Rule 28-106.111, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the timely filing of a request for hearing may result in the District's final action being different from its original action. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.

FLORIDA VETERANS FOUNDATION

The Florida Veterans Foundation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, November 19, 2015, 1:00 pm.

PLACE: 400 S. Monroe St., Room 2107, Tallahassee, FL 32399-0001 or telephone conference: (302)202-1106, conference code: 471060

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business and address administrative matters.

A copy of the agenda may be obtained by contacting: www.FloridaVeteransFoundation.org or Molly Papania, (850)488-4181.

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: Molly Papania. 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: Molly Papania, (850)488-4181.

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.
