

Section I
**Notice of Development of Proposed Rules
 and Negotiated Rulemaking**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: **RULE TITLE:**

6A-4.0021 Florida Teacher Certification Examinations
PURPOSE AND EFFECT: To adopt and incorporate new Florida Teacher Certification Examinations (FTCE) competencies and skills, effective April 1, 2022, for the following FTCE subject areas: General Knowledge Test, Elementary Education K–6, English 6–12, English for Speakers of Other Languages K–12, Exceptional Student Education K–12, Middle Grades English 5–9, Prekindergarten/Primary PK–3, and Reading K–12. The rule amendment also updates the names of two subject area examinations: Guidance and Counseling PK–12 will be renamed School Counseling PK–12 to align with current certification terminology, and Hearing Impaired K–12 will be renamed Deaf or Hard of Hearing K–12 to align with current certification terminology.

SUBJECT AREA TO BE ADDRESSED: Teacher Certification Examinations.

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1012.55(1), 1012.56, 1012.59, F.S.

LAW IMPLEMENTED: 1012.55, 1012.56, 1012.59, F.S.

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: Phil Canto, Bureau Chief, Bureau of Postsecondary Assessment, Office of Assessment, Division of Accountability, Research, and Measurement, (850)245-0513. To comment on this rule development or to request a rule development workshop, please go to <https://web02.fldoe.org/rules> or contact: Chris Emerson, Director, Office of Executive Management, Department of Education, (850)245-9601 or email Christian.Emerson@fldoe.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

Available at <https://web02.fldoe.org/rules>.

Section II
Proposed Rules

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: **RULE TITLES:**

62-503.200	Definitions
62-503.300	General Program Information
62-503.430	Loan Applications and Agreements
62-503.500	Funds Reserved for Specific Purposes
62-503.700	Planning, Design, Construction, and Procurement Requirements
62-503.751	Environmental Review
62-503.800	Audits Required

PURPOSE AND EFFECT: Amendments to Chapter 62-503, F.A.C., are proposed to clarify administrative procedures, delete unnecessary or redundant language, better define allowable and unallowable costs, restructure the priority system, and to adjust how the financing rate and financing rate reductions are applied to loans. Included are changes necessary to reflect changes to the priority ranking of projects made in Section 22 of Ch. 2020-150, Laws of Florida.

SUMMARY: Rule 62-503.200, F.A.C., is being amended to incorporate new definitions and to revise existing definitions. New definitions for “continuing contract,” “cost-effective,” and “fiscal sustainability plan,” have also been included. It includes reference to an amended form RFI 1, Request for Inclusion on the Clean Water Priority List. Rule 62-503.300, F.A.C., clarifies documentation requirements, revises the notice deadline for public meetings, adds Department acceptance of processes for design or construction loans, gives examples of documented acute or chronic public health hazards, extends green projects to include other sanitary sewer overflow projects with respect to priority scoring, includes projects installing wastewater transmission facilities to be constructed concurrently with construction projects occurring within or along a transportation right-a-way for priority scoring, adds land and wastewater system acquisition to timely submitted project for priority scoring, removes unnecessary priority list development requirements, provides more concise language regarding allowable costs, clarifies allowable and ineligible costs, applies a fixed financing rate to amendments of an agreement, and details requirements for financing rate reductions. It includes a revision to make the interest rate "floor" 0.2 percent instead of 0 percent and revise the interest rate reductions for compliance with American Iron and Steel and Davis-Bacon wage rates to a combined total of 0.5 percent. It adds a financing rate reduction for sponsors that fund a nontraditional project. It adds a verification of the debt

coverage through a certified public accountant for non-governmental sponsors. Revisions to Rule 62-503.430, F.A.C., include certification of a loan recipient that the loan recipient is not on the governmentwide exclusion list in System for Award Management (SAM), adds details regarding disbursements, sets repayment periods and removes annual certification requirements that are now obsolete. It includes a reference each to amended Form Application 1, State Revolving Fund Loan Program for Point Source Water Pollution Control Loan Application and Form Application 2, State Revolving Fund Loan Program for Nonpoint Source Water Pollution Control Loan Application. The proposed changes to Rule 62-503.500, F.A.C., replace the term innovative/alternative with green. The proposed changes to Rule 62-503.700, F.A.C., are intended to clarify what is expected in planning and design documents as well as the procurement process and list requirements for fiscal sustainability plans. Revisions to Rules 62-503.751 and 62-503.800, F.A.C., are minor updates and clarifications.

OTHER RULES INCORPORATING THIS RULE: 62-505.200, 62-505.300, and 62-505.350, F.A.C.

EFFECT ON THOSE OTHER RULES: The references to 62-503, F.A.C., that are currently in 62-505, F.A.C., will be amended as necessary to reflect changes in 62-503.

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 loan program is voluntary and not a regulatory program. Participation is not mandatory. Only local sponsors seeking loans must follow the program requirements. Because these are no adverse impacts and no regulatory costs, a Statement of Estimated Regulatory Costs is not required.

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

RULEMAKING AUTHORITY: 403.1835(10), 403.1837(9), F.S.

LAW IMPLEMENTED: 403.1832, 403.1835, 403.031, 403.1837, 215.97, F.S.

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 5 days before the workshop/meeting by contacting: Gregory Alfsen at (850)245-2983 or email gregory.alfsen@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory Alfsen at (850)245-2983 or email gregory.alfsen@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-503.200 Definitions.

For purposes of this rule chapter:

(1) “Act” means the Federal Water Pollution Control Act, 33 USC § 1251 et seq., as amended, June 2014 ~~November 2002~~, by the Water Resources Reform and Development Act, also known as the amended Clean Water Act. Sections 212 (33 USC § 1292), 319 (33 USC § 1329), and 320 (33 USC § 1330) and Title VI (33 USC § 1381 et seq.) of the Act pertain to the Clean Water State Revolving Fund and are hereby adopted and incorporated by reference. This document is available from the Department’s Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd. 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-3000 ~~2400~~, or at <http://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>.

(2) “Affordability Index” The term “Affordability Index” means the empirical number that is generated for a local governmental agency-project sponsor using the computer model entitled “Final Report Statistical Wt. – No Sales,” which is based on a combination of median household income, poverty, and unemployment census statistics for local governments. This computer model can be found in “Updating the Department of Environmental Protection’s Affordability Index, 2011,” August 9, 2011, Economics Department, Florida State University, Tallahassee, Florida, and is hereby adopted and incorporated by reference. This document is available from the Department’s Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd. 2600 Blair Stone Road, MS3505, Tallahassee, Florida 32399-3000 ~~2400~~, or at <http://www.flrules.org/gateway/reference.asp?No=Ref-04016>.

(3) through (7) No change.

(8) “Construction loan” means an assistance agreement to fund a wastewater, stormwater, or nonpoint ~~non-point~~ source construction project, ~~or~~ equipment purchase, or wastewater system acquisition. To be eligible for a construction loan, a planning document and plans and specifications must be accepted by the Department, the environmental review process described in Rule 62-503.751, F.A.C., must be complete, all

required Department permits and authorizations must have been obtained, and all necessary site certifications must have been submitted to the Department. Plans, specifications, construction permits, and site certifications are not required for a wastewater system acquisition. For design/build projects using a best value procurement process, the approval of the procurement process shall be accepted in lieu of the plans, specifications, site certifications, and permits unless any portion of these documents are available at that time. The requirements for planning documents are described in subsection 62-503.700(2), F.A.C., and the requirements for plans and specifications are described in subsection 62- 503.700(3), F.A.C.

(9) No change.

(10) “Continuing contract” shall have the same meaning as provided in the Consultants’ Competitive Negotiation Act (CCNA), Section 287.055, F.S.

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

(12)(10) “Department” means the Department of Environmental Protection, Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd. 2600 Blair Stone Road, MS 3505, Tallahassee, FL 32399-3000 2400. For electronic information requests and submittals, email SRF Reporting@dep.state.fl.us.

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

(14)(12) “Design loan” means an assistance agreement to fund design activities that will result in biddable, permissible plans and specifications for an eligible construction project. Design/build projects using a best value procurement process are not eligible for a design loan. Additionally, a planning document defining the scope of the project to be funded must have been accepted by the Department. The requirements for an acceptable planning document are described in subsection 62-503.700(2), F.A.C.

(13) renumbered (15) No change.

(16)(14) “Financing rate” means the semiannual compounding rate at which charges are imposed on the unpaid principal, including capitalized interest, of a State Revolving Fund (SRF) loan as described in subsection 62- 503.300(5), F.A.C., ~~hereby incorporated by reference.~~ The financing rate has a loan interest rate component and, for

non-capitalization grant project loans, a grant allocation assessment rate component.

(17) Fiscal Sustainability Plan (FSP) means a plan to be implemented by the project sponsor to perform an initial and continued inventory and evaluation of treatment works proposed for repair, replacement, or expansion in accordance with Section 603 of the Act (33 USC § 1383).

(15) through (18) renumbered (18) through (21) No change.

(22)(20) “Green Innovative/Alternative project” means a project that demonstrates water or energy efficiency, uses an environmentally innovative approach to treat wastewater or stormwater, or a stormwater project that restores the natural hydrology. The requirements for meeting one or more of these categories are provided in Attachment 2 of EPA’s “Procedures for Implementing Certain Provisions of EPA’s Fiscal Year 2012 Appropriation Affecting the Clean Water and Drinking Water State Revolving Fund Programs”, March 2012, and Change to the Clean Water State Revolving Fund Green Project Reserve Guidance, February 2017, hereby adopted and incorporated by and adopted as a reference. This document is available from the Department’s Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd. 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-3000 2400, or at <http://www.flrules.org/gateway/reference.asp?No=Ref-03910> and at <http://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>. For energy efficiency projects the recipient shall provide a certification. The certification must state that the accepted project was designed to maximize energy efficiency. Certifications by a certified energy manager (CEM) or a certified energy auditor (CEA) are acceptable. CEMs and CEAs must be certified by the Association of Energy Engineers or equivalent national or international organization. Information on these certifications is available at <http://www.aeecenter.org/certifications> <http://www.aeecenter.org/i4a/pages/index.cfm?pageid=3330>.

(19) renumbered (23) No change.

(21) renumbered (24) No change.

(25)(22) “Loan Service Fee” means a fee paid by the project sponsor in an amount that ranges from ~~of~~ two to four percent of the total loan amount less the portion of the loan for capitalized interest and shall not be included in the principal of the loan. The loan service fee shall be estimated at the time of execution of the loan agreement, revised with any increase or decrease amendment, and shall be finalized in the final loan

amendment based on the total loan disbursed. ~~The loan recipient shall pay the loan service fee from the first available repayments following the final amendment.~~

(23) through (27) renumbered (26) through (30) No change.

~~(31)(28)~~ “Project costs” means costs for planning, design and construction, procurement of equipment and materials, contingency, demolition, legal and technical services, land acquisition, wastewater system acquisition, and capitalized interest.

~~(32)(29)~~ “Project sponsor” means a local government, nonprofit utility, or not-for-profit utility eligible under the Act or other entity eligible as a result of sections 319 and 320 of the Act to receive a loan. An eligible project for a nonprofit or not-for-profit utility is limited to projects that support water conservation, energy efficiency, and reuse as defined in Section 603 of the Act (33 USC § 1383).

~~(33)(30)~~ “Request for Inclusion” means completed Form RFI 1, Request for Inclusion on the Clean Water CWSRF Priority List, effective [DATE] ~~4-22-14~~, which is hereby adopted and incorporated by reference. This form is available from the Department’s Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd. 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-3000 ~~2400~~, or at <http://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>.

~~(34)(31)~~ “Segment cap” means the maximum amount available to any one sponsor during a fiscal year. The segment cap amount shall be established at a public meeting approving the priority list and shall be less than 25 percent of the funds available. Adjustments to the segment cap amount shall be made at a list management public meeting if additional funds become available and all projects eligible for placement on the fundable portion of the priority list at the most recent list approval or list management public meeting have been funded.

(32) through (37) renumbered (35) through (40) No change.

Rulemaking Authority 403.1835(10) FS. Law Implemented 403.1832, 403.1835, 403.031, 403.1837 FS. History— New 4-17-89, Amended 12-4-91, 2-23-94, Formerly 17-503.200, Amended 1-4-98, 7-1-99, 2-6-02, 7-29-04, 4-22-14, .

62-503.300 General Program Information.

(1) Steps involved in obtaining a loan.

(a) Request for inclusion. The project sponsor shall submit a Request for Inclusion Form, incorporated by reference in subsection 62-503.200~~(33)(30)~~, F.A.C., to the Department to establish project ranking on the priority list as outlined in paragraph (1)(e) below and to determine the financing rate on the loan, as outlined in subsection(5), below:

1. through 2. No change

(b) Documentation required for priority listing. The documentation that must be timely submitted to compete for funding at a priority list meeting varies depending on the type of loan being requested and is known as the readiness-to-proceed criteria. For planning loans, the completed Request for Inclusion form and its necessary attachments are is the only documentation required. For design loans, the Request for Inclusion form and all documentation required in subsection 62-503.700(2), F.A.C., must be submitted and complete. For Inflow and Infiltration (I/I) rehabilitation loans, the Request for Inclusion form, sewer system evaluation study, all documentation referenced in Rule 62-503.751, F.A.C., all required permits and bid documents corresponding to the areas to be rehabilitated must be submitted. For construction loans, the Request for Inclusion form, all documentation referenced in subsections 62-503.700(2) through 62-503.700(5), F.A.C., must be submitted, and the process described in Rule 62-503.751, F.A.C., must be completed.

(c) Priority List Public Meeting.

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

2. through 3. No change.

(d) Readiness-to-proceed deadline. For a project to appear on the priority list, the sponsor shall have postmarked or delivered to the Department all documentation as required in paragraph (b) above and shall have the Department’s acceptance of its planning and environmental review process for a design or construction loan no later than 45 days before the priority list public meeting at which the project competes for funding. ~~Electronic submittals to the Department are encouraged.~~ The project sponsor must respond to all Department comments related to the required documentation and must submit these responses at least 15 days prior to the public meeting.

(e) Priority system. Timely submitted projects shall be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. The final priority score for each project shall be determined as described in subparagraphs 1. through 4. below.

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

BPS	=	$\frac{xCCC1+..+ xCCCn}{CPS1 + \dots + CPSn}$	Construction Cost
[CPS1			Total

Project components shall be assigned component priority scores according to the categories in Table 1	
Table 1.	
Project Component	CPS
1. Eliminate a documented acute or chronic public health hazard. <u>Examples include elimination of failing septic tanks, failing package plants, or sanitary sewer overflows.</u>	500 points
2. Implement a project included in, or to be implemented as a direct result of, an adopted Basin Management Action Plan or a Reasonable Assurance Plan approved pursuant to Section 403.067, F.S.	450 points
3a. Protect surface or ground water by <u>preventing or reducing a documented source of pollution, pollution reductions necessary to meet regulatory requirements;</u> or; 3b. Projects or activities by local governmental agencies or on-site system management entities, under section 319 of the Act, that <u>correct septic tank failures in springsheds of first-magnitude springs; or correct septic tank contributions to nutrient impaired spring systems.</u>	400 points
4. No change.	No change.
5. Meet the criteria for a <u>Green Project Innovative/Alternative;</u> correct excessive inflow/infiltration or other issues within the collection and transmission system that cause <u>sanitary sewer overflows;</u> scheduled rehabilitation, replacement, or repair described in an approved asset management plan; or reuse that replaces an existing or proposed demand on a water supply.	350 points
6. Planning and design loans; <u>projects for the installation of wastewater transmission facilities to be constructed concurrently with other construction projects occurring within or along a transportation facility right-of-way; or and</u> for rehabilitation, replacement or repair not included in an approved asset management plan.	340 points
7. No change through 8.	No change
9. Timely submitted project that otherwise meets the requirements of the Act, <u>including land or wastewater system acquisition.</u>	100 points

2. through 4. No change.

(f) Priority List Development. The priority list is developed at the public meeting and includes the fundable, waiting, and planning portions. Projects that meet the requirements of paragraph (b) above compete for placement on the fundable or

waiting portions using a tiered ranking system. Tier 1 includes all projects previously on the fundable portion which require an increase to an existing loan, tier 2 includes new projects that receive a total priority score of 350 points or more, and tier 3 includes all other projects. Tier 1 is the highest priority and tier 3 the lowest. Within each tier, projects are ranked in priority score order with the highest score at the top of the tier. Once the segment cap has been determined, the available funds are assigned to projects in tiers 1 and 2 moving down the list until all projects have been assigned funds, up to the lower of the requested amount or the segment cap, or until the available funds are exhausted. The unfunded balance is then placed on the waiting portion, ~~up to a maximum of \$50,000,000.00 million,~~ by tier then priority score order. If funds remain available, they are assigned to projects in tier 3 until the funds are exhausted or all projects have been funded. Projects that must be added to meet special provisions of a federal capitalization grant shall be added to the bottom of the fundable portion, bypassing projects that would otherwise be placed on the fundable portion. ~~After the ranking of projects, the proposed list shall be posted on the Department's website not later than 14 days before the priority list public meeting.~~ Projects from tier 3 that do not receive any funding are placed on the planning portion in alphabetical order. To receive funding, projects on the planning portion must compete for funding at a subsequent priority list public meeting.

(2) Allowable project costs. ~~Costs incurred before execution of a loan agreement shall be ineligible for reimbursement upon execution of the agreement unless the project sponsor receives prior written authorization from the Department to incur such costs.~~ Categories of allowable project costs include the following water pollution control activities subject to such limitations for leveraged loans as are necessary to maintain the tax-exempt status of bonds issued by the FWPCFC:

(a) Land purchased as necessary for construction of water pollution control infrastructure. Land necessary for and integral to the treatment process and for the ultimate disposal of wastewater or stormwater, including the zone of discharge. Funding shall be limited to the appraised ~~fair market value of the acreage, in fee simple,~~ of the fee simple interest of the qualifying acreage of land to be purchased. The appraisal report must be less than 12 months old at the time the construction loan application is received. If additional land is acquired that is not necessary for construction, then the eligible funding amount shall be the acreage of necessary the qualifying land divided by the total acreage area purchased times the purchase price;

(b) No Change.

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

(d) No change.

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

(f) Costs associated with interim financing for a project sponsor sponsors that whose project was adopted on the fundable or waiting portion of the priority list, but proceeded without sufficient loan funds from the Department, for which the sponsor has received prior written authorization from the Department;

(g) Capitalized interest;

(g)(h) The purchase of a domestic wastewater facility and its associated infrastructure, excluding the value of land that is not necessary for operation of the facility. The project sponsor shall demonstrate a substantial benefit to the community and environment to be eligible for funding. Funding of a system acquisition shall be limited to the system's fair market value does not meet the requirements of subsection 62-503.300(2)(a), F.A.C. In addition, an appraisal is required to identify the land costs that must be excluded;

(h)(i) Technical services for soil and hydrogeological tests, geotechnical evaluations, sewer system evaluations, archaeological surveys, land surveys, and any other technical service deemed necessary for the planning, design, and construction of a project, and value engineering services performed by a SAVE International Certified Value Specialist. See the SAVE International web site at <http://www.value-eng.org/> for more information;

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

(k) through (m) renumbered (j) through (l) No change.

(m)(n) Preparation and implementation of an asset management plan. To be eligible for reimbursement, the asset management plan must meet the requirements of subsection 62-503.700(7), F.A.C.; and

(n)(o) Constructed wetlands to be used for the treatment of domestic wastewater;

(o) Project bidding/procurement costs incurred under a design loan or construction loan; and

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

(3) Ineligible project costs.

(a) Acquiring all or part of an existing stormwater, wastewater, or water pollution control management systems, except as allowed in paragraph 62-503.300(2)(g)(h), F.A.C;

(b) No change.

(c) Costs for the use of the projects sponsor's personnel or equipment in the planning, design, or construction of constructing project facilities or implementing of agricultural best management or conservation practices

(d) through (f) No change.

(g) Acquisition of sewer rights-of-way and easements, sewage treatment plant sites, sanitary landfills, and other site acquisition that is not necessary for and integral to the treatment process as described in section 212(2)(A) of the Act;

(h) No change.

(i) Costs incurred before the adoption of the project on the fundable or waiting portion of the priority list execution of a loan agreement unless the Department has provided written authorization to incur costs;

(j) through (k) No change.

(4) Project contingency.

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

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

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

(5) Financing rate.

(a) The financing rate shall be calculated as follows except that the minimum financing rate shall be 0.2 percent and the maximum financing rate shall be the market rate:

$$FR = MR - 4 + (4 / (1 + (100 / AI)^3)) - 1 / \text{Log}(P)$$

Where:

FR = financing rate MR = Market Rate

AI = Affordability Index

P = Population served or to be served by the sponsor

When bond proceeds are available for leveraged loans, the market rate shall be the most recent rate at which bonds were sold by the FWPCFC. When bond proceeds are not available, the market rate for interest shall be established using the Thomson Publishing Corporation's "Bond Buyer" 20-Bond GO Index. The market rate, is established by the Department as of January 1, April 1, July 1, and October 1 of each year and it is the average weekly yield during the three months (3)

immediately preceding the date of determination. The average weekly yield is derived from the yields reported in the "Bond Buyer" for the full weeks occurring during the three-month period.

(b) The financing rate shall be fixed for the principal amount of a planning, design, or construction loan including any amendments and for the duration of the loan repayment period. A planning loan may be rolled into a design loan, but the financing rate remains fixed. A design loan cannot be rolled into a construction loan the loan and for the duration of the loan repayment period. The financing rate shall be established separately for each amendment resulting from a project cost increase or new segment. The Affordability Index shall be adjusted when a design loan is rolled over to a construction loan to account for changes in project service area or for changes in the census data but shall remain the same for all construction amendments. The financing rate shall be further adjusted by each of the following for which the project qualifies, but the adjustments shall not reduce the financing rate below 0.2 percent:

1. Projects with a Department accepted and implemented asset management plan that meets all requirements in subsection 62-503.700(7), F.A.C., shall be eligible for a reduction in the financing rate if implementation has been verified when the final disbursement request is received or at least three (3) months prior to the first scheduled repayment, whichever comes first. The financing rate shall be as calculated in paragraph 62-503.300(5)(a), F.A.C., minus 0.1.

2. Projects that qualify as a Green Innovative/Alternative Pprojects as defined in subsection 62-503.200(22)(20), F.A.C., shall also be eligible for a reduction in the financing rate. For projects that are entirely a Green Innovative/Alternative Pprojects, the financing rate shall be as calculated in paragraph 62-503.300(5)(a), F.A.C., minus 0.1. For projects with components that do not qualify as a Green Innovative/Alternative Pprojects, the financing rate reduction shall be 0.1 times the Green Innovative/Alternative Pprojects component cost divided by the total as-bid construction cost. For these projects the financing rate reduction shall be applied only after the project has been bid.

3. Projects that include a requirement for American Iron and Steel in accordance with Section 608 of the Act (33 USC § 1388) and pProjects that include a requirement for Davis-Bacon wage rates as required in 29 CFR C.F.R.Part 5, Subpart A (7-1-2013 Edition), ~~hereby incorporated by reference,~~ shall be eligible for a total reduction in the financing rate of 0.5 ~~0.25~~. The document 29 CFR Part 5, Subpart A This document is available from the Department's Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd, 2600 Blair Stone Road, MS3505, Tallahassee, Florida 32399-~~3000~~ 2400, or at

<http://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>, and is hereby adopted and incorporated by reference.

4. Project sponsors that agree to fund a nontraditional project that is eligible under the Act but does not receive a Clean Water State Revolving Fund loan, shall receive a financing rate reduction such that the present worth of the savings is equivalent to the cost of the project, up to a reduction in the financing rate of 0.5. Projects that include a requirement for Buy American as required in 40 C.F.R. Part 35, Subpart E (7-1-2013 Edition), or 2 C.F.R. Part 176, Subpart B (1-1-2013 Edition), hereby incorporated by reference, shall be eligible for a reduction in the financing rate of 0.75. This document is available from the Department's Clean Water State Revolving Fund Program, MS 3505, Tallahassee, Florida 32399-2400, or at <http://www.flrules.org/gateway/reference.asp?No=Ref-03913> and <http://www.flrules.org/gateway/reference.asp?No=Ref-03914>.

(c) The financing rate for a non-governmental sponsor of a project that qualifies for funding as a result of section 319 or 320 of the Act shall be fifty (50%) percent of the current market rate ~~as established in paragraph(5)(a) above.~~

(6) Debt coverage for non-governmental sponsors. A non-governmental sponsor of a project that qualifies for funding as a result of section 319 or 320 of the Act shall document that it has a current term debt and capital lease coverage ratio of at least 1.15. This ratio shall have, as its numerator, net operations income plus non-operating income plus depreciation plus interest on term debt (multi-year debt) minus payroll and income taxes minus owner withdrawals; and, as its denominator, the sum of scheduled payments on term debt and long-term leases. This information shall be verified by the sponsor through a certified public accountant (CPA). Rulemaking Authority 403.1835(10) FS. Law Implemented 403.1835 FS. History—New 4-17-89, Amended 12-4-91, 2-23-94, Formerly 17-503.300, Amended 1-4-98, 7-1-99, 2-6-02, 7-29-04, 4-22-14, _____.

62-503.430 Loan Applications and Agreements.

(1) General.

(a) A complete loan application, Form Application 1, State Revolving Fund Loan Program for Point Source Water Pollution Control Loan Application, effective [DATE] ~~4-22-14~~, or Form Application 2, State Revolving Fund Loan Program for Nonpoint Non Point Source Water Pollution Control Loan Application, effective [DATE] ~~4-22-14~~, shall be submitted to the Department within 120 days after the project is listed on the fundable portion of the priority list. Both of these forms are hereby adopted and incorporated by reference. The project sponsor may incorporate into the loan application, by reference, any information previously submitted to the Department. These forms are available from the Department's Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd, 2600

~~Blair Stone Road~~, MS 3505, Tallahassee, Florida 32399-3000
2400, or at
<http://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>
and at
<http://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX>.

(b) through (e) No change.

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

(g) The loan recipient shall certify that it is not listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

(2) through (5) No change.

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

(a) Requests for disbursements for construction and engineering services costs shall be accompanied by itemized summaries of the materials, labor, or services to identify the nature of the work performed. The disbursement package shall also include a statement that the construction or other service for which payment or reimbursement is sought has been satisfactorily performed. Plans, specifications, site certifications, and permits for any portion of construction completed under a design/build project that used a best value procurement process must be submitted to the department prior to disbursement of construction funds for that portion of construction completed;

(b) through (c) No change.

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

(8) Loan repayment term.

(a) through (b) No change.

(c) Repayment periods for planning and design loans shall be limited to ten (10) years. ~~(9) Annual certification. No later~~

~~than three (3) months prior to the first loan repayment and annually thereafter until the final loan repayment is made, the project sponsor's authorized representative or its chief financial officer shall submit a certification that:~~

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

~~(b) The restricted or assigned pledged revenue account contains the funds required;~~

~~(c) The debt service account contains the funds required, if applicable; and~~

~~(d) For loans awarded after 4-22-14, that the revenue generation system is in conformance with subparagraph 62-503.700(2)(h)3., F.A.C.~~

~~(9)(10) Remedies for defaults. Remedies for delinquent loan repayment and other events of default shall be limited to those set forth in the loan agreements. Events of default shall include noncompliance with any of the terms of the a-loan agreement. No delay or omission to exercise any right or power accruing upon an event of default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein.~~

Rulemaking Authority 403.1835(10) FS. Law Implemented 403.1835 FS. History—New 4-17-89, Amended 12-4-91, 6-21-93, 2-23-94, Formerly 17-503.430, Amended 1-4-98, 7-1-99, 2-6-02, 7-29-04, 4-22-14, ____.

62-503.500 Funds Reserved for Specific Purposes.

(1) through (2) No change.

(3) Green Innovative/Alternative project reserve. If required in the federal capitalization grant, funds shall be reserved for a Green Innovative/Alternative project as defined in subsection 62-503.200(22)(20), F.A.C., if sufficient Green Innovative/Alternative projects are submitted to use the funds.

(4) Funds reserved for principal forgiveness. If required in the federal capitalization grant, funds shall be reserved for providing loan principal forgiveness to projects that qualify for grants under Section 403.1838, F.S. The percentage of the loan principal forgiven shall be determined as described in subsection 62-505.350(5), F.A.C., ~~and shall be applied at the time each disbursement is made.~~

Rulemaking Authority 403.1835(10) FS. Law Implemented 403.1835 FS. History—New 4-17-89, Amended 12-4-91, 2-23-94, Formerly 17-503.500, Amended 1-4-98, 7-1-99, 2-6-02, 7-29-04, 4-22-14, ____.

62-503.700 Planning, Design, Construction, and Procurement Requirements

(1) No change.

(2) Project planning documentation shall include the following:

(a) through (c) No change.

(d) A cost comparison of at least three alternatives, unless it can be demonstrated that fewer alternatives are available, except for projects in paragraph (e), below. The project sponsor shall demonstrate that several cost-effective alternatives were considered for the proposed project.

(e) For projects qualifying for funding as a result of section 319 or 320 of the Act, documentation of conformance with the Act, as incorporated by reference in subsection 62-503.200(1), F.A.C., is required. Acceptable documentation includes at least one of the following:-

~~1. Conservation practices listed in the USDA Natural Resource Conservation Service's "Field Office~~

~~Technical Guide, Section IV." These conservation practices are available on the internet at http://efotg.sc.egov.usda.gov/efotg_locator.aspx and are specific to the county in which the work is to be accomplished.~~

2. through 3. renumbered 1. through 2. No change.

(f) No change.

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

1. When a project is eligible for funding as a result of section 212 of the Act, the public participation process shall include the project sponsor's public meeting held before the project sponsor's acceptance of the planning recommendations. The public meeting shall provide for public participation in the evaluation of project alternatives and shall inform the public of the capital cost of the proposed project and the long-term financial impacts on the customers. Notice of the public meeting shall be in accordance with local requirements or 14 days prior to the public meeting, whichever is greater.

2. When an agricultural practice identified in subparagraphs (e)1. through 24. above, is selected for implementation on the project sponsor's property and it is eligible for funding as a result of section 319 or 320 of the Act, the public participation requirement shall be deemed to have been met as a result of the environmental review process in Rule 62-503.751, F.A.C.

3. When an agricultural practice identified in subparagraphs (e)1. through 24., above, is selected for implementation on property the project sponsor will acquire, and it is eligible for funding as a result of section 319 or 320 of the Act, the public participation requirement shall be as described in subparagraph (g)1., above.

(h) through (j) No change.

(k) For a project, or its components, that is to be listed as a Green an Innovative/Alternative project, documentation of how the project is categorically Innovative/Alternative or a business ease detailing how the project or its components meets meet the federal requirements for a Green an Innovative/Alternative project shall be provided in Attachment 2 of EPA's "Procedures for Implementing Certain Provisions of EPA's Fiscal Year

2012 Appropriation Affecting the Clean Water and Drinking Water State Revolving Fund Programs", March 2012. as outlined in the guidance documents adopted in subsection 62-503.200(2), F.A.C.

~~(4) The electronic submittal of planning documentation is encouraged.~~

(3) Plans and Specifications. The project sponsor shall submit biddable plans and specifications conforming to the planning documentation described in subsection 62-503.700(2), F.A.C., for projects involving construction. For design/build projects using a best value procurement process, the sponsor shall submit a copy of the request for qualifications or requests for proposals, and the a design criteria package that meets the requirements of the Consultants' Competitive Negotiation Act, Section 287.055, F.S. preliminary design report submitted for permitting. Final permitted plans and specifications shall be submitted for each component of the project. Electronic submittals are encouraged.

(4) through (5) No change.

(6) Procurement must be in conformance with 40 CFR ~~C.F.R.~~ 31.36, (July 1, 2011), hereby adopted and incorporated by reference. This document is available from the Department's Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd. 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-3000 2400, or at <http://www.flrules.org/gateway/reference.asp?No=Ref-03917>. When procuring property and services under a SRF loan, a project sponsor shall follow the policies and procedures it uses for procurements from its non-SRF funds provided that the procurement conforms to applicable federal, State and local laws and regulations, and the following requirements: The procurement of professional services for planning, design, and construction shall meet CCNA requirements and shall not exceed the monetary limits of a continuing contract.

(a) All procurement transactions shall be conducted in a manner providing full and open competition. The use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals is prohibited. For small purchases that ~~do not cost more than~~ \$35,000 100,000 or less, a price or rate quotations shall be obtained from a minimum of two qualified sources.

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

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

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

a. through b. No change.

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

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

2. No change.

3. The invitation for bids shall be publicly advertised and bids shall be solicited from an adequate number of known suppliers to assure open competition, providing them sufficient time prior to the date set for opening the bids. It is recommended that the invitation to bid be advertised in an electronic plan room.

4. through 7. No change.

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

1. No change.

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

(e) No change.

(f) Design/build and construction manager at risk (CMR) procurement shall meet the requirements of the Consultants’ Competitive Negotiation Act, Section 287.055, F.S.

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

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

b. No change.

c. Advertising shall include announcement in a publication having general circulation on a statewide basis, in a construction trade journal, in a professional journal, or in an electronic plan room. It is recommended that the announcement be advertised in an electronic plan room.

d. through f. No change.

2. Competitive qualifications-based selection Requests for proposals shall be used in the selection process for CMR procurement. The request for ~~proposals~~ qualifications shall describe the work eligible for a loan, the requirements with which the successful respondent shall comply, and the evaluation process to be used in selecting the successful respondent.

a. Advertising shall include announcement in a publication having general circulation on a statewide basis, in a construction trade journal, in a professional journal, or in an electronic plan room. It is recommended that the announcement be advertised in an electronic plan room

b. The time allowed for development of qualifications proposals shall be commensurate with the complexity and extent of the work and with the extent of the conceptual documents provided with the request for qualifications proposals.

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

d. renumbered c. No change

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

f. renumbered e. No change.

(g) through (n) No change.

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

1. through 4. No change.

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

a. through c. No change.

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

(a) through (j) No Change.

(k) A plan to evaluate and implement water and energy conservation efforts that meet the requirements set forth in Section 602 of the Act (33 USC § 1382).

(8) Fiscal Sustainability Plan. Loan recipients are required to develop and implement a fiscal sustainability plan to promote long term sustainability for treatment works proposed for repair, replacement, or expansion in accordance with Section 603 of the Act (33 USC § 1383). Implementation of an asset management plan as outlined above would meet the requirements of a fiscal sustainability plan. The fiscal sustainability plan must be received and approved by the Department, and written procedures must be in place to implement the plan prior to the Department’s approval of the final disbursement request. The plan must include each of the following:

- (a) An inventory of critical assets that are part of the treatment works;
- (b) An evaluation of the condition and performance of the inventoried assets or asset groupings;
- (c) A certification that the recipient has evaluated and will be implementing water and energy conservation efforts as part of the plan; and
- (d) A plan for maintaining, repairing, and as necessary, replacing the treatment works and plan for funding such activities.

Rulemaking Authority 403.1835(10) FS. Law Implemented 403.1835 FS. History—New 4-17-89, Amended 8-1-90, 12-4-91, 6-21-93, 2-23-94, Formerly 17-503.700, Amended 1-4-98, 7-1-99, 2-6-02, 7-29-04, 4-22-14,___

62-503.751 Environmental Review.

(1) through (5) No Change.

(6) State Clearinghouse. Project planning documentation shall be submitted to the State Clearinghouse for review in accordance with Section 403.061(42), F.S. a multi-disciplined intergovernmental review. All comments resulting from this review shall be addressed by the Department prior to its approval of the planning documentation. Projects that meet FCEN criteria, as given in paragraph 62-503.751(2)(b), F.A.C. above, shall be exempt from a planning document review by the State Clearinghouse.

(7) No Change.

Rulemaking Authority 403.1835(10) FS. Law Implemented 403.1835 FS. History—New 7-29-04, Amended 4-22-14,___

62-503.800 Audits Required.

(1) Federal or State Audit Required.

(a) In the event that the project sponsor expends \$500,000 or more than the federal audit threshold in federal awards in its fiscal year, the project sponsor must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F, Appendix XI Compliance Supplement, June 2019 OMB Circular A 133, as published in the Federal Register, June 26, 2007, hereby adopted and incorporated by reference. This document is available from the Department’s Clean Water State Revolving Fund Program, 3900 Commonwealth Blvd. 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-3000 2400 or electronic versions are available at http://www.whitehouse.gov/wp-content/uploads/2019/07/2-CFR-Part-200-Appendix-XI-Compliance-Supplement-2019-FINAL-07.01.19.pdf http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf _____ or http://www.flrules.org/gateway/reference.asp?No=Ref-XXXXX.

(b) Section 215.97, Florida Statutes; applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General F.S., imposes audit requirements on the project sponsor and sub-recipients based on designated thresholds for expenditures. Each agreement entered into pursuant to this rule chapter shall include the audit requirements applicable to the project at the time the agreement is executed.

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

(a) through (b) No change.

Rulemaking Authority 403.1835(10), 403.1837(9) FS. Law Implemented 403.1835, 215.97 FS. History—New 4-17-89, Amended 12-4-91, 2-23-94, Formerly 17-503.800, Amended 1-4-98, 2-6-02, 7-29-04, 4-22-14,___

NAME OF PERSON ORIGINATING PROPOSED RULE:

Gregory Alfsen

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2021

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 3, 2021

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-552.200	Definitions
62-552.300	General Program Information
62-552.430	Loan Application and Agreements
62-552.680	Environmental Review
62-552.700	Planning, Design, Construction, and Procurement
62-552.800	Audits Required

PURPOSE AND EFFECT: Amendments to Chapter 62-552, F.A.C., are proposed to clarify administrative procedures, delete unnecessary or redundant language, better define allowable and unallowable costs, refine the notice of priority meetings, to adjust how the financing rate and financing rate reductions are applied to loans.

SUMMARY: Rule 62-552.200, F.A.C., is being amended to incorporate a new definition for “continuing contract” and to revise existing definitions. It includes an update to the definition of “interest rate” to note the interest rate “floor” of 0.2 percent. It includes reference to an amended form RFI-DW1, Request for Inclusion on the Drinking Water Priority List. Rule 62-552.300, F.A.C., clarifies documentation requirements, revises the notice deadline for public meetings, adds Department acceptance of environmental review processes for design or construction loans, updates median household income and population score provisions, removes the 5% limit to technical services as an eligible cost for loans with principal forgiveness, deletes language that would allow construction loan increases with principal forgiveness, clarifies that a project sponsor that is a for-profit entity is not eligible for principal forgiveness, adds language that makes a construction project with a disadvantaged small community using a Construction Manager at Risk delivery method ineligible for principal forgiveness, updates language around land purchases, costs associated with interim financing, public water system purchases, refinancing of unretired debt principal, bidding and procurement costs, removes acquisition of easements and rights of way as eligible costs, removes the use of contingency funds for equipment purchase, pay for construction work, or other activities not in the loan agreement, and details requirements for financing rate reductions. It includes a revision to make the interest rate “floor” 0.2 percent instead of 0 percent and revise the interest rate reductions for compliance with American Iron and Steel and Davis-Bacon wage rates to a combined total of 0.5 percent. Revisions to Rule 62-552.430, F.A.C., includes certification of a loan recipient that the loan recipient is not on the governmentwide exclusion list in System for Award Management (SAM), revises and adds language regarding pledged revenue and collateral, appends documentation requirements for design/build projects using a best value procurement process, removes annual certification

requirements. It includes reference to an amended Form Application DW-1, State Revolving Fund Loan Program for Drinking Water Facilities Loan Application. The proposed changes to Rule 62-552.680, F.A.C., exempts projects that meet FCEN criteria from planning document review by the State Clearinghouse. The proposed changes to Rule 62-552.700, F.A.C., are intended to clarify what is expected in planning and design documents as well as the procurement process. It includes additional requirements of an asset management plan. Revisions to Rule 62-552.800, F.A.C., are minor updates and clarifications.

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 loan program is voluntary and not a regulatory program. Participation is not mandatory. Only local sponsors seeking loans must follow the program requirements. Because these are no adverse impacts and no regulatory costs, a Statement of Estimated Regulatory Costs is not required.

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

RULEMAKING AUTHORITY: 403.8532, F.S.

LAW IMPLEMENTED: 403.852, 403.8532, F.S.

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 5 days before the workshop/meeting by contacting: Gregory Alfsen at (850)245-2983 or email gregory.alfsen@FloridaDEP.gov. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gregory Alfsen at (850)245-2983 or email at gregory.alfsen@FloridaDEP.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-552.200 Definitions.

For purposes of this rule chapter

(1) “Act” means the Federal Safe Drinking Water Act, 42 USC §300f et seq., as amended, December ~~2019~~ 2002, hereby adopted and incorporated by reference. This document is available from the Department’s Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(2) No change.

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

(4) No change.

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

(6) “Construction loan” means a financial assistance agreement to fund a drinking water construction project, equipment purchase, ~~or~~ system consolidation or regionalization, or public water system acquisition. To be eligible for a construction loan, a planning document and plans and specifications must be accepted by the Department, the environmental review process described in Rule 62-552.680, F.A.C., must be complete, all required Department permits and authorizations must have been obtained, all necessary site certifications must have been submitted to the Department, and any other pertinent information deemed necessary for success of the project. Plans, specifications, construction permits, and site certifications are not required for a public water system acquisition. For design/build projects using a best value procurement process, the approval of the procurement process shall be accepted in lieu of the plans, specifications, site certifications, and permits unless any portion of these documents are available at that time. The requirements for planning documents are described in subsection 62-552.700(2), F.A.C., and the requirements for plans and specifications are described in subsection 62-552.700(3), F.A.C.

(7) No change.

(8) “Continuing contract” shall have the same meaning as provided in the Consultants’ Competitive Negotiation Act (CCNA), Section 287.055, F.H.

(8) through (9) renumbered (9) through (10) No change.

~~(11)(10)~~ “Design/build” means a contracting procedure whereby a firm or other single entity contracts with the project

sponsor for a fixed price or a cost-plus-a-fixed-fee with a guaranteed maximum price and is responsible for both design and construction of the project. The procurement process must be competitive best value or competitive qualifications-based. For a competitive best value selection, the most advantageous proposal to the project sponsor is selected based on criteria that include price and other factors. For competitive qualifications-based procurement, the qualifications of the responsible firm ~~vendor~~ are the primary consideration in the selection process and the responsible firm shall use open book accounting for this process.

~~(12)(11)~~ “Design loan” means a financial assistance agreement to fund design activities that will result in biddable, permissible plans and specifications for an eligible construction project. Design/build projects using a best value procurement process are not eligible for a design loan. Additionally, a planning document defining the scope of the project to be funded must have been accepted by the Department. The requirements for an acceptable planning document are described in subsection 62-552.700(2), F.A.C.

~~(13)(12)~~ “Financially disadvantaged community” means a municipality, county or agency (such as a county-wide department) thereof, franchised area, or other entity with a defined public water system service jurisdiction having a median household income of less than the statewide average. Verifiable documentation of the community’s median household income is required to calculate the community’s percentage of principal forgiveness in accordance with these rules ~~The median household income (MHI) data for loan recipients shall be updated on December 31st each year to adjust for economic changes in the state using the 5 year estimate established by the American Community Survey (ACS) (http://www.census.gov/programs-surveys/acs/data.html), computed as provided in the ACS publication, “American Community Survey Design and Methodology (January 2014)” (http://www.census.gov/programs-surveys/acs/methodology/design-and-methodology.html). The Department shall use the 5 year estimate from December 2016 for the 2017 MHI determinations and the data from the previous December of each year for subsequent determinations or from verifiable estimates.~~

(13)through (15) renumbered (14) through (16) No change.

~~(17)(16)~~ “Interest rate” means the semiannual compounding rate at which charges are imposed on the unpaid principal, including capitalized interest, of a State Revolving Fund (SRF) loan as described in subsection 62-552.300(6), F.A.C. The interest rate for a loan shall not be less than 0.2 ~~zero~~ percent.

(17)renumbered (18) No change.

~~(19)(18)~~ “Loan Service Fee” means a fee paid by the project sponsor in an amount that ranges from two to four percent of the total loan amount less the portion of the loan for capitalized interest and shall not be included in the principal of the loan. The loan service fee shall be estimated at the time of execution of the loan agreement, revised with any increase or decrease amendment, and shall be finalized in the final loan amendment based on the total loan disbursed. ~~The loan recipient shall pay the loan service fee from the first available repayments following the final amendment.~~

(19)through (22) renumbered (20) through (23) No change.

~~(24)(23)~~ “Priority list” means the annual listing of ~~F~~undable, ~~w~~aiting, and ~~p~~lanning portion projects.

(24) renumbered (25) No change.

~~(26)(25)~~ “Project costs” means costs for planning, design and construction, procurement of equipment and materials, contingency, demolition, legal, technical services, land acquisition, public water system acquisition, system consolidation or regionalization, capitalized interest, and implementation of a qualifying conservation project.

(26)through (27) renumbered (27) through (28) No change.

~~(29)(28)~~ “Request for inclusion” means completed form RFI-DW1, Request for Inclusion on the Drinking Water Priority List, effective [DATE] ~~July 17, 2017~~, hereby adopted and incorporated by reference. This form is available from the Department’s Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

~~(30)(29)~~ “Segment cap” means the maximum amount available to any one sponsor during a fiscal year. The segment cap amount shall be established at a public meeting approving the priority list and shall be less than ~~or equal to~~ 25 percent of the funds available. Adjustments to the segment cap amount shall be made at a list management public meeting if additional funds become available and all projects eligible for placement on the fundable portion of the priority list at the most recent list approval or list management public meeting have been funded.

~~(31)(30)~~ “Service area” means all connections and proposed connections to be served by the project sponsor’s public water system. Population of the service area shall be calculated by multiplying the number of service connections by 2.5 ~~the number of persons per connection. Persons per connection shall be calculated by dividing the community population by the number of households. The community population and number of households will be determined using the ACS 5 year estimate calculated as provided in subsection 62-552.200(12), F.A.C.~~

(31)through (33) renumbered (32) through (34) No

change.

~~(35)(34)~~ The following terms and phrases used throughout this rule chapter have the meaning given these words in Section 287.012, and 403.8532, ~~or~~ ~~403.852~~, F.S.: best value, Florida Water Pollution Control Financing Corporation (also referred to as FWPCFC), and local governmental agencies.

Rulemaking Authority 403.8532 FS. Law Implemented 403.852, 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-20-99, 7-17-17, _____.

62-552.300 General Program Information.

(1) Steps involved in obtaining a loan.

(a) Request for Inclusion. The project sponsor shall submit a complete Request for Inclusion Form, referenced in subsection 62-552.200~~(29)(28)~~, F.A.C., to the Department to establish project ranking on the priority list as outlined in paragraph (1)(e), below.

1. through 2. No change.

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

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

2. through 3. No change.

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

(c) Priority List Public Meeting.

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

2. through 3. No change.

(d) Readiness-to-Proceed Deadline. For a project to appear on the priority list, the sponsor shall have postmarked or delivered to the Department all documentation as required in paragraph (b); above, and shall have the Department’s acceptance of its planning and environmental review process for a design or construction loan no later than 45 days before the priority list public meeting at which the project competes for funding. This does not include those qualified sponsors that

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

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

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

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

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

Table 1.

Project Component	CPS
1a. through 6g. No change.	No change.
<u>7. Other projects, including land or public water system acquisition</u>	100 points

b. through c. No change.

d. A project sponsor with a qualifying water conservation project is eligible to receive an additional 100 points added to their priority score if the sponsor provides a water conservation plan in accordance with EPA’s Water Conservation Plan Guidelines, document number EPA-832-D-98-001, August 6, 1998, hereby adopted and incorporated by reference. The sponsor must demonstrate that the proposed project meets the objective of the water conservation plan. This document is available from the Department’s Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, ~~or electronic versions are available at <https://www3.epa.gov/watersense/pubs/guide.html> or <http://www.flrules.org/Gateway/reference.asp?No=Ref-08363>.~~

e. No change.

2. Affordability Score. The extent of affordability existing in a small community to be served by the project shall be reflected in the priority score. Points shall be awarded based

upon two affordability criteria: namely, median household income (MHI) and service area population. These points are to be added to the base priority score. Affordability Score = (MHI Score + Population Score).

a. MHI Score. MHI score shall be derived based on the extent a community’s MHI falls below the statewide average. ~~MHI data used to determine points shall be determined using the ACS 5 year estimate calculated as provided in subsection 62-552.200(12), F.A.C. or from verifiable estimates and shall represent all areas to be served by the project sponsor’s public water system.~~

(I) through (II) No change.

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

(I) through (II) No change.

3. No change.

(f) Priority List Development. The priority list is developed prior to the public meeting and includes the fundable, waiting, and planning portions. Projects that meet the requirements of paragraph (b), above, compete for placement on the fundable or waiting portions using a tiered ranking system. Tier 1 includes all projects previously on the fundable portion which require an increase to an existing loan, tier 2 includes new projects that receive a total priority score of 500 points or more, and tier 3 includes all other projects. Tier 1 is the highest priority and tier 3 is the lowest. Within each tier, projects are ranked in priority score order with the highest score at the top of the tier. Once the segment cap has been determined, the available funds are assigned to projects in tiers 1 and 2 moving down the list until all projects have been assigned funds, up to the lower of the requested amount or the segment cap, or until the available funds are exhausted. The unfunded balance is then placed on the waiting portion by tier then priority score order. If funds remain available, they are assigned to projects in tier 3 until the funds are exhausted or all projects have been funded. Projects that must be added to meet special provisions of a federal capitalization grant shall be added to the bottom of the fundable portion, bypassing projects that would otherwise be placed on the fundable portion. ~~After the ranking of projects, the proposed priority list shall be posted on the Department’s website before the priority list public meeting.~~ Projects from tier 3 that do not receive any funding are placed on the planning portion in alphabetical order. To receive funding, projects on the planning portion must compete for funding at a subsequent priority list public meeting. The service area population and median household income values used to calculate priority score must

be verified as the most current values prior to project placement on the priority list.

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

(a) The project sponsor for a loan with principal forgiveness must qualify as a financially disadvantaged small community, except as stated in paragraphs 62-552.300(2)(e) ~~(f)~~ and 62-552.300(2)(f) ~~(g)~~ below.

(b) Principal forgiveness percentage.

1. through 2. No change.

3. Technical Services.

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

~~b. Technical services up to 5% of construction costs are eligible for loan with principal forgiveness. Technical services above 5% are eligible for loan only. Construction costs for this~~

~~purpose exclude land acquisition and the non construction portion of a system consolidation or regionalization project. These costs shall be incurred after bid opening.~~

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

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

(d) through (f) renumbered (c) through (e) No change.

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

(g) A construction project for a financially disadvantaged small community that uses a Construction Manager at Risk delivery method is ineligible for principal forgiveness.

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

(a) Land purchased, ~~including easements and right-of ways as necessary~~ for construction of public drinking water system infrastructure. Funding shall be limited to the appraised fair market value of the acreage, in fee simple, fee simple interest of the acreage of land to be purchased necessary for and integral to locate the project facilities thereon, including mandatory setbacks. ~~Funding for loans with principal forgiveness shall be limited to the appraised market value of the acreage.~~ The appraisal report must be less than 12 months old at the time the construction loan application is received. If additional land is acquired that is not necessary for construction, ~~then~~ the eligible funding amount shall be the acreage of necessary the land necessary for the project divided by the total acreage area purchased times the purchase price;

(b) through (e) No Change.

(f) Costs associated with interim financing for a project sponsor sponsors that whose project was adopted on the fundable or waiting portion of the priority list, but proceeded proceed without sufficient loan funds from the Department, ~~for which the sponsor has received prior written authorization from the Department;~~

~~(g) Capitalized interest;~~

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

(i) renumbered (h) No change.

~~(i)(j)~~ The purchase of a public water system and its associated infrastructure, excluding the value of land that is not necessary for operation of the system. Acquiring all or part of an existing public water system as part of a consolidation or regionalization project. The project sponsor shall demonstrate a substantial benefit to the community and environment existing public water system to be eligible for funding. Funding of a system an acquisition shall be limited to the system's fair market value. ~~If the funding includes principal forgiveness, then the acquisition shall be limited to the appraised market value;~~

(k) through (l) renumbered (j) through (k) No change.

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

~~(m)(n)~~ Costs associated with the implementation of a qualifying conservation project; ~~and;~~

~~(n) Project bidding/procurement costs incurred under a design loan or construction loan.~~

(4) Ineligible Project Costs.

(a) through (f) No change.

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

(h) No change.

(i) Acquisition of water rights-of-way and easements;

(i) through (j) renumbered (j) through (k) No change.

(5) Project Contingency.

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

(b) No change.

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

(6) Interest Rate.

(a) through (b) No change.

(c) The interest rate shall be fixed for the principal amount of a construction loan including any amendments and for the duration of the loan repayment period, except for the qualified adjustments below. The adjustments shall not reduce the interest rate below 0.2 ~~zero~~ percent.

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

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

3. Projects that include a requirement for American Iron and Steel in accordance with section 1452(4) of the Act (42 USC §300j-12) and pProjects that include a requirement for Davis-Bacon wage rates as provided in 29 ~~CFR C.F.R.~~ Part 5, Subpart A (7-1-2013~~19~~ Edition), ~~hereby adopted and incorporated by reference,~~ shall be eligible for a an total reduction in the interest rate reduction of 0.5 ~~0.25%.~~ ~~The document 29 CFR Part 5, Subpart A This document is available~~

from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>

, and is hereby adopted and incorporated by reference.

~~4. Projects that include a requirement for American Iron & Steel (AIS) as provided in 40 C.F.R. Part 35, Subpart E (7-1-2013 Edition), or 2 C.F.R. Part 176, Subpart B (1-1-2013 Edition), hereby adopted and incorporated by reference, shall be eligible for an interest rate reduction 0.75%. This document is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08368> and <http://www.flrules.org/Gateway/reference.asp?No=Ref-08365>.~~

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

~~(8) A project sponsor with an executed loan agreement with the Department or with an adopted project on the fundable portion of a priority list prior to the effective date of this rule chapter shall be governed under the rules in effect at that time. The sponsor shall not be eligible for a time extension to submit documentation required by a preconstruction loan agreement or an adopted project on a priority list. Failure to meet the time frames provided shall render an agreement or priority listing null and void. The sponsor shall not be eligible for a funding increase for a construction loan unless the sponsor's project was adopted on the contingency portion of a priority list prior to the effective date of this rule chapter, or unless the sponsor can demonstrate that an increase is critical to the successful completion of the project. A preconstruction loan is not eligible for rollover into a construction loan and no additional allowances shall be available upon completion of a preconstruction loan agreement.~~

~~(8)(9) No change.~~

Rulemaking Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-20-99, 7-17-17,

62-552.430 Loan Applications and Agreements.

(1) General.

(a) A complete loan application, Form Application DW-1, State Revolving Fund Loan Program for Drinking Water Facilities Loan Application, effective [DATE] ~~July 17, 2017~~, hereby adopted and incorporated by reference, shall be submitted to the Department within 120 days after the project is listed on the fundable portion of the priority list. The project sponsor may incorporate into the loan application, by reference, any information previously submitted to the Department. This form is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(b) through (e) No change.

(f) The loan recipient shall certify that it is not listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension."

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

(a) No Change.

(b) Pledged revenues for projects (other than those sponsored by other than a local governmental agency) shall be a minimum of 1.15 times the amount required to make each semiannual loan repayment and shall be secured with collateral. Real property pledged as collateral must have having an appraised market value not less than 125% of the total of both the dollar amount owed on the property and the dollar amount of the SRF loan principal and have the value confirmed by an. The appraisal report must be less than 12 months old at the time the loan application is received. The loan applicant must own the real property in fee simple without any encumbrances on the title to the property that would limit the Department's ability to sell prevent sale of the property in case of default on the loan. Any mortgages or other liens must be subordinated to the Department's security interest in the property pledged. Alternatively, a loan applicant may establish as collateral a trust or restricted account, accessible only by the Department in the event of default and exempt from claims of creditors or the account institution, funded by cash or cash equivalent in an amount of 100% of the loan principal.

(3) through (5) No change.

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

(a) Requests for disbursements for construction and engineering services costs shall be accompanied by itemized summaries of the materials, labor, or services to identify the nature of the work performed. The disbursement package shall also include a statement that the construction or other service for which payment or reimbursement is sought has been satisfactorily performed. Plans, specifications, site certifications, and permits for any portion of construction completed under a design/build project that used a best value procurement process must be submitted to the department prior to disbursement of construction funds for that portion of construction completed;

(b) through (c) No change.

(7) through (8) No change.

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

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

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

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

~~(d) For loans awarded after July 17, 2017, the revenue generation system is in conformance with subparagraph 62-552.700(2)(i)3., F.A.C.~~

(10) renumbered (9) No change.

Rulemaking Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-20-99, 7-17-17,_____.

62-552.680 Environmental Review.

(1) through (5) No Change.

(6) State Clearinghouse. Project planning documentation shall be submitted to the State Clearinghouse for review in accordance with Section 403.061(42), F.S. All comments resulting from this review shall be addressed by the Department prior to its approval of the planning documentation. Projects that meet FCEN criteria, as given in paragraph 62-552.680(2)(b), F.A.C., above, shall be exempt from a planning document review by the State Clearinghouse.

(7) No Change.

Rulemaking Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-17-17,_____.

62-552.700 Planning, Design, Construction, and Procurement.

(1) No change.

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

(a) through (c) No change.

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

(e) No change.

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

(g) No change.

(h) The public participation process used to explain the project and the financial impacts to the public. The public participation process shall include the project sponsor's public meeting held before the project sponsor's acceptance of the planning recommendations. The public meeting shall provide for public participation in the evaluation of project alternatives and shall inform the public of the capital cost of the proposed project and the long-term financial impacts on the customers. Notice of the public meeting shall be in accordance with local requirements or 14 days prior to, whichever is greater.

(i) through (k) No change.

(l) Demonstration that the project sponsor has the technical, managerial, and financial capability to implement the planning document.

(3) Plans and Specifications. The project sponsor shall submit biddable plans and specifications conforming to the planning documentation described in subsection 62-552.700(2), F.A.C., for projects involving construction. For design/build projects using a best value procurement process, the sponsor shall submit a copy of the request for ~~qualifications, or requests for proposals,~~ and the a design criteria package that meets the requirements of the Consultants' Competitive Negotiation Act, Section 287.055, F.S. preliminary design report shall be submitted for permitting. Final permitted plans and specifications shall be submitted for each component of the project. ~~Electronic submittals are encouraged.~~

(4) through (5) No change.

(6) Procurement. Procurement must be in conformance with 40 CFR 31.36, (July 1, 2011), hereby adopted and incorporated by reference. This document is available from the Department's Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08367>. When procuring property and services under a SRF loan, a project sponsor shall follow the policies and procedures it uses for procurements from its non-SRF funds provided that the procurement conforms to applicable federal, state and local laws and regulations, and the following requirements: The procurement of professional services for planning, design, and construction shall meet CCNA requirements and shall not exceed the monetary limits of a continuing contract.

(a) All procurement transactions shall be conducted in a manner providing full and open competition. The use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals is prohibited. For small purchases that cost ~~\$35,000~~ \$100,000 or less, a price or rate quotation shall be obtained from a minimum of two qualified sources.

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

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

1. through 2. No change.

3. The invitation for bids shall be publicly advertised and bids shall be solicited from an adequate number of known suppliers to ensure open competition, providing them sufficient time prior to the date set for opening the bids. It is recommended that the invitation to bid be advertised in an electronic plan room.

4. through 7. No change.

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

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

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

(e) No change.

(f) Design/build and Construction Manager at Risk (CMR) procurement: shall meet the requirements of the Consultants' Competitive Negotiation Act, Section 287.055, F.S.

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

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

b. through c. No change.

2. Competitive qualifications-based selection Requests for proposals shall be used in the selection process for CMR procurement.

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

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

c. No change.

3. Advertising shall include announcement in a publication having general circulation on a statewide basis, in a construction trade journal, in a professional journal, or in an electronic plan room. It is recommended that the announcement be advertised in an electronic plan room.

4. The time allowed for development of ~~proposals or~~ qualifications shall be commensurate with the complexity and extent of the work and with the extent of the conceptual documents provided with the request for qualifications proposals.

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

6. renumbered 5. No change.

(g) through (n) No change.

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

1. through 4. No change.

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

a. through c. No change.

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

(a) through (j) No change.

(k) A plan to evaluate and implement water and energy conservation efforts that meet the requirements set forth in section 602(b)(13)(B) of the Federal Water Pollution Control Act.

Rulemaking Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-17-17,_____.

62-552.800 Audits Required.

(1) Federal or State Audit Required.

(a) In the event that the project sponsor expends more than the federal audit threshold in federal awards in its fiscal year, the project sponsor must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR Part 200, Subpart F, Appendix XI Compliance Supplement, June 2019 OMB Circular A 133, as published in the Federal Register, June 26, 2007, hereby adopted and incorporated by reference. This document is available from the Department’s Drinking Water State Revolving Fund Program, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, or electronic versions are available at [https://www.whitehouse.gov/wp-content/uploads/2019/07/2-CFR_Part-200_Appendix-XI_Compliance-Supplement_2019\)FINAL_07.01.19.pdf](https://www.whitehouse.gov/wp-content/uploads/2019/07/2-CFR_Part-200_Appendix-XI_Compliance-Supplement_2019)FINAL_07.01.19.pdf) http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf or <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

(b) Section 215.97, F.S., and applicable rules of the Department of Financial Services; and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, impose imposes audit requirements on the project sponsor and sub-recipients based on designated thresholds for expenditures. Each agreement entered into pursuant to this rule chapter shall include the audit requirements applicable to the project at the time the agreement is executed.

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

(a) through (b) No change.

Rulemaking Authority 403.8532 FS. Law Implemented 403.8532 FS. History—New 4-7-98, Amended 8-10-98, 7-17-17,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gregory Alfsen
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Shawn Hamilton
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2021
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 3, 2021

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

NONE

**Section IV
Emergency Rules**

NONE

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice: On December 13, 2021, the Division issued an order. The Final Order was in response to a Petition for an emergency temporary Variance from Marion County Board of Commission at 109 W Silver Springs Blvd, Ocala, FL, filed September 9, 2021, and advertised on September 16, 2021, in Vol. 47, No. 180, of the Florida Administrative Register. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rules 2.14.5.7, 2.15.9, 2.26.1.4.3, 2.26.2.21, and 2.27.1.1.3, ASME A17.1, 2016 edition, as adopted by Rule 61C-5.001 Florida Administrative Code that requires restricted opening of car doors, platform guards, in-car inspection operation provisions, in-car stop switch, and two-way communication means compliance because the Petitioner has not demonstrated that the purpose of the underlying statute has been met and that the Petitioner would suffer a substantial hardship if required to comply with this rule (VW2021-138).

A copy of the Order or additional information may be obtained by contacting: Division of Hotels and Restaurants, Bureau of Elevator Safety, 2601 Blair Stone Road, Tallahassee, Florida 32399-1013, thr.elevators@myfloridalicense.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements
 NOTICE IS HEREBY GIVEN that on December 14, 2021, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for paragraph 61C-1.004(1)(a), Florida Administrative Code and Paragraph 5-202.11(A), 2017 FDA Food Code from BE BRICKELL LLC located in Miami. The above referenced F.A.C. addresses the requirement that each establishment have an approved plumbing system installed to transport potable water and wastewater. They are requesting to utilize holding tanks to provide potable water at the handwash and dump sinks.
 The Division of Hotels and Restaurants will accept comments concerning the Petition for 5 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Kasimira.Kelly@myfloridalicense.com, Division of Hotels and Restaurants, 2601 Blair Stone Road, Tallahassee, Florida 32399-1011.

DEPARTMENT OF HEALTH
 Board of Massage Therapy
 RULE NO.: RULE TITLE:
 64B7-32.002 Proof of Graduation
 NOTICE IS HEREBY GIVEN that on December 10, 2021, the Board of Massage Therapy, received a petition for variance and waiver filed by Kim Reedy Krost. The Petitioner is seeking a variance or waiver of Rule 64B7-32.002, F.A.C., which lists the requirements for proof of graduation that must be received by the Board's administrative office to include a graduate list or official transcript. Comments on this petition should be filed with the Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Kama Monroe, Executive Director, Board of Massage Therapy, at the above listed address, (850)245-4162, or by electronic mail - kama.monroe@flhealth.gov.

DEPARTMENT OF HEALTH
 Board of Podiatric Medicine
 AMENDED NOTICE OF PETITION FOR VARIANCE OR WAIVER
 NOTICE IS HEREBY GIVEN that on December 10, 2021, the Board of Podiatric Medicine, received an amended petition for variance or waiver filed by Steven William Shader. Petitioner seeks a variance or waiver of Rule 64B18-17.005, F.A.C., which requires that during the first biennium or within 24 months of initial licensure, whichever ends later, practitioners

are required to obtain five (5) hours of continuing education in the subject area of risk management by attending one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted. The practitioner is then exempt from any other continuing education requirements for his or her first renewal except for a 1-hour course on human trafficking and the hours mandated for prevention of medical errors and HIV/AIDS. Petition also seeks a waiver of the rule that allows him to meet continuing education requirements after initial licensure. And Petitioner seeks a temporary waiver concerning the meeting requirement during the current biennium (April 1, 2020-March 31, 2022), due to the inability to conduct disciplinary hearings because disciplinary hearings aren't being conducted.
 Comments on this petition should be filed with the Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-1708, within 14 days of publication of this notice. A copy of the Petition for Variance or Waiver may be obtained by contacting: Janet Hartman, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-1708, or by electronic mail-Janet.Hartman@flhealth.gov.

DEPARTMENT OF HEALTH
 Division of Environmental Health
 NOTICE IS HEREBY GIVEN that on December 02, 2021, the Department of Health, Division of Emergency Preparedness and Community Support, Bureau of Radiation Control, received a petition for a waiver of subsection 404.22(8), Florida Statutes (2021), which governs radiation machines, components, and inspection. The petition was filed by Napoli Shkolnik, PLLC, Attorneys at Law.
 A copy of the Petition for Variance or Waiver may be obtained by contacting: Brenda Andrews, Management Review Specialist, 4052 Bald Cypress Way, Bin C-21, Tallahassee, FL 32399, Brenda.Andrews@flhealth.gov.
 Any interested person or agency may submit written comments within 14 days after publication of this notice.

FLORIDA HOUSING FINANCE CORPORATION
 RULE NO.: RULE TITLE:
 67-48.004 Selection Procedures for Developments
 The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraph 67-48.004(3)(g) F.A.C. for Tallman Pines HR, Ltd., to permit Petitioner to change its Development Type from "High-Rise" to "Mid-Rise 5-6 Stories.". Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed

on November 3, 2021 and notice of the receipt of petition was published on November 4, 2021 in Vol. 47, Number 215 F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraph 67-21.003(1)(b) F.A.C. (2020) and the Non-Competitive Application Instructions for Park Towers Assisted Housing Preservation, LP, to allow Petitioner to change its Principals as set forth in the Petition prior to the issuance of the Preliminary Determination, and to allow Petitioner to change the Principals of the Developer. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 4, 2021 and notice of the receipt of petition was published on November 5, 2021 in Vol. 47, Number 216 F.A.R. A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraph 67-21.003(8)(g) F.A.C. for Puerta Del Sol VOA Affordable Housing, LP, to permit Petitioner to change its Development Type from "High Rise" to "Mid-Rise 4 Stories." Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 8, 2021 and notice of the receipt of petition was published on November 10, 2021 in Vol. 47, Number 219 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from subsection 67-48-002(96) F.A.C. (2019) and the timing provisions of Subsection II.K of the 2019 QAP for Durham Place, Ltd., to allow Petitioner to exchange its 2020 housing credits for an allocation of 2021 housing credits and thereby extend the associated deadlines. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 15, 2021 and notice of the receipt of petition was published on November 16, 2021 in Vol. 47, Number 222 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from subsection 67-48-002(96) F.A.C. (2019) and the timing provisions of Subsection II.K of the 2019 QAP for Rochester Park, Ltd., to allow Petitioner to exchange its 2020 housing credits for an allocation of 2021 housing credits and thereby extend the associated deadlines. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 15, 2021 and notice of the receipt of petition was published on November 16, 2021 in Vol. 47, Number 222 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance

Corporation issued an order granting the waiver from paragraph 67-21.003(1)(b) F.A.C. (2021) and the cited portions of the Non-Competitive Application Package for Merritt Place Estates, LLC, to permit Petitioner to apply for 4% housing tax credits with a Development Type of Single-Family Homes. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 15, 2021 and notice of the receipt of petition was published on November 17, 2021 in Vol. 47, Number 223 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:RULE TITLES:

- 67-48.009 SAIL General Program Procedures and Restrictions
- 67-48.018 Eligible HOME Applicants
- 67-48.023 Housing Credits General Program Procedures and Requirements

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraphs 67-48-009(5)(d), 67-48.018(1)(c) and 67-48.023(1)(c) F.A.C. (2021) for POAH Cutler Manor, LLC, to permit Petitioner (or any entity related to Petitioner through common principals) to apply for competitive funding from Florida Housing in future solicitations. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 16, 2021 and notice of the receipt of petition was published on November 18, 2021 in Vol. 47, Number 224 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

- 67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraph 67-21.003(8)(j) F.A.C. (2020) for 414 East Pine Street, LP, to allow Petitioner to reduce its Total Set-Aside Percentage from

99.492% to 98.985% and to change its set-aside commitments as noted above so Petitioner will be able to continue renting one unit to a tenant with income over 80% AMI. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 18, 2021 and notice of the receipt of petition was published on November 19, 2021 in Vol. 47, Number 225 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

- 67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraph 67-48-0072(21)(b) F.A.C. for Country Club Magnolia Family , LP, to allow Petitioner to extend its firm loan commitment issuance deadline from January 22, 2022 to July 22, 2022. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 18, 2021 and notice of the receipt of petition was published on November 19, 2021 in Vol. 47, Number 225 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

- 67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraph 67-21.003(8)(g) F.A.C. for Praxis Venture, LP, to permit Petitioner to change its Development Type from "Garden Apartments" to "Mid-Rise 4 Stories." Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 18, 2021 and notice of the receipt of petition was published on November 22, 2021 in Vol. 47, Number 226 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraphs 67-48-0072(4)(c) and (21)(b) F.A.C. for Miami Beach Housing Initiatives, Inc., to allow Petitioner to extend its firm loan commitment issuance deadline from January 9, 2022 to July 9, 2022. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 18, 2021 and notice of the receipt of petition was published on November 22, 2021 in Vol. 47, Number 226 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from subsection 67-48-002(96) F.A.C. (2019) and the timing provisions of Subsection II.K of the 2019 QAP for Valor Preserve, LLLP, to allow Petitioner to exchange its 2020 housing credits for an allocation of 2021 housing credits and thereby extend the associated deadlines. Additionally, Petitioner's request for Board approval under subsection 67-48.004(3) F.A.C. (2019) is granted to allow Petitioner to change the Developer's Principals as outlined in the Petition. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 19, 2021 and notice of the receipt of petition was published on November 22, 2021 in Vol. 47, Number 226 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice:

On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraphs 67-48-0072(4)(c) and (21)(b) F.A.C. (2019) for Culmer Apartments, Ltd., to allow Petitioner to extend its firm loan commitment issuance deadline from January 14, 2022 to July 14, 2022. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 19, 2021 and notice of the receipt of petition was published on November 23, 2021 in Vol. 47, Number 227 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-21.026 HC Credit Underwriting Procedures

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from subsection 67-21.026(9) F.A.C. for The WM at the River, LP, to permit the Credit Underwriter assigned to its 4% housing credit application to evaluate an appraisal obtained by the DBHA and accept the appraisal if it complies with applicable underwriting standards. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 22, 2021 and notice of the receipt of petition was published on November 23, 2021 in Vol. 47, Number 227 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from subsection 67-48.0072(26) F.A.C. (2018) for Paces Gateway Manor, LLC, to permitting the extension of the loan closing deadline from January 8, 2022 to July 8, 2022. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 22, 2021 and notice of the

receipt of petition was published on November 23, 2021 in Vol. 47, Number 227 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.0072 Credit Underwriting and Loan Procedures

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraph 67-48.0072(21)(b) F.A.C. (2017) for Citadelle Village, LLC, allow Petitioner to extend its firm loan commitment issuance deadline from December 31, 2021 to June 30, 2022. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 22, 2021 and notice of the receipt of petition was published on November 23, 2021 in Vol. 47, Number 227 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:RULE TITLES:

67-21.0025 Miscellaneous Criteria

67-21.003 Application and Selection Process for Developments

The Florida Housing Finance Corporation hereby gives notice: On December 13, 2021, the Florida Housing Finance Corporation issued an order granting the waiver from paragraphs 67-21.0025(7)(c) and 67-21.003(1)(b) F.A.C. (2021) for Fairfield Running Brook, LP, to permit Petitioner's application without disclosure of natural persons at the third disclosure level; and grant a waiver of the incorporated Time Requirement of the NCA to permit Petitioner to apply for funding without first submitting a credit underwriting report from the county issuer. Florida Housing determined that the Petitioner had demonstrated that it would suffer a substantial hardship if the waiver was not granted. The petition was filed on November 22, 2021 and notice of the receipt of petition was published on November 23, 2021 in Vol. 47, Number 227 F.A.R.

A copy of the Order or additional information may be obtained by contacting: Ana McGlamory, Corporation Clerk, Florida Housing Finance Corporation, 227 N. Bronough St., Ste. 5000, Tallahassee, FL 32301-1329.

Section VI

Notice of Meetings, Workshops and Public Hearings

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public hearing to which all persons are invited.

DAY, DATE AND TIME: Thursday, January 20, 2022, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 20210122-WS. This is a rule hearing at which the Commissioners of the Florida Public Service Commission will decide whether to make changes to paragraph (6)(a) of proposed Rule 25-30.445, F.A.C., as suggested by the Office of the Public Counsel and whether to make changes to paragraph (2)(c) of proposed Rule 25-30.4345, F.A.C., based on the comments made by the Joint Administrative Procedures Committee.

The contact person for this rule hearing is: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, kcowdery@psc.state.fl.us, or at (850)413-6216.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the hearing at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or (850)413-6770 (Florida Relay Service, 1(800)955-8770 Voice or 1(800)955-8771 TDD). Assistive Listening Devices are available upon request from the Office of Commission Clerk, Gerald L. Gunter Building, Room 152.

If a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to all known interested persons. Notice of cancellation will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2022, 1:00 p.m. or soon thereafter

PLACE: via zoom

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the board including review applications for licensure.

<https://us02web.zoom.us/j/81304234058>, Meeting ID: 813 0423 4058

Dial by your location:

(312)626-6799, US (Chicago)

(929)436-2866, US (New York)

(301)715-8592, US (Washington DC)

(346)248-7799, US (Houston)

(669)900-6833, US (San Jose)

(253)215-8782, US (Tacoma)

Meeting ID: 813 0423 4058, Passcode: 1364305

A copy of the agenda may be obtained by contacting: Rebecca Sammons, rsammons@fbpe.org.

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: Rebecca Sammons, rsammons@fbpe.org. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: January 12, 2022, 8:30 a.m. or soon thereafter

PLACE: via zoom

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, the Probable Cause Panel meeting may be closed consistent with law. If you wish to participate in any public portion of the Probable Cause Panel Meeting, please contact Rebecca Sammons at least 10 days prior to the meeting.

<https://us02web.zoom.us/j/84272616689>

A copy of the agenda may be obtained by contacting: Rebecca Sammons, rsammons@fbpe.org.

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: Rebecca Sammons, rsammons@fbpe.org. 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: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

The Building Code Administrators and Inspectors Board announces a public meeting to which all persons are invited.

DATES AND TIMES: February 16, 2022, 9:00 a.m.; February 17, 2022, 9:00 a.m.; February 18, 2022, 9:00 a.m.

PLACE: Residence Inn by Marriott, 2301 Sadler Road, Fernandina Beach, Florida 32034, The telephone number is (904)277-2440

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions of which may be closed to the public), general board business.

A copy of the agenda may be obtained by contacting: Myfloridalicense.com – Licensing and Regulation - Building Code Administrators & Inspectors - Board Meeting Information.

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: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, 2601 Blair Stone Road, Tallahassee FL 32399, or by calling (850)717-1980. 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: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, 2601 Blair Stone Road, Tallahassee FL 32399, or by calling (850)717-1980.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection, Division of Air Resource Management, announces a hearing, if requested, to which all persons are invited.

DATE AND TIME: January 19, 2022, 2:00 p.m.

PLACE: Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 195, Tallahassee, Florida

The Department will hold the hearing, if requested, at the date, time and place above and will also offer accessibility through a teleconference option. The teleconference option is being provided to allow maximum public participation if the hearing is requested. Parties can access the teleconference by telephone (regular long-distance telephone charges will apply). Parties may access the teleconference at the following number: January 19, 2022, 1(888)585-9008, ID number: 416-112-909#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Pursuant to 40 CFR 51.102, the Department of Environmental Protection (DEP) announces a public hearing, if requested, and opportunity to offer comments on a proposed revision to Florida's State Implementation Plan (SIP) under the Clean Air Act (CAA). This proposed SIP revision consists of the removal of outdated or superseded Florida Administrative Code (F.A.C.) requirements including the required CAA Section 110(l) noninterference demonstration. The proposed SIP revision also incorporates amendments to F.A.C. rules to make Florida's SIP consistent with current rules. EPA incorporates F.A.C. rules into Florida's SIP on a rule-by-rule basis according to their state-established effective dates. The rule language that DEP is requesting be removed from, or amended within, Florida's SIP is contained in Chapter 62-296, F.A.C., Stationary Sources – Emission Standards.

A public hearing will be held, if requested, at the date and time, given above. The public hearing, if requested, will also be accessible via a teleconferencing service. It is not necessary that the hearing be held or attended for persons to comment on DEP's proposed revisions to Florida's pending SIP submission. Any comments or requests for a public hearing must be submitted by email to Ashley.Kung@FloridaDEP.gov, and received no later than January 14, 2022. If no request for a public hearing is received, the hearing (and teleconference) will be cancelled, and notice of the cancellation will be posted at the following website:

https://floridadep.gov/events/month?field_county_tid=All&field_is_a_public_notice_value=Yes.

Persons may also contact Ms. Kung at (850)717-9041 to find out if the hearing has been cancelled. The materials comprising DEP's revision to the pending SIP submission are accessible at the following website:
<http://www.dep.state.fl.us/air/rules/regulatory.htm>. A copy of

the agenda may be obtained by contacting: Ms. Kung by email at the above email address or by calling (850)717-9041.

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

DEPARTMENT OF HEALTH

The Correctional Medical Authority announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, December 29, 2021, 12:00 Noon

PLACE: 1(888)585-9008 (toll-free), Conference Room: 344085830#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

CMA Board approval of annual and aging reports. A copy of the agenda may be obtained by contacting: CMA@flhealth.gov, or (850)841-8430.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Department of Health at (850)245-4444. 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 HEALTH

Board of Clinical Laboratory Personnel

The Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 11, 2022, 9:00 a.m.

PLACE: <https://global.gotomeeting.com/join/720541221>

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business to include licensure, and discipline. A copy of the agenda may be obtained by contacting: <https://floridasclinicallabs.gov/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: 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: MQA.ClinicalLab@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

The Department of Health announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 6, 2022, 9:00 a.m.

PLACE: <https://global.gotomeeting.com/join/111008165>

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General board business to include licensure.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: 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: MQA.ClinicalLab@flhealth.gov.

FLORIDA LIFE & HEALTH INSURANCE GUARANTY ASSOCIATION

The Florida Life & Health Insurance Guaranty Association announces a public meeting to which all persons are invited.

DATE AND TIME: December 17, 2021, 11:00 a.m.

PLACE: Tele/Videoconference

GENERAL SUBJECT MATTER TO BE CONSIDERED:

General Matters of the Board

A copy of the agenda may be obtained by contacting: Brad Taman, (919)833-6838.

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 2 days before the workshop/meeting by contacting: Brad Taman, (919)833-6838. 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).

End Human Trafficking, Inc.

The Florida Alliance to End Human Trafficking (End Human Trafficking, Inc.) announces a public meeting to which all persons are invited.

DATE AND TIME: December 27, 2021, 10:00 a.m.

PLACE: Virtual

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Board of Directors Business and Fundraising

A copy of the agenda may be obtained by contacting: Erin@FloridaAllianceEndHT.com.

Section VII

Notice of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII

Notice of Petitions and Dispositions Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

Florida State University

NOTICE TO DESIGN/BUILD TEAMS- THIS SUPERCEDES
NOTICE PUBLISHED ON 12/3 VOL 47/233

Florida State University announces that Qualifications Based Design/Build Services for the design and construction improvements to Doak Campbell Stadium will be required for the project listed below.

PROJECT SOLE POINT OF CONTACT:

The Sole Point of Contact for the RFQ will be: James C. Johnson, MPA – Strategic Category Manager for MRO/Facilities, Florida State University Facilities Department, Office: (850)645-0407, jcjohnson@fsu.edu

Respondents to this RFQ or persons acting on their behalf shall not contact any employee or officer of FSU, Board of Trustees, or a University Direct Support Organization concerning any aspect of this RFQ, except in writing to the Sole Point of Contact or Chief Procurement Officer or as provided in this RFQ document, from the date of release of this RFQ through the end of the 72-hour period following FSU's posting of the notice of intended award, in accordance with Board of Governors (BOG) Regulation 18.002. Violation of this provision may be grounds for rejecting a proposal response.

PROJECT NUMBER: FS-211

PROJECT NAME AND LOCATION: Doak Campbell Stadium Improvements, Florida State University, Tallahassee, Florida

The project consists of the planning, design, and construction of improvements to Doak Campbell Stadium on FSU's main campus. Improvements include; Stadium infrastructure, structural, life safety, code, and related repairs required to bring the stadium into compliance. The areas of work will be determined by the availability of funds and schedule to maximize improvements.

The Design/Build Services contract shall comply with the qualifications-based Design/Build selection provisions in Section 287.055, F.S. and 6C-14.007, F.A.C., including design and pre-construction fees, construction related service costs and a guaranteed maximum price. The University will contract with a single contract entity whose Design/Build Team shall provide all services including, but not necessarily limited to professional services, budgeting, construction services, labor, materials, and equipment required to design and construct the project. Blanket professional design liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services.

The overall proposed value of this project is approximately \$20,000,000. The respondent must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class IX. Project development including professional services is contingent upon availability of funds.

INSTRUCTIONS:

Teams desiring to apply for consideration shall submit a letter of application, the completed Florida State University "Design/Build Services Qualification Supplement" form (DBSQS), with attachments, and additional information required as described in the DBSQS, via the online electronic sourcing portal as described below. Applications submitted in any other format will not be considered. Submittals that do not comply with these requirements or do not include the requested data will not be considered. Submission must be uploaded by January 21, 2022, no later than 3:00 p.m. ET.

All applicants must be licensed to practice its profession in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. If the applicant is a corporation, or a joint venture, it must be registered by the Department of State to do business in the State of Florida at the time of application. If the applicant is the contract entity and has a consultant to perform the design or construction services, the contract entity and consultant must have an agreement at the time of application to formally contract for consulting services. Firms applying as "Associations" without a registered joint venture agreement or a contract entity and consultant without an agreement will not be considered.

The Florida State University Project Fact Sheet may be obtained by going to FSU's Public Procurement Portal and finding RFQ-00607-20222 or by emailing James Johnson at jcjohnson@fsu.edu.

The plans and specifications are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a Design/Build team may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Design/Build team must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Florida State University Procurement will be holding a Zoom informal workshop on how vendors can work within FSU's Public Procurement Portal and ask questions. The session will be one hour in length. Interested contractors are requested to

send an email to James Johnson at jcjohnson@fsu.edu to attend the Zoom workshop

SELECTION SCHEDULE

The anticipated schedule for selection, award and negotiation is as follows:

Zoom informal workshops from 2:00 p.m. – 3:00 p.m. on December 16, 2021

Doak Campbell Stadium site visit at 11:00 a.m. ET on January 5, 2022

(Please meet in front of UCB)

Question & Answer Submission no later than 5:00 p.m. ET on January 10, 2022

Response to Questions and Answers: January 14, 2022 (estimated)

Proposals Due no later than 3:00 p.m. ET on January 21, 2022 (Late submittals will be rejected)

Final Interviews: TBD

Selection Recommendation Approval: TBD

Contract Negotiation: TBD

****PLEASE CAREFULLY NOTE NEW SUBMITTAL INFORMATION****

FSU utilizes an online electronic sourcing portal for accepting professional qualifications letter of application and Design/Build Services Qualifications Supplement digitally. We do not accept hard copy submissions or submissions through other medium other than through FSU’s Public Procurement Portal.

Your submission must be uploaded prior to the deadline as indicated above. Note: We strongly recommend that you give yourself sufficient time and at least ONE (1) hour before the Closing date/time to begin the uploading process and to finalize your submission. Late submissions due to electronic uploading delays will not be considered.

Each item of requested information is instantly sealed (no one from FSU can review) and will only be visible after the closing date/time. You may edit your submission as needed up to the closing date/time.

Responders may elect to utilize the import/export feature to export questions into Excel in order to work on responses offline and import into the system upon completion.

Keep in mind that when answering questions in the provided text box within the system (if applicable) there is a limit to the number of characters you can use in your response. The dynamic character limit counter at the bottom of each text box will display the remaining characters available.

Uploading large documents may take significant time, depending on the size of the file(s) and your Internet connection speed. The maximum upload file size is 50 MB.

Please do not embed any documents within your uploaded files, as they will not be accessible or evaluated.

Information submitted that is not requested by FSU or in the specific format requested will be considered supplemental and not subject to evaluation.

All sourcing event-related communications between vendors and FSU is managed and tracked through a Question-and-Answer Board within the RFQ event on the Public Procurement Portal. Any issues or questions related to logging in or technical issues, including attachments, can be submitted to our third party software host, Jaggaer via a Support form: <https://www.jaggaer.com/service-support/supplier-support/> or by calling 1(800)233-1121, option 2 then option 2.

Applications that do not comply with the above instructions will not be considered. Submittals are part of the public record, and no submittal material will be returned.

Florida State University strongly encourages the use of certified Minority and Women-owned Business Enterprises (“MBEs”) in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction related services.

The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of Design/Build proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

Florida State University Procurement will be holding a Zoom informal workshop on how vendors can work within FSU’s Public Procurement Portal and ask questions. The session will be one hour in length. Interested contractors are requested to send an email to James Johnson at jcjohnson@fsu.edu to attend the Zoom workshop.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to subparagraph 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 3:00 p.m., Wednesday, December 8, 2021 and 3:00 p.m., Tuesday, December 14, 2021.

Rule No.	File Date	Effective Date
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
12ER21-3 (Renewal)	12/13/2021	1/1/2022

12ER21-4 (Renewal)	12/13/2021	1/1/2022
12ER21-5 (Renewal)	12/13/2021	1/1/2022
12ER21-6 (Renewal)	12/13/2021	1/1/2022
12AER21-7 (Renewal)	12/13/2021	1/1/2022
12AER21-8 (Renewal)	12/13/2021	1/1/2022
12AER21-10 (Renewal)	12/13/2021	1/1/2022
12AER21-11 (Renewal)	12/13/2021	1/1/2022
12AER21-14 (Renewal)	12/13/2021	1/1/2022
12AER21-15 (Renewal)	12/13/2021	1/1/2022
12AER21-16 (Renewal)	12/13/2021	1/1/2022
12AER21-21	12/13/2021	1/1/2022
12AER21-22	12/13/2021	1/1/2022
12AER21-23	12/13/2021	1/1/2022
12BER21-24	12/13/2021	1/1/2022
12AER21-25	12/13/2021	1/1/2022
19B-5.008	12/8/2021	12/28/2021
19B-16.013	12/8/2021	12/28/2021
19B-16.014	12/8/2021	12/28/2021
60P-1.003	12/8/2021	**/**/****
64B8-42.001	12/8/2021	12/28/2021
64B8-44.003	12/14/2021	1/3/2022
64B16-26.1032	12/9/2021	12/29/2021
64B16-26.203	12/9/2021	12/29/2021
64B16-26.2031	12/9/2021	12/29/2021
64B16-26.204	12/9/2021	12/29/2021
64B16-26.2032	12/9/2021	12/29/2021
64B16-26.300	12/9/2021	12/29/2021
64B16-26.303	12/9/2021	12/29/2021
64B16-26.350	12/9/2021	12/29/2021
64B18-14.002	12/9/2021	12/29/2021
64B25-28.012	12/9/2021	12/29/2021
65C-45.010	12/8/2021	12/28/2021
65C-45.0121	12/8/2021	12/28/2021
65C-45.013	12/8/2021	12/28/2021
65C-45.014	12/8/2021	12/28/2021
65C-45.017	12/8/2021	12/28/2021

65CER21-3	12/9/2021	12/9/2021
LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES		
Rule No.	File Date	Effective Date
5K-4.020	12/10/2021	**/**/****
5K-4.035	12/10/2021	**/**/****
5K-4.045	12/10/2021	**/**/****
60FF1-5.009	7/21/2016	**/**/****
60P-1.003	12/8/2021	**/**/****
60P-2.003	11/5/2019	**/**/****
62-600.405	11/16/2021	**/**/****
62-600.705	11/16/2021	**/**/****
62-600.720	11/16/2021	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.020	10/22/2021	**/**/****

STATE BOARD OF ADMINISTRATION

Maximum Statutory Adjusted Capacity for Mandatory FHCF Coverage, Maximum Statutory Coverage for Optional Coverages, and Aggregate Retention for the 2022 Contract Year

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida, as required by paragraph 215.555(16)(d), F.S., for the Florida Hurricane Catastrophe Fund (FHCF) Reimbursement Contract Year commencing on June 1, 2022, of the maximum statutory adjusted capacity for the mandatory coverage, the maximum statutory coverage for any optional coverage, and the aggregate fund retention used to calculate individual insurers' retention multiples. As provided in subparagraph 215.555(4)(c)1., F.S., the maximum statutory capacity for the mandatory coverage is \$17 billion. No additional optional coverages are available for the Reimbursement Contract Year commencing on June 1, 2022. The aggregate fund retention to be used to calculate individual insurers' retention multiples is \$8.513 billion.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Siting Coordination Office

NOTICE OF INTENT TO ISSUE PROPOSED MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning the Florida Power & Light

Company Turkey Point Clean Energy Center, Power Plant Siting Application No. PA 03-45G, OGC Case No. 21-1228. Pursuant to paragraph 403.516(1)(c), Florida Statutes, the Department intends to modify the Conditions of Certification for the Turkey Point Power Plant to allow construction and operation of the FPL Miami-Dade Clean Water Recovery Center (CWRC) Project as an associated facility of Unit 5. Pursuant to paragraph 403.516(1)(c), Florida Statutes, the Department is also modifying the Conditions of Certification for the Turkey Point Power Plant to update antiquated specific conditions that are no longer applicable or consistent with current regulations. A copy of the proposed modification may be obtained by contacting Ann Seiler, Department of Environmental Protection, 2600 Blair Stone Rd., M.S. 5500, Tallahassee, Florida 32399-2400, (850)717-9000, or at <https://floridadep.gov/air/siting-coordination-office/content/applications-process>. Pursuant to subparagraph 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from the issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000, (850)245-2242, fax: (850)245-2298, agency_clerk@dep.state.fl.us. If no objections are received, then a Final Order approving the modification shall be issued by the Department.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary
Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by subsection 403.061(42), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments and deadlines, and the address for providing comments, are available at: <https://fldep.dep.state.fl.us/clearinghouse/>. For information, call (850)717-9076. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development
DEO Final Order No. DEO-21-041

STATE OF FLORIDA

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY MONROE COUNTY, FLORIDA,
ORDINANCE NO. 024-2021

FINAL ORDER

APPROVING MONROE COUNTY ORDINANCE NO. 024-2021

The Department of Economic Opportunity ("Department") hereby issues its Final Order, pursuant to sections 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by Monroe County, Florida, Ordinance No. 024-2021 (the "Ordinance").

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.
2. The Ordinance was adopted by Monroe County on September 15, 2021, and rendered to the Department on October 18, 2021.
3. The Ordinance amends Chapter 114, Article I of Monroe County's Land Development Code (the "Code") to update the stormwater quality performance standards and the surface water management criteria. The Ordinance further amends Chapter 114, Article I, to provide criteria for the design and erection of retaining walls.
4. The Ordinance also amends Chapter 114, Article IV of the Code, to update the Common and Latin names of plant species in the Native Planting List. The Ordinance further amends Chapter 114, Article IV, to clarify when nonconforming lights must comply with the lighting requirements of the Code.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. See §§ 380.05(6) and 380.0552(9), Fla Stat.
6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.
7. The Ordinance is consistent with the Monroe County Comprehensive Plan generally, as required by Section 163.3177(1), Florida Statutes, and specifically, with Policies 101.10.1, 105.1.4, 205.2.7, 1001.1.1, 1001.1.3, 1001.1.5, 1101.2.1, 1101.2.2, 1101.2.3, 1502.1.9, 1502.1.10, and 1503.1.7.

8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.

9. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically complies with the following:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that Monroe County Ordinance No. 024-2021 is consistent with the Monroe County Comprehensive Plan and Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register, unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ James Stansbury _____, James D. Stansbury, Chief, Bureau of Community Planning and Growth Department of Economic Opportunity

Notice of administrative rights

Any person whose substantial interests are affected by this order has the opportunity for an administrative proceeding pursuant to section 120.569, Florida statutes, BY FILING A PETITION.

A petition must be filed with the agency clerk of the department of economic opportunity within 21 calendar days of BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A petition is filed when it is received by: Agency Clerk, Department of Economic Opportunity, Office of the general Counsel, 107 East Madison St., MSC 110, Tallahassee, Florida 32399-4128, Fax: (850)921-3230, agency.clerk@deo.myflorida.com.

You waive the right to any administrative proceeding if you do not file a petition with the agency clerk within 21 calendar days of BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

For the required contents of a petition challenging agency action, refer to subsections 28-106.104(2), 28-106.201(2), and section 28-106.301, Florida Administrative Code.

Depending on whether or not material facts are disputed in the petition, a hearing will be conducted pursuant to either sections 120.569 and 120.57(1), Florida statutes, or Section 120.569 and subsection 120.57(2), Florida statutes.

Pursuant to section 120.573, florida statutes, and chapter 28, part iv, florida administrative code, YOU ARE NOTIFIED THAT mediation is not available.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this ___14th___ day of _December___, 2021.

/s/ Jaiden Foss _____, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Michelle Coldiron, Mayor, Monroe County, 25 Ships Way, Big Pine Key, Florida 33043

Kevin Madok, Clerk, Monroe County, Board of County Commissioners, PO Box 1980, Key West, Florida 33041

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development
 DEO Final Order No. DEO-21-042
 STATE OF FLORIDA
 DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY MONROE COUNTY, FLORIDA,
 ORDINANCE NO. 025-2021

FINAL ORDER

APPROVING MONROE COUNTY ORDINANCE NO. 025-2021

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to sections 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by Monroe County, Florida, Ordinance No. 025-2021 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.

2. The Ordinance was adopted by Monroe County on September 15, 2021 and rendered to the Department on October 18, 2021.

3. The Ordinance amends the Monroe County Land Development Code (the “Code”) Chapter 118, Environmental Protection, to eliminate redundant language, clarify regulatory intent, and update the existing plant species lists. Additionally, the Ordinance incorporates specific environmental restoration standards when land clearing violations occur. The Ordinance also amends dock construction standards to protect nearshore waters from harmful chemicals and to allow maximum sunlight to reach biological resources in the water.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. See §§ 380.05(6) and 380.0552(9), Fla Stat.

5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

6. The Ordinance is consistent with the Monroe County Comprehensive Plan generally, as required by Section 163.3177(1), Florida Statutes, and specifically, with Policies 202.4.1, 203.1.1, 203.1.2, 203.2.2, 203.3.2, 203.5.1, 203.5.2,

204.2.1, 204.2.2, 204.2.3, 204.2.4, 205.2.13, 212.2.1, 212.2.2, 212.2.3, and 212.2.4.

7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in Section 380.0552(7), Florida Statutes.

8. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically complies with the following:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(g) Protecting the historical heritage of the Florida Keys.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

WHEREFORE, IT IS ORDERED that the Department finds that Monroe County Ordinance No. 025-2021 is consistent with the Monroe County Comprehensive Plan and Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register, unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ James Stansbury _____, James D. Stansbury, Chief, Bureau of Community Planning and Growth, Department of Economic Opportunity

Notice of administrative rights

Any person whose substantial interests are affected by this order has the opportunity for an administrative proceeding pursuant to section 120.569, Florida statutes, BY FILING A PETITION.

A petition must be filed with the agency clerk of the department of economic opportunity within 21 calendar days of BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A petition is filed when it is received by: Agency Clerk, Department of Economic Opportunity, Office of the general Counsel, 107 East Madison St., MSC 110, Tallahassee, Florida 32399-4128, Fax: (850)921-3230, agency.clerk@deo.myflorida.com

You waive the right to any administrative proceeding if you do not file a petition with the agency clerk within 21 calendar days of BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

For the required contents of a petition challenging agency action, refer to subsection 28-106.104(2), 28-106.201(2), and section 28-106.301, Florida Administrative Code.

Depending on whether or not material facts are disputed in the petition, a hearing will be conducted pursuant to either section 120.569 and subsection 120.57(1), Florida statutes, or Section 120.569 and subsection 120.57(2), Florida statutes.

Pursuant to section 120.573, florida statutes, and chapter 28, part iv, florida administrative code, YOU ARE NOTIFIED THAT mediation is not available.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this ___14th___ day of _December_, 2021.

/s/ Jaiden Foss _____, Jaiden Foss, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC 110, Tallahassee, FL 32399-4128

By U.S. Mail:

The Honorable Michelle Coldiron, Mayor Monroe County, 2798 Overseas Highway, Suite 400, Marathon, Florida 33050
Kevin Madok, Clerk, Monroe County, Board of County Commissioners, 500 Whitehead Street, Key West, Florida 33040

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.