

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-100.003	Express Lane Tolling
14-100.004	95 Express Toll Exemption Registration
14-100.005	Video Billing.
14-100.006	Department Express Lane Toll Registration Exemption

PURPOSE AND EFFECT: This rule is being amended to clarify provisions, define additional terms, and provide an exemption from express lane tolling for certain buses and vanpools.

SUMMARY: These rule amendments provide for tolling on and off the turnpike system. An exemption from express lane tolling is available for qualified buses and vanpools that register their vehicles. A per trip penalty for violators has been amended to a daily charge, instead of a per trip charge.

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 rule does not impose a regulatory cost. The use of toll roads and express lanes is at the driver's option. Costs for violators are not being increased and exemptions to tolling have been added.

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: 316.640(1), 334.044(2), and 338.155(1), 338.161(5) 338.166(4), F.S.

LAW IMPLEMENTED: 316.1001, 316.640(1), 318.14(12), 334.044(16), 334.044(28), 338.155(1), 338.161(5), 338.165, 338.166(4), 338.2216, 338.231, F.S.

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

DATE AND TIME: Monday, February 6, 2017, 6:00 p.m. EST (5:00 p.m. CST)

PLACE: This rule hearing is being held as a statewide webinar proceeding which can be accessed by registering at the following website:
www.floridasturnpike.com/rulemakingnotice2017.html.

For those persons wishing to participate who do not have access to the internet can attend in person at one of several access points across the state.

SITE ACCESS LOCATIONS ARE ALSO LOCATED AT:

Florida's Turnpike Enterprise Headquarters Auditorium, Turnpike Mile Post 263, Building 5315, Ocoee, FL

Department of Transportation District 1 Mike Rippe Auditorium, 801 N. Broadway Avenue, Bartow, FL

Department of Transportation District 2 Urban Office Training Facility, 2198 Edison Avenue, Jacksonville, FL

Department of Transportation District 3 Design Conference Room A, 1074 Highway 90 East, Chipley, FL

Department of Transportation District 4 Auditorium, 3400 W. Commercial Boulevard, Ft. Lauderdale, FL

Department of Transportation District 6 Auditorium, 1000 NW 111th Avenue, Miami, FL

Department of Transportation District 7 Auditorium, 11201 North Malcolm McKinley Drive, Tampa, FL

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: Justin Hannah, Transportation Planner, Florida's Turnpike Enterprise, Milepost 263, Florida's Turnpike, Building 5315, Ocoee, Florida, 34761, justin.hannah@dot.state.fl.us, (407)264-3822. 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: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458, (850)414-5392, susan.schwartz@dot.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

14-100.003 Express Lane Tolling.

(1) No change.

(2) Definitions. Unless defined below, words, phrases, or terms contained herein shall have the definitions set forth in

Chapters 316, 334, and 338, F.S. As used in this rule the following words, phrases, or terms shall mean:

(a) “Authorized user” means any person operating a two-axle motor vehicle, or a multi-axle vehicle when permitted by regulatory signage, in an express lane with a ~~an active~~ SunPass transponder-based pre-paid account, or interoperable transponder-based pre-paid account, having sufficient funds to pay the applicable toll, or operating a motor vehicle which is exempt from payment of the applicable toll pursuant to Rule 14-100.004 or Rule 14-100.006. Two-axle motor vehicles that are leased or rented from a company and registered under a prepaid toll account program with the Department are also authorized for use in the express lanes.

(b) “Department” means Florida Department of Transportation.

~~(c) “Electronic toll collection point” means the physical location at which a SunPass transponder or interoperable transponder is read and a separate toll assessed for operation of a motor vehicle in an express lane or general toll lane.~~

~~(c)(4) “Express lane” means a travel lane delineated or physically separated from a general use lane or general toll lane within a roadway corridor in which tolls amounts are set based on traffic conditions.~~

~~(d)(e) “Free-flow” means conditions under which travel is unimpeded and motor vehicles are able to safely operate at speeds of at least 45 miles per hour in the express lanes.~~

~~(e)(f) “General toll lane” means a tolled roadway lane within a toll facility that is not an express lane and for which the applicable toll amount for its use is not established by variable tolling.~~

~~(f)(g) “General use lane” means an untolled roadway lane.~~

~~(g)(h) “Multi-axle” means a vehicle with three or more axles.~~

(h) “Over-the-Road bus” means a bus characterized by an elevated passenger deck located over a baggage compartment and operated by a for hire company registered on the US Federal Motor Carrier Safety Administration (USFMCSA) registration system.

(i) “Point of entry or continuation” means either the location at which a vehicle enters an express lane, or the location at which a vehicle continues on an express lane and passes an electronic message sign where toll amount information is displayed.

(j) “Public transit bus” means a bus regularly scheduled for transport of the general public and owned, operated, rented, contracted, or leased by a governmental entity.

(k) “School bus” means a bus regularly used for the transportation of prekindergarten, disability program, or kindergarten through grade 12 students of the public schools to and from school or to and from school activities and owned,

operated, rented, contracted, or leased by any district school board.

(l) “Toll point” means the physical location at which a SunPass transponder, interoperable transponder, and/or license plate information is read and a toll is assessed to authorized users or violators operating a vehicle in an express lane or general toll lane.

(m) “Transaction” is when a vehicle passes a toll point and incurs a toll. An electronic record of each transaction contains vehicle and location information necessary for processing of the transaction.

(n) “Vanpool” means a van designed to transport seven or more passengers, including the driver, and registered by a public entity that is authorized by a local government or Metropolitan Planning Organization to register vanpools for transport of employees to and from their place of employment.

(o)(4) “Variable tolling” means the setting of tolls amounts in an express lane for authorized users based on the toll amount criteria set forth in this rule.

(p)(m) “Violator” means a ~~the~~ registered owner of a ~~motor~~ vehicle operated in an express lane without being an authorized user.

~~(j) “Point of exit” means either the location at which a vehicle exits an express lane, or the location at which a vehicle on an express lane passes an electronic message sign where toll amount information is displayed.~~

~~(k) “Trip” means that portion of an express lane travelled by a vehicle between the point of entry and the point of exit from an express lane.~~

(3) Toll Rate Criteria for Variable Tolling:

(a) The variable toll of an express lane will be determined by Toll amounts for trip collection and analysis of traffic data such as traffic volume, operating speeds, level of service, and trend data in the express lane, general use lanes, general toll lanes, or a combination thereof, to promote free-flow traffic conditions.

(b) The minimum toll for authorized users of an express lane that is not on the Turnpike System will be \$0.50.

(c) The minimum toll for authorized users of an express lane on the Turnpike System will be as follows:

1. All authorized users, except for school buses, public transit buses, Over-the-Road buses, or vanpools that register in the manner described in subsection (3)(c)2, will pay at least \$0.25 more than the SunPass toll for the general toll lanes that are adjacent to the express lanes.

2. School buses, public transit buses, Over-the-Road buses or vanpools will pay the SunPass toll for the general toll lane after properly registering with SunPass. This registration process will require:

a. Completion of the Express Lane Bus Application Registration Form, effective 2/1/17, incorporated herein at

<https://www.flrules.org/Gateway/reference.asp?No=Ref-07850> and available in electronic format at www.SunPass.com/BusReg to include: organization name, contact name, agency phone number, contact phone number, organization address, organization email address, motor vehicle license plate, make of motor vehicle, year of motor vehicle, personal identification number (PIN), transponder mini ID number (if already purchased), and existing SunPass account number, if applicable. Over-the-Road buses also must submit proof of registration with USFMCSA.

b. Submittal of completed application via the SunPass Express Lane Registration webpage at www.SunPass.com/BusReg; via email at ExpressLaneReg@dot.state.fl.us; via fax to 888-265-1725; via telephone at 888-865-5351; or via US mail to FDOT, 7941 Glades Road, Boca Raton, Florida 33434.

c. Upon approval from SunPass and receipt of a SunPass mini transponder from SunPass for each exempt bus or van, the SunPass mini transponder assigned to the account must be properly affixed to the windshield of each corresponding registered bus or van.

d. Renewing registration annually prior to the expiration date. All registration information must be confirmed or updated as a part of the renewal and submitted by one of the means identified in subsection (3)(c)2.b.

~~(b) The minimum toll amount for authorized users of an express lane that is not on the Turnpike System will be \$0.50. The minimum toll amount for authorized users of an express lane on the Turnpike System will be at least \$0.25 greater than the SunPass toll amount for the general toll lane.~~

~~(d)(e)~~ The maximum toll amount for authorized users of the express lanes on Interstate 95 between Mile Marker 4 and Mile Marker 12 will not exceed \$1.50 per mile. If those express lanes reach the maximum toll amount on any 45 days in a six month period, the maximum toll amount will increase by \$0.50 per mile effective the first day of the following month. The maximum toll amount for authorized users of those express lanes will increase by \$0.50 in any subsequent six month period meeting the same condition.

~~(4) Authorized users shall pay all express lane toll transactions. Payment of express lane tolls is performed electronically through the SunPass transponder and associated pre-paid account or interoperable transponder and associated pre-paid account.~~

(5) Multi-axle vehicles are not allowed to operate on an express lane unless otherwise indicated by regulatory signage. If the Department allows multi-axle vehicles on an express lane, the multi-axle toll amount will be equal to the applicable two-axle toll amount divided by two, multiplied by the number of axles.

(6) Display of Toll Amounts:

~~(a)~~ To the extent feasible, an electronic message sign in advance of each point of entry to an express lane from a general use lane or general toll lane will display the current toll for two-axle motor vehicles amount from the point of entry to one or more exit locations. The current toll for two-axle motor vehicles amount also will be displayed for one or more additional exit locations if travel is continued in the express lanes beyond the exit locations displayed on the signage prior to the point of entry or a continuation.

~~(b) To the extent feasible, an electronic message sign in advance of each point of entry to an express lane from a general toll lane will display the current additional toll amount for the express lane above the toll amount for the general toll lane, from the point of entry to one or more exit locations.~~

(7) Violations.

(a) Violators shall ~~be charged~~ pay \$25.00 for each day that the violator has an express lane transaction plus:

1. for express lanes not on the Turnpike System, the express lane toll for each express lane transaction; or

2. for express lanes on the Turnpike System, the applicable axle-based toll for the general toll lanes that are adjacent to the express lanes, plus the applicable variable toll of at least \$0.25 for each express lane transaction. ~~per trip plus the applicable toll amount.~~

~~(b) A violator with a SunPass account or interoperable transponder-based pre-paid account, will have their account charged the express lane toll plus \$25.00 for each day that the violator has an express lane transaction. A violator without a SunPass account must pay the total invoice amount, which will include an administrative charge in the amount established by Rule 14-100.005 (6), within 20 30 days from the date on the invoice date. If an invoice is not paid in full within 20 30 days from the date on the invoice date, a second invoice will be sent. If the total invoice amount is toll violations amounts are not paid within 20 30 days after the invoice date on the second invoice, the Department will pursue the amounts owed to collection to include: issuance of a Uniform Traffic Citation for each individual unpaid toll transaction associated with the original invoice, initiation of a motor vehicle license plate or revalidation sticker registration hold or stop process pursuant to section 316.1001(4), Florida Statutes, or referral of the total unpaid amounts owed to a collection agency or attorney for collection a Uniform Traffic Citation will be issued or the amounts owed by the violator will be pursued to collection. All subsequent invoices will include all unpaid amounts and will be subject to the same enforcement procedures stated above if not paid within 20 days from the invoice date.~~

Rulemaking Authority 334.044(2), 338.155(1), 338.166(4) FS. Law Implemented 316.1001, 316.640(1), 318.14(12), 334.044(16),

338.155(1), 338.165, 338.166(4), 338.2216, 338.231 FS. History—New 5-8-08, Amended 2-19-14, _____.

14-100.004 95 Express Phases 1 and 2 Toll Exemption Registration.

The provisions of this section apply to the express lanes on I-95 from just south of SR 112/I-195 in Miami-Dade County to just north of I-595 in Broward County in Miami-Dade and Broward Counties.

(1) No change.

(2) South Florida Commuter Services (SFCS) along with SunPass are partnering to administer the fulfillment and registration process pertaining to this portion 95 Express Project. SFCS is the regional commuter assistance program funded by the Florida Department of Transportation. SunPass is the Florida Department of Transportation’s Prepaid Toll Program. This rule sets forth the process to register for exemption from payment of tolls on 95 Express Phases 1 and 2.

(3) Definitions.

(a) “95 Express Phases 1 and 2” is defined to mean the express lanes on I-95 from just south of SR 112/I-195 in Miami-Dade County to just north of I-595 in Broward County.

(4)(2) Exemptions. Tolls shall be collected from all vehicles using the express lanes, unless a valid exemption applies. The following qualify for an exemption from payment of tolls on 95 Express Phases 1 and 2:

(a) Carpools with three or more occupants, traveling to and from work in one motor vehicle, and registered in the manner described in subsection (6)(5) below. This exemption from payment of tolls on 95 Express Phases 1 and 2 shall not apply to any other express lanes.

(b) South Florida Vanpools, meeting the definition in Rule 14-100.006(2)(d) and registered pursuant to in the manner described in Rule 14-100.006(4) subsection (6) below. This exemption from payment of tolls on 95 Express Phases 1 and 2 shall not apply to any other express lanes.

(c) Inherently Low Emission Vehicles (ILEV) or Hybrid vehicles, as defined in Section 316.0741, F.S., with valid Department of Motor Vehicles decals, and registered in the manner described in subsection (6)(5) below. This exemption from payment of tolls on 95 Express Phases 1 and 2 shall not apply to any other express lanes.

(d) School buses meeting the definition in Rule 14-100.006(2)(c) and used by the Miami-Dade County Public School and the Broward County Public School systems, registered pursuant to in the manner described in Rule 14-100.006(4) subsection (6) below.

(e) Public transit buses Buses meeting the definition in Rule 14-100.006(2)(b) and used by the Miami-Dade Transit Agency and Broward County Transit Agency, registered

pursuant to in the manner described in Rule 14-100.006(4) subsection (6) below.

(f) Over-the-Road Buses (OTRB) meeting the definition in Rule 14-100.006(2)(a) and, defined as vehicles operated by a for hire company registered on the US Federal Motor Carrier Safety Administration (USFMCSA) registration system, characterized by an elevated passenger deck located over a baggage compartment and at least 35 feet in length with a capacity of 30 or more passengers, registered pursuant to in the manner described in Rule 14-100.006(4) subsection (6) below. and,

(g) Motorcycles, as defined in Section 316.003, F. S. This exemption from payment of tolls on 95 Express Phases 1 and 2 shall not apply to any other express lanes.

(5)(3) Registered South Florida Vanpools and registered carpools shall only be granted free passage if the motor vehicle has the minimum number of occupants specified in subsection (5) (4)(a) below above; otherwise such user shall be required to pay the applicable tolls.

(4) South Florida Commuter Services (SFCS) along with SunPass are partnering to administer the fulfillment and registration process pertaining to the 95 Express Project. SFCS is the regional commuter assistance program funded by the Florida Department of Transportation. SunPass is the Florida Department of Transportation’s Prepaid Toll Program. This rule sets forth the process to register for exemption from payment of tolls on the 95 Express project.

(6)(5) With registration, Decals will be provided by SFCS for the following motor vehicles eligible for an exemption from payment of tolls on 95 Express Phases 1 and 2 for use of the express lanes: registered 3+ passenger occupant carpools, registered ILEV, and hybrid vehicles, and registered South Florida Vanpools. 3+ passenger carpools means at least three commuters traveling to and from work in one vehicle and properly registered by SFCS as a 3+ passenger carpool. An ILEV or a hybrid vehicle means a vehicle as defined in Section 316.0741, F.S. A South Florida Vanpool means a van meeting the registration requirements of the South Florida Vanpool Program. The South Florida Vanpool program is managed by the Miami Dade County Metropolitan Organization with coordination from Broward County Metropolitan Planning Organization, and the Palm Beach Metropolitan County Planning Organization.

(a) 3+ Passenger Occupant Carpools:

1. All eligible carpools must register with SFCS pursuant to its requirements.

2. Registration will allow users to receive a “95 Express” decal that will allow them to use the express lanes without incurring tolls must be displayed in the manner required by SFCS.

3. SFCS will provide the “95 Express” registration form. The registration form requests: name, home address, work address, employer, home/work phone numbers, work schedule, driver license number, and state of motor vehicle registration.

4. ~~3+~~ Passenger Occupant carpool eligibility will be based on matching all of the following criteria:

Criteria	Configuration	Comments
Home Distance	3 2 mile radius	<u>Participants must live within a two-mile radius. System will seek similar participants that live within a three mile radius. If participant’s commute distance is less than three miles, search radius will be 1/2 of distance</u>
Work Distance	1 mile radius	Matched participants must work within a one-mile radius to have a positive match
Start Time/End Times	30 minutes	Participants must have a start/end work time within this timeframe to have a positive match

~~Notwithstanding the above criteria, SFCS will allow a carpool. The only exception that will be allowed to the above criteria will be for carpools~~ whose participants meet at a specified location, parking lot, park-n-ride or transit/multi-model facility that is located between the origin and work destination of all registered participants in the carpool.

5. If a driver of a motor vehicle with a registered ~~3+~~ passenger carpool decal receives two or more citations for failure to pay a required 95 Express toll under Section 316.1001, F.S., which results in a withhold of adjudication or an adjudication of guilt, when operating a motor vehicle with less than three ~~passengers~~ occupants, the ~~3+~~ passenger carpool decal will be revoked. Further, the driver, and the owner of the ~~3+~~ passenger carpool decal (if different), will not be eligible to apply for a ~~3+~~ passenger carpool decal for a period of one year from the revocation of the decal.

(b) ILEV and Hybrid Vehicles:

1. ILEV and hybrid vehicle owners in Miami-Dade and Broward counties with valid Florida DHSMV decals are eligible to register for toll exemption on 95 Express Phases 1 and 2. Eligible ILEV and hybrid vehicle owners who complete registration with SFCS will receive a decal for toll-free use of ~~the~~ 95 Express Phases 1 and 2 lanes.

2. ILEV and hybrid vehicle owners will be required to renew their 95 Express Phases 1 and 2 registration annually with SFCS based upon the anniversary date of the initial request.

~~(c) Registered South Florida Vanpools:~~

~~1. One decal will be sent to the primary driver of the vanpool.~~

~~2. One decal will be provided per van.~~

~~3. The 95 Express lanes are only to be used by South Florida Vanpools for commuting purposes only.~~

~~4. The “95 Express” decal will remain active as long as the South Florida Vanpool continues to be part of the South Florida Vanpool program.~~

~~(6) Miami Dade County Public School, Broward County Public School, Miami Dade Transit Agency, and Broward County Transit Agency buses are eligible to use the 95 Express and are exempt from paying tolls on 95 Express if their license plates have been registered with SFCS. The respective agencies shall provide and maintain current a license plate list of buses and school buses that may utilize the 95 Express and SFCS. Over the Road Buses (OTRB) registered with USFMCSA are eligible to be exempt from paying tolls on 95 Express. OTRB owners or operators shall provide a copy of valid USFMCSA registration to SFCS in order to register to utilize the 95 Express. OTRB owner information, name, address, and license plate information shall be provided to SFCS and shall be updated annually by OTRB vehicle owners or operator.~~

Rulemaking Authority 334.044(2), 316.0741 FS. Law Implemented 316.0741, 316.1001, 316.640(1), 334.044(16), 335.02(3), 338.155(1), 338.165(7), 338.231 FS. History—New 5-8-08, Amended

14-100.005 Video Billing.

(1) Purpose. The purpose of this rule is to establish the process of video billing on the Florida Turnpike System and other Department owned toll facilities and on toll facilities owned by a public or private entity ~~and~~ for which the Department collects tolls pursuant to an agreement between the Department and the private or public entity authorized by Section 338.161(5), F.S. ~~unless otherwise indicated by this rule. Video billing provides an image based method for the collection of tolls without the need for a transponder, while improving efficiency, reducing customer delay, and enhancing safety.~~

(2) Definition. “TOLL-BY-PLATE” means an image-based video billing system using photographic images of a vehicle’s license plate to identify the customer responsible for toll payment.

(3) Process. If a vehicle passes through a toll collection facility and the toll payment is not made by either using cash, ~~or~~ a SunPass transponder account, or interoperable transponder-based pre-paid account, having sufficient funds to pay the applicable toll, a photographic image of the vehicles license plate will be captured at the toll lane and the first-listed registered owner of that vehicle, except as provided below, will be considered the TOLL-BY-PLATE customer. The

license plate numbers (LPN) are extracted from the image of the vehicle's license plate, and matched to the LPN for an existing TOLL-BY-PLATE account. If no TOLL-BY-PLATE account is found, the registered owner of the vehicle will be identified through a vehicle registration lookup process. The TOLL-BY-PLATE customer will have 10 days after using the toll facility to contact the Department by calling 1(888) TOLL-FLA (1 (888) 865-5352) or visiting www.sunpass.com to pay their toll or establish a pre-paid TOLL-BY-PLATE toll account as described in subsection (4). ~~Currently, the Department may be contacted about these matters by calling 1(888) TOLL FLA (1 (888) 865 5352).~~ If the TOLL-BY-PLATE customer does not fully pay their tolls ~~contact the Department~~ within that 10-day period, an invoice of the accumulated toll amounts and an administrative charge as described in subsection (7), applicable to the first 14 days of transactions, will be mailed to the TOLL-BY-PLATE customer for payment. ~~Any subsequent invoice will reflect the customer's TOLL BY PLATE transactions for a one month or shorter period of time.~~ All subsequent invoices will be governed by subsection (7) and subsection (8). Any registered owner of a motor vehicle may be treated as the TOLL-BY-PLATE customer if for any reason the Department is unable to effectively invoice the first-listed registered owner.

(4) Establishment of accounts. TOLL-BY-PLATE accounts will be established by either the customer or the Department. Customers may establish a TOLL-BY-PLATE account by providing the motor vehicle LPN and specifying a pre-paid or post-paid account.

(a) Pre-Paid TOLL-BY-PLATE Accounts. TOLL-BY-PLATE customers have the option of establishing and maintaining a pre-paid toll account via credit or debit card, cash, check or money order deposits, from which applicable toll amounts will be debited. Pre-paid TOLL-BY-PLATE account customers whose balance is insufficient to cover the monthly accumulated toll amounts are subject to an invoice for the full toll amount and the administrative charge.

~~Customers may establish a TOLL BY PLATE account by providing the vehicle LPN and specifying a pre paid or post paid account.~~

(b) Post-Paid TOLL-BY-PLATE Accounts. Customers will receive an invoice for post-payment of toll amounts and applicable administrative charges. Invoice payments by post-paid TOLL-BY-PLATE customers² will be applied to the oldest toll transaction first, or as specified by the account customer.

(c)(b) If a TOLL-BY-PLATE account has not been established by a customer within the 10-day period after the first toll transaction use, the Department will establish a post-paid account. Identification of the vehicle will be by review of the LPN image taken at the tolling facility, supplemented as

necessary by identifying the vehicle's characteristics and subsequent LPN lookup.

~~(5) Method of TOLL-BY-PLATE payment. TOLL-BY-PLATE accounts can be set up as pre-paid or post-paid accounts.~~

~~(a) Pre Paid TOLL BY PLATE Accounts. Customers have the option of establishing and maintaining pre paid toll account via credit or debit card, cash, check or money order deposits, from which applicable toll amounts will be debited. Pre paid TOLL BY PLATE account customers whose balance is insufficient to cover the monthly accumulated toll amounts are subject to an invoice for the full toll amount and the administrative charge.~~

~~(b) Post Paid TOLL BY PLATE Accounts. Customers will receive an invoice on a scheduled billing cycle for post payment of toll amounts and applicable administrative charges. Invoice payments by post paid TOLL BY PLATE account customers² will be applied to the oldest toll transaction first, or as specified by the account customer.~~

(5)(6) TOLL-BY-PLATE Toll Rate. TOLL-BY-PLATE customers shall pay the TOLL-BY-PLATE toll rate established in Rule 14-15.0081, F.A.C., for each facility that offers TOLL-BY-PLATE toll collection. For a toll facility not part of the Florida Turnpike System or otherwise owned by the Department and subject to this rule, all applicable toll rates for the use of the toll facility shall be established by the applicable private or public entity owning or operating the toll facility in accordance with the owner or operator's governing laws, charters, ordinances, resolutions, rules, and procedures, or other toll rate determination. The private or public entity shall be responsible for establishing toll rates on its own toll facilities.

(6)(7) Administrative Charges. The Department will establish and collect amounts to recover the costs of administering video billing. This amount covers the additional administrative costs of the Department, such as reviewing photographic images of license plates captured at the toll collection facilities, generating and sending invoices, processing payments received, managing accounts, and other related costs. The administrative charge shall be \$2.50 per invoice.

(7)(8) TOLL-BY-PLATE Accounts and Toll Collection. TOLL-BY-PLATE customers with post-paid accounts will be sent an invoice ~~at the end of the billing cycle~~ that includes the administrative charge added to the invoice in addition to the unpaid toll amounts, as of the invoice date, based on the TOLL-BY-PLATE rate applicable to the tolling location, and any other unpaid amounts. For facilities that do not offer TOLL-BY-PLATE, the administrative charge will be added to each notice of unpaid toll, in addition to the unpaid toll

amount based on the cash toll rate applicable to the location, and any other unpaid amounts.

~~(8)(9) Unpaid Invoice. A TOLL-BY-PLATE customer has 20 30 days from the invoice date to pay the total toll amount and the administrative charge. If the invoice has not been paid in full within those 20 30 days, a second invoice with an additional administrative charge will be sent. If the total amount of unpaid tolls and administrative charges is not paid within 20 30 days after the invoice date on the second invoice, the Department will pursue the amounts owed to collection to include: issuance of a Uniform Traffic Citation for each individual unpaid toll transaction associated with the original invoice, initiation of a motor vehicle license plate or revalidation sticker registration hold or stop process pursuant to section 316.1001(4), Florida Statutes, or referral of the total unpaid amounts owed to a collection agency or attorney for collection. a Uniform Traffic Citation will be issued and sent to the customer for each individual unpaid toll transaction associated with the original invoice or the amount owed will be sent to a collection agency or attorney for collection. All subsequent invoices will include all unpaid amounts and will be subject to the same enforcement procedures stated above if not paid within 20 days from the invoice date.~~

Rulemaking Authority 334.044(2), 338.155(1) FS. Law Implemented 316.1001, 334.044(16), 338.155, 338.2216, 338.231(3)(b) FS. History—New 6-13-10, Amended 2-19-14, _____.

14-100.006 Department Express Lane Toll Exemption Registration.

(1) Purpose. The intent of this rule is to establish criteria for toll exemptions on express lanes owned by the Florida Department of Transportation, excluding Florida's Turnpike System.

(2) Definitions.

(a) "Over-the-Road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment and operated by a for hire company registered on the US Federal Motor Carrier Safety Administration (USFMCSA) registration system.

(b) "Public transit bus" means a bus regularly scheduled for the transport of the general public and owned, operated, rented, contracted, or leased by a governmental entity.

(c) "School bus" means a bus regularly used for the transport of prekindergarten, disability program, or kindergarten through grade 12 students of the public schools to and from school or to and from school activities and owned, operated, rented, contracted, or leased by any district school board.

(d) "Vanpool" means a van designed to transport seven or more passengers, including the driver, and registered by a public entity that is authorized by a local government or

Metropolitan Planning Organization to register vanpools for transport of employees to and from their place of employment.

(3) Exemptions. The following qualify for an exemption from payment of tolls on express lanes owned by the Florida Department of Transportation, excluding Florida's Turnpike System.

(a) Public transit buses registered in the manner described in subsection (4) below;

(b) School buses registered in the manner described in subsection (4) below;

(c) Over-the-Road buses registered in the manner described in subsection (4) below; and

(d) Vanpools registered in the manner described in subsection (4) below.

(4) Registration. School buses, public transit buses, Over-the-Road buses or vanpools are exempt from paying tolls on express lanes owned by the Florida Department of Transportation, excluding Florida's Turnpike System, after properly registering with SunPass. This registration process will require:

(a) Completion of Express Lane Bus Application Registration Form, effective 2/1/17, incorporated herein at <https://www.flrules.org/Gateway/reference.asp?No=Ref-07850> and available in electronic format at www.SunPass.com/BusReg to include: organization name, contact name, agency phone number, contact phone number, organization address, organization email address, motor vehicle license plate, make of motor vehicle, year of motor vehicle, personal identification number (PIN), transponder mini ID number (if already purchased), and existing SunPass account number, if applicable. Over-the-Road buses also must submit proof of registration with USFMCSA.

(b) Submittal of completed application via the SunPass Express Lane Registration webpage at www.SunPass.com/BusReg; via email at ExpressLaneReg@dot.state.fl.us; via fax to 888-265-1725; via telephone at 888-865-5351; or via US mail to FDOT, 7941 Glades Road, Boca Raton, Florida 33434.

(c) Upon approval from SunPass and receipt of a SunPass mini transponder from SunPass for each exempt bus or van, the SunPass mini transponder assigned to the account must be properly affixed to the windshield of each corresponding registered bus or van.

(d) Renewing registration annually prior to the expiration date. All registration information must be confirmed or updated as a part of the renewal and submitted by one of the means identified in subsection (4)(b).

Rulemaking Authority 334.044(2), 316.0741 FS. Law Implemented 316.0741, 316.1001, 316.640(1), 334.044(16), 335.02(3), 338.155(1), 338.165(7), 338.231 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Floyd Holland, Turnpike Enterprise Toll Systems Director
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Jim Boxold, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD:
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: November 7, 2016 and January 12,
 2017

**FISH AND WILDLIFE CONSERVATION
 COMMISSION**

Marine Fisheries

RULE NOS.: RULE TITLES:
 68B-24.002 Definitions
 68B-24.0055 Commercial Requirements
 68B-24.006 Gear: Traps, Buoys, Identification
 Requirements, Prohibited Devices
 68B-24.007 Other Prohibitions

PURPOSE AND EFFECT: The purpose of these rule amendments is to address concerns about the recent increase in participation in the commercial portion of the spiny lobster bully net fishery and to obtain additional information about the fishery while maintaining the viability of this traditional method of commercial lobster harvest.

Bully netting is a method of lobster harvest carried out by commercial and recreational fishers, primarily in the Florida Keys and southern Miami-Dade County, during the first few months of the regular lobster season. It occurs at night and requires shallow, clear water to operate effectively. Staff has heard a variety of concerns from stakeholders about changes in this fishery since 2014. Stakeholder concerns related to this fishery include negative impacts to the financial viability of the commercial bully net fishery for individual harvesters with increasing participation and the potential for the bully net fishery to be used as a cover for illegal lobster harvest. Stakeholders have also expressed concerns regarding conflicts between recreational and commercial bully netters and other members of the public.

The effect of these rule amendments will be to create an open-access commercial bully net permit, require commercial bully net vessels be marked with the harvester’s bully net permit number, prohibit trap pullers aboard vessels that are required to be marked with a bully net permit number, and prohibit the simultaneous possession of a bully net and any underwater breathing apparatus aboard a vessel used in the harvest or transport of lobster for commercial purposes. These regulatory changes are intended to address the concerns that have been brought forward by both fishery and non-fishery stakeholders and will also provide additional information about the fishery.

SUMMARY: This rule will create an open-access commercial bully net permit, require commercial bully net vessels be

marked with the harvester’s bully net permit number, prohibit trap pullers aboard vessels that are required to be marked with a bully net permit number, and prohibit the simultaneous possession of a bully net and any underwater breathing apparatus aboard a vessel used in the harvest or transport of lobster for commercial purposes. These rules are expected to address concerns that have been brought forward by both fishery and non-fishery stakeholders and to obtain additional information about the fishery while maintaining the viability of this traditional method of lobster harvest.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was 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: Article IV, Section 9, Florida Constitution

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution

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

DATES AND TIMES: During the Commission’s regular meeting February 8-9, 2017, 8:30 a.m. – 5:00 p.m.

PLACE: Plantation on Crystal River, 9301 West Fort Island Trail, Crystal River, Florida 34429

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, and (850)487-0554.

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-24.002 Definitions.
 (1) through (14) No change.

68B-24.0055 Commercial Requirements.
 (1) through (3) No change.

(4) A commercial bully net permit is required to harvest spiny lobster for commercial purposes with a bully net. This permit will be in the form of the letter N added to the harvester’s crawfish endorsement number.

~~(5)~~(4) Commercial harvest limits:

(a) No change.

(b) No more than 250 spiny lobsters shall be possessed aboard or landed from any vessel within these counties regardless of the number of commercial harvesters on board harvesting pursuant to paragraph (a) this subsection.

~~(c)~~(5) Persons harvesting lobster commercially by use of a bully net shall be subject to a daily harvest and possession limit of 250 spiny lobsters per day. No more than 250 spiny lobsters shall be possessed aboard or landed from any vessel which has been used for such commercial harvest, regardless of the number of such commercial harvesters on board the vessel.

Rulemaking Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const., 379.361 FS. History–New 7-1-01, Amended 7-7-03, 4-1-04, 7-15-04, 3-21-10, 7-1-15, 5-1-17.

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) through (6) No change.

(7) Each person who harvests spiny lobster for commercial purposes with a bully net shall permanently and conspicuously display on the vessel used in such bully netting the harvester’s commercial bully net permit number in legible figures to provide ready identification. The commercial bully net permit number shall be displayed and be permanently affixed vertically to both the starboard and port sides of the vessel using opaque retroreflective paint or other opaque retroreflective material in numerals no smaller than 4 inches in height.

(8) No person shall operate any vessel that is required to be marked with a bully net permit number pursuant to subsection (7) in Florida Waters with a trap puller aboard.

(7) through (10) renumbered as (9) through (12)

~~(13)~~(11) Except as provided in subsection (9) (7) of this rule, no more than two spiny lobster (trap) endorsement numbers (C-numbers) shall be used on a single vessel.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-2-87, Amended 7-2-90, 3-

1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, Formerly 46-24.006, Amended 7-1-01, 7-9-02, 7-7-03, 4-1-04, 7-1-08, 6-19-13, 5-1-17.

68B-24.007 Other Prohibitions.

(1) through (4) No change.

(5) A bully net and any underwater breathing apparatus, as defined in 68B-4.002, F.A.C., may not be simultaneously possessed on Florida Waters aboard a vessel used in the harvest of spiny lobster for commercial purposes or aboard a vessel transporting spiny lobster for commercial purposes while on Florida Waters. For the purposes of this subsection, a snorkel shall not be considered an underwater breathing apparatus.

~~(6)~~(5) The directed harvest of spiny lobster by the use of any net or trawl, other than a landing or dip net, bully net with a diameter no larger than 3 feet, or hoop net with a diameter no larger than 10 feet, is prohibited. Spiny lobster harvested by the use of any net or trawl as an incidental bycatch of other target species lawfully harvested shall not be deemed to be unlawfully harvested in violation of this subsection if the combined whole weight of all spiny lobster so harvested does not exceed 5% of the total whole weight of all species lawfully in possession of the harvester at any time. For purposes of this subsection, the term “net or trawl” shall not include any hand-held net.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-2-87, Amended 7-2-90, 10-4-95, Formerly 46-24.007, Amended 7-1-08, 5-1-17.

PROPOSED EFFECTIVE DATE: May 1, 2017

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Jessica McCawley, Director, Division of Marine Fisheries Management, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 5, 2017

Section III Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE NOS.: RULE TITLES:
58M-2.001 Professional Guardian Registration
58M-2.009 Standards of Practice

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 203, October 18, 2016 issue of the Florida Administrative Register.

58M-2.001 Professional Guardian Registration and Credit Investigation.

Applicants must score a minimum of 75% on the Professional Guardian Competency Examination or must receive a waiver pursuant to section 744.2003(8), Florida Statutes, from the Department of Elder Affairs’ Office of Public and Professional Guardians (OPPG) ~~Statewide Public Guardianship Office (SPGO)~~ before the application for registration will be considered.

- (1) Definitions. As used in this rule, the term:
 - (a) “Adverse credit history information” means the following:
 - 1. Personal bankruptcy within the previous 5 ~~previous~~ years.
 - 2. Bankruptcy within the last 5 ~~previous~~ years of any organization based on events that occurred while the applicant relevant person was in a position of control of the organization person.
 - 3. Outstanding tax lien or other governmental lien.
 - 4. An oOutstanding judgment or a judgment within the last 15 years that is based upon grounds of fraud, embezzlement, misrepresentation, or deceit.
 - 5. Open collection account or charged-off account that remains unpaid, except accounts related solely to unpaid medical expenses.
 - 6. Foreclosure on any personally owned property owned by the applicant within the last 5 years.

(b) “Charged-off” means an account that has been identified by ~~a~~ the creditor as an uncollectable debt.

(c) “Employee with fiduciary responsibility” means an employee of a professional guardian who has the ability to direct any withdrawal or investments from a ward’s banking or investment accounts, supervises the care of the ward under the supervision of the guardian, or who makes any health care decision, as defined by Florida Statutes § 765.101(6), on behalf of the ward. This term shall also include an employee

of a professional guardian who has in-person contact with the Ward more than five (5) times in any thirty (30) day period.

(2) Persons ~~who are~~ required to register with the OPPG as a professional guardian must complete the Professional Guardian Registration Form, DOEA/OPPG Form 001, XXXX 2016, which is incorporated herein by reference and may be obtained from the Office of Public and Professional Guardians, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, or at <http://elderaffairs.state.fl.us/english/public.html>. The Professional Guardian Employee Registration Form, DOEA/OPPG Form 002, XXX 2016 which is incorporated herein by reference and may be obtained from the OPPG or at <http://elderaffairs.state.fl.us/english/public.html> must also be completed and submitted for any all Professional Guardian Employees with fiduciary responsibility.

(3) The registration forms for persons required to register with the OPPG shall be signed by the person required to register ~~registrant~~ or a corporate officer if the applicant registrant is a corporation.

(4) The completed registration form shall be filed with the OPPG, by hand-delivery or mail. Facsimile submissions will not be accepted.

(5) The following items must either accompany the registration form or must be on file with the OPPG, for the registration to be deemed complete:

(a) A complete credit report, including all pages, from a nationally recognized credit agency. A nationally recognized credit agency shall mean a credit agency that obtains credit information both within and outside the State of Florida; and validates, updates, and maintains the accuracy of credit information obtained. The report must reflect the financial responsibility of the applicant registrant and provide full, accurate, current, and complete information regarding payment history and credit rating.

(b) Criminal history record for guardians and employees as specified in Section 744.3135, F.S.;

(c) Documentation of bonding as required under Section 744.2003~~744.1085~~, F.S.;

(6) For the initial guardian registration, the applicant must submit proof of ~~completion of the required~~ satisfactorily completing the entire 40 hour course required by section 744.2003(3), Florida Statutes, which includes attendance at all course activities, completion of all homework assignments and passage of the end of course practice exam. ~~training, as well as,~~ Initial applicants must also provide proof of competency by evidence of satisfactory completion of the Department of Elder Affairs approved examination unless waived in accordance with Section 744.2003(8) ~~744.1085(8)~~, F.S. For annual renewals, proof of receipt of the minimum continuing education requirements must be submitted, if not on file.

(7) A registration fee of thirty-five dollars (\$35) for each professional guardian or Professional Guardian Employee with fiduciary responsibility in the form of a personal check, money order, or cashier's check made payable to the Office of Public and Professional Guardians Statewide Public Guardianship Office must be submitted with the registration form.

(8) Adverse Credit History Information. If an applicant's credit report or responses to the registration application contains adverse credit history information, the OPPG will notify the applicant in writing of the specific items constituting adverse credit history information. The notification will also inform the applicant of the:

(a) Opportunity to explain the circumstances surrounding the specific item(s) and provide any other relevant information that the applicant wishes the OPPG to consider surrounding the specific item(s);

(b) Documents that the OPPG requires in order to complete its review of the specific items. The requested documents provided by the applicant must be legible. If the documents requested above cannot be obtained, the applicant shall submit evidence of that fact in order for the registration application to be deemed complete. Evidence that documents cannot be obtained shall consist of a written statement from the agency's or creditor's records custodian that is written on the agency's or creditor's letterhead; indicates that the agency or the creditor does not have any record of such matter or that the record was lost, damaged, or destroyed, or cannot otherwise be produced and provide a statement as to why the record cannot be produced; and is signed by the agency's or creditor's records custodian.

(9) Procedure for Reviewing Adverse Credit History Information.

(a) When deciding whether to approve an application for registration as a professional guardian, the OPPG must make a determination regarding whether the applicant has demonstrated that he or she possesses the character, general fitness, and financial responsibility to warrant the OPPG's determination that the applicant will not violate any of the provisions of Chapter 744, Florida Statutes. In making this determination, the OPPG will consider the following information:

1. The ~~a~~ Applicant's entire credit history as reflected in the credit report.
2. The information provided by the applicant under subsection (8).
3. The responses contained in the registration application.
4. The previous registration licensing history with the OPPG and Statewide Public Guardianship Office including whether the relevant applicantperson was named in any regulatory action by those agencies ~~the OPPG~~.

5. Other information that reflects upon an applicant's character, general fitness, or financial responsibility.

6. The time and context of the information available and any pattern of behavior the information may demonstrate.

~~(b) Based on the totality of the circumstances as developed under paragraph (a), the OPPG will make a determination as to whether the applicant has demonstrated that he or she possesses the character, general fitness, and financial responsibility to warrant the OPPG's determination that the applicant will not violate any of the provisions of Chapter 744, F.S.~~

(10)(a) The registration period begins the day the registration is approved by the OPPG and ends on the applicant's registrant's bond anniversary date. For multi year bonds, the annual registration expiration date will be determined by the day and month that the bond expires.

(b) The OPPG will prorate the registration fee up to 50% for initial applicants registrants whose bond will expire in less than 6 months.

(11) through (12) No change.

Rulemaking Authority 744.2002(6), 744.3135(5)(b) FS. Law Implemented 744.102(17), 744.2002, 744.2003, 744.3135 FS. History—New 5-4-03, Amended 12-12-05, 3-17-08, _____.

58M-2.009 Standards of Practice.

(1) DEFINITIONS.

(a) In addition to the terms defined in Chapter 744, F.S., the following definitions are applicable in this rule:

1. "Interested Person" means a person identified as an interested person in a guardianship proceeding. The meaning as it relates to particular wards, may vary from time to time and must be determined by the Court according to the particular matter involved.

2. "Family" or "Family Member" means a person or persons who are:

a. A relative of an individual within the third degree by blood or marriage, or

b. The stepparent of a minor if the stepparent is currently married to the parent of the minor and is not a party in a pending dissolution, separate maintenance, domestic violence, or other civil or criminal proceeding in any court of competent jurisdiction involving one or both of the minor's parents as an adverse party.

3. "Friend" means a person ~~whom~~ an individual knows and with whom the individual has a bond of mutual affection.

4. "Abuse" means any willful act or threatened act by anyone a relative, caregiver, or household member who ~~which~~ causes or is likely to cause significant impairment to a Ward's physical, mental, or emotional health. Abuse includes acts and omissions.

5. "Neglect" means the failure or omission on the part of a caregiver, service provider or guardian to provide the care, supervision, and services necessary to maintain the physical and mental health of a Ward, including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services, which a reasonably prudent person would consider essential for the well-being of the Ward, under the same or similar circumstances. The term "neglect" also means the failure of a caregiver, service provider or guardian to make a reasonable effort to protect a Ward from abuse, neglect, or exploitation by others.

6. "Exploitation" means:

a. Knowingly obtaining or using, or endeavoring to obtain or use, a Ward's funds, assets, or property with the intent to temporarily or permanently deprive the Ward of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the Ward, or

b. Breach of a fiduciary duty to a Ward by the Ward's guardian which results in an unauthorized appropriation, sale, or transfer of property, or

c. Intentionally or negligently failing to effectively use a Ward's income and assets for the necessities required for that Ward's support and maintenance, by the Ward's guardian.

7. "~~Significant Occurrence~~" means ~~an eventuality, event, incident, affair, episode, milestone, transaction, proceeding, business, concern, circumstance, particular, fact, matter of fact, phenomenon, happenstance, goings on, adventure, happening, accident, or, casualty that affects a Ward.~~

(2) THE PROFESSIONAL GUARDIAN'S RELATIONSHIP TO THE COURT.

(a) Professional Guardians shall know the extent of the powers and the limitations of authority granted to them by the court and all their decisions and actions shall be consistent with applicable court orders and Florida law. Any action taken by a Professional Guardian pursuant to a court order shall not be deemed ~~to be~~ a violation of this rule.

(b) Professional Guardians shall obtain court authorization for actions that are subject to court approval in advance except for emergency situations.

(c) Professional Guardians shall clarify with the court any questions that the professional guardian has about the meaning of orders or directions from the court before taking action based on the orders or directions.

(d) Professional Guardians shall seek assistance as needed to fulfill responsibilities to the Wards under their guardianship. Professional Guardians shall disclose to the Court any and all employees or agents hired or assigned to perform tasks or duties related to an active guardianship.

(e) All payments to Professional Guardians from the assets of a Ward shall be submitted to the court for prior

approval and shall follow the requirements of Section 744.108, F.S.

(f) Professional Guardians shall submit reports regarding the status of their Wards to the court as ordered by the court and as required by Chapter 744, F.S.

~~(g) Professional Guardians shall notify the court of any change in the capacity of a Ward that warrants a restriction of the Professional Guardian's authority within a reasonable period of time under the circumstances.~~

(3) THE PROFESSIONAL GUARDIAN'S PERSONAL PROFESSIONAL RELATIONSHIP WITH THE WARD.

Professional Guardians may not engage in sexual activity with a Ward that violates the provisions of Section 744.20041(1)(n), Florida Statutes. ~~(a) Professional Guardians shall avoid personal relationships with Wards under their guardianship, their Ward's family, or their Ward's friends, unless the Professional Guardian is a family member, or unless such a relationship existed before the appointment of the Professional Guardian.~~

~~(b) Professional Guardians may not engage in sexual relations with a Ward under their guardianship, unless the Professional Guardian is the Ward's spouse or the sexual relationship existed before the appointment of the Professional Guardian.~~

(4) THE PROFESSIONAL GUARDIAN'S RELATIONSHIP WITH FAMILY MEMBERS AND FRIENDS OF THE WARD. ~~Professional Guardians shall promote social interactions and meaningful relationships consistent with the preferences of the Wards under their guardianship.~~

(a) Professional Guardians of the person shall allow social interactions between their Wards and their Wards' family and friends in accordance with section 744.361(13)(b), Florida Statutes. ~~shall make reasonable efforts to encourage and support their Wards maintaining contact with family and friends, as defined by those Wards, unless such contact will subject the Wards to abuse as defined in Section 415.102, F.S.~~

~~(b) Professional Guardians may not interfere with their Ward's established relationships, unless necessary to protect them from abuse as defined in Section 415.102, F.S.~~

~~(c) Professional Guardians must maintain communication with their Wards' families and friends regarding significant occurrences that affect the Wards when that communication would benefit Wards.~~

~~(d) When disposing of a Ward's assets, a Professional Guardian must notify interested persons and give them the opportunity, with court approval, to obtain the Ward's assets (particularly those with sentimental value).~~

~~(b)(e)~~ Professional Guardians shall keep interested persons advised of any pertinent medical issues or decisions when ordered to do so by the Court.

(5) THE PROFESSIONAL GUARDIAN'S RELATIONSHIP WITH OTHER PROFESSIONALS AND PROVIDERS OF SERVICES TO THE WARD. Professional Guardians shall ~~treat all professionals and service providers with courtesy and respect and shall~~ strive to enhance cooperation between all parties on behalf of their Wards, including all professionals and other service providers.

(a) Professional Guardians who are not family members of their Wards may not provide any services other than guardianship services to those Wards except in an emergency. Professional Guardians shall coordinate and monitor services needed by Wards to ensure that Wards are receiving the appropriate care and treatment.

(b) Professional Guardians shall make a good faith effort to cooperate with other surrogate decision-makers for Wards. These include, where applicable, any other guardians, agents under a power of attorney, health care proxies, trustees, U.S. Department of Veterans' Affairs fiduciaries, and representative payees.

(6) INFORMED CONSENT.

(a) Decisions that Professional Guardians make on behalf of their Wards under guardianship shall be based on the principle of Informed Consent.

(b) Informed Consent is a decision maker's agreement to a particular course of action based on a full disclosure of the facts needed to make the decision intelligently.

(c) To have Informed Consent, a decision maker must have adequate information on the issue, must be able to take voluntary action, and must not be coerced.

~~(d) Professional Guardians stand in the place of Wards and are entitled to the same information and freedom of choice as a Ward would have received if the Ward were not under guardianship.~~

~~(d)(e)~~ In evaluating each requested decision, Professional Guardians shall do the following:

1. Have a clear understanding of the issue for which informed consent is being sought,
2. Have a clear understanding of the options, expected outcomes, risks and benefits of each alternative,
3. Determine the conditions that necessitate treatment or action,
4. Maximize the participation of Wards in understanding the facts and directing a decision, to the extent possible,
5. Determine whether a Ward has previously stated preferences in regard to a decision of this nature,
6. Determine why this decision needs to be made now rather than later,

7. Determine what will happen if a decision is made to take no action,

8. Determine what the least restrictive alternative is for the situation,

~~9. Obtain a second medical or professional opinion, if necessary;~~

~~10. Obtain information or input from a Ward's family and from other professionals; and,~~

~~9.11. Obtain written documentation of all reports relevant to each decision, if possible.~~

(7) STANDARDS FOR DECISION-MAKING.

(a) Professional Guardians shall assist and encourage Wards to ~~act on their own behalf and to~~ participate in decisions, when possible.

(b) Professional Guardians shall, consistent with court orders and state statutes, exercise authority only as necessitated by the limitations of the Ward.

(c) Each decision made by a Professional Guardian shall be an informed decision based on the principle of Informed Consent as set forth in subsection (6).

(d) Professional Guardians shall identify and advocate for the goals, needs, and preferences of their Wards.

1. Professional Guardians shall ask their Wards what they want.

2. If a Ward has difficulty expressing what he or she wants, his or her Professional Guardian shall, to the extent possible, help the Ward express his or her goals, needs, and preferences.

3. When a Ward, even with assistance, cannot express his or her goals and preferences, Professional Guardians shall seek input from others familiar with the Ward to determine what the Ward may have wanted.

4. To the extent that a Ward's goals and preferences have been made known to a Professional Guardian, the Professional Guardian shall honor those goals or preferences, except when following the Ward's goals and preferences would cause significant impairment to a Ward's physical, mental, or emotional health.

(e) Substituted Judgment.

1. Substituted Judgment is a principle of decision-making which requires the guardian to consider the decision their Ward would have made when the Ward had capacity and use that as the guiding force in any surrogate decision a guardian makes.

2. Substituted Judgment shall be used when making decisions on behalf of a ward except when following the Ward's wishes would cause significant impairment to a Ward's physical, mental, or emotional health, or when a Professional Guardian cannot establish a Ward's goals and preferences even with support.

(f) Best Interest.

1. Best Interest is the principle of decision-making that should be used only when a Ward has never had capacity, when a Ward's goals and preferences cannot be ascertained even with support, or when following a Ward's wishes would cause significant impairment to a Ward's physical, mental, or emotional health or his or her property.

2. The Best Interest principle requires a guardian to consider the least restrictive course of action to provide for the needs of a Ward.

3. The Best Interest principle requires guardians to consider a Ward's past practice and evaluate evidence of his or her choices.

4. The Best Interest principle requires the course of action that maximizes what is best for a Ward and that includes consideration of the least intrusive, most normalizing, and least restrictive course of action possible given the needs of the Ward.

(8) LEAST RESTRICTIVE ALTERNATIVE.

(a) When making a decision, Professional Guardians shall carefully evaluate the ward's resources and the alternatives that are available and choose the one that best meets the personal and financial goals, needs, and preferences of Wards under their guardianship, while placing the least restrictions on their Wards' freedoms, rights, and ability to control their environments.

(b) Professional Guardians shall weigh the risks and benefits of each decision and develop a balance between maximizing the independence and self-determination of Wards and maintaining Wards' dignity, protection, and safety.

(c) Professional Guardians shall make individualized decisions. The least restrictive alternative for one Ward might not be the least restrictive alternative for another Ward.

(d) The following guidelines apply in the determination of the least restrictive alternative:

1. Professional Guardians shall become familiar with the resources available for rights delegated to them including: options for residence, care, medical treatment, vocational training, and education for their wards.

2. Professional Guardians shall strive to know their Wards' goals and preferences.

3. Professional Guardians shall consider assessments of their Wards' needs as determined by specialists. This may include an independent assessment of a Ward's functional ability, health status, and care needs.

(9) SELF-DETERMINATION OF THE WARD.

(a) Professional Guardians shall provide Wards under their guardianship with every opportunity to exercise ~~those~~ individual rights ~~that the Ward might be capable of exercising~~ as they relate to the personal and financial needs of the Ward, as long as that exercise is consistent with court orders regarding the Ward's capacity.

~~(b) Professional Guardians shall maximize the self-reliance and independence of their Wards.~~

~~(c) Professional Guardians shall encourage their Wards to participate, to the maximum extent of their Wards' abilities, in all decisions that affect him or her, to act on his or her own behalf in all matters in which the Ward is able to do so, and to develop or regain his or her own capacity to the maximum extent possible.~~

~~(b)(4)~~ The Professional Guardian shall, whenever possible, seek to ensure that the Ward leads the planning process. If the Ward is unable to lead the process, the Professional Guardian shall, whenever possible, seek their participation.

(10) THE PROFESSIONAL GUARDIAN'S DUTIES REGARDING DIVERSITY AND PERSONAL PREFERENCES OF THE WARD.

~~(a)~~ Professional Guardians shall determine the extent to which Wards under guardianship identify with particular ethnic, religious, and cultural values. To determine these values, Professional Guardians shall consider the following:

~~(a)1-~~ The Ward's attitudes regarding illness, pain, and suffering,

~~(b)2-~~ The Ward's attitudes regarding death and dying,

~~(c)3-~~ The Ward's views regarding quality of life issues,

~~(d)4-~~ The Ward's views regarding societal roles and relationships, and,

~~(e)5-~~ The Ward's attitudes regarding funeral and burial customs.

~~(b) Professional Guardians shall respect Wards' right to interpersonal relationships and sexual expression. Professional Guardians shall take steps to ensure that a Ward's sexual expression is consensual, that Wards are not victimized, and that an environment conducive to this expression in privacy is provided.~~

~~1. Professional Guardians shall ensure that Wards have information necessary to permit sexual expression to the extent a Ward desires and to the extent a Ward possesses the capacity to consent to the specific activity.~~

~~2. Professional Guardians shall take reasonable measures to protect the health and well-being of Wards.~~

(11) CONFIDENTIALITY.

(a) Professional Guardians shall keep the affairs of Wards under guardianship confidential, unless otherwise provided by law or ordered by the Court.

(b) Professional Guardians shall respect Wards' privacy and dignity, especially when the disclosure of information is necessary.

(c) Disclosure of information shall be limited to what is necessary and relevant to the issue being addressed.

(d) Professional Guardians shall assist Wards— in communicating with third parties unless the disclosure will substantially harm the Ward.

~~(e) Professional Guardians shall refuse to disclose information about a Ward where disclosure would be detrimental to the well being of the Ward or would subject the Ward's estate to undue risk.~~

(12) DUTIES OF THE PROFESSIONAL GUARDIAN OF THE PERSON.

(a) Professional Guardians ~~who are~~ appointed to be guardians of the person shall have the following duties and obligations to Wards under guardianship,⁵ unless decision making authority has not been delegated to the Professional Guardian or the letters of guardianship provides otherwise:

1. To see that Wards are living in the most appropriate environment that addresses each Ward's goals, needs, and preferences subject to limitations of his or her financial resources and availability of government benefits,⁶

a. Professional Guardians must prioritize home or other community-based settings, when not inconsistent with a Ward's goals and preferences.

b. Professional Guardians shall authorize moving Wards to a more restrictive environment only after evaluating other medical and health care options and making an independent determination that the move is the least restrictive alternative at the time, fulfills the current needs of a Ward, and serves the overall best interest of a Ward.

c. Professional Guardians shall consider the proximity of the setting to those people and activities that are important to Wards when choosing a residential setting.

d. When Professional Guardians consider ~~involuntary or long-term~~ placement of a Ward in a residential or institutional setting, the bases of the decision shall be to minimize the risk of significant impairment to a Ward's physical, mental, or emotional health~~—~~, to obtain the most appropriate placement possible, and to secure the best treatment for the Ward consistent with section 744.3215, Florida Statutes.

2. To ensure that provision is made for the support, care, comfort, health, and maintenance of Wards, subject to limitations of his or her financial resources and availability of government benefits,

3. To make reasonable efforts to secure for Wards medical, psychological, therapeutic, and social services, training, education, and social and vocational opportunities that are appropriate and that will maximize Wards' potential for self-reliance and independence, subject to limitations of his or her financial resources and availability of government benefits, and

4. To keep the personal information of Wards confidential, except when it is necessary to disclose such personal information for the best interests of a Ward,

~~5. To adhere to the requirements of subsection (17) Duties of the Professional Guardian of the Property and subsection (18) Professional Guardian of the Property: Initial and Ongoing Responsibilities, to the extent that the Professional Guardian of a Ward has been authorized by the court to manage a Ward's property,~~

~~6. To petition the court for limitation or termination of the guardianship when a Ward no longer meets the standard pursuant to which the guardianship was imposed, or when there is an effective alternative available, and~~

~~4.7. To report to the Office of Public and Professional Guardians, the Department of Children and Families' Adult Protective Services Unit and local law enforcement incidents of abuse, neglect and/or exploitation as defined by state statutes within a reasonable period of time under the circumstances. For purposes of this provision the phrase "reasonable period of time" shall mean the time period in which a reasonably prudent person, under the same or similar circumstances, would report incidents of abuse, neglect and/or exploitation to the Office of Public and Professional Guardians and other appropriate authorities.~~

(13) INITIAL AND ONGOING RESPONSIBILITIES OF THE PROFESSIONAL GUARDIAN OF THE PERSON.

(a) With the proper authority, Professional Guardians appointed guardian of the person shall take the following initial steps after appointment ~~as a guardian~~:

1. Professional Guardians shall address all issues of Wards under guardianship that require immediate action.

2. Professional Guardians shall meet with Wards as soon after the appointment as is feasible. At the first meeting, Professional Guardians shall:

- a. Communicate to the Ward the role of the Professional Guardian,
- b. Explain the rights retained by the Ward,
- c. Assess the Ward's physical and social situation,
- d. Assess the Ward's educational, vocational, and recreational needs,
- e. Obtain the Ward's preferences,
- f. Assess the support systems available to the Ward; and,
- g. Attempt to gather any missing necessary information regarding the Ward.

3. After the first meeting with the Ward, the Professional Guardian shall notify relevant agencies and individuals of the appointment of a Professional Guardian, and shall complete the intake process by gathering information and ensuring that applicable ~~certain~~ evaluations are completed, if appropriate. The Professional Guardian shall:

~~a. Obtain an evaluation of the Ward's condition, treatment, and functional status from the Ward's treating physician or appropriate specialist, if a comprehensive~~

~~medical evaluation was not completed as part of the petitioning process, or has not been done within the past year.~~

~~a.b.~~ Obtain a psychological evaluation, if appropriate.

~~b.e.~~ Obtain an inventory of advance directives. Such statements of intent would include, but are not limited to, powers of attorney, living wills, organ donation statements, and statements by the person recorded in medical charts.

~~c.d.~~ Establish contact and communicate with ~~and develop~~ a ~~regular pattern of communication with~~ the Professional Guardian of the property and/or any other relevant fiduciary for the Ward.

~~(b)~~ Professional Guardians shall develop and implement a written guardianship plan setting forth short term and long-term objectives for meeting the goals, needs, and preferences of the Ward.

1. The plan must address medical, psychiatric, social, vocational, educational, training, residential, and recreational goals, needs, and preferences of the Ward.

2. ~~If the Professional Guardian is appointed as guardian of the property, the plan must also address whether the Ward's finances and budget are in line with the services the Ward needs, and are flexible enough to deal with the changing status of the Ward.~~

3. ~~Short term goals must reflect the first year of guardianship, and long term goals must reflect the time after the first year.~~

4. ~~The plan must be updated no less often than annually.~~

~~(b)(e)~~ The Professional Guardians appointed guardian of the person shall maintain a separate file for each Ward. The file must include, at a minimum, the following information and documents, if available:

1. The Ward's name, date of birth, address, telephone number, Social Security number, medical coverage, physician, diagnoses, medications, the purpose of each medication, and allergies to medications,

2. Any All legal documents, including the order appointing the guardian and letters of guardianship, involving the Ward,

3. Advance directives,

4. A list of key contacts and the contact information for next of kin,

5. A list of service providers, contact information, a description of services provided to the person, and progress/status reports,

6. A list of all ~~over the counter and prescribed~~ medications the Ward is taking, the dosage, ~~the reason why it is taken~~, and the name of the doctor prescribing the medication,

7. ~~Documentation of all client and collateral contacts, including the date, time, and activity,~~

~~7.8.~~ Progress notes and any documentation that reflect contacts made and work performed ~~done~~ regarding the Ward, including the date, time and activity,

~~8.9.~~ The initial guardianship plan and annual plans,

~~10.~~ ~~The initial inventory and annual accountings, if required, and~~

~~9.11.~~ Assessments regarding the Ward's past and present medical, psychological, and social functioning,

~~10.12.~~ Documentation of the Ward's known values, lifestyle preferences, and known wishes regarding medical and other care and service,

~~13.~~ Documentation of any goals or preferences expressed by the Ward that have been made known to the Professional Guardian and would require the expenditure of the Ward's assets in excess of \$1,000, and the date, time, location and individuals present when the goal or preference was expressed by the Ward; and,

~~(c)(4)~~ Professional Guardians appointed guardian of the person or one of their professional staff shall visit Wards at least quarterly each year.

1. Professional Guardians appointed guardians of the person, if delegated, shall assess the Ward's physical appearance and condition, and if delegated by the Court, the appropriateness of the Ward's current living situation, and the continuation of existing services while taking into consideration the Ward's resources, all aspects of social, psychological, educational, direct services, and health and personal needs as well as the need for any additional services.

2. Professional Guardians appointed guardian of the person shall maintain substantive communication with service providers, caregivers, and others attending to Wards.

~~3.~~ ~~Professional Guardians shall participate in all care or planning conferences concerning the residential, educational, vocational, or rehabilitation program of Wards within the rights delegated to the professional guardian by the Court.~~

3.4. Professional Guardians appointed guardian of the person shall ~~regularly~~ examine all services and all charts, notes, logs, evaluations, and other documents regarding Wards at the place of residence and at any program site to ascertain that the care plan is being properly followed.

4.5. Professional Guardians appointed guardian of the person shall advocate on behalf of the Ward. Professional Guardians appointed guardians of the person shall assess the overall quality of services provided to Wards, ~~using accepted regulations and care standards as guidelines~~, and seeking remedies when care is found to be deficient.

~~5.6.~~ Professional Guardians appointed guardians of the person shall monitor the residential setting on an ongoing basis and take any necessary action when the setting does not meet the Ward's current goals, needs, and preferences, including but not limited to:

- a. Evaluating the initial annual plan,
- b. Enforcing residents' rights, legal, and civil rights, and,
- c. Ensuring quality of care and appropriateness of the setting in light of the feelings and attitudes of the Ward.

~~(d)(e)~~ Professional Guardians appointed guardian of the person shall fully identify, examine, and continue to seek information regarding options available to the Ward that will fulfill the Ward's goals, needs, and preferences.

1. Professional Guardians appointed guardian of the person shall take ~~full~~ advantage of available professional assistance in identifying all available options for long term services and support.

2. Sources of professional assistance include, but are not limited to Area Agencies on Aging, Centers for Independent Living, protection and advocacy agencies, Long Term Care Ombudsmen, Developmental Disabilities Councils, Aging and Disability Resource Centers, and community mental health agencies.

(14) DECISION-MAKING BY GUARDIAN OF THE PERSON CONCERNING MEDICAL TREATMENT.

(a) Professional Guardians appointed guardian of the person shall promote, monitor, and maintain the health and well-being of Wards under guardianship pursuant to their powers and duties as guardian, and in accordance with the Ward's available resources.

(b) Professional Guardians appointed guardian of the person shall ensure that all medical care available to the ~~for~~ Wards is appropriately provided ~~and that Wards are treated with dignity.~~

~~(c) Professional Guardians shall ensure that Wards receive appropriate health care.~~

~~(c)(d)~~ Professional Guardians, in making health care decisions or seeking court approval for such decisions, shall:

- 1. Maximize the participation of Wards,
- 2. Acquire a clear understanding of the medical facts,
- 3. Acquire a clear understanding of the health care options and the risks and benefits of each option; and,
- 4. Encourage and support Wards in understanding the facts and directing a decision.

~~(d)(e)~~ Professional Guardians shall use the substituted judgment standard, as defined in subsection (7) with respect to a health care decision, unless a Professional Guardian cannot determine a Ward's prior wishes, or when following the Ward's wishes would cause significant impairment to a Ward's physical, mental, or emotional health. Professional Guardians shall use the best interest standard with respect to health care decisions when it is not possible or inappropriate to use the substituted judgment standard.

~~(e)(f)~~ If possible, Professional Guardians shall determine whether a ward, before the appointment of a Professional Guardian, executed any advance directives, such as powers of

attorney, living wills, organ donation statements and statements by a Ward recorded in medical charts. On finding such documents, Professional Guardians shall inform the court and other interested parties of the existing health care documents.

~~(f)(g)~~ To the extent a Ward cannot participate in the decision making process, a Professional Guardian appointed guardian of the person shall act in accordance with the Ward's prior general statements, actions, values, and preferences to the extent the Professional Guardian actually knows or should know of them, provided that such preferences are in the Ward's best interest.

~~(g)(h)~~ If a Ward's preferences are unknown and unascertainable, a Professional Guardian appointed guardian of the person shall act in accordance with ~~reasonable~~ information received from professionals and persons who demonstrate ~~sufficient~~ interest in the Ward's welfare to determine the Ward's best interests, ~~which determination shall include consideration of consequences for others that an individual in the Ward's circumstances would consider.~~

~~(h)(i)~~ Absent an emergency or a Ward's execution of a living will, durable power of attorney for health care, or other advance directive declaration of intent that clearly indicates a Ward's wishes with respect to a medical intervention, a Professional Guardian ~~who~~ appointed guardian of the person and has authority may not grant or deny authorization for a medical intervention until he or she has given careful consideration to the criteria contained in subsections (6) and (7).

~~(i)(j)~~ In the event of an emergency, a Professional Guardian who has authority to make health care decisions shall grant or deny authorization of emergency medical treatment based on an reasonable assessment of the criteria contained in subsections (6) and (7), within the time allotted by the emergency.

~~(j)(k)~~ Professional Guardians appointed guardian of the person shall seek a second medical opinion for any medical treatment or intervention that would cause a reasonable person to do so or in circumstances where any medical intervention poses a significant risk to a Ward. Professional Guardians shall obtain a second opinion from a licensed physician.

~~(k)(l)~~ Professional Guardians appointed guardian of the person shall communicate with the treating medical provider before authorizing or denying any treatment or procedure that has been previously approved.

~~(l)(m)~~ Professional Guardians appointed guardian of the person shall, in accordance with section 765.1103(1), Florida Statutes, seek to ensure that ~~appropriate~~ palliative care is incorporated into all health care, unless not in accordance with a Ward's preferences and values.

(15) DECISION-MAKING CONCERNING WITHHOLDING AND WITHDRAWAL OF MEDICAL TREATMENT.

~~(a) There are circumstances in which, with the approval of the court, it is legally and ethically justifiable to consent to the withholding or withdrawal of medical treatment, including artificially provided nutrition and hydration, on behalf of a Ward under guardianship.~~

~~(a)(b)~~ If a Ward expressed or currently expresses a preference regarding the withholding or withdrawal of medical treatment, a Professional Guardian shall follow the wishes of the Ward. If the Ward's past or current wishes are in conflict with each other ~~wishes previously expressed when the Ward had capacity or are in conflict with what the Professional Guardian feels is in the best interest of the Ward,~~ Professional Guardians shall have this ethical dilemma submitted to the court for direction.

~~(b)(e)~~ When making this decision on behalf of a Ward, Professional Guardians shall gather and document information as outlined in subsection (6) and shall follow subsection (7).

(16) CONFLICT OF INTEREST: ANCILLARY AND SUPPORT SERVICES.

(a) Professional Guardians shall avoid all conflicts of interest and self-dealing, when addressing the needs of Wards under guardianship. A conflict of interest arises where a Professional Guardian has some personal or agency interest that can be perceived as self-serving, or adverse to the position or best interest of a Ward. Self-dealing arises when a Professional Guardian seeks to take advantage of his or her position as a Professional Guardian and acts for his or her own interests rather than for the interests of the Ward.

(b) Guidelines relating to specific ancillary and support service situations ~~include the following:~~

1. Professional Guardians may not directly provide housing, medical, ~~legal,~~ or other direct services to a Ward unless the Ward is a Family Member of the Professional Guardian or. ~~Some direct services may be approved by the court.~~

a. Professional Guardians shall coordinate and assure the provision of all necessary services to Wards, other than guardianship services, rather than providing those services directly.

b. Professional Guardians shall be independent from all service providers and must challenge inappropriate or poorly delivered services and advocate on behalf of their Wards.

c. An exception to subsection (16) shall apply when a Professional Guardian can demonstrate unique circumstances indicating that no other entity is available to act as guardian, or to provide needed direct services provided that the exception is in the best interest of the Ward. Approval

~~Reasons~~ for the exception must be documented and approved by the court ~~must be notified.~~

~~2. When a guardianship program operated by a Professional Guardian is a part of an organization or governmental entity, it shall have independent decision-making authority.~~

2.3. A Professional Guardian who is not a family member of the Alleged Incapacitated Person or acting in an official capacity has a public guardian appointed pursuant to section 744.2006, Florida Statutes, may act as a petitioner for the initial appointment of a guardian only when no other entity is available to act, provided all alternatives have been exhausted.

3.4. Professional Guardians may not employ their friends or family to provide services for a profit or fee unless no alternative is available and the Professional Guardian discloses this arrangement to the court and the services are provided at the going market rate.

~~4.5.~~ Professional Guardians shall neither solicit nor accept incentives from service providers.

~~5.6.~~ Professional Guardians shall consider various ancillaries or support service providers and select the providers that best meet the needs of the Ward.

~~6.7.~~ Professional Guardians who are attorneys, or employ attorneys, may provide legal services to Wards only when doing so best meets the needs of the Wards and is approved by the court following full disclosure of the potential for conflict of interest. Professional Guardians who are attorneys shall ensure that the services and fees are differentiated and are reasonable. ~~The services and fees are subject to court approval.~~

~~7.8.~~ Professional Guardians may enter into a transaction that may be a conflict of interest only when necessary, or when there is a significant benefit to a Ward under the guardianship, and shall disclose such transactions to the Court and obtain prior court approval.

(17) DUTIES OF THE PROFESSIONAL GUARDIAN OF THE PROPERTY.

(a) Professional Guardians ~~who are~~ appointed ~~to be~~ guardians of the property shall have the following duties and obligations to Wards under guardianship; unless decision making authority has not been delegated to the Professional Guardian or the letters of guardianship provides otherwise:

~~(b) Professional Guardians, as a fiduciary, shall manage the financial affairs of Wards under guardianship in a way that maximizes the dignity, autonomy, and self determination of the Ward.~~

~~(b)(e)~~ When making decisions Professional Guardians appointed guardian of the property shall:

1. Give priority to the goals, needs, and preferences of the Wards; and,

2. Weigh the costs and benefits to the estate.

~~(c)(d)~~ Professional Guardians appointed guardian of the property shall consider the current wishes, past practices, and evidence of likely choices of their wards. If substantial harm significant impairment to a Ward’s physical, mental, or emotional health would result or there is no evidence of likely choices, Professional Guardians appointed guardian of the property shall consider the best interests of the Ward.

~~(d)(e)~~ Professional Guardians shall assist and encourage Wards to ~~act on their own behalf and to~~ participate in decisions to the extent they are capable and not inconsistent with court order.

~~(f)~~ The Professional Guardians shall use reasonable efforts to provide oversight to any income and assets under the control of Wards.

~~(e)(g)~~ Professional Guardians shall, consistent with court orders and state statutes, exercise authority only as necessitated by the limitations of the Ward.

~~(f)(h)~~ Professional Guardians appointed guardian of the property shall provide ~~competent~~ management of Wards’ property and shall supervise all income and disbursements of the Ward estate.

~~(g)(i)~~ Professional Guardians appointed guardian of the property shall manage the estate only for the benefit of the Ward or as directed by the Court.

~~(h)(j)~~ Professional Guardians appointed guardian of the property shall keep estate assets safe by keeping accurate records of all transactions and be able to fully account for all the assets in the estate during at the time of the Professional Guardian’s appointment by the Court.

~~(i)(k)~~ Professional Guardians appointed guardian of the property shall keep estate money separate from their personal money.

~~(l)~~ Professional Guardians shall make claims against others on behalf of the estate when deemed in the best interest of the Ward and shall defend against actions that would result in a loss of estate assets.

~~(j)(m)~~ Professional Guardians appointed guardian of the property shall apply state law regarding prudent investment practices, including seeking responsible consultation with and delegation to people with appropriate expertise ~~is necessary~~ to manage the estate.

~~(k)(n)~~ Professional Guardians shall employ Generally Accepted Accounting Principles when managing an estate.

~~(l)(o)~~ If possible, Professional Guardians appointed guardian of the property shall determine if a will exists and obtain a copy to determine how to manage estate assets and property as their Wards would have done when they had capacity.

~~(m)(p)~~ Professional Guardians appointed guardian of the property shall report to the Office of Public and Professional Guardians, the Department of Children and Families’ Adult

Protective Services and local law enforcement incidents of abuse, neglect, and/or exploitation within a reasonable period of time under the circumstances. For purposes of this provision the phrase “reasonable period of time” shall mean the time period in which a reasonably prudent person, under the same or similar circumstances, would report incidents of abuse, neglect and/or exploitation to the Office of Public and Professional Guardians and other appropriate authorities.

(18) PROFESSIONAL GUARDIAN OF THE PROPERTY: INITIAL AND ONGOING RESPONSIBILITIES.

(a) With the proper authority, the initial steps after appointment as Professional Guardian of the property are as follows:

1. Professional Guardians shall address all issues of the estate that require immediate action, which include, but are not limited to, securing all real and personal property, insuring it at current market value, and taking the steps necessary to protect it from damage, destruction, or loss.

a. Professional Guardians shall ascertain the income, assets, and liabilities of the Ward.

b. Professional Guardians shall ascertain the goals, needs, and preferences of the Ward.

~~c. Professional Guardians shall coordinate and consult with others close to the Ward.~~

2. Professional Guardians shall meet with Wards under guardianship as soon after the appointment as feasible. At the first meeting, Professional Guardians shall:

a. Communicate to the Ward the role of the Professional Guardian,

b. Outline the rights retained by the Ward and the grievance procedures available,

c. Assess the previously and currently expressed wishes of the Ward and evaluate them based on current acuity, and

d. Attempt to gather from the Ward any necessary information regarding the estate.

3. Professional Guardians shall ~~become educated about the nature of any incapacity, condition, and functional capabilities of the Ward~~ file all tax returns, 1099s, and other forms on behalf of their wards as required by the Internal Revenue Service.

4. Professional Guardians shall develop and implement a budget for the management of income and assets that corresponds with the care plan for the Ward, if any, and aim to address the goals, needs, and preferences of the Ward. Professional Guardians of the property and the Professional Guardian of the Person (if one exists), or other health care decision-maker, shall communicate regularly and coordinate efforts with regard to the care and budget, as well as other events that might affect the Ward.

a. The budget shall include a listing of all of the Ward's known assets, monthly income and ~~assets~~ whether the Ward's finances are sufficient for the services the Ward needs, and are flexible enough to deal with the changing status of the Ward. The budget shall also include a listing of all of the Ward's recurring monthly expenses, including but not limited to housing, clothing, medical, health insurance, entertainment, and transportation costs.

b. Professional Guardians shall prioritize the well-being of Wards over the preservation of the estate.

c. Professional Guardians shall maintain the goal of managing, but not necessarily eliminating, risks.

5. Professional Guardians shall assess the feasibility of pursuing all public and insurance benefits for which Wards may be eligible.

6. Professional Guardians shall ~~thoroughly~~ document the management of the estate and the carrying out of any and all duties required by statute or regulation.

7. Professional Guardians shall prepare an inventory of all property for which he or she is responsible. The inventory must list all the assets owned by Wards known to the Professional Guardian and must be in accordance with section 744.365, Florida Statutes, and Florida Probate Rule 5.620.

8. All accountings must contain sufficient information to clearly describe all significant transactions affecting administration during the accounting period. All accountings must be complete, accurate, and understandable and consistent with Florida Probate Rule 5.696.

9. Professional Guardians shall oversee the disposition of Wards' assets subject to the Professional Guardian's control to qualify Wards for any public benefits program after obtaining Court approval.

10. On the termination of the guardianship or the death of a Ward, Professional Guardians shall facilitate the appropriate closing of the estate and submit a final accounting to the court.

11. The Professional Guardian appointed guardian of the property shall maintain a separate file for each Ward. The file must include, at minimum, the following information and documents, if available:

a. The Ward's name, date of birth, address, telephone number, Social Security number,

b. Any legal documents, including among others the order appointing the guardian and the letters of guardianship, involving the Ward,

c. A list of key contacts and the contact information for next of kin,

d. A list of service providers, contact information, a description of services provided to the person, and progress/status reports,

e. Progress notes and any documentation that reflect contacts made and work performed regarding the Ward, including the date, time and activity,

f. The initial inventory and annual accountings; and

g. Documentation of any goals or preferences expressed by the Ward that have been made known to the Professional Guardian and would required the expenditure of the Ward's assets in excess of \$1,000, and the date, time, location and individuals present when the goal or preference was expressed by the Ward. ~~11. Professional Guardians may monitor, provide oversight, or manage the personal allowance of Wards.~~

12. Professional Guardians shall, when appropriate, open a burial trust account and/or make funeral arrangements for Wards.

(b) Professional Guardians appointed guardian of the property shall maintain substantive communication with service providers, caregivers, and others attending to Wards.

(19) PROPERTY MANAGEMENT.

(a) When disposing of a Ward's assets, pursuant to section 744.441, Florida Statutes, a Professional Guardian appointed guardian of the property must seek court approval and notify interested persons as required by Chapter 744, Florida Statutes ~~Professional Guardians may not dispose of a Ward's real or personal property without giving notice to interested parties and getting Court approval.~~

(b) In the absence of evidence of a Ward's ~~wishes~~ views before the appointment of a Professional Guardian, Professional Guardians appointed guardian of the property, having the proper authority, may not sell, encumber, convey, or otherwise transfer property of a ward, or an interest in that property, unless doing so is in the best interest of the Ward.

(c) In considering whether to dispose of a Ward's property, Professional Guardians appointed guardian of the property shall consider the following:

1. Whether disposing of the property will benefit or improve the life of the Ward,

2. The likelihood that the Ward will need or benefit from the property in the future,

3. The previously expressed or current desires of the Ward with regard to the property to the extent that they are known to the Professional Guardian,

4. The provisions of the Ward's estate plan as it relates to the property, if any,

5. The tax consequences of the transaction,

6. The impact of the transaction on the Ward's entitlement to public benefits,

7. The condition of the entire estate,

8. The ability of the Ward to maintain the property,

9. The availability and appropriateness of alternatives to the disposition of the property,

10. The likelihood that property may deteriorate or be subject to waste; ~~and,~~

11. The benefits versus the liability and costs of maintaining the property, ~~and-~~

12. Any other factor that may be relevant to the disposition of the Ward's property.

(d) Professional Guardians appointed guardian of the property shall consider the necessity for an independent appraisal of real and personal property.

(e) Professional Guardians appointed guardian of the property shall ~~obtain~~provide for insurance coverage, as appropriate, for property in the estate.

(20) CONFLICT OF INTEREST: ESTATE, FINANCIAL, AND BUSINESS SERVICES.

(a) Professional Guardians shall avoid all conflicts of interest and self-dealing when addressing the needs of Wards under guardianship. Impropriety or conflict of interest arises where a Professional Guardian has some personal or agency interest that can be perceived as self-serving or adverse to the position or best interest of a Ward. Self-dealing arises when the Professional Guardian seeks to take advantage of his or her position as a Professional Guardian and acts for his or her own interests rather than for the interests of a Ward.

~~(b) Standards relating to specific situations that might create an impropriety or conflict of interest include the following:~~

~~1. Professional Guardians appointed guardians of the property shall not commingle personal or program funds with the funds of Wards, except as follows:~~

~~(c) With the exception of funds associated with Wards served by offices of public guardian established pursuant to section 744.2006, Florida Statutes, This standard does not prohibit Professional Guardians appointed guardians of the property shall not from consolidating or and maintaining Wards' funds in joint accounts or with the funds of other Wards.~~

~~b. If Professional Guardians maintain joint accounts, separate and complete accounting of each Ward's funds shall also be maintained by the Professional Guardian.~~

~~e. If the court allows the use of commingled accounts, they should be permitted only where Professional Guardians have available resources to keep accurate records of the exact amount of funds in the account, including allocation of interest and charges attributable to each estate based on the asset level of the Ward.~~

~~(d)2. Professional Guardians appointed guardian of the property may not sell, encumber, convey, or otherwise transfer a Ward's real or personal property or any interest in that property to himself or herself, a spouse, a family member, a friend, a coworker, an employee, a member of the board of the agency or corporate Professional Guardian, an agent, or an~~

attorney, or any corporation or trust in which the Professional Guardian, a friend of the Professional Guardian or a family member of the professional guardian has a substantial beneficial interest.

~~3. Professional Guardians may not sell or otherwise convey a Ward's property from any of the parties noted in subparagraph (20)(b)2.~~

~~(e)4. Professional Guardians appointed guardian of the property may not loan or give money or objects of worth from a Ward's estate unless specific prior approval is obtained from the court.~~

~~(f)5. Professional Guardians appointed guardian of the property may not use a Ward's income and assets to directly support or directly benefit other individuals ~~directly or indirectly~~ unless specific prior approval is obtained from the court.~~

~~(g)6. Professional Guardians may not borrow funds from a Ward.~~

~~(h)7. Professional Guardians may not lend funds to a Ward unless there is prior notice of the proposed transaction to interested persons and others as directed by the court or agency administering the Ward's benefits, and the transaction is approved by the court.~~

~~(i)8. Professional Guardians may not profit from any transactions made on behalf of a Ward's estate at the expense of the estate, nor may the Professional Guardian compete with the estate, unless prior approval is obtained from the court. This provision shall not preclude the payment of fees to a Professional Guardian from the assets of a Ward that are associated with the performance of the duties of a guardianship.~~

~~(j)9. Professional Guardians shall not give anything of monetary value associated with a guardianship referral.~~

(21) TERMINATION AND LIMITATION OF PROFESSIONAL GUARDIANSHIP.

(a) Professional Guardians shall assist Wards under guardianship to develop or regain the capacity to manage their personal and financial affairs, if possible.

(b) Professional Guardians shall seek termination or limitation of the guardianship in the following circumstances:

1. When the Professional Guardian believes a Ward has developed or regained capacity in areas in which he or she was found incapacitated by the court,

2. When less restrictive alternatives exist that have not been previously addressed by the Court exist,

3. When a Ward expresses the desire to challenge the necessity of all or part of the guardianship,

4. When a Ward has died, or

5. When a guardianship no longer benefits the Ward, ~~;~~

6. When the Ward cannot be located after a diligent search.

(22) PROFESSIONAL GUARDIANSHIP SERVICE FEES.

~~(a) Professional Guardians are entitled to reasonable compensation for their services.~~

~~(a)(b)~~ All fees related to the duties of the guardianship must be reviewed and approved by the court. Professional Guardians shall apprise the court of all fees paid to Professional Guardians relating to guardianship services, including fees paid from sources outside of the guardianship. Fees must be reasonable and be related only to guardianship duties. Petitions for Professional Guardian fees must include the source of payment (e.g. guardianship, trust, etc.), if known.

~~(c) A Professional Guardian may not abandon a Ward when estate funds are exhausted.~~

~~(b)(d)~~ Fees or expenses charged by a Professional Guardian shall be documented through billings maintained by the Professional Guardian as required by section 744.108, Florida Statutes, which ~~and they~~ shall clearly and accurately state:

1. The date and time spent on a task,
2. The duty performed,
3. The expenses incurred,
4. The third parties collateral contacts involved; and,
5. The identification of the individual who performed the duty (e.g., guardian, staff, volunteer);
6. All parties should respect the privacy and dignity of the person when disclosing information regarding fees.

(23) MANAGEMENT OF MULTIPLE PROFESSIONAL GUARDIANSHIP CASES.

Professional Guardians shall limit his or her caseload to allow the Professional Guardian to properly carry out his or her duties for each Ward within statutory guidelines. Rulemaking Authority 744.2001(2)(b) FS. Law Implemented 744.2001(2)(b) FS. History–New_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-1.054
 RULE TITLE: Recordkeeping and Documentation Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 42 No. 251, December 29, 2016 issue of the Florida Administrative Register. The last sentence in paragraph (6)(c) of the proposed rule was published in error, please disregard.

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE NO.: 60Y-1.002
 RULE TITLE: Conducting Proceedings by Communications Media Technology

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 42 No. 199, October 12, 2016 issue of the Florida Administrative Register has been withdrawn.

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-504.001
 RULE TITLE: Disciplinary Guidelines
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 249, December 27, 2016 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

64B21-504.001 Disciplinary Guidelines.

(1) When the Department finds that a licensee has committed any of the acts set forth in Section 490.009(1) or 456.072(1), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. For applicants, all listed violations are sufficient for refusal to certify an application for licensure. In addition to any other discipline imposed, the Department, pursuant to Section 456.072(4), F.S., shall assess the costs related to the investigation and prosecution of a case. If the violation is for fraud or making false or fraudulent representation, the Department shall impose a fine of \$10,000 per count or offense.

(a) through (ee) No change.

~~(ff)~~ Section 456.072(1)(l), F.S.: being convicted of or entering a plea to any misdemeanor or felony relating to health care fraud – for a misdemeanor ~~with no intentional fraud~~, a fine of ~~\$10,000 \$1,000 to \$5,000~~ and probation to revocation. For a felony, a fine of ~~\$7,500 up to~~ \$10,000 and from suspension to revocation. For a second offense, a fine of \$10,000 and revocation.

(gg) No change.

(2) through (3) No change.

Rulemaking Authority 456.079 FS. Law Implemented 456.072, 456.079, 490.009 FS. History–New 9-11-03, Amended 7-5-06, 10-28-10,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, 4052

Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399, (850)245-4374 or Allen.Hall@FIHealth.gov.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:
 69K-1.005 Licensure Application Procedures
 NOTICE OF PUBLIC HEARING

The Board of Funeral, Cemetery, and Consumer Services announces a hearing regarding the above rule, as noticed in Vol. 42 No. 214, November 2, 2016 Florida Administrative Register.

DATE AND TIME: Thursday, April 13, 2017, 1:00 p.m.
 PLACE: Doubletree by Hilton Hotel, 2101 Dixie Clipper Drive, Jacksonville, FL 32218

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 The text of the proposed rule.

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: Ellen M. Simon, Assistant Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4985. 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).

**Section IV
 Emergency Rules**

NONE

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

The South Florida Water Management District (District) hereby gives notice:

On January 12, 2017, the District's Governing Board issued SFWMD Order No. 2017-001-DAO-ROW to Miami-Dade County Public Works Department (Application No. 16-0401-6). The petition for waiver was received by the District on April 22, 2016. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Register,

Vol. 42, No. 81, on April 26, 2016. No public comment was received. This Order provides a waiver of the District's criteria to allow portions of an asphalt emergency access service road to remain within the south right of way of the C-8 Canal; Section 17, Township 52 South, Range 41 East, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4) & (6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which prohibits the use of the District's rights of way for "roadway" purposes. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver as follows: 1) the existing paved and unpaved emergency access road will not interfere with the District's current ability to perform necessary construction, alteration, operation, and routine maintenance activities; and 2) the Order granting a waiver from the subject rule is based upon a substantial hardship.

A copy of the Order or additional information may be obtained by contacting: Juli Russell at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6268, jurussel@sfwmd.gov.

**DEPARTMENT OF HEALTH
 Division of Environmental Health**

RULE NO.: RULE TITLE:
 64E-11.004 Food Protection

The Department of Health hereby gives notice that on November 16, 2016, Toinette Waldon, representative for Hissho Sushi at Lynn University, filed a petition for Permanent Variance from subsections 64E-11.004(2) and (8), of the Florida Administrative Code. Subsection 64E-11.004(2), F.A.C., requires all potentially hazardous foods to be kept at 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above, except during necessary periods of preparation and storage. Subsection 64E-11.004(8), F.A.C., requires raw animal products such as eggs, fish, lamb, pork or beef, except roast beef, and foods containing these raw ingredients, to be cooked to an internal temperature of 145 degrees Fahrenheit or above, for 15 seconds. Notice of the Petition was published on November 29, 2016, in Volume 42, Number 230, of the Florida Administrative Register. Upon reviewing the Petitioner's facts that demonstrated a substantial hardship and how the purpose of the underlying statute would be served, an Order Granting Petition for Permanent Variance, with specified conditions, was issued on January 6, 2017.

A copy of the Order or additional information may be obtained by contacting: Ric Mathis, Bureau of Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710 or by calling (850)245-4444, ext. 2337.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

NOTICE IS HEREBY GIVEN that on January 13, 2017, the Florida Housing Finance Corporation received a petition for waiver from Frenchtown Square Partners, LLC requesting to waive subsection 67-48.002(95), F.A.C., for the 2016 Qualified Allocation Plan's prohibition from returning Housing Credit Allocation prior to the last quarter of 2017 and allow immediate return and allow the allocated new Housing Credits to be placed in the service date of July 1, 2018.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kate Flemming, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.002 Definitions

NOTICE IS HEREBY GIVEN that on January 17, 2017, the Florida Housing Finance Corporation received a petition for waiver from West Lakes Phase I, LP requesting to waive subsection 67-48.002(95), F.A.C., to waive the timing requirements found in the 2015 QAP and allow the requested credit exchange to be approved before the last calendar quarter of 2017.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kate Flemming, Corporation Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The Petition has also been posted on Florida Housing's website at floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

The Food Safety Inspection Grading Workgroup announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2017, 2:00 p.m. – 4:00 p.m.

PLACE: Food Safety Conference Room, Room 30, 3125 Conner Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of the Food Safety Inspection grading system.

A copy of the agenda may be obtained by contacting: Darcy Poole at 245-5595 or darcy.poole@freshfromflorida.com.

For more information, you may contact: Darcy Poole at 245-5595 or darcy.poole@freshfromflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

The Food Safety Inspection Grading Workgroup announces a public meeting to which all persons are invited.

DATE AND TIME: February 22, 2017, 2:00 p.m. - 4:00 p.m.

PLACE: Food Safety Conference Room, Room 30, 3125 Conner Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of the inspection grading system.

A copy of the agenda may be obtained by contacting: Darcy Poole at (850)245-5595 or darcy.poole@freshfromflorida.com. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Darcy Poole at (850)245-5595 or darcy.poole@freshfromflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Darcy Poole at (850)245-5595 or darcy.poole@freshfromflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

The Food Safety Inspection Grading Workgroup announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2017, 2:00 p.m. – 4:00 p.m.

PLACE: Food Safety Conference Room

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Continued discussion of the inspection grading system.

A copy of the agenda may be obtained by contacting: Darcy Poole at (850)245-5595 or darcy.poole@freshfromflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Darcy Poole at (850)245-5595 or darcy.poole@freshfromflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Darcy Poole at (850)245-5595 or darcy.poole@freshfromflorida.com.

DEPARTMENT OF EDUCATION

University of Florida

The Workforce Taskforce announces a workshop to which all persons are invited.

DATE AND TIME: January 20, 2017, 9:00 a.m.

PLACE: 7071 University Blvd., Winter Park, FL 32792

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Review of construction taskforce:

- Critical shortage of construction workers
- Consensus path of training
- Impacts to real estate market
- Current methods of training
- K-12 summary
- Inspector impacts

A copy of the agenda may be obtained at <http://www.cce.ufl.edu/projects/current-projects/construction-workforce-taskforce/>.

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 hours before the workshop/meeting by contacting: Jim Sullivan, sullj@ufl.edu. 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: Jim Sullivan, sullj@ufl.edu.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation (FDOT) District Two announces a public meeting to which all persons are invited.

DATE AND TIME: January 25, 2017, 1:00 p.m. – 4:30 p.m.

PLACE: FDOT District Two District Office, Madison Room, 1109 S. Marion Avenue, Lake City, FL 32025

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Florida Department of Transportation (FDOT) District Two is hosting its inaugural Northeast Florida Freight Movement Forums. The forums will offer the opportunity to receive updates and provide feedback on the Northeast Florida Freight Movement Study, as well as the opportunity to interact with law enforcement and industry representatives. The purpose of the event is to inform the freight movement industry of trending issues noted by law enforcement and FDOT personnel, provide information helpful in enhancing operations and safety programs, and respond to questions and concerns. FDOT will host forums at our offices in Lake City on January 25, 2017 and Jacksonville on January 31, 2017. The forums will have the same agenda.

A copy of the agenda may be obtained by contacting: FDOT District Two Freight Coordinator Justin Ryan, (904)360-5693, Justin.Ryan@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dorothy Neal, (386)758-3767, dorothy.neal@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: FDOT District Two Freight Coordinator Justin Ryan, (904)360-5693, Justin.Ryan@dot.state.fl.us.

REGIONAL UTILITY AUTHORITIES

Peace River/Manasota Regional Water Supply Authority

The Peace River Manasota Regional Water Supply Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 1, 2017, 9:30 a.m.

PLACE: Peace River Facility, Water Quality Training Facility, 8998 SW County Road 769, Arcadia, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Board of Directors will convene to conduct regular business of the Authority

A copy of the agenda may be obtained by contacting: the Peace River Manasota Regional Water Supply Authority, 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, (941)316-1776, peaceriver@regionalwater.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 2 days before the workshop/meeting at (941)316-1776 or peaceriver@regionalwater.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).

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

The Florida Commission on Human Relations announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, January 24, 2017, 10:00 a.m., ET

PLACE: Call 1(888)670-3525 and when prompted, enter participant code: 9988442611, followed by the # key; access point: FCHR office, 4075 Esplanade Way, Room 110, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This meeting will be held to discuss the daily functions and activities of the Commission.

A copy of the agenda may be obtained by contacting: Casey Snipes at (850)907-6785 or casey.snipes@fchr.myflorida.com.

ACCESS POINT: The FCHR office at 4075 Esplanade Way, Room 110, Tallahassee, FL 32399, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point.

For more information, you may contact: Casey Snipes at (850)907-6785 or casey.snipes@fchr.myflorida.com.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-304.805 Charlotte Harbor Basin TMDLs

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

DATE AND TIME: February 17, 2017, 9:30 a.m.

PLACE: Sanibel Public Library, 770 Dunlop Roads, Sanibel, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

To receive public comments on draft nutrient total maximum daily loads (TMDLs) for impaired waters in the Charlotte Harbor Basin, to be adopted in Rule 62-304.805, F.A.C. The draft TMDLs to be presented at the public workshop are for Sanibel Slough West (WBID 2092F1) and Sanibel Slough East (WBID 2092F2). These nutrient TMDLs, if adopted, will constitute site-specific numeric interpretations of the narrative nutrient criterion set forth in paragraph 62-302.530(90)(b), F.A.C., that would replace the otherwise applicable numeric nutrient criteria in subsection 62-302.531(2) for these particular waters. The Department will accept written comments on the draft TMDLs, as well as the establishment of these nutrient TMDLs as site specific interpretations of the narrative nutrient criterion, through March 3, 2017. Written comments should be directed to Ansel Bubel, Administrator,

Watershed Evaluation and TMDL Section, Florida Department of Environmental Protection, Mail Station 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, ansel.bubel@dep.state.fl.us.

A copy of the agenda may be obtained by contacting: Ms. Shamyah Gibson, Department of Environmental Protection, MS 3555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8449.

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. Shamyah Gibson, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: January 26, 2017, 10:00 a.m.

PLACE: Marion County Library Headquarters, Room B, 2720 East Silver Springs Boulevard, Ocala, FL 34470

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a meeting of the OSTDS advisory committee associated with the Silver Springs and Rainbow Springs Basin Management Action Plans (BMAP). Meeting items will include technical discussions on possible approaches for addressing onsite sewage treatment disposal system loadings to the Silver and Rainbow basins.

A copy of the agenda may be obtained by contacting: Mary Paulic, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, Mary.Paulic@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Mary Paulic, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, Mary.Paulic@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mary Paulic, Watershed Planning and Coordination Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, Mary.Paulic@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 The Department of Environmental Protection announces a public meeting to which all persons are invited.
DATE AND TIME: January 26, 2017, 1:30 p.m.
PLACE: Marion County Library Headquarters, Room C, 2720 East Silver Springs Boulevard, Ocala, FL 34470
GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the annual meeting for the Silver Springs and Rainbow Springs Basin Management Action Plans. The department will provide an update of activities and projects outlined in the two Basin Management Action Plans. The meeting is open to the public.

A copy of the agenda may be obtained by contacting: Ms. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8560.

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. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8560. 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. Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, MS 3565, Tallahassee, Florida 32399-2400, (850)245-8560.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 The Department of Environmental Protection announces public meetings to which all persons are invited.

DATES AND TIMES: February 17, 2017, 9:00 a.m.; April 21, 2017, 9:00 a.m.; June 16, 2017, 9:00 a.m.; August 18, 2017, 9:00 a.m.; October 20, 2017, 9:00 a.m.; December 14, 2017, 9:00 a.m.; December 15, 2017, 9:00 a.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Boulevard, Marjory Stoneman Building, Conference Rooms A and B, Tallahassee, Florida, (unless otherwise stated)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Acquisition and Restoration Council (ARC), as defined in Section 259.035, Florida Statutes, announces the 2017 public hearings/meetings calendar to which all interested parties are invited. The purpose of each meeting is for Council to conduct regular business, including the review of land acquisition proposals, management plans, and other proposed uses of state-owned conservation lands.

A copy of the agenda may be obtained by contacting: the Office of Environmental Services at (850)245-2713 or at www.dep.state.fl.us/lands/arc_calendar.htm seven days before each meeting.

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: Hank Vinson with the Office of Environmental Services, (850)245-2713, Hank.Vinson@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Paula Allen with the Office of Environmental Services, (850)245-2768, Paula.L.Allen@dep.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILIES
 Family Safety and Preservation Program
 The Department of Children and Families announces a public meeting to which all persons are invited.

DATE AND TIME: February 14, 2017, 9:00 a.m.
PLACE: 1317 Winewood Blvd., Bldg. 1, Secretary's large conference room, Tallahassee, FL; telephone conference: 1(888)670-3525, participant code: 1119788458

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a Critical Incident Rapid Response Team (CIRRT) advisory committee meeting.

A copy of the agenda may be obtained by contacting: Beth Pasek, (813)337-5703.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Beth Pasek, (813)337-5703. 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: Beth Pasek, (813)337-5703.

FLORIDA HOUSING FINANCE CORPORATION
 The Florida Housing Finance Corporation announces a hearing to which all persons are invited.

DATE AND TIME: February 2, 2017, 9:30 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or

rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Pelican Pointe Apartments, a 78-unit multifamily residential rental development located at 10300 Clarence Street, Panama City Beach, Bay County, FL 33413. The owner and operator of the development is Pelican Pointe of Bay, Ltd., 1002 West 23rd Street, Suite 400, Panama City, FL 32405 or such successor in interest in which Pelican Pointe of Bay, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Royal American Management, Inc., 1002 West 23rd Street, Suite 400, Panama City, FL32405. The tax-exempt bond amount is not to exceed \$6,050,000.00.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 PM (Tallahassee local time), January 31, 2017, and should be addressed to the attention of Brantley Henderson, Assistant Director of Multifamily Programs. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Brantley Henderson, Assistant Director of Multifamily Programs, Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing using the Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

A copy of the agenda or more information may be obtained by contacting: Brantley Henderson, Assistant Director of Multifamily Programs.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

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

DATE AND TIME: January 25, 2017, 9:30 a.m.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685.

CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.

The Center for Independent Living in Central Florida, Inc. announces a public meeting to which all persons are invited.

DATE AND TIMES: January 24, 2017, 8:00 a.m., Board Finance Committee; 8:30 a.m., Board Executive Committee

PLACE: 720 North Denning Drive, Winter Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 8:00: Finance Committee will review the agency financial report and revised budget; 8:30: Executive Committee will discuss the agenda for the January 31 Board Meeting.

A copy of the agenda may be obtained by contacting: Luana Kutz.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Luana Kutz, (407)623-1070, lkutz@cilorlando.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).

For more information, you may contact: Luana Kutz, (407)623-1070 or lkutz@cilorlando.org.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces a public meeting to which all persons are invited.

DATE AND TIME: January 17, 2017, 5:00 p.m. (change in time from January 9, 2017 notice)

PLACE: Memorial Healthcare System Corporate Offices, 3111 Stirling Road, Fort Lauderdale, Florida 33312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the members to discuss general matters.

A copy of the agenda may be obtained by contacting: Crystal Quirin, cquirin@ccpcare.org or calling (954)622-3224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Susan Mansolillo at SMansolillo@ccpcare.org or (954)622-3232. 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: D. Ty Jackson, Esq., counsel for South Florida Community Care Network, LLC, at ty.jackson@gray-robinson.com or (850)577-9090.

SOUTH FLORIDA COMMUNITY CARE NETWORK

The South Florida Community Care Network, LLC d/b/a Community Care Plan announces public meetings to which all persons are invited.

DATES AND TIMES: January 26, 2017, 3:30 p.m.; February 23, 2017, 3:30 p.m.; March 30, 2017, 3:30 p.m.; April 27, 2017, 3:30 p.m.; May 25, 2017, 3:30 p.m.; June 22, 2017, 3:30 p.m.; July 27, 2017, 3:30 p.m.; August 24, 2017, 3:30 p.m.; September 28, 2017, 3:30 p.m.; October 26, 2017, 3:30 p.m.; and December 14, 2017, 3:30 p.m.

PLACE: South Florida Community Care Network, LLC, 1643 Harrison Parkway, Bldg. H, Suite 200, Sunrise, Florida 33323

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meetings of the Members to discuss general matters.

A copy of the agenda may be obtained by contacting: Crystal Quirin at cquirin@ccpcare.org or (954)622-3224.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Susan Mansolillo at SMansolillo@ccpcare.org or (954)622-3232. 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: D. Ty Jackson, Esq., counsel for South Florida Community Care Network, LLC, at ty.jackson@gray-robinson.com or (850)577-9090.

KEITH AND SCHNARS, P.A.

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

DATE AND TIMES: Thursday, January 26, 2017, an Elected Officials/Agency Kick-Off Meeting will be held from 2:30 p.m. to 4:30 p.m., followed by a Public Kick-Off Meeting from 5:30 p.m. to 7:30 p.m. The Elected Officials/Agency Kick-Off Meeting will begin as an open house at 2:30 p.m., with a formal presentation at 3:00 p.m. In addition to the Elected Official's Kick-Off meeting, a Public Kick-Off Meeting will be held on the same date. The Public Kick-Off Meeting will begin as an open house at 5:30 p.m., with a formal presentation at 6:00 p.m.

PLACE: The Peter and Julie Cummings Library, 2551 SW Matheson Avenue, Palm City, FL 34990

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation has scheduled two Kick-Off Meetings for the SR 714/SW Martin Highway Project Development and Environment Study. The limits of the Study are from Citrus Boulevard on the west, to SW Martin Downs Boulevard on the east. The purpose of the project is to provide additional capacity on SR 714, as well as improve the signalized intersections at Citrus Boulevard and SW 42nd Avenue within the study limits.

A copy of the agenda may be obtained by contacting: Ms. Auraliz Benitez, PE, Project Manager, at (954)777-4346 or toll free at 1(866)336-8435, ext. 4346 or via email at auraliz.benitez@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ms. Auraliz Benitez, PE, at the contact information shown above. Persons who require translation services (free of charge) should also contact: Ms. Auraliz Benitez, PE, at the address shown above at least days 7 prior to the Kick-Off Meeting. 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. Auraliz Benitez, PE, Project Manager, at (954)777-4346 or toll free at 1(866)336-8435, ext. 4346 or via email at auraliz.benitez@dot.state.fl.us. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

QCAUSA

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

DATE AND TIME: Tuesday, January 24, 2017, 5:00 p.m. – 7:00.p.m.

PLACE: Our Lady of Mt. Carmel Church, 425 S. Tamiami Trail (US 41/SR 45), Osprey, Florida 34229

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) will host a public meeting to update interested parties about the projects on US 41 (SR 45) from Blackburn Point Road to SR 72/Stickney Point Road in Sarasota County, Florida.

The primary purpose of this project is to create a complete street that serves all users: cars, trucks, transit, pedestrians and bicycles. The proposed design includes reconstruction of paved shoulders from 4 feet to 7 feet to provide 7-foot-wide buffered bike lanes and the widening of the right turn-lanes to accommodate the new bike lanes. The design also includes adding 5-foot-wide concrete sidewalks along both sides of US 41 (SR 45) in the project area where they currently do not exist. Pedestrian crossings will be provided over North, Catfish, Clower, Oscar and Matheny Creeks. Pedestrian sidewalk ramps will be modified throughout the project to meet Americans with Disabilities Act (ADA) guidelines. Driveways will be modified as needed to accommodate the new bike lanes and to bring them up to current design standards. Bus shelter pads will be constructed, and the bus bays will be widened. This meeting will be held in an open house format on Tuesday, January 24, 2017 from 5:00 p.m. to 7:00 p.m. at Our Lady of Mt. Carmel Church, 425 S. Tamiami Trail (US 41/SR 45), Osprey, Florida 34229.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Lori Buck at (863)225-0422 or lori.buck@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Justin R. Reck, Florida Department of Transportation, District One - Project Management, (863)519-2502 or justin.reck@dot.state.fl.us.

**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
University of Florida

UAA-53 Football Operations Project
NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UAA-53, Football Operations Project (Main Campus)

The project consists of demolition of a small storage building and construction of a new football operations facility. It will be an approximately 135,000 GSF facility, concepts show it as a three-story building along Second Avenue adjacent to the existing football practice fields.

The total project budget is \$59,961,700.00, including site improvements, underground utilities, fees, surveys & tests, total building commissioning, furnishings & equipment, and contingencies. Construction shall be “fast-tracked” to begin by December 2017 and be complete in May of 2019. (Gold) LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory. The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin at the Conceptual Schematic Design stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; development of waste management strategies; and development of a Guaranteed Maximum Price (GMP) proposal based on 60% Construction Documents. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. The selected applicant will also be required to provide insurance coverage for General Liability, Automotive Liability, Workers' Compensation, and Builder's Risk.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall

be prepared as specified in the CMQS Instructions and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.
5. Proof of the applicant's corporate status in Florida (if applicable) and a copy of the applicant firm's current contracting license from the appropriate governing board.
6. Proof of applicant's bonding capacity and liability insurance coverage.

If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant 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 construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Incomplete proposals will be disqualified. Submittal materials will not be returned.

Additional information to assist the applicant in preparing a complete proposal – including the project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, standard University of Florida Agreement for CM Services, and other project and process information – can be found on the Planning Design & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Planning Design & Construction office by 3:00 p.m. local time on Wednesday, February 15, 2017. Facsimile (FAX) submittals are not acceptable and will not be considered.

UF Planning Design & Construction
245 Gale Lemerand Drive / P.O. Box 115050
Gainesville, FL 32611-5050
Telephone: (352)273-4000
Internet: www.facilities.ufl.edu

DEPARTMENT OF ENVIRONMENTAL PROTECTION

ITB 2017028C-Custom Built Swamp Buggy

NOTICE OF INVITATION TO BID: On behalf of the Florida Department of Environmental Protection the Procurement Office is soliciting formal, competitive, sealed bids from contractors for bid number 2017028C, Custom Built Swamp Buggy. The Department will post notice of any changes or additional meeting(s) on the Vendor Bid System in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise any notice in the Florida Administrative Register (FAR). Access the VBS at http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

TAMPA INTERNATIONAL AIRPORT

Hillsborough County Aviation Authority

HILLSBOROUGH COUNTY AVIATION AUTHORITY (AUTHORITY)

RFQ No. 17-411-004, Project Nos. 8805 17 & 6495 17 for Airport Security Systems Replacement

Sealed proposals for Airport Security Systems Replacement will be received from firms by the Authority at Tampa International Airport Offices located at 4160 George J. Bean Parkway, Suite 2400, Administration Building, Tampa, Florida 33607. A Mandatory Pre-Qualification Conference and optional site tour will be held on February 8, 2017. The Conference may be attended in-person or on-line utilizing Cisco WebEx®. Refer to Section 7.0 of the Solicitation document for details.

Solicitation documents and detailed requirements will be available on the Tampa International Airport website at www.tampaairport.com > Learn about TPA > Airport Business > Procurement > Current Solicitation Opportunities on January 25, 2017.

Section XII
Miscellaneous

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State

Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8 a.m. Monday January 9, and 3 p.m. Friday, January 13, 2017 (Monday, January 16, 2017, was an observed holiday). An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

Rule No.	File Date	Effective Date
----------	-----------	----------------

40C-8.031(4)(w)	1/12/2017	2/1/2017
40C-8.031(6), (8)	1/12/2017	2/1/2017
53ER17-1	1/12/2017	1/12/2017
53ER17-2	1/12/2017	1/12/2017
53ER17-3	1/12/2017	1/12/2017
53ER17-4	1/12/2017	1/12/2017
53ER17-5	1/12/2017	1/12/2017
61J2-3.009	1/13/2017	2/2/2017
61H1-27.0041	1/17/2017	2/6/2017
61H1-36.004	1/17/2017	2/6/2017
62-204.800	1/13/2017	1/13/2017
62-780.100	1/13/2017	2/2/2017
62-780.150	1/13/2017	2/2/2017
62-780.200	1/13/2017	2/2/2017
62-780.210	1/13/2017	2/2/2017
62-780.220	1/13/2017	2/2/2017
62-780.450	1/13/2017	2/2/2017
62-780.500	1/13/2017	2/2/2017
62-780.525	1/13/2017	2/2/2017
62-780.550	1/13/2017	2/2/2017
62-780.560	1/13/2017	2/2/2017
62-780.600	1/13/2017	2/2/2017
62-780.650	1/13/2017	2/2/2017
62-780.680	1/13/2017	2/2/2017
62-780.690	1/13/2017	2/2/2017
62-780.700	1/13/2017	2/2/2017
62-780.750	1/13/2017	2/2/2017
62-780.900	1/13/2017	2/2/2017
64B4-3.0015	1/12/2017	2/1/2017
64B6-6.010	1/13/2017	2/2/2017
64B6-8.002	1/12/2017	2/1/2017
64B7-31.001	1/11/2017	1/31/2017

64B8-4.009	1/17/2017	2/6/2017
64B9-8.006	1/13/2017	2/2/2017
64B17-2.001	1/17/2017	2/6/2017
64B17-7.001	1/17/2017	2/6/2017
64B32-5.004	1/11/2017	1/31/2017
64B32-5.005	1/11/2017	1/31/2017
68B-3.002	1/12/2017	2/1/2017
68B-3.009	1/12/2017	2/1/2017
68B-3.028	1/12/2017	2/1/2017
68B-3.029	1/12/2017	2/1/2017
68B-3.031	1/12/2017	2/1/2017
68B-3.032	1/12/2017	2/1/2017
68B-3.033	1/12/2017	2/1/2017
68B-3.034	1/12/2017	2/1/2017
68B-3.035	1/12/2017	2/1/2017
68B-3.037	1/12/2017	2/1/2017
68B-3.038	1/12/2017	2/1/2017
68B-3.039	1/12/2017	2/1/2017
68B-3.040	1/12/2017	2/1/2017
68B-3.042	1/12/2017	2/1/2017
68B-3.043	1/12/2017	2/1/2017
68B-4.014	1/12/2017	2/1/2017
68B-25.003	1/12/2017	2/1/2017
73C-24.003	1/11/2017	1/31/2017
73C-24.004	1/11/2017	1/31/2017
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
40B-9.021	12/21/2016	**/**/****
40B-9.041	12/21/2016	**/**/****
40B-9.126	12/21/2016	**/**/****

40B-9.131	12/21/2016	**/**/****
40B-9.1381	12/21/2016	**/**/****
40B-9.1411	12/21/2016	**/**/****
40B-9.142	12/21/2016	**/**/****
40B-9.145	12/21/2016	**/**/****
40B-9.123	12/9/2016	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-9.009	6/15/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.100	12/19/2016	**/**/****
69L-7.501	12/19/2016	**/**/****

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

Decision on Expedited Application

The Agency for Health Care Administration made the following decision on Certificate of Need application for expedited review:

County: Collier Service District: 8-2

CON #10474 Decision Date: 1/13/2017 Decision: A

Facility/Project: Terracina III, LLC

Applicant: Terracina III, LLC

Project Description: Transfer CON 10339 for a 30-bed skilled nursing facility

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.9

Section XIII

Index to Rules Filed During Preceding Week

INDEX TO RULES FILED BETWEEN JANUARY 9, 2017 AND JANUARY 13, 2017

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

40C-8.031	1/12/2017	2/1/2017	42/241	
40C-8.031	1/12/2017	2/1/2017	42/241	

DEPARTMENT OF THE LOTTERY

53ER17-1	1/12/2017	1/12/2017	43/09
53ER17-2	1/12/2017	1/12/2017	43/09
53ER17-3	1/12/2017	1/12/2017	43/09
53ER17-4	1/12/2017	1/12/2017	43/09
53ER17-5	1/12/2017	1/12/2017	43/09

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

60A-1.001	1/9/2017	1/29/2017	42/217
60A-1.005	1/9/2017	1/29/2017	42/217
60A-1.015	1/9/2017	1/29/2017	42/200
60A-1.016	1/9/2017	1/29/2017	42/200 42/217
60A-1.017	1/9/2017	1/29/2017	42/200 42/217
60A-1.021	1/9/2017	1/29/2017	42/200

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

61J2-3.009	1/13/2017	2/2/2017	42/195	42/242
------------	-----------	----------	--------	--------

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-204.800	1/13/2017	1/13/2017	42/235
62-780.100	1/13/2017	2/2/2017	42/182
62-780.150	1/13/2017	2/2/2017	42/182
62-780.200	1/13/2017	2/2/2017	42/182 42/236
62-780.210	1/13/2017	2/2/2017	42/182
62-780.220	1/13/2017	2/2/2017	42/182 42/236
62-780.450	1/13/2017	2/2/2017	42/182
62-780.500	1/13/2017	2/2/2017	42/182 42/236
62-780.525	1/13/2017	2/2/2017	42/182 42/236
62-780.550	1/13/2017	2/2/2017	42/182
62-780.560	1/13/2017	2/2/2017	42/182
62-780.600	1/13/2017	2/2/2017	42/182 42/236
62-780.650	1/13/2017	2/2/2017	42/182 42/236
62-780.680	1/13/2017	2/2/2017	42/182 42/236
62-780.690	1/13/2017	2/2/2017	42/182 42/236
62-780.700	1/13/2017	2/2/2017	42/182
62-780.750	1/13/2017	2/2/2017	42/182
62-780.900	1/13/2017	2/2/2017	42/182

DEPARTMENT OF HEALTH

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

64B4-3.0015	1/12/2017	2/1/2017	42/177	42/234
-------------	-----------	----------	--------	--------

Board of Hearing Aid Specialists

64B6-6.010	1/13/2017	2/2/2017	42/239
64B6-8.002	1/12/2017	2/1/2017	42/135 42/228

Board of Massage

64B7-31.001	1/11/2017	1/31/2017	42/231
-------------	-----------	-----------	--------

Board of Nursing

64B9-8.006	1/13/2017	2/2/2017	42/217
------------	-----------	----------	--------

Board of Respiratory Care

64B32-5.004	1/11/2017	1/31/2017	42/219
64B32-5.005	1/11/2017	1/31/2017	42/219

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

68B-3.002	1/12/2017	2/1/2017	42/231
68B-3.009	1/12/2017	2/1/2017	42/231
68B-3.028	1/12/2017	2/1/2017	42/231
68B-3.029	1/12/2017	2/1/2017	42/231
68B-3.031	1/12/2017	2/1/2017	42/231
68B-3.032	1/12/2017	2/1/2017	42/231
68B-3.033	1/12/2017	2/1/2017	42/231
68B-3.034	1/12/2017	2/1/2017	42/231
68B-3.035	1/12/2017	2/1/2017	42/231
68B-3.036	1/12/2017	2/1/2017	42/231
68B-3.037	1/12/2017	2/1/2017	42/231
68B-3.038	1/12/2017	2/1/2017	42/231
68B-3.039	1/12/2017	2/1/2017	42/231
68B-3.040	1/12/2017	2/1/2017	42/231
68B-3.042	1/12/2017	2/1/2017	42/231
68B-3.043	1/12/2017	2/1/2017	42/231
68B-4.014	1/12/2017	2/1/2017	42/231
68B-25.003	1/12/2017	2/1/2017	42/231

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

73C-24.003	1/11/2017	1/31/2017	42/238
73C-24.004	1/11/2017	1/31/2017	42/238

LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO SECTION 120.541(3), 373.139(7) AND 373.1391(6), FLORIDA STATUTES

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

40B-9.021	12/21/2016	**/**/****	42/221
40B-9.041	12/21/2016	**/**/****	42/221
40B-9.123	12/9/2016	**/**/****	42/221
40B-9.126	12/21/2016	**/**/****	42/221
40B-9.131	12/21/2016	**/**/****	42/221
40B-9.1381	12/21/2016	**/**/****	42/221
40B-9.1411	12/21/2016	**/**/****	42/221
40B-9.142	12/21/2016	**/**/****	42/221
40B-9.145	12/21/2016	**/**/****	42/221

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

60FF1-5.009 7/21/2016 **/**/**** 42/105

DEPARTMENT OF HEALTH

Board of Medicine

64B8-9.009 6/15/2016 **/**/**** 42/89

64B8-10.003 12/9/2015 **/**/**** 39/95 41/49

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

69L-7.100 12/19/2016 **/**/**** 42/191 42/218

69L-7.501 12/19/2016 **/**/**** 42/191 42/218

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
