

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: RULE TITLE:
2A-8.005 Adjustments to Reflect Consumer
 Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUBJECT AREA TO BE ADDRESSED: Benefits to be paid beginning July 1, 2012.

RULEMAKING AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: RULE TITLE:
5L-1.003 Shellfish Harvesting Area Standards

PURPOSE AND EFFECT: These amendments propose to reclassify the West Bay, Alligator Harbor, Myakka River and South Volusia shellfish harvesting areas. Sanitary surveys have been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the West Bay, Alligator Harbor, Myakka River and South Volusia shellfish harvesting areas. This amendment further proposes to make a minor change to the boundary of three shellfish areas. The effect would be to increase the acres available to shell fishing and to decrease the number of days the areas would be closed statewide.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the West Bay, Alligator Harbor, Myakka River and South Volusia shellfish harvesting areas for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

Likewise, the refining of the boundary in shellfish area 16 is also in accordance with Rule 5L-1.003, F.A.C. The goal of the Division of Aquaculture is to maximize the amount of shellfish harvesting waters available and to maximize the times those waters will be in the open status while continuing to protect the public health.

RULEMAKING AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, Suite 501, Tallahassee, Florida 32301, Phone: (850)488-4033

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0981 Provider Approval for Virtual
 Instruction Program

PURPOSE AND EFFECT: The purpose of this rule development is to identify necessary revisions to conform with changes made by the 2012 Legislature to Section 1002.45, Florida Statutes, adding a new provider qualification to perform an annual financial audit. In addition, the application instructions relating to public disclosure of specified information by providers and for the submission of a curriculum plan and student learning gains will be revised. The effect will be a rule aligned with current statutes.

SUBJECT AREA TO BE ADDRESSED: School district virtual instruction program and qualifications for potential virtual instruction providers.

RULEMAKING AUTHORITY: 1002.45(11) FS.

LAW IMPLEMENTED: 1002.45 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sally Roberts, Educational Policy Consultant, K-12 Public Schools,

325 W. Gaines St., Suite 1501, Tallahassee, FL 32399-0400, (850)245-9617. To submit a comment or request a rule development, go to: <https://app1.fldoe.org/rules/default.aspx>
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.001
 RULE TITLE: Personnel – General
 PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to update organizational chart titles for community corrections staff.
 SUBJECT AREA TO BE ADDRESSED: Personnel.
 RULEMAKING AUTHORITY: 20.315, 944.09 FS.
 LAW IMPLEMENTED: 790.001(8), 944.09, 944.14 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.001 Personnel – General.

(1) Designation as Law Enforcement Officers.

(a) The following officers and employees of the Department of Corrections are designated as law enforcement officers: Secretary; Deputy Secretary; Assistant Secretary of Institutions; Deputy Assistant Secretary of Institutions; Regional Directors; Correctional Security Administrator; wardens of all institutions and community facilities; the staff of all institutions and community facilities, including road prisons, vocational centers, community correctional centers, women’s adjustment centers and probation and restitution centers, excluding clerical and secretarial employees; Probation and Parole Regional ~~Directors~~ ~~Administrators~~; ~~Circuit Correctional Probation~~ Administrators, Supervisors and Officers; Inspector General; Deputy Inspector General; and Correctional Inspectors.

(b) through (5) No change.

Rulemaking Specific Authority 20.315, 944.09 FS. Law Implemented 790.001(8), 944.09, 944.14 FS. History–New 10-8-76, Amended 2-17-77, Formerly 33-4.01, Amended 7-12-86, 6-13-88, Formerly 33-4.001, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-401.105
 RULE TITLE: Refusal of Health Care Services
 PURPOSE AND EFFECT: The rule is amended to include psychologists among the clinicians who are authorized to sign Form DC4-711A, Refusal of Health Care Services, before the form is entered into the inmate’s medical record.
 SUBJECT AREA TO BE ADDRESSED: Health Care Services.
 RULEMAKING AUTHORITY: 944.09, 945.6034 FS.
 LAW IMPLEMENTED: 944.09, 766.103, 945.6034 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.105 Refusal of Health Care Services.

(1) Definitions.

(a) Provider – a mental or physical health physician, psychologist, clinical associate, or dentist.

(b) Refusal – an inmate-initiated decision to decline a procedure or treatment that a health care provider has indicated is medically necessary.

(2) It is the responsibility of the provider ordering a particular procedure or treatment to explain to the inmate at the time the initial order is written the:

- (a) Diagnosis;
 - (b) Nature and purpose of the procedure or treatment;
 - (c) Risks and benefits involved in the proposed treatment or procedures; and
 - (d) Alternative treatments or procedures.
- (3) Documentation of refusal of treatment or procedure.

(a) If an inmate refuses an aspect of health care services other than medication, which is addressed in subsection (4), the inmate shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the notation “patient refuses to sign” will be entered and witnessed by two staff members. Form DC4-711A is hereby incorporated by reference ~~in subsection (7) of this rule~~. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 11-28-10.

(b) If an inmate is being transferred to another facility for medical treatment and indicates prior to departing that he or she will refuse the treatment, the provider at the receiving

facility shall be contacted. The provider at the sending facility shall advise the inmate of the risks associated with not receiving recommended treatment. If the inmate still refuses, he or she will be returned to health services to sign Form DC4-711A, Refusal of Health Care Services, and a follow-up visit shall be scheduled to assess if the treatment should be pursued.

(c) A note documenting the date and time of a refusal and stating "refusal signed for (inmate's name and DC#)" shall be made on the chronological record of health care located in the inmate's health record.

(d) Prior to inserting Form DC4-711A, Refusal of Health Care Services, into the inmate's health record, it will be reviewed, initialed, and dated by a provider. This review will be documented on the inmate's chronological record of health care.

(e) Refusal of dental services will be documented by dental health staff on Form DC4-724, Dental Treatment Record, and Form DC4-711A, Refusal of Health Care Services. Form DC4-724 is hereby incorporated by reference in subsection (7) of this rule. Copies of this form are available from the Forms Control Administrator, 501 S. Calhoun St., Tallahassee, FL 32399. The effective date of the form is 11-28-10.

(f) Refusal of mental health services will be documented on Form DC4-711A, Refusal of Health Care Services.

(g) Completed Forms DC4-711A and DC4-724 shall be placed in the inmate's health record.

(4) Medication Refusal.

(a) Inmates may verbally refuse a dose of medication upon presenting to the medication window.

(b) An inmate who has refused either three consecutive doses of medication or five doses over the course of a month shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(c) If an inmate states that he will refuse all further doses of a prescribed medication, Form DC4-711A, Refusal of Health Care Services, shall be completed and must be signed by the inmate. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. The inmate will no longer be required to report to the medication window for the purpose of taking the refused medication. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(5) An inmate may not refuse admission to the infirmary, isolation management (medical or mental health), transitional care, or crisis stabilization, as these are institutional housing assignments. The inmate may refuse all medical care while in these housing assignments, but the above-outlined process for refusal of medical treatment shall be followed.

(6) An inmate's refusal of health care services cancels a specific order, treatment, or procedure. A new order will be necessary to initiate a treatment or procedure that has been refused.

~~(7) The following forms are hereby incorporated by reference. A copy of these forms is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.~~

~~(a) Form DC4-711A, Refusal of Health Care Services, effective, 11-28-10.~~

~~(b) Form DC4-724, Dental Treatment Record, effective, 11-28-10.~~

Rulemaking Authority 944.09, 945.6034 FS. Law Implemented 944.09, 766.103, 945.6034 FS. History—New 11-28-10, Amended.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.718	Review of Request for Visiting Privileges

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to amend Form DC6-111D to allow conformity between the form and the rule, clarify that it is a conviction, not just an incarceration, that leads to a denial of visiting privileges, and add a signature line for administrative purposes.

SUBJECT AREA TO BE ADDRESSED: Classification and Central Records.

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.718 Review of Request for Visiting Privileges.

In approving or disapproving visiting privileges, assigned institutional classification officer shall review Form DC6-111A, Request for Visiting Privileges, and shall consider all factors related to the security, order, or effective management of the institution. Form DC6-111A is incorporated by reference in Rule 33-601.715, F.A.C.

(1) Prior criminal records shall not automatically result in disapproval of visiting. The nature, extent, and recentness of the criminal convictions and adjudications withheld combined with the person's relationship to the inmate shall affect approval or disapproval.

(2) The assigned institutional classification officer staff shall evaluate a person's criminal history and visiting background using Form DC6-111D, Visitor Screening Matrix. Form DC6-111D is hereby incorporated by reference. A copy is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01038>. The effective date of this form is March, 2012.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History--New 11-18-01, Amended 9-29-03, 3-22-12,_____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-5.0131	Definitions
58A-5.014	License Application, Change of Ownership, and Provisional Licenses
58A-5.015	License Renewal and Conditional Licenses
58A-5.016	License Requirements
58A-5.0161	Inspection Responsibilities
58A-5.0181	Admission Procedures, Appropriateness of Placement and Continued Residency Criteria
58A-5.0182	Resident Care Standards
58A-5.0185	Medication Practices
58A-5.0186	Do Not Resuscitate Orders (DNROs)
58A-5.019	Staffing Standards
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.020	Food Service Standards
58A-5.021	Fiscal Standards
58A-5.023	Physical Plant Standards
58A-5.024	Records
58A-5.0241	Adverse Incident Report
58A-5.0242	Liability Claim Report
58A-5.025	Resident Contracts
58A-5.026	Emergency Management
58A-5.029	Limited Mental Health
58A-5.030	Extended Congregate Care Services
58A-5.031	Limited Nursing Services
58A-5.033	Administrative Enforcement

PURPOSE AND EFFECT: The Department of Elder Affairs, in consultation with the Agency for Health Care Administration, the Department of Children and Families, and

the Department of Health, announces the convening of a negotiated rulemaking proceeding addressing assisted living facility regulation. The purpose of the negotiated rulemaking is to draft mutually acceptable proposed rules addressing the safety and quality of services and care provided to residents within assisted living facilities while being mindful of unnecessary increases in regulation given the many variations in services provided, the number of residents or size of the facility, and the makeup of resident populations in the facilities.

SUBJECT AREA TO BE ADDRESSED: The subject and scope of the rules to be developed through negotiated rulemaking will address the following areas: Educational Requirements, Training, and Competency Exams for Administrators and Managers; Training for Staff; Core Trainers; Training Accessibility; Data Collection; Medication practices; Emergency management; Licensing and services provided for limited nursing services, limited mental health, and extended congregate care designations; Deletion of duplicative rules; and, Revision of rules as needed based on legislative changes.

RULEMAKING AUTHORITY: 429.178, 429.23, 429.24, 429.255, 429.256, 429.27, 429.275, 429.31, 429.41, 429.42, 429.44, 429.52, 429.54 FS.

LAW IMPLEMENTED: Part I, Assisted Living Facilities, Chapter 429, Florida Statutes, with specific sections to be determined during the negotiated rulemaking.

NEGOTIATED RULEMAKING COMMITTEE: The negotiated rulemaking committee members have been selected from various representative groups that have been invited to participate in the negotiated rulemaking process. The rulemaking committee members are as follows:

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Robert Anderson
Director, Adult Protective Services
Dept. of Children and Families
1317 Winewood Boulevard
Building 6, Floor 3
Tallahassee, FL 32399
(850)414-7863 | 2. C. Anne Avery, RN, LNC
Bureau of Field Operations
Agency for Health Care
Administration
2727 Mahan Drive
Tallahassee, FL 32308
(850)412-4505 |
| 3. Jackie Beck
Chief, Adult Mental Health
Dept. of Children and Families
Mental Health Program Office
1317 Winewood Boulevard
Building 6, #287
Tallahassee, FL 32399
(850)717-4325 | 4. Carol Berkowitz, Esq.
Sr. Director, Regulatory and
Legal Affairs
LeadingAge Florida
1812 Riggins Road
Tallahassee, FL 32308
(850)702-0309 |
| 5. John Bixler, RN
Chief, Emergency Medical Services
Dept. of Health
Emergency Medical Operations
4025 Esplanade Way, Bin #C28
Tallahassee, FL 32399-1746
(850)245-4053 | 6. Jim Crochet
State Long-Term Care
Ombudsman
Dept. of Elder Affairs
4040 Esplanade Way
Tallahassee, FL 32399
(850)414-2331 |

- 7. Alberta Granger
Director, Professional Development
Florida Assisted Living Association
2447 Millcreek Court, Ste. 3
Tallahassee, FL 32308
(850)383-1159
- 8. Lee Ann Griffin
Director, Quality and Regulatory
Services
Florida Health Care Association
P.O. Box 1459
Tallahassee, FL 32302-1459
(850)224-3907
- 9. Shad Haston, Esq.
Unit Manager, Assisted Living Unit
Bureau of Long-Term Care Services
Agency for Health Care Administration
2727 Mahan Drive, Mail Stop #30
Tallahassee, FL 32308
(850)412-3645
- 10. Teresa Jackson, MSW
Certified Geriatric Care Manager
Aging Care Advocates
101 American Center Place
Suite 210
Tampa, FL 33619
(813)246-4120
- 11. Gail Matillo
Director, Elder Housing Unit
Dept. of Elder Affairs
4040 Esplanade Way
Tallahassee, FL 32399-7000
(850)414-2165
- 12. Susan Rice, Esq.
Asst. General Counsel
Dept. of Elder Affairs
4040 Esplanade Way Ste. 315
Tallahassee, FL 32399-7000
(850)414-2113
- 13. Mary Romelfanger, RN, MSN
V.P. for Credentialing, Certification Mngmt. Group
Professional Testing, Inc.
7680 Universal Boulevard, Ste. 300
Orlando, FL 32819
(502)445-4154

If you believe that your interests are not adequately represented by the committee members listed above, you may apply to participate within 30 days of the date of publication of this notice. Your application must contain the following information: your name, business address, and telephone number; the name of any organization you are representing; a description of the organization or the members of the organization; a description of how the proposed rulemaking proceeding will affect parties that you represent; a statement identifying the reasons why you believe the committee members listed above will not adequately represent your interests; and a statement that you are willing to negotiate in good faith and can attend the scheduled meetings. Please submit your application to: Susan Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Email address: rices@elderaffairs.org.

NEGOTIATED RULEMAKING COMMITTEE MEETINGS:
The work of the negotiated rulemaking committee shall be completed by August 15, 2012. The committee shall meet at the following dates, times, and places to discuss rule development:

- June 5, 9:00 a.m. – 4:00 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399
 - June 12, 9:00 a.m. – 3:30 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399
 - June 26, 9:00 a.m. – 3:30 p.m., Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308
- The following meeting dates are tentative; any changes will be noticed:

July 10, 9:00 a.m. – 3:30 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399
 July 17, 9:00 a.m. – 3:30 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399
 August 7, 9:00 a.m. – 3:30 p.m., Dept. of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, FL 32399
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Demetria Ross, Dept. of Elder Affairs, (850)414-2114, rossd@elderaffairs.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Rice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2113, Email address: rices@elderaffairs.org
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-1.020
 RULE TITLE: Definition of County of Residence
 PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-1.020, F.A.C., is to provide implementation guidelines for Medicaid County billing processes per Section 409.915, F.S. This will result in improvements to the Medicaid County billing process.
 SUBJECT AREA TO BE ADDRESSED: Definition of County of Residence.
 Implementation guidelines for Medicaid County billing process per Section 409.915, F.S.
 RULEMAKING AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.915 FS.

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

- DATE AND TIME: Friday, June 1, 2012, 9:00 a.m. – 12:00 Noon
- PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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: Debbie Smith at the Division of Operations, (850)412-3811. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tonya Kidd, Deputy Secretary of Operations, 2727 Mahan Drive, Mail Stop 2, Tallahassee, Florida 32308-5407, telephone: (850)412-3602, e-mail: tonya.kidd@ahca.myflorida.com. When available a preliminary rule text will be posted at <http://ahca.myflorida.com/Medicaid/CountyBilling/index.shtm> THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-1.025
 RULE TITLE: Medicaid County Billing

PURPOSE AND EFFECT: The purpose of new Rule 59G-1.025, F.A.C., is to provide implementation guidelines for Medicaid County billing processes per Section 409.915, F.S. This will result in improvements to the Medicaid County billing process.

SUBJECT AREA TO BE ADDRESSED: Medicaid County Billing.

Implementation guidelines for Medicaid County billing process per Section 409.915, F.S.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.915 FS.

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

DATE AND TIME: Friday, June 1, 2012, 9:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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: Debbie Smith at the Division of Operations, (850)412-3811. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tonya Kidd, Deputy Secretary for Operations, 2727 Mahan Drive, Mail Stop 2, Tallahassee, Florida 32308-5407, telephone: (850)412-3602, e-mail: tonya.kidd@ahca.myflorida.com.

When available a preliminary rule text will be posted at <http://ahca.myflorida.com/Medicaid/CountyBilling/index.shtm> THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.088
 RULE TITLE: Developmental Disabilities Consumer Directed Care Plus

PURPOSE AND EFFECT: The purpose is to adopt a new rule for Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus (CDC+) Program in response to Legislative mandates per the Appropriations Act, adding 2,500 Developmental Disabilities Waivers consumers to the program by July 1, 2010. This will include guidelines specific to the Developmental Disabilities Medicaid Waivers CDC + Program such as definitions, rules, responsibilities, coverage, limitations and reimbursement.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-13.088, F.A.C., will have as provided for under Sections 120.54 and 120.541, F.S.

RULEMAKING AUTHORITY: 409.221 FS.

LAW IMPLEMENTED: 409.221, 409.902, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Tuesday, May 29, 2012, 9:30 a.m. – 11:30 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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: Danielle Reatherford at the Bureau of Medicaid Services, (850)412-4263. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Danielle Reatherford, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4263, e-mail: danielle.reatherford@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.088 Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program. Individuals enrolled in the Developmental Disabilities Medicaid Waivers Program for Consumer Directed Care Plus, along with all program representatives, consultants, employees, vendors, and Agency for Persons with Disabilities staff must be in compliance with the Developmental Disabilities Medicaid Waivers Consumer Directed Care Plus Program Coverage, Limitations, and Reimbursement Handbook, July, 2012, which is incorporated by reference.

Rulemaking Authority 409.221 FS. Law Implemented 409.221, 409.902, 409.907, 409.908, 409.912, 409.913 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-12.005
 RULE TITLE: Biennial Renewal Fee/Initial Licensure Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce the biennial renewal fee and the initial licensure fee.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee/Initial Licensure Fee.

RULEMAKING AUTHORITY: 456.013(2), 456.025, 460.406, 460.407 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 460.407 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.005 Biennial Renewal Fee/Initial Licensure Fee.

(1) The fee for biennial renewal of a chiropractic license shall be three hundred and fifty dollars (\$350.00) ~~500.00~~.

(2) The initial licensure fee shall be three hundred ~~and fifty~~ dollars (\$300.00 ~~350.00~~).

Rulemaking Specific Authority 456.013(2), 456.025, 460.406, 460.407 FS. Law Implemented 456.013(2), 456.025, 460.407 FS. History—New 1-10-80, Amended 10-25-83, Formerly 21D-12.05, Amended 1-28-87, 12-31-89, 10-15-92, Formerly 21D-12.005, 61F2-12.005, 59N-12.005, Amended 11-4-98, 5-24-01, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0135
 RULE TITLE: Dental Hygiene Examination

PURPOSE AND EFFECT: Comprehensive review and analysis to upgrade rule and to implement the 2012 legislative changes.

SUBJECT AREA TO BE ADDRESSED: Remediable Tasks Delegable to a Dental Hygienist.

RULEMAKING AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.014
 RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges

PURPOSE AND EFFECT: To make non-substantive revisions and to incorporate the changes made by Chapter 2012-14, Laws of Florida, which impacts dental hygiene licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Applicants from Accredited Schools or Colleges.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.033, 466.006, 466.007, 466.0075, 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan

Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-7.003
RULE TITLE: Permit Requirements for Dental Interns and Residents

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate by reference the application necessary to be completed.

SUBJECT AREA TO BE ADDRESSED: Permit Requirements for Dental Interns and Residents.

RULEMAKING AUTHORITY: 466.004(4), 466.025 FS.

LAW IMPLEMENTED: 466.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-7.0035
RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate by reference the application necessary to be completed.

SUBJECT AREA TO BE ADDRESSED: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.033, 466.017(4), 466.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-7.005
RULE TITLE: Teaching Permits

PURPOSE AND EFFECT: The Board proposes this rule amendment to implement the 2012 legislative changes.

SUBJECT AREA TO BE ADDRESSED: Dental Hygiene Examination.

RULEMAKING AUTHORITY: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007, 466.009(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-7.007
RULE TITLE: Limited License as Allowed in Section 456.015, F.S.

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate the application fee and update the form revision date.

SUBJECT AREA TO BE ADDRESSED: Limited License as Allowed in Section 456.015, F.S.

RULEMAKING AUTHORITY: 466.015, 466.004 FS.

LAW IMPLEMENTED: 456.015, 466.006, 466.007, 466.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: To add the definition of Qualified Anesthetist and Certified Registered Dental Hygienist for purposes of implementing §466.002(3) and Ch. 2012-14, §3, Laws of Fla. (permitting the administration by properly credential hygienists.)

SUBJECT AREA TO BE ADDRESSED: Definitions.

RULEMAKING AUTHORITY: 466.004(4) 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.002
 RULE TITLE: Prohibitions

PURPOSE AND EFFECT: Update the rule to comply with.

SUBJECT AREA TO BE ADDRESSED: Prohibitions.

RULEMAKING AUTHORITY: 466.004(4) 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan

Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.003
 RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: Complete review of the rule for implementing SB 1040, Ch. 2012-14, §3, P. 4-5, Laws of Fla., which allows for the administration of local anesthesia by a properly credentialed dental hygienist.

SUBJECT AREA TO BE ADDRESSED: Training, Education, Certification, and Requirements for Issuance of Permits.

RULEMAKING AUTHORITY: 466.004(4), 466.017(3), 466.017(6) FS.

LAW IMPLEMENTED: 466.017(3), 466.017(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.006
 RULE TITLE: Reporting Adverse Occurrences

PURPOSE AND EFFECT: To add reporting requirements for dental hygienists that are properly credentialed to administer local anesthesia and to review other necessary changes for reporting requirements.

SUBJECT AREA TO BE ADDRESSED: Reporting Adverse Occurrences.

RULEMAKING AUTHORITY: 466.017(3), 466.017(6) FS.

LAW IMPLEMENTED: 466.017(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.006
 RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist

PURPOSE AND EFFECT: The Board proposes this rule amendment to implement the 2012 legislative changes.

SUBJECT AREA TO BE ADDRESSED: Remediable Tasks Delegable to a Dental Hygienist.

RULEMAKING AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-20.001
 RULE TITLE: Applicability

PURPOSE AND EFFECT: The purpose of this rule amendment is to simplify the rule.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.001 Applicability.

These rules shall govern all ~~unemployment compensation proceedings conducted by appeals referees. These rules in whole or part shall also govern all other~~ proceedings conducted by appeals referees unless specifically provided otherwise by state or federal law or regulation.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History—New 5-22-80, Formerly 38E-5.01, 38E-5.001, 60BB-5.001, Amended.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-20.003
 RULE TITLE: Form of Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to incorporate form DEO-A100 in three languages by reference; to direct the public to the Department’s website to obtain the form; to remove language that conflicts with other proposed amendments to Department rules; and to add the employer tax account number to requested information to be included in the notice of appeal.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.003 Form of Appeal.

(1) No change.

(2) Any person entitled to file an appeal may obtain ~~an a printed~~ appeal form (DEO-A100(E) ~~AWI-A100~~ (English), Notice of Appeal), (Rev. 07/12 ~~4/04~~); DEO-A100(S) (Spanish), Aviso de Apelación – español (Rev. 07/12); DEO-A100(C) (Creole), Objeksyon pou Dedomajman Travay – kreyòl (Rev. 07/12)), incorporated herein by reference, available at the Department’s website, <http://www.floridajobs.org/office-directory/division-of-workforce-services/unemployment-programs/unemployment-compensation-forms-directory> at any of the locations listed in subsections 73B-20.004(1), (2), and (3), F.A.C., and at any location providing unemployment claim information. Use of the form is not mandatory; however, whatever instrument is used, it should ~~shall~~ include the following information:

- (a) No change.
 - (b) The name and tax account number of each employer, if any, involved;
 - (c) No change.
 - (d) A concise ~~brief~~ statement of the reasons for disagreement with the determination.
- (3) Failure to include all of the information listed in subsection (2) will not constitute cause for rejection of the appeal, but may result in ~~unnecessary~~ delay in processing the appeal and scheduling it for hearing.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(d) FS. History–New 5-22-80, Formerly 38E-5.03, Amended 8-20-86, 8-7-01, Formerly 38E-5.003, 60BB-5.003, Amended.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:
73B-20.004 Filing an Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to incorporate the Department’s electronic filing website by reference and to clarify where and by what method an appeal may be filed.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(b)1., (d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.004 ~~Place for Filing an Appeal.~~

Appeals may be filed on-line at the Department of Economic Opportunity website at https://iap.floridajobs.org/IAP_INTER/process.asp Internet Appeals Program (2012) or by clicking on the Bienvenidos al Proceso de Apelaciones por Internet (Spanish Version) (2012), or by clicking on the Klike la a to view sit entenet sa a an kreyol (Creole Version) (2012) which are incorporated by reference herein, or at one of the following locations:

- ~~(1) Any of the unemployment claim adjudication offices operated by the Department of Economic Opportunity;~~
- ~~(1)(2) By fax, courier service, in person, or mail to (The central Office of Appeals (Caldwell Building MSC 347, 107 East Madison Street, Tallahassee, FL 32399-4143, facsimile number (850)921-3524, or district appeals referee offices maintained by the Office of Appeals;~~
- ~~(2) By fax, courier service, in person, or mail to the Reemployment Assistance Appeals Commission.~~
- ~~(3) The Unemployment Appeals Commission; and~~
- ~~(4) Any unemployment compensation office located outside the State of Florida.~~

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(b)1., (d) FS. History–New 5-22-80, Formerly 38E-5.04, Amended 8-20-86, 8-7-01, Formerly 38E-5.004, 60BB-5.004, Amended.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:
73B-20.005 Time for Filing Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to remove language that duplicates Rule 73B-20.004, F.A.C.; to include the future Connect System for delivery of determinations; and to clarify the effective dates of filing.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(3)(a), (4)(b)1., (d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.005 Time for Filing Appeal.

(1) The appeal shall be filed within 20 calendar days of the date the determination or redetermination was mailed to the appellant's last known address or made available electronically through a Department-approved electronic account, or, in the absence of mailing or electronic delivery, the date of other delivery to the appellant.

~~(2) The appeal shall be filed by mailing the appeal document to any of the locations designated in Rule 73B-20.004, F.A.C.; by facsimile transmission of the appeal document to any location designated in subsections 73B-20.004(1), (2), and (3), F.A.C.; or by hand delivery of the appeal document to any location designated in subsections 73B-20.004(2), (3), and (4), F.A.C.~~

~~(2)(3) Appeals filed by mail are shall be considered to have been~~ filed when postmarked by the United States Postal Service. Appeals filed by hand delivery, courier service or facsimile are shall be considered to have been filed when date stamped received at an the authorized location. Appeals filed electronically are filed on the date the confirmation number is issued by the system.

~~(3)(4) Upon receipt of An~~ appeal delivered in person or by facsimile transmission will be date stamped by a, the Commission or, Department of Economic Opportunity, or Office of Appeals employee on the date hand delivered or the date placed on the document by the Department or Commission fax system shall record the date of receipt on the appeal document. The Internet filing system shall post on the appeal the date the confirmation number is issued and the appeal was successfully received by the system.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(3)(a), (4)(b)1., (d) FS. History--New 5-22-80, Formerly 38E-5.05, Amended 8-20-86, 3-1-98, 8-7-01, Formerly 38E-5.005, 60BB-5.005, Amended _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:
73B-20.006 Computation of Time

PURPOSE AND EFFECT: The Department is proposing to amend the rule to clarify the definition of "holiday" for appeal purposes.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(b)1., (d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.006 Computation of Time.

(1) No change.

(2) For the purpose of this section, "holiday" means:

(a) No change.

(b) Any ~~other~~ day on which the offices of the Department of Economic Opportunity are closed; and

(c) For appeals filed by mail, aAny ~~other~~ day on which the United States Postal Service is closed.

Rulemaking Specific Authority, 443.012(11) FS. Law Implemented 443.151(4)(b)1., (d) FS. History--New 5-22-80, Formerly 38E-5.06, Amended 8-20-86, Formerly 38E-5.006, 60BB-5.006, Amended _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:
73B-20.007 Late Filing of Appeals

PURPOSE AND EFFECT: The Department is proposing to amend the rule to reference the order to show cause provision in Section 443.151(4)(b)3., F.S.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(3)(a), (4)(b)1., (d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.007 Late Filing of Appeals.

(1) If it appears that the appeal initiating the proceedings was not filed within the time allowed by law, the appeals referee shall notify the parties that timeliness of the appeal shall be one of the issues to be considered at the hearing, except as provided in Section 443.151(4)(b)3., F.S.

(2) through (3) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(3)(a), (4)(b)1., (d) FS. History–New 5-22-80, Formerly 38E-5.07, Amended 8-20-86, Formerly 38E-5.007, 60BB-5.007, Amended _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-20.015
 RULE TITLE: Notice of Hearing

PURPOSE AND EFFECT: The Department is proposing to amend the rule to incorporate form DEO-6 in three languages into the rule and to clarify the procedure for delivering the notice of hearing to the Department.

SUBJECT AREA TO BE ADDRESSED: Unemployment Benefits Appeal Hearing Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-20.015 Notice of Hearing.

(1) The appeals referee shall mail notice of the hearing to all parties at least 10 days prior to the date of the hearing. In proceedings to which the Department of Economic Opportunity is a party, the notice shall be directed to the Director of the Division of Workforce Services in Executive Director of the Department of Economic Opportunity or one or more of his or her designees. Whenever practicable, notices to employers shall be mailed to both the employer’s official address of record and to the job site where the claimant was employed. Notices shall also be provided to attorneys and representatives of record.

(2) The notice shall include or be accompanied by:

(a) through (d) No change.

(e) A statement of the rules regarding requests for continuances and subpoenas; ~~and~~

(f) The address of the office to which all motions, requests of other correspondence concerning the hearing should be directed; ~~and~~–

(g) A DEO-6E (Rev. 07/12) Appeals Information pamphlet, DEO-6S (Rev. 07/12) Informacion Sobre Apelaciones, or DEO-6C (Rev. 07/12) Dedomajman pou Chomaj Enfomasyon Apel, incorporated herein by reference and available at the Department’s website, www.floridajobs.org/appeals.

(3) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(a), (b), (d) FS. History–New 5-22-80, Amended 11-30-81, 5-22-83, Formerly 38E-5.15, Amended 8-20-86, Formerly 38E-5.015, 60BB-5.015, Amended _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-21.002
 RULE TITLE: Form of Appeal

PURPOSE AND EFFECT: The Department is proposing to amend the rule to incorporate by reference the on-line appeal form and the appeal form; to remove duplicative provisions; to include all methods of delivery of appeals; to clarify where an appeal can be filed; and to include language requesting the reasons for the appeal.

SUBJECT AREA TO BE ADDRESSED: Commission Appeal Procedures.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (950)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-21.002 Form of Appeal.

(1) An appeal of an appeals referee’s decision may be filed on-line at the Department of Economic Opportunity website at https://www.uac.fl.gov/Appeal.aspx, Florida Reemployment Assistance Appeals Commission, Review Request (2011) and incorporated herein by reference or at any of the following locations:

(a) ~~By fax, courier service, in-person or mail to the Reemployment Assistance Unemployment Appeals Commission (Suite 101, Rhyne Building, 2740 Centerview Drive, Tallahassee, FL 32399-4151); fax (850)488-2123; or~~

(b) ~~By fax, courier service, in-person or mail to the central or district appeals referee offices maintained by the Department of Economic Opportunity Office of Appeals (Caldwell Building, MSC 347, 107 East Madison Street, Tallahassee, FL 32399-4143, facsimile number (850)921-3524;~~

(c) ~~Any of the unemployment claim adjudication offices operated by the Department of Economic Opportunity; and~~

(d) ~~Any unemployment compensation claims office located outside the State of Florida.~~

(2) An appeal shall be in writing and should contain the following:

(b) The name, tax account number, and mailing address of the employer or employers involved;

(c) The referee decision docket number of the case being appealed.

(3) The following shall constitute acceptable methods of appeal:

(a) No change.

(b) Any person entitled to file an appeal may obtain an a printed appeal form (DEO-A100 UAC(E) AWI-A100, Request for Reemployment Assistance Appeals Commission Review Notice of Appeal), (Rev. 07/12 4/01); DEO-A100 UAC(S) (Spanish), Solicitud Revision De La Comision De Apelaciones Por Peseempleo (Rev. 07/12); DEO-A100 UAC(C) (Creole), Demann Pou Komisyon Dapel Pou Alokasyon Chomaj Fe Yon Revizyon (Rev 07/12)), incorporated herein by reference, at the Department's website at <http://www.floridajobs.org/office-directory/division-of-workforce-services/unemployment-programs/unemployment-compensation-forms-directory> ~~any of the locations listed in subsections 73B-21.004(1), (2) and (3), F.A.C., and at any location providing unemployment claim information.~~ Use of the form is not mandatory; however, whatever if a letter or other instrument is used, it should include the following information required in subsection (2) and:

1. ~~The name and social security account number of each claimant, if any, involved;~~

2. ~~The name of each employer, if any, involved;~~

3. ~~The date, subject matter, and docket number of the decision; and~~

4. a concise brief statement of any and all allegations of error with respect to the referee's decision, and factual and legal support for these challenges. Allegations of error not specifically set forth in the request for review may be considered waived the reasons for disagreement with the decision.

(c) Failure to include all of the information listed in ~~paragraphs paragraph (2)(b) and (3)(b)~~ will not constitute cause for rejection of the appeal, but may result in a delay in processing the appeal.

(4) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(d) FS. History—New 5-22-80, Formerly 60BB-6.02, Amended 8-20-86, 8-7-01, Formerly 38E-2.002, 60BB-6.002, Amended _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-21.004
 RULE TITLE: Computation of Time

PURPOSE AND EFFECT: The Department is proposing to amend the rule to clarify the definition of "holiday" for appeal purposes.

SUBJECT AREA TO BE ADDRESSED: Commission Appeal Procedures.

RULEMAKING AUTHORITY: 443.012(11) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-21.004 Computation of Time.

(1) No change.

(2) As used in this rule, holiday means:

(a) No change.

(b) Any ~~other~~ day on which the Office of the Clerk of the Commission is closed; and

(c) When a document is mailed aAny ~~other~~ day on which the United States Postal Service is closed.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(b), (d) FS. History—New 5-22-80, Formerly 38E-2.04, Amended 8-20-86, Formerly 38E-2.004, 60BB-6.004, Amended _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:

73B-21.006 Representation

PURPOSE AND EFFECT: The Department is proposing to amend the rule to include the procedure for requesting attorney fee approval.

SUBJECT AREA TO BE ADDRESSED: Commission Appeal Procedures.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.041(2) FS., 443.151(4)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-21.006 Representation.

(1) through (3) No change.

(4) A request for approval of a fee to be paid by the claimant, if any fee is charged by a claimant's representative for services performed before the Commission, shall be in writing and received by the Commission no later than 15 days after the Commission's order ruling on the case. The request should include a description of the time spent and services rendered in connection with the Commission appeal, and the amount of the proposed fee.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(d) FS. History–New 5-22-80, Formerly 38E-2.06, Formerly 38E-2.006, 60BB-6.006, Amended _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:

73B-22.003 Record on Appeal to the Commission

PURPOSE AND EFFECT: To clarify application of the rule to appeals to the Reemployment Assistance Appeals Commission. Also, to conform the rule to name changes to the Department of Economic Opportunity and the Reemployment Assistance Appeals Commission.

SUBJECT AREA TO BE ADDRESSED: Unemployment Appeals Commission or Reemployment Assistance Commission.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy S. Johnson, Deputy General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-22.003 Record on Appeal to the Commission.

(1) The contents of the record on appeal to the Commission shall consist only of:

(a) No change.

(b) All department agency memoranda or data submitted to the appeals referee or other hearing officer, provided that such memoranda or data were submitted prior to disposition of the appeal, after notice of the submission to all parties;

(c) through (e) No change.

(f) The notice of docketing of the appeal of the referee's decision by the Reemployment Assistance Unemployment Appeals Commission, or the order of the Commission removing the proceedings to itself or initiating review upon its own motion;

(g) through (2)(c) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(d) FS. History–New 5-22-80, Formerly 38E-3.03, Amended 8-20-86, 1-5-93, Formerly 38E-3.003, 60BB-7.003, Amended _____.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: RULE TITLE:

73B-22.009 Record on Appeal to the Court

PURPOSE AND EFFECT: The Department is proposing to amend the rule to clarify the record on appeal to the Court and to clarify that the rule references the Clerk of the Commission. SUBJECT AREA TO BE ADDRESSED: Court Appeal Procedure.

RULEMAKING AUTHORITY: 443.012(11) FS.

LAW IMPLEMENTED: 443.151(4)(c)-(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy Johnson, Deputy

General Counsel, Office of the Unemployment Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

Section II Proposed Rules

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

73B-22.009 Record on Appeal to the Court.

(1) The contents of the record shall consist only of:

(a) No change.

(b) All additional evidence made a part of the record ~~in pursuant to further proceedings held pursuant to the direction of directed by the Reemployment Assistance Unemployment Appeals Commission;~~

(c) No change.

(d) The order of the Reemployment Assistance Unemployment Appeals Commission on appeal.

(2) Within 10 days of filing the notice, the appellant may direct the Clerk of the Commission (hereinafter Clerk) to exclude any of the documents or exhibits listed in subsection (1). If the appellant directs the Clerk to transmit less than the entire record, the appellant shall file with such directions a designation of the agency actions to be reviewed. Within 20 days of filing the notice, an appellee may direct the Clerk to include any additional documents or exhibits listed in subsection (1).

(3) Within 10 days of filing of the notice, the appellant shall designate those portions of the proceedings for transcription and inclusion in the record. Within 20 days of filing of the notice, the appellee may designate additional portions of the proceedings. Copies of designations shall be served on the Clerk ~~of the Commission~~ along with a request that the Clerk provide a duplicate of the audio recording of the proceedings for transcription by a court reporter. Within 30 days of a designation, the designating party shall insure that the court reporter shall transcribe and deliver to the Clerk ~~of the Commission~~ the designated proceedings. In the alternative, the designating party may request that the Clerk ~~of the Commission~~ arrange transcription of the designated proceedings by the clerk's staff or other qualified person. The Clerk shall charge parties, other than claimants, no more than the actual costs for duplication of the audio recording of the proceedings or transcription of the proceedings. Costs shall be borne initially by the designating party, subject to taxation of costs as prescribed by Florida Rule of Appellate Procedure 9.400.

(4) No change.

Rulemaking Specific Authority 443.012(11) FS. Law Implemented 443.151(4)(c)-(e) FS. History—New 5-22-80, Formerly 38E-3.09, Amended 10-5-86, 1-5-93, Formerly 38E-3.009, 60BB-7.009, Amended _____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

1S-2.049

RULE TITLE:

Absentee Ballots – Absent Stateside Uniformed Services Voters

PURPOSE AND EFFECT: This rule deals exclusively with the request delivery and return of absentee ballots for absent stateside (but not overseas) uniformed services voters and their dependent children and spouses who are absent from county as a result of that active duty. The proposed revisions are made to the ballot instructions to put in rule what has been codified in law with the new absentee ballot instruction language in Sections 38 and 39 of Chapter 2011-40, Laws of Florida, which became effective May 19, 2011. The new instructions in law put the voter on notice as to what was already the law which says that if a signature on the certificate does not match the signature on record at the time of canvassing, the ballot will not count. The instructions in the rule are also changed to reflect what is now in law that says canvassing of absentee ballots can begin as early as 15 days in lieu of 6 days before election day. The revisions also clarify that a blank absentee ballot can be delivered or transmitted to an absent stateside uniformed services voter via electronic means other than by mail. This conforms to federal law in s. 578 of the Military Overseas Voter Empowerment Act which continues the ongoing efforts of the Uniformed and Overseas Citizens Absentee Voting Act to facilitate such voters timely access and return of absentee ballots.

SUMMARY: Process for requesting, marking, returning, accepting and counting absentee ballots for absent stateside uniformed services voters.

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: Based upon the following, the Agency has determined that the proposed rule will or will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with election-related activities and rules of this

nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 20.10(3), 97.012(1), 101.697, FS.

LAW IMPLEMENTED: 101.62, 101.64, 101.65, 101.6923, 101.697 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: June 4, 2012, 1:00 p.m. EDT

PLACE: Florida Heritage Hall, R.A. Gray Building, Florida Department of State, Tallahassee, Florida 32399

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: Eddie Phillips, eddie.phillips@dos.myflorida.com, administrative assistant, Office of General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone: (850)245-6248. 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: Maria Matthews, Assistant General Counsel, Office of General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 at (850)245-6536, maria.matthews@dos.myflorida.com or David Drury, Chief, Bureau of Voting Systems Certification, drdrury@dos.state.fl.us.; (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.049 Absentee Ballots – Absent Stateside Uniformed Services Voters.

(1) Application. This rule applies solely to the request, absentee ballot requests and to the delivery and return of absentee ballots for uniformed services members who are absent stateside. Such persons are defined to include:

(a) A member of a uniformed service on active duty who, by reason of active duty, is absent (but not overseas) from the place of residence where the member is otherwise qualified to vote,

(b) A member of the Merchant Marine who, by reason of service, is absent (but not overseas) from the place of residence where the member is otherwise qualified to vote, or

(c) A spouse or dependent of a member described in paragraph (a) or (b) who, by reason of the active duty or service of the member, is also absent (but not overseas) from the place of residence where the spouse or dependent is otherwise qualified to vote.

(2) Requests.

~~(a) A request for an absentee ballot for an The absent stateside uniformed services voter shall be submitted in accordance with Section 101.62(1), F.S., which includes by phone or in writing (such as mail, fax, e-mail or online). In addition, the request for an absentee ballot must also include the following information, an immediate family member of the voter, or the legal guardian of the voter, request an absentee ballot via:~~

~~1. Telephone.~~

~~2. Fax.~~

~~3. E-mail.~~

~~4. Any other form of written request.~~

~~(b) The request for an absentee ballot must include:~~

~~1. The name of the voter for whom the ballot is requested.~~

~~2. The voter's date of birth.~~

~~3. The voter's legal residence in Florida.~~

~~(a)4. The voter's requested method of delivery for the blank absentee ballot (by mail, or electronic means such as fax, e-mail or online) An indication of how the voter wants the ballot to be delivered (mail, fax, or e-mail).~~

~~(b) The corresponding destination, whichever is applicable, to either transmit the blank ballot or communicate how to access the blank ballot electronically by some other means:~~

~~(b)5. One of the following:~~

~~1.a. An out-of-county mailing address.~~

~~2.b. A fax machine number, and an out-of-county address (only for purposes of affirming absence from county).~~

~~3.e. An e-mail address, and an out-of-county address (only for purposes of affirming absence from county).~~

~~iv. The voter's signature (written requests only other than through e-mail or through online request), or if the requester is other than the voter, the requester's name, address, driver's license number (if available), signature, and relationship to the voter.~~

(3) Processing Rrequests. When a supervisor receives an absentee ballot request from an absent stateside uniformed services voter, the supervisor shall:

(a) Verify the information provided to determine if the voter is a qualified and registered voter for the election.

(b) Provide ~~in the manner requested by the voter~~ the appropriate absentee ballot, the instructions for voting and returning the ballot, and the Voter's Certificate by the means requested by the voter in subsection (2).

(c) Record the receipt date of the request, the date and manner in which the Supervisor made the absentee ballot available to the voter, and the mailing address, e-mail address, or fax number provided by the voter.

(d) Ensure that the Supervisor of Elections' office transmitting and receiving equipment is in a secure location with access limited to the Supervisor's employees and that the absentee ballot is sent directly to the mailing or e-mail address or fax number or other transmission destination made available to the absent stateside uniformed services voter.

(4) Return of Voted Absentee Ballot. A voted ballot by an absent stateside uniformed services voter returned by e-mail or by fax shall not be accepted. An absent uniformed services voter may return a voted absentee ballot by mail, in person (if he or she returns to county of residence) or through someone else on behalf of the voter. To be accepted and counted, a voted absentee ballot must be received by the supervisor of elections no later than 7:00 p.m. on election day in the time zone for the county in which the absent uniformed services voter is registered.

(5) Voter's Certificate. The Voter's Certificate for absentee ballots being sent to absent stateside uniformed services voters shall be in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

I, _____, swear or affirm, under penalty of perjury, that I am:

1. A member of the Uniformed Services or merchant marine on active duty; or an eligible spouse or dependent of such a member; or a U.S. citizen temporarily residing outside the U.S.; or Other U.S. citizen residing outside the U.S.

2. I am a U.S. citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; and

3. I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and

4. I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S., except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under State or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document.

The information on this form is true, accurate and complete to the best of my knowledge.

I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

Signed: _____ Date _____
Month/Day/Year

(6) Ballot Instructions. Ballot instructions in substantially the following form must be provided with each absentee ballot to an absent stateside uniformed services voter:

INSTRUCTIONS

1. In order to ensure that your absentee ballot is counted, complete and return the ballot and Voter's Certificate as soon as possible to the supervisor of elections of the county in which you are registered so that they are received no later than 7:00 p.m. on the election day in the time zone for the county in which you are registered.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidate or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

4. VERY IMPORTANT. In order for your ballot to be counted, you must also complete the Voter's Certificate, which must include your signature and date signed. Failure to include a signature or a date means your ballot may not be counted. Your absentee ballot will not be counted if your signature on the Voter's Certificate does not match your signature on record. If you need to update your signature for this election, you must send your signature update on a voter registration application to your supervisor of elections so that it is received before absentee ballots are canvassed which could start as early as 15 days before election day. Your ballot will be rejected also if the signature on the certificate does not match the signature on the voter registration record.

5. To return your voted absentee ballot and voter's certificate:

a. Place your marked ballot in a secrecy envelope or sleeve, as provided to you or in an unmarked envelope (if the ballot was faxed or e-mailed to you).

b. Insert the secrecy envelope or sleeve, or unmarked envelope inside a separate mailing envelope. If the ballot was mailed to you, use the mailing envelope provided and complete the Voter's Certificate on the back. If the ballot was faxed or e-mailed to you, place the secrecy envelope or sleeve or unmarked envelope and the completed Voter's Certificate in another envelope for mailing. Do not enclose the Voter's Certificate in the secrecy envelope or sleeve, or unmarked envelope with the ballot. Clearly mark the mailing envelope "Absentee Ballot Enclosed."

6. You may mail, deliver or have delivered by someone else your absentee ballot to the supervisor of elections. Faxed or e-mailed voted ballots will not be ~~counted~~ ~~accepted~~. To mail your ballot free of postage, use the template provided at <http://www.fvap.gov/resources/media/returnenvelope.pdf>. ~~to~~ ~~Print~~ directly onto the mailing envelope or otherwise affix to the mailing envelope. Otherwise, ~~clearly mark the mailing envelope~~ "Absentee Ballot Enclosed" and provide sufficient postage.

7. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any circumstances making your ballot false or fraudulent.

(7) Processing ~~R~~returned ~~A~~absentee ~~B~~ballots.

(a) The supervisor shall record the date the voted absentee ballot is received from the absent stateside uniformed services voter.

(b) If an absent stateside uniformed services voters returns the voted ballot to the supervisor in an envelope other than an absentee ballot mailing envelope provided by the supervisor, the canvassing board is authorized to open the mailing envelope to determine if the Voter's Certificate is enclosed in the mailing envelope. If the Voter's Certificate is not enclosed, the envelope or sleeve containing the ballot shall not be opened and the envelope shall be marked "Rejected as Illegal." If the Voter's Certificate is enclosed, the Voter's Certificate shall be reviewed in accordance with Section 101.68, F.S.

(c) If the canvassing board determines that the voter is eligible to vote, the ballot shall be processed as other absentee ballots. If the returned absentee ballot was originally faxed or e-mailed or accessed electronically by some other means, the ballot shall be removed from the envelope and duplicated so that it can be processed through the tabulating equipment.

Rulemaking Authority 20.10(3), 97.012(1), 101.697 FS. Law Implemented 101.62, 101.64, 101.65, 101.6923, 101.697 FS. History—New 8-25-10, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dr. Gisela Salas, Director, Division of Elections

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Detzner, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2012

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-9.001
RULE TITLE: Investment Policy Statement

PURPOSE AND EFFECT: To adopt the revised Investment Policy Statement approved by the Trustees effective February 9, 2012 for the Florida Retirement System Investment Plan.

SUMMARY: To adopt the most recent version of the Investment Policy Statement for the Florida Retirement System Investment Plan and advise the public where a copy of such statement may be obtained. There are no other rules incorporating this proposed rule

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: There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs resulting from the proposed amendments.

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

RULEMAKING AUTHORITY: 121.4501(8), 215.52 FS.

LAW IMPLEMENTED: 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) FS.

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

DATE AND TIME: Monday, June 4, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-9.001 Investment Policy Statement.

The Florida Retirement System ~~Investment Plan~~ ~~Public Employee Optional Retirement Program~~ Investment Policy Statement, as approved by the Trustees of the State Board of Administration on ~~February 9, 2012~~ ~~December 9, 2008~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01218> is hereby adopted and incorporated by reference. The Investment Policy Statement may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, Attn.: Office of Defined Contribution Programs, or by accessing the [sbafla.com](http://www.sbafla.com) website, clicking on the Risk Management and Oversight tab, and then clicking on FRS Investment Plan under the Investment Policy Statements section.

Rulemaking Authority 121.4501(8)(a), 215.52 FS. Law Implemented 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) FS. History—New 7-29-01, Amended 7-23-02, 5-10-05, 5-19-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Poppell, Senior Officer, Defined Contributions Programs
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.001	Definitions
19-11.002	Beneficiary Designations and Distributions for FRS Investment Plan
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	FRS Investment Plan Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.008	Forfeitures
19-11.009	Reemployment with an FRS-covered Employer after Retirement

19-11.010	FRS Investment Plan: Privacy
19-11.011	Employer and Employee Contributions and ABO or Present Value Transfer Procedures
19-11.012	Acceptance of Rollovers by the FRS Investment Plan

PURPOSE AND EFFECT: To amend Rule 19-11.001, F.A.C., to include all pertinent definitions contained in Rule Chapters 19-11, 19-12 and 19-13, F.A.C., and to update such information. To amend Rule 19-11.002, F.A.C., to set forth information on distributions to beneficiaries currently set forth in Rule 19-11.003, F.A.C., to clarify, update, and detail such information; to set forth the requirements for distributions to minors when the amount will be in excess of \$15,000, and to discuss disclaimers made by beneficiaries. To amend Rule 19-11.003, F.A.C. to update information on invalid distributions, and to remove information on distributions to beneficiaries that is more appropriately set forth in Rule 19-11.002, F.A.C. To amend Rule 19-11.004, F.A.C. to update information concerning excessive trading and to adopt the latest version of the paper trading form. To amend Rule 19-11.005, F.A.C. to update information concerning complaint procedures. To amend Rules 19-11.006, F.A.C. and Rule 19-11.007, F.A.C., to adopt the latest versions of the enrollment forms and second election enrollment forms and to remove unnecessary provisions in the rules, as such information is fully set forth in the adopted applicable forms. To amend Rule 19-11.008, F.A.C., to clarify information concerning forfeitures and to add information to indicate that a beneficiary who unlawfully and intentionally kills or procures the death of a member forfeits all rights to the member's benefits. To amend Rule 19-11.009, F.A.C., to clarify information on reemployment with an FRS-covered employer. Rule 19-11.011 is being created to consolidate contributions provisions currently in Rules 19-11.001, 19-12.003 and 19-12.004, F.A.C., and add information pertaining to employee contributions. Rule 19-11.012, F.A.C. is being created to set forth information about rollovers currently set forth in Rule 19-12.007, F.A.C., in anticipation of the repeal of Chapter 19-12, F.A.C., to update and clarify such information, and to adopt forms for members to use when rolling qualified funds into the Investment Plan.

SUMMARY: To update information contained in all of the rules; to remove unnecessary and redundant rule provisions; to consolidate definitional provisions currently scattered throughout several rule chapters; to remove provisions that merely repeat statutory provisions; and to adopt the latest versions of applicable forms. There are no other rules incorporating any of these proposed rules.

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. Upon review of the proposed changes to the rules as well as all incorporated materials, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs.

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

RULEMAKING AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 119.071, 120.569, 120.57, 120.573, 121.021, 121.051, 121.055, 121.091, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (9), (10), (13),(14), (15), (20), 121.591, 121.71, 121.72, 121.74, 121.77, 121.78, 215.44(8)(b), 732.802, 744.301, 1012.875(3) FS.

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

DATE AND TIME: Monday, June 4, 2012, 9:00 a.m. – 11:00 a.m

PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULES IS:

19-11.001 Definitions Procedures Regarding Employer Contributions.

~~(1) Purpose. This rule implements Section 121.78, F.S., and establishes procedures regarding employer contributions, late payrolls, assessments, and market losses.~~

~~(2) Definitions.~~

The following words and terms shall have the following meanings for purposes of Chapters 19-11 and 19-13, F.A.C.:

(1) “Accumulated Benefit Obligation” or “ABO” means the present value of a member’s benefit in the FRS Pension Plan, which is the defined benefit program of the Florida Retirement System, to which the member would be entitled if the member retired from the FRS Pension Plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(b)1., F.S., by the Division of Retirement within the Department of Management Services. The ABO changes on a monthly basis based on the following factors: age, service, salary level, and membership class.

(2) “Administrator”, “Investment Plan Administrator”, or “Plan Choice Administrator,” means the entity hired by the SBA, pursuant to Section 121.4501(8)(a)1., F.S., to provide administrative services to the FRS Investment Plan or the entity responsible for processing enrollment forms received from employees making a retirement plan choice either by form or electronically.

(3) “Aggregate amount of \$75,000 or more” means the total of the amounts transferred out of a fund by a member and into the same fund, in either order (i.e., in/out or out/in) during any rolling 30-calendar day period, regardless of the number of Round Trips.

(4) “Alternate Payee” is the person or persons eligible to receive payments under the Plan in accordance with a Qualified Domestic Relations Order (QDRO). A QDRO can only name a Member’s spouse, former spouse, child, or other dependent as an Alternate Payee.

(5) “Annual addition” means the sum for any limitation year of all employer and employee contributions which are treated as annual additions to a defined contribution plan for purposes of Section 415(c) of the U.S. Internal Revenue Code, as amended (“Code”) and forfeitures. Examples of such contributions to a defined contribution plan include the following: employer and employee contributions to the FRS Investment Plan; contributions to the Senior Management Service Optional Annuity Program described in Section 121.055(6), F.S.; contributions to a Code Section 401(k) plan; employer contributions to an individual retirement account; voluntary employee contributions to accounts in a defined benefit plan [but not including contributions to a qualified cost-of-living arrangement in accordance with Code Section 415(k)]; amounts allocated to the separate account of a key employee for post-retirement medical benefits described in

Code Section 419A(d)(2); and contributions to an individual medical benefit account, as described in Code Section 415(l). Examples of contributions which are not annual additions for purposes of Section 415(c) of the Code as applied to the FRS Investment Plan include the following: rollover contributions or transfers from another eligible retirement plan to the FRS Investment Plan; contributions to a Code Section 403(b) annuity plan; contributions to a Code Section 457 deferred compensation plan; and contributions which are additional elective deferrals under Code Section 414(v).

(6) "Benefits" is used in the same sense, and has the same meaning, as used in Section 121.4501(7), F.S.

(7) "Code" means the U.S. Internal Revenue Code, as amended. The Code is available free on the Internet at the following web site: uscode.house.gov.

(8) "Compensation" means the monthly salary paid by an employer to a member for work performed arising from that employment, as defined in Section 121.021(22), F.S.

(9) "Complaint" shall mean a member's written or verbal expression of dissatisfaction with an FRS Investment Plan provider or one of its representatives.

(10) "Defined contribution plan" means a plan, such as the FRS Investment Plan, which provides for an individual account for each member and for benefits based solely on the amount contributed to the member's account, and any income, expenses, gains and losses, and any forfeitures of accounts of other members which may be allocated to such member's account.

(11) "De Minimus Distribution" is an automatic distribution made when an inactive member's account balance is \$1,000 or less. However, such a distribution will not occur until the member has been terminated from all employment with FRS-covered employers for a minimum of six (6) calendar months.

(12) "Direct rollover" means a payment by the FRS Investment Plan to the eligible retirement plan specified by the distributee.

(13) "Distributee" means a member or former member who has taken a distribution from the FRS Investment Plan. In addition, the member's or former member's surviving spouse and the member's or former member's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code s. 414(p), are distributees with regard to the interest of the spouse or former spouse.

(14) "Division" means the Division of Retirement within the Department of Management Services.

(15) "Domestic Relations Order" or "DRO" is any draft DRO, court judgment, decree, or order (including an approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a member and that is made pursuant to a state domestic relations law (including a community property law).

(16) "Effective date of enrollment" or "effective enrollment in the FRS Investment Plan" means the employee completed the enrollment into the Plan by filing the appropriate enrollment form, or by electronic means, in the applicable membership class or by filing a separate document for the applicable membership class with the Administrator; the Administrator has entered the employee into its recordkeeping system; and the Administrator has informed the Division of the employee's effective date of enrollment in either the FRS Pension Plan or the FRS Investment Plan. For purposes of this rule, the term "enrollment form" or "form" shall also refer to the separate document described in paragraph 19-11.006(2)(b), F.A.C.

(17) "Electronic Means" shall mean an enrollment made on the MyFRS.com website, by telephone or other technology as specified by the SBA.

(18) "Eligible retirement plan" means an individual retirement account described in Code s. 408(a), an individual retirement annuity described in Code s. 408(b), an annuity plan described in Code s. 403(a), an annuity contract described in Code s. 403(b), an eligible deferred compensation plan described in Code s. 457(b) which is maintained by an eligible employer described in Code s. 457(e)(1)(A) or a qualified trust described in Code s. 401(a), that accepts the distributee's eligible rollover distribution.

(19) "Eligible rollover distribution" means any distribution of all or any portion of the balance of the member's account(s) in the FRS Investment Plan to the credit of the distributee. An eligible rollover distribution does not include any distribution which is made upon hardship of the employee; any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code s. 401(a)(9); the portion of any distribution that is not includible in gross income, unless transferred in accordance with the provisions of Code s. 402(c)(2) to a qualified trust which is part of a plan which is a defined contribution plan, or to an individual retirement account described in Code s. 408(a) or an individual retirement annuity described in Code s. 408(b); or a deemed distribution of a loan under Code s. 72(p).

(20) "Employee" means an eligible employee as defined in Section 121.4501(2)(d), F.S.

(21) "Employer" means an employer as defined in Section 121.4501(2)(e), F.S. For purposes of the FRS Investment Plan, there are three general categories of employers: state agencies; school districts; and local employers.

(22) "Excessive trading" means multiple occurrences of Market Timing Trades by a member. The definition of a Market Timing Trade is set forth in subsection (31) herein.

(23) “Exempt transaction” is any transaction that is initiated for purposes of: depositing employer payroll and employee contributions; processing a distribution; processing a Qualified Domestic Relations Order; or mapping funds from terminated products. Exempt transactions are not included in any calculations for the purposes of Rule 19-11.004, F.A.C.

(24) “FRS Investment Plan”, “Florida Retirement System Investment Plan,” or “Investment Plan” means the defined contribution retirement program of the Florida Retirement System, established in Parts II and III of Chapter 121, F.S. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan. The FRS Investment Plan refers to both the FRS Investment Plan and the FRS Investment Plan Hybrid Option, also known as the FRS Hybrid Option.

(25) “FRS Investment Plan Hybrid Option” or “FRS Hybrid Option” means the plan choice option within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member chooses to retain his accrued service benefit in the FRS Pension Plan, in accordance with Section 121.4501(3)(b)1., F.S., and further chooses that all future employer and employee contributions be deposited in his FRS Investment Plan account.

(26) “FRS Investment Plan providers” are:

(a) The FRS Investment Plan Administrator;

(b) Companies providing educational services, which include retirement planning, financial planning services, and retirement plan choice guidance;

(c) Investment managers providing investment services supporting mutual funds or institutional funds offered in the FRS Investment Plan;

(d) Marketing companies providing marketing and educational support for their investment products or providing individual counseling; and

(e) Any other company or state agency providing Investment Plan services (including the State Board of Administration of Florida).

(27) “FRS Pension Plan” means the defined benefit retirement program of the Florida Retirement System, established in Part I of Chapter 121, F.S.

(28) “Florida Retirement System Trust Fund” or “FRSTF” shall mean the trust fund holding the assets of the FRS Pension Plan, which is the defined benefit plan of the Florida Retirement System.

(29) “Grace period” means that procedure described in subsection 19-11.006(3), F.A.C., which permits, under certain circumstances, the voiding of a retirement plan choice election.

(30) “In-service distribution” is an invalid distribution made to a member who is actively employed in a regularly established position at the time of taking a distribution.

(31) “Invalid distribution” is a distribution to a member to which the member was not entitled.

(32) “Limitation year” is the consecutive 12 month period of time to which Code limitations with respect to contributions and forfeitures are applied. For the FRS Investment Plan, the limitation year is the calendar year.

(33) “Market losses” shall be defined, for purposes of Section 121.78(3)(c), F.S., which states that employers shall reimburse FRS Investment Plan members for market losses resulting from late contributions, or from contribution adjustments as a result of employer errors or corrections, as the value of a member’s account that otherwise would have been realized had the employer and employee contributions and accompanying payroll data been submitted on a timely basis. “Market losses” applies only to the monthly contribution that is late, not to the member’s aggregate value in his or her Investment Plan account.

(34) “Market Timing Trade” is a member-directed series of trades with the following two characteristics:

1. At least one Roundtrip Trade within a 30-day period, and

2. The trade amount for all Roundtrip Trades is an aggregate amount of \$75,000 or more.

(35) “Member”, “FRS Investment Plan Member,” or “Investment Plan Member means an employee who elected to participate, and has an account established, in the FRS Investment Plan as a result of current or previous employment with an FRS-covered employer; a person who has been designated as an alternate payee due to a qualified domestic relations order (“QDRO”); or a designated beneficiary when a member is deceased.

(a) “Public Employee Optional Retirement Program” or “PEORP” shall mean the optional defined contribution plan within the Florida Retirement System, established in Part II of Chapter 121, F.S.

(b) “PEORP Participant” shall mean an active member of the Florida Retirement System who has elected to join the PEORP.

(36)(e) “Member’s account” or “member’s accounts” “PEORP Participant’s accounts” or “PEORP accounts” shall mean an Investment Plan accounts for an individual FRS Investment Plan member PEORP Participant in which employer and employee contributions and, if applicable, FRS Pension Plan benefit transfers, are invested for an FRS Investment Plan member PEORP Participant.

(d) For purposes of Section 121.78(3)(b), F.S., which states that employers shall reimburse PEORP Participants for market losses resulting from late contributions, or from contribution adjustments as a result of employer errors or corrections, the term “market losses” shall be defined as the value of a Participant’s account that otherwise would have been realized had the employer contribution and accompanying payroll data been submitted on a timely basis.

~~“Market losses” applies only to the monthly contribution that is late, not to the Participant’s aggregate value in his PEORP account.~~

~~(37) “Qualified Domestic Relations Order” (“QDRO”) is a domestic relations order that has been determined to meet the FRS Investment Plan’s qualification requirements.~~

~~(38) “Required Minimum Distributions” (“RMD”) are the annual minimum distributions that must be taken by members who are age 70 1/2 or older from their qualified retirement plan accounts, including 401(k), 457, 403(b) plans and IRA accounts, when they terminate employment. The amount of an RMD in any year is based on account balances as of December 31st of the prior year. The member must have terminated all FRS covered employment in order for an RMD to be processed. Once the RMD has been calculated, the RMD will be paid to the member, even if the member returns to active FRS employment during the calendar year.~~

~~(39) “Retiree” is a member who has received a self-initiated distribution from the FRS Investment Plan.~~

~~(40) “Roundtrip Trade” occurs when a member conducts a series of at least two non-exempt transactions that include one or more transfers into an authorized investment fund and one or more transfers out of the same authorized investment fund in either order (i.e., in/out or out/in), regardless of any multiple transfers from or to other different authorized investment funds during the roundtrip.~~

~~(41)(e) “PEORP” Third Party Administrator” or “TPA” shall mean the Investment Plan third party Administrator hired by the Florida State Board of Administration pursuant to Section 121.4501(8), F.S.~~

~~(42) “SBA” means the State Board of Administration of Florida, the plan sponsor for the FRS Investment Plan.~~

~~(43) “True-up Amount” means the difference between the ABO calculated by using the member’s actual creditable service and the actual final average compensation as of the member’s effective date in the FRS Investment Plan and the ABO initially transferred.~~

~~(3) One percent penalty.~~

~~(a) The portion of the one percent penalty assessed on late contributions and accompanying payroll data attributable to contributions for the PEORP shall be deposited into the Participant’s account, using the PEORP Participant’s investment allocation in effect at the time of the deposit of the assessment in the Florida Retirement System Trust Fund.~~

~~(b) Any employer requesting a waiver of the delinquency fee in accordance with Section 121.78(3)(c), F.S., shall fully explain and certify such waiver request in writing to the Office of Defined Contribution Programs, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308.~~

~~(4) Market loss calculation.~~

~~(a) The TPA will determine market losses using a PEORP Participant’s investment allocation in effect at the time of calculation. The TPA will perform the market value calculation using a period certain which is the 15th of the month in which the payroll is due, or the next succeeding business day if the day falls on a weekend or TPA or Division of Retirement observed legal holiday, in which contributions would have been processed, and ending on the date the payroll is received by the TPA.~~

~~(b) If contributions and accompanying payroll data are not received within the calendar month they are due, but that lateness does not result in market losses to participants, only the one percent late assessment will apply to the employer.~~

~~(c) The TPA will not perform the market loss calculation until a covered payroll and accompanying payroll data is received and processed by the TPA.~~

~~Rulemaking Specific Authority 121.78(3)(c), 121.4501(8) FS. Law Implemented 121.78, 121.4501 FS. History—New 12-8-02, Amended 3-9-06, _____.~~

~~19-11.002 Beneficiary Designations and Distributions for FRS Investment Plan.~~

~~(1) An FRS Investment Plan member may designate name a beneficiary to receive the benefits which may be payable in the event of the member’s death. If the member does not designate name a beneficiary(ies), or if no designated beneficiary survives the member, then the member’s beneficiary(ies) will be those specified by as described in Section 121.4501(20), F.S. which are: first, the deceased member’s spouse; or if there is no surviving spouse, then the deceased member’s children, or their legal guardian, on their behalf if under 18 years of age; or if no children survive, the deceased if he or she is still living after the member’s death; second, living children, if the spouse is dead; third, the member’s father or mother, if living; otherwise fourth, to the deceased member’s estate. This means that the spouse will receive the member’s account balance if living; but if not, the children will receive the account balance, if living; but if not, the father or mother will receive the account balance, and if none of the people mentioned in this section are still living, the account balance will be paid to the member’s estate.~~

~~(2) Any such beneficiary designation may be made on Form IPBEN-1, rev. 03-11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00255>, which is hereby adopted and incorporated by reference. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 (TRS 711), Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. or by accessing the MyFRS.com website and clicking on “Resources” and then “Forms.” The beneficiary designation form must be completed and received by the FRS Investment Plan Administrator before it becomes effective. Alternatively, a beneficiary may be designated electronically by logging on to MyFRS.com, clicking on “manage benefits,” then clicking on~~

“manage investments,” and then clicking on “personal info”, or by calling the Investment Plan Administrator at 1(866)446-9377, Option 4 (TRS 711).

~~(3)(2) A designation of beneficiary designation shall only be effective once it is after it has been received by the FRS Investment Plan Administrator. The most recent designation of beneficiary designation filed with the FRS Investment Plan Administrator shall replace any previous designation whether made before or after the member’s termination of employment or retirement. After submitting the designation, the member is responsible for confirming whether the designation has been received by should determine after the designation has been mailed that the form has arrived in the offices of the FRS Investment Plan Administrator. It is the responsibility of the member to ensure the beneficiary designation has been made. The beneficiary designation is printed Beneficiary information can be reviewed every quarter on the member’s quarterly statement.~~

~~(4)(a)(3) If the FRS Investment Plan member enrolls in the FRS Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 11/11 06/06, the General Retirement Plan Enrollment Form for Regular Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1, rev. 01/12 10/06, which are adopted and incorporated by reference in subsection 19-11.006(2)(4), F.A.C., or the 2nd Election EZ Retirement Plan Enrollment Form, Form ELE-2-EZ, rev. 07/11 12/06, or the 2nd Election Retirement Plan Enrollment Form, Form ELE-2, rev. 01/12 12/06, which are adopted and incorporated by reference in subsection Rule 19-11.007(3), F.A.C., the member agrees to has chosen the beneficiary designation contained in Section 121.4501(20), F.S., unless the member submits a beneficiary designation as provided in subsection (2) herein. (See subsection (1), above.) Note that the~~

~~(b) statutory section provides that If the member dies prior to his or her effective date of retirement, the member’s spouse at the time of death shall be the member’s beneficiary unless the deceased member had designated a different beneficiary after his or her most recent marriage. Therefore,~~

~~(c) If the member marries after designating a beneficiary, the member must file an updated beneficiary designation form if the member wishes to name someone else other than the spouse as a beneficiary. If the member does not file an updated beneficiary designation form, the member’s spouse will be the beneficiary of the member’s account. Example: John is married to Betty and has named her as his beneficiary. John divorces Betty and marries Carol. Carol will be John’s beneficiary unless he files another beneficiary form and names, for example, his son, Bob. Pursuant to subsection (1),~~

~~(d) Once a the member is enrolled in the FRS Investment Plan, the member may designate a change his beneficiary designation at any time, as follows:-~~

~~(4) A member may name a beneficiary or beneficiaries at any time, as follows:~~

~~1.(a) A member may name a beneficiary or beneficiaries to receive the assets of the member’s FRS Investment Plan account, either sequentially or jointly.~~

~~2.(b) A member may name as beneficiary any person, organization, trust, or the member’s his estate.~~

~~(e)(e) A primary beneficiary is someone who will receive the member’s funds from the FRS Investment Plan account, if that person is living at the death of the member. If there are more than one primary beneficiary, is designated with specified named with percentages of the funds, they will each will receive their member-specified designated percentages if they are still living at the death of the member. Example: if the member names his four sons, in equal shares (25% each), but two of the four sons die before their father, the other two living sons split the funds two ways, 50% each. If joint primary beneficiaries are named but the member does not specify any percentages of the funds, the beneficiaries will receive equal portions of the remaining funds.~~

~~(f)(d) A contingent beneficiary is one or more persons who are named, in case all primary beneficiaries die before the member. Contingent beneficiaries may receive benefits jointly or sequentially. Naming a contingent beneficiary is optional. The member does not have to name anyone as a contingent beneficiary.~~

~~(e) Any such beneficiary designation may be made on Form IPBEN-1, rev. 03-11, <http://www.flrules.org/Gateway/reference.asp?No=Ref00255> which is hereby adopted and incorporated by reference. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. or by accessing the MyFRS.com website and clicking on “Resources” and then “Forms.” The beneficiary designation form must be completed and received by the FRS Investment Plan Administrator before it becomes effective. Alternatively, a beneficiary may be designated electronically by logging on to MyFRS.com, clicking on “manage benefits,” then clicking on “manage investments,” and then clicking on “personal info.”~~

~~(g)(f) If a member inadvertently uses an incorrect beneficiary designation form, the FRS Investment Plan Administrator will notify the member and request that the member complete and submit the correct form, Beneficiary Designation Form IPBEN-1, rev. 03-11. If the member should die prior to completing and submitting the IPBEN-1 form, the FRS Investment Plan Administrator will consider the beneficiary set forth on the incorrect form as being the member’s intended beneficiary for the purpose of paying benefits.~~

~~(g) A member may change his beneficiary designation at any time by filing a new beneficiary designation form or by designating a new beneficiary electronically. There is no separate form for changes of beneficiary designation.~~

(5)(a) If a member is married and the names his or her spouse is designated as a primary beneficiary, regardless of whether the percentage allocated to the spouse on the form is less than 100%, the member is not required to notify the spouse.

~~(b) If~~ However, if a member is married and names a primary beneficiary(ies) and the person(s) named is not the spouse of the member, then the member is required to notify the spouse that the spouse he or she is not a primary beneficiary of the proceeds of the member's FRS Investment Plan account(s). The spouse must acknowledge that he or she understands that the spouse he or she is not a primary beneficiary of the member's FRS Investment Plan account(s) by signing the beneficiary designation form, Form IPBEN-1, rev. 03-11, in the appropriate place.

~~(c) If a married member fails to obtain the spouse's acknowledgment on the beneficiary designation form, then the Investment Plan Administrator will send to the member will be sent~~ an Acknowledgement of Beneficiary Designation, reminding the member of the necessity of obtaining ~~the~~ spousal acknowledgement. The member can return this Acknowledgement of Beneficiary Designation with the spouse's signature which will provide ~~the~~ acknowledgement ~~from the spouse~~ that the spouse ~~is aware that he or she~~ is not the primary beneficiary of the member's FRS Investment Plan account(s). Alternatively, the member spouse may provide the FRS Investment Plan Administrator with a notarized statement reflecting the spouse's understanding that the spouse is not the beneficiary of the member's FRS Investment Plan account(s).

~~(d)(b)~~ If the member fails to obtain ~~the his or her~~ spouse's acknowledgement that a beneficiary, other than the spouse, has been designated as the primary beneficiary of the member's Investment Plan benefit, the beneficiary designation on file with the FRS Investment Plan Administrator at the time of the member's death will be honored only if the spouse's rights as a beneficiary are not compromised under Florida law.

(6)(a) An Alternate Payee may name a beneficiary to receive the benefits which may be payable in the event of the Alternate Payee's death at any time, as outlined in paragraphs ~~(2) and (5)~~ ~~(4)~~(a) through (f) above, once the Alternate Payee's account has been established by the FRS Investment Plan Administrator.

(b) If the Alterante Payee does not name a beneficiary(ies), then the Alternate Payee's beneficiary(ies) will be those as described paragraph (1) in Section 121.4501(20)(a), F.S., which are: first, the spouse if he or she is still living after the member's death; second, living children, if the spouse is dead; third, the member's father or mother, if living; fourth, to the member's estate. This means that the

~~spouse will receive the member's account balance if living; but if not, the children will receive the account balance, if living; but if not, the father or mother will receive the account balance; and if none of the people mentioned in this section are still living, the account balance will be paid to the Alternate Payee's estate.~~

(7) Distributions to beneficiaries on the death of a member.

(a) If a member dies before his or her effective date of retirement, the member's spouse at the time of his or her death shall be the member's beneficiary, unless the member has designated a different beneficiary after the member's most recent marriage. If the member did name another beneficiary after his or her most recent marriage, the named beneficiary will receive the member's account balance.

(b) Upon notification of the member's death, the FRS Investment Plan Administrator will contact the designated beneficiary or the family of the deceased member and provide instructions on how to claim any benefits.

(8) Distributions to designated or per Florida law spousal beneficiaries.

(a) The member's surviving spouse, must provide a certified copy of the member's death certificate and, if the spouse is not designated by the member, but is the beneficiary according to Florida law, the surviving spouse must provide a copy of the marriage certificate before benefits will be paid.

(b) Spousal beneficiaries may request the following distributions:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the spouse no longer will be a member of the FRS Investment Plan.

2. Partial Distribution, which provides for a partial lump sum payment of the account balance. The remainder may be paid out through regular periodic payments that the spouse selects, such as monthly, quarterly, semi-annually or annually. The spouse also may defer payment of the remainder of the account balance and take additional partial lump sum payments as needed.

3. Periodic Payments, which allows for the establishment of a regular payment schedule of benefits, such as monthly, quarterly, semi-annually or annually. The amount of each benefit payment will be calculated by dividing the account balance on the date of the benefit payment by the remaining number of payments. As such, the amount of the benefit payment may change with each payment. If the account has multiple funds and sources, the periodic withdrawal amount will be prorated among all funds and sources in the account. The number of years over which the payments are made cannot exceed the spouse's life expectancy, which is determined by an actuarial table prepared by the U.S. Department of the Treasury.

4. Deferrals until a certain age, which allows the spouse to defer the receipt of benefits until a later date. However, the spouse must begin receiving the benefit payout no later than April 1 in the calendar year after the member would have attained age 70 1/2. The spouse may elect a full distribution, partial distribution or periodic payment. However, the total annual benefit payment must equal or exceed the federal Required Minimum Distribution (RMD). An additional benefit payment will be sent to the spouse in December of any year in which the total periodic payments for that year do not equal or exceed the spouse's RMD.

5. Roll over the account assets to another 401(a), 401(k) or a 403(b) plan, or to an Individual Retirement Account or Roth IRA.

(9) Distributions to designated non-spousal individual beneficiaries and look-through trusts or beneficiaries determined by Florida law.

(a) In accordance with Internal Revenue Service (IRS) rules, non-spousal beneficiary accounts cannot be held indefinitely in the FRS Investment Plan. The "required minimum distribution" is required by the Internal Revenue Service and spelled out in IRS Code Section 401(a)(9), requiring that if the beneficiary is not a spouse, the Investment Plan can hold the distribution for no more than 5 years from the date of the member's death.

(b) For a non-spousal beneficiary or a look-through trust beneficiary, there are two possibilities, depending upon whether payments from the account had commenced before the member's death:

1. Where distributions have already begun to the member, but the member dies before the entire account has been distributed, the remaining portion of the account must be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

2. If a member dies before the distribution of the member's account has begun, the entire account of the member must be distributed within 5 years after the death of the member, unless:

a. The member's account will be distributed over the life of the designated beneficiary or the beneficiary of the look-through trust (or over a period not extending beyond the life expectancy of such beneficiary), and

b. Such distributions begin no later than 1 year after the member's death.

(c) The non-spousal beneficiary must decide within 1 year of the date of death to take lifetime installment or annuity payouts.

(d) If the whole amount is not paid out during the required 5-year period, the remaining funds in the account will be paid in a lump sum to the non-spousal beneficiary.

(e) Non-spousal individual beneficiaries and look-through trusts may request the following distributions:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the beneficiary no longer will be a member of the FRS Investment Plan.

2. Partial Distribution, which provides for a partial lump sum payment of the account balance. The remainder may be paid out through regular periodic payments that the spouse selects, such as monthly, quarterly, semi-annually or annually. The beneficiary also may defer payment of the remainder of the account balance and take additional partial lump sum payments as needed.

3. Periodic Payments, which allows for the establishment of a regular payment schedule of benefits, such as monthly, quarterly, semi-annually or annually. The amount of each benefit payment will be calculated by dividing the account balance on the date of the benefit payment by the remaining number of payments. As such, the amount of the benefit payment may change with each payment. If the account has multiple funds and sources, the periodic withdrawal amount will be prorated among all funds and sources in the account. The number of years over which the payments are made cannot exceed the life expectancy of the non-spousal beneficiary or of the beneficiary of the look-through trust, which is determined by an actuarial table prepared by the U.S. Department of the Treasury. If the beneficiary stops the payment for any reason, then the payout of the benefits will be governed by the time limitations set forth in paragraph (b).

4. Deferrals of up to 5 years, however the benefit must be distributed within 5 years after the death of the member, if the conditions in subparagraph (b)2. above have not been met.

(10) Distributions to the member's designated estate or to a designated non look-through trust.

(a) A beneficiary which is either the member's estate or a non look-through trust is considered as non-persons. Pursuant to Code Section 401(a)(9), the entire interest of the member must be distributed to such beneficiary within 5 years after the death of the member.

(b) The estate or non look-through trust beneficiary has two options for receiving the benefit payment:

1. Full distribution, in which the entire account balance is paid in one lump sum. If this option is selected, the beneficiary no longer will be a member of FRS Investment Plan.

2. Deferrals of up to 5 years, however the benefit must be distributed within 5 years after the death of the member.

(11) Distributions to beneficiaries who are minors.

(a) A minor is a child under the age of 18.

(b) When a minor child or children are the designated beneficiary(ies) of the member, whether the member is the minor's or minors' parent, grandparent, sibling, other relative or any other person, a copy of the birth certificate of each minor child and the social security number for each minor child must be provided to the FRS Investment Plan Administrator, and must be received prior to any payout.

regardless of the amount. The birth certificate provides proof as to identity of the natural guardian(s) of the children, so that appropriate payment arrangements may be made.

(c) Section 744.301, F.S., allows for the natural guardian (surviving parent(s)) to handle benefits to a minor child where that amount does not exceed \$15,000, without court appointment, authority or bond.

(d) In all cases in which a minor is a beneficiary of an account balance which is greater than \$15,000, the surviving parent(s), or other relative or other interested party, must apply for a formal guardianship. A court order or court appointment and Letters of Guardianship will be required prior to payout of any benefits to the minor. The FRS Investment Plan Administrator shall place a hold on any account where the minor beneficiary is to receive an amount in excess of \$15,000 and advise the SBA.

(e) If the individual responding to the correspondence sent by the Administrator and providing instructions for payout is not the surviving parent(s), the Administrator shall request the individual to provide a Court Order wherein a guardian has been appointed for the minor, prior to payout of any benefit and the Administrator shall take directions only from the named guardian.

(f) If no instructions for payout are received, the Administrator shall notify the SBA and the SBA will contact the probate court with jurisdiction over the estate of the member to request direction on the disposition of the minor's interest in the account. Expenses shall be deducted from the member's account.

(12)(7) A beneficiary, whether designated or pursuant to Florida law, of a deceased member who, by a verdict of a jury or by a court trying the case without a jury, is found guilty, or who has entered a plea of guilty or nolo contendere, of unlawfully and intentionally killing or procuring the death of such member shall forfeit all rights to the deceased member's retirement benefits. Any benefits will be paid as if such beneficiary had predeceased the deceased member. No benefits will be paid until there is a final resolution of such charges against the beneficiary.

(13)(8)(a) If the deceased member has designated named a beneficiary but has not provided the designated beneficiary's social security number or address, or has set forth an incorrect if the social security number is incorrect, then, after at least three unsuccessful attempts by the SBA or the FRS Investment Plan Administrator to locate contact the beneficiary, the FRS Investment Plan Administrator will advise the SBA accordingly and the account will not be distributed.

(b) The FRS Investment Plan Administrator will, with the assistance of the SBA, at the time of notification of death, make a reasonable effort to obtain the beneficiary's Social Security Number or Taxpayer Identification Number, using

available search tools, including the internet, LexisNexis Accurint, the Internal Revenue Service, and the Social Security Administration.

(c) After one year from the date of the member's death, if the beneficiary cannot be located, the account will be transferred to the Suspense Account. Additionally, By calendar year-end, of each year following the transfer to the Suspense Account, the FRS Investment Plan Administrator will attempt to locate and obtain the Social Security Number or the Taxpayer Identification Number of the beneficiary. The transferred funds shall be invested in the FRS Select U.S. Treasury Inflation-Protected Securities Index Fund. The amount will be held in the FRS Investment Plan Suspense Account until (1) the beneficiary contacts the FRS Investment Plan; or (2) another beneficiary requests consideration as the deceased's proper beneficiary; or (3) at the end of 10 years in the Suspense Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member and the name of the beneficiary, if known.

(e) If after one year from date of death no information is available to identify the beneficiary, the FRS Investment Plan Administrator will transfer the funds to the FRS Investment Plan Suspense Account, indicating the name of the deceased member and the name of the beneficiary. The transferred funds shall be invested in the FRS Select U.S. Treasury Inflation-Protected Securities Index Fund. The amount will be held in the FRS Investment Plan Suspense Account until (1) the beneficiary contacts the FRS Investment Plan; or (2) another beneficiary requests consideration as the deceased's proper beneficiary; or (3) at the end of 10 years in the Suspense Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member and the name of the beneficiary if known.

(d) Should the beneficiary be located and provides a social security number, a check will be issued to the beneficiary, with actual earnings, from the date of transfer from the member's account to the Suspense Account subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of such payment to the beneficiary.

(14)(9)(a) Pursuant to Federal guidelines, if the deceased member's account is to be paid to the member's estate but no Estate Identification Number is provided, the account will not be paid to the Estate until receipt of the Estate Identification Number is received. In the event that no Estate Identification Number is provided within one year from the date of notification to the FRS Investment Plan Administrator of the member's death, the FRS Investment Plan Administrator will transfer the deceased member's account to the Suspense Account indicating the name of the deceased member and the name of the beneficiary. If after 10 years after the date of death, the FRS Investment Plan Administrator has not received

an Estate Identification Number, the deceased member's account will be transferred to the FRS Investment Plan Forfeiture Account where it will be held indicating the name of the deceased member. The transferred funds shall be invested in the FRS Select U.S. Treasury Inflation-Protected Securities Index Fund.

(b) The FRS Investment Plan Administrator will, at the time of the transfer to the Suspense Account, make a reasonable effort to obtain the Estate Identification Number. Additionally, by calendar year-end of each year following the transfer to the Suspense Account, the FRS Investment Plan Administrator will attempt to locate and obtain the Estate Identification Number.

(c) The amount will be held in the FRS Investment Plan Suspense Account until (1) the member's estate representative contacts the FRS Investment Plan; or (2) a beneficiary requests consideration as the deceased's proper beneficiary; or, (3) at the end of 10 years in the Suspense Account, the amount is transferred to the FRS Investment Plan Forfeiture Account, where it is held indicating the name of the deceased member.

(d) Should the estate's representative subsequently provide an Estate Identification Number, a check will be issued to the estate, with actual earnings, from the date of transfer from the member's account to the Suspense Account while invested in the FRS Select U.S. Treasury Inflation-Protected Securities Index Fund. Any applicable income tax withholding, which shall be paid to the appropriate tax authorities at the time of the benefit such payment to the estate.

~~(15)(10)~~ If the social security number and date of birth of a the named beneficiary are known, an account will be established in the beneficiary's name and funds will be transferred thereto. If any other beneficiaries are named, accounts also will be established in their names, provided their social security numbers and dates of birth are made known to the Investment Plan Administrator. However, no distribution will be made to any beneficiary until a certified copy of the member's death certificate has been received. In the meantime, the beneficiary will have control over any investment elections/allocations for the account. The beneficiary will be notified of the establishment of the account and will receive a PIN to access information pertaining to the account.

(16)(a) A designated beneficiary may disclaim any monetary interest as provided in Chapter 739, Florida Statutes and Internal Revenue Code Section 2518. A beneficiary can make a partial disclaimer or disclaim the entire interest. When a beneficiary makes a disclaimer, the beneficiary is considered to have predeceased the member, and the other beneficiaries designated by the member may then accept or disclaim any interest to which they are entitled.

(b) The general requirements for a valid disclaimer are that:

1. The beneficiary must provide an irrevocable and unqualified refusal to accept the assets.

2. The refusal must be in writing.

3. The written disclaimer must be submitted to the FRS Investment Plan Administrator at the later of the following times:

a. Nine months after the retirement account owner dies.

b. Nine months after the beneficiary attains age 21, or if the beneficiary is 21 when the retirement account owner dies.

c. The beneficiary must not have accepted any of the inherited assets prior to the disclaimer.

d. The assets must pass to the successor beneficiary without any direction on the part of the person making the disclaimer.

(c) There is no special form or document that an individual must complete to disclaim inherited assets. A letter, duly notarized, is sufficient as long as it meets the requirements set forth in paragraph (b).

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.091(5)(j), (8), 121.4501(20), 121.591(3), 732.802 FS. History—New 10-21-04, Amended 3-9-06, 11-26-07, 12-8-08, 1-7-10, 8-7-11, _____.

19-11.003 Distributions from FRS Investment Plan Accounts.

~~(1) Purpose. The purpose of this rule is to clarify the provisions regarding distributions from FRS Investment Plan accounts.~~ Distributions from FRS Investment Plan accounts are made either after the member account holder terminates employment from all FRS-participating employers or after ~~at~~ the member's account holder's death.

~~(2) Forms. All forms identified in this rule may be obtained by calling the (toll free) MyFRS Financial Guidance Line at 1(866)446-9377, or by accessing the MyFRS website at www.MyFRS.com, clicking on Resources, and then on Forms.~~

~~(2)(3)~~ Distributions available after the member terminates FRS-covered employment.

(a) An FRS Investment Plan member shall not be entitled to an account distribution until the member has from his account unless he has been terminated employment from all FRS-participating employers covered employment, including temporary, part-time, Other Personal Services (OPS) and any regularly established position with an FRS employer, for three (3) calendar months following the month of termination, except as provided in paragraph (2)(d) below. Example: If a member terminates on May 15, the three calendar months are June, July, and August. Therefore, the member cannot request a distribution until September.

(b) If the member's termination date has not been submitted by the employer via the monthly payroll file within three (3) calendar months, the employer can complete and return the "Employment Termination Form," Form ETF-2, rev. 08/10, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01105>, which is hereby adopted and incorporated by this reference. The termination form can be obtained by accessing

the MyFRS website at www.MyFRS.com, clicking on Resources, and then on Forms or by calling the MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 or, for members who are deaf, hard of hearing, or speech impaired, TRS 711 found on the MyFRS.com website. This form has instructions and a section for the employer to provide the member's date of termination certification. Alternatively, the employer can log onto the employer page at MyFRS.com and go to Online Payroll and submit the termination date electronically.

(c) Upon the expiration of the three calendar months after termination, the member may request a distribution from the FRS Investment Plan Administrator, by calling the toll free MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 (TRS 711), or by logging on to the MyFRS.com website, accessing his or her personal account information, and then requesting the distribution through the online services.

(d) ~~A member who has reached his or her normal retirement date, as provided in Section 121.021(29), F.S., and if a member has terminated employment from all FRS-covered employment for one calendar month and he has reached his normal retirement date, in accordance with Section 121.021(29), F.S., he may request a one-time distribution of up to 10 percent (10%) of the vested his account balance. For example, if such a member terminates on May 15, the one calendar month is June. Therefore, the member can request a one-time distribution of up to 10 percent (10%) in July.~~

(e) A member who transfers to the Pension Plan from the Investment Plan and leaves a balance in the member's Investment Plan account is a member of the Pension Plan and, as such, the member cannot take a distribution of the surplus Investment Plan funds until the member begins receiving his Pension Plan benefits.

~~(3)(4) All distributions of benefits from a member's Participant's account(s) in the Investment Plan shall begin and be made no later than as prescribed by Code s. 401(a)(9) and the regulations issued thereunder, including any proposed regulations, and shall be subject to the incidental death benefit rules of Code s. 401(a)(9)(G). A copy of the Code section can be obtained by accessing the IRS website at irs.gov and clicking on the Tax Professionals section, and then clicking on the Code, Regs. & Guidance section.~~

(a) Distribution of benefits to a member Participant shall be made or commence not later than April 1 following the close of the later of the calendar year during which the member Participant attains age 70 1/2 or retires.

~~(b) If distribution of benefits has commenced before a Participant's death, any remaining benefits must be distributed at least as rapidly as under the method of distribution being used as of the date of the Participant's death.~~

(c) If a Participant dies before the commencement of distributions from the Participant's account(s) in the Plan, the method of distribution shall be as follows:

~~1. Any benefits not payable to a beneficiary designated by the Participant shall be distributed within five years after the Participant's death.~~

~~(b)2. Any benefits payable to a beneficiary designated by the Participant shall be distributed as set forth in Rule 19-11.002, F.A.C. over the life of such beneficiary (or over a period certain not extending beyond the life expectancy of such beneficiary), commencing not later than the end of the calendar year immediately following the calendar year in which the Participant died. If the designated beneficiary is the surviving spouse of the Participant, distributions shall commence on or before the later of the end of the calendar year immediately following the calendar year in which the Participant died and the end of the calendar year in which the Participant would have attained age 70 1/2.~~

~~3. If the designated beneficiary is the surviving spouse of the Participant and the surviving spouse dies before distributions to such spouse begin, this paragraph (c) shall be applied as if the surviving spouse were the Participant.~~

~~(4)(5) A member may request bBenefits to shall be distributed to a Participant as a periodic or installment distribution, a partial lump-sum payment, a roll-over to another qualified plan, various annuity options, or a lump-sum distribution whereby a portion of the accrued benefit is paid to the Participant less withholding taxes remitted to the Internal Revenue Service and the remaining amount is transferred directly to the custodian of an eligible retirement plan on behalf of the Participant, or as otherwise provided by Section 121.591(1)(e), F.S. Any distribution, if applicable, will be subject to the withholding of taxes which are remitted to the Internal Revenue Service. Benefits shall be distributed to a survivor as provided in Section 121.591(3)(e), F.S. A distributee shall have the option to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.~~

~~(5)(6) All distributions of benefits must be made in accordance with Code provisions, which shall override any distribution options inconsistent with such provisions.~~

~~(7) Distributions to beneficiaries on the death of a member.~~

~~(a) If a member dies before his effective date of retirement, the member's spouse at the time of his or her death shall be the member's beneficiary, unless the member has designated a different beneficiary after the member's most recent marriage. If the member did name another beneficiary after his or her most recent marriage, the named beneficiary will receive the member's account balance.~~

~~(b) Procedures for beneficiary designations are addressed in Rule 19-11.002, F.A.C.~~

~~(c) On the death of a member, the beneficiary must file Form IP-DBF, "Death Benefit Information and Distribution Claim Form," rev. 01-10, <http://www.flrules.org/Gateway/>~~

~~reference.asp?No=Ref-00425 which is hereby adopted and incorporated by reference, with the FRS Investment Plan Administrator, to receive benefits.~~

~~This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. or by accessing the MyFRS.com website and clicking on "Resources" and then "Forms."~~

~~(d) A beneficiary, whether designated or pursuant to Florida law, of a deceased member who, by a verdict of a jury or by a court trying the case without a jury, is found guilty, or who has entered a plea of guilty or nolo contendere, of unlawfully and intentionally killing or procuring the death of such member shall forfeit all rights to the deceased member's retirement benefits. Any benefits will be paid as if such beneficiary had predeceased the deceased member. No benefits will be paid until there is a final resolution of such charges against the beneficiary.~~

~~(6)(8) Distributions to Alternate Payees as a result of a Qualified Domestic Relations Order (QDRO).~~

~~(a) Upon receipt of a QDRO from a court of competent jurisdiction, the amount of the member's Investment Plan assets specified by the QDRO will be transferred to the named alternate payee. The named alternate payee may leave the transferred assets their account in the Investment Plan or request a distribution from the account once the account has been established in the alternate payee's name as provided in the QDRO and the alternate payee has received a their Personal Identification Number (PIN).~~

~~(b) Upon receipt of the PIN, the alternate payee may request a distribution by calling the toll free MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 or by logging on to MyFRS.com, go to "Manage My Benefits," "Manage Investments," accessing their personal account information, and then requesting the distribution through the online services.~~

~~(7)(9) De Minimus Distributions.~~

~~(a) If an inactive member's account balance is \$1,000 or less, such amount may be subject to an automatic distribution. However, a distribution will not occur until the member has been terminated from all employment with FRS-covered employers for a minimum of six (6) calendar months.~~

~~(b) If the member meets the termination requirements and upon receiving notification of the automatic distribution, the distribution either will be made as a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or if so instructed by the member, a lump-sum direct rollover distribution on the member's behalf paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code. If a member rolls money into the Investment Plan from another qualified plan,~~

~~which brings the account balance greater than \$1,000, no automatic distribution will occur unless the balance should become \$1,000 or less in the future.~~

~~(c) If such member returns to FRS-covered employment after receiving this automatic distribution, the member is not considered a reemployed retiree and will not be subject to any limitation applicable to such employees.~~

~~(8)(10) Required Minimum Distributions ("RMD").~~

~~(a) Members, age 70 1/2 or older, must begin taking an annual minimum distribution from their qualified plan accounts including 401(k), 457, 403(b) plans and IRA accounts if they have terminated employment. The amount of an RMD in any year is based on account balances as of December 31st of the prior year. The member must have terminated all FRS covered employment in order for an RMD to be processed. Once the RMD has been calculated, the RMD will be paid to the member, even if the member returns to active FRS employment during the calendar year.~~

~~(b) The FRS Investment Plan Administrator will notify a member who is subject to an RMD distribution at the beginning of each calendar year. At the end of the calendar year in which the RMD was required to be paid, if the member has not requested the required RMD distribution amount, the FRS Investment Plan Administrator will initiate an automatic RMD to meet the mandatory required distribution amount. Members have the right to defer the initial RMD to April of the year following the year in which the RMD was payable. Members can defer the initial RMD by calling the FRS Investment Plan Administrator at 1(866)446-9377, Option 4 or, for members who are deaf, hard of hearing, or speech impaired, TRS 711, by November 30.~~

~~(c) If such member returns to FRS-covered employment after receiving this automatic distribution, the member is not considered a reemployed retiree and will not be subject to any limitations applicable to such employees.~~

~~(11) Distributions to non-spousal beneficiaries.~~

~~(a) In accordance with Internal Revenue Service (IRS) rules, non-spousal beneficiary accounts cannot be held indefinitely in the FRS Investment Plan. The amount of time a non-spousal beneficiary has before benefits must commence are more restrictive than for a spousal beneficiary. The "required minimum distribution" is required by the Internal Revenue Service and spelled out in IRS Code Section 401(a)(9), requiring that if the beneficiary is not a spouse, the Investment Plan can hold the distribution for no more than 5 years from the date of the member's death.~~

~~(b) For a non-spousal beneficiary, there are two possibilities, depending upon whether payments from the account had commenced to the member before his or her death:~~

1. Where distributions have already begun to the member, but the member dies before his or her entire account has been distributed, the remaining portion of the account must be distributed at least as rapidly as under the method of distribution being used as of the date of the member's death.

2. If a member dies before the distribution of the member's account has begun, the entire account of the member must be distributed within 5 years after the death of the member, unless:

a. The member's account will be distributed over the life of the designated beneficiary (or over a period not extending beyond the life expectancy of such beneficiary), and

b. Such distributions begin no later than 1 year after the date of the member's death.

(c) The non-spousal beneficiary must decide within 1 year of the date of death to take lifetime installment or annuity payouts; otherwise, the entire account balance must be distributed within 5 years.

(d) If the whole amount is not paid out during the required 5-year period, the remaining funds in the account will be paid in a lump sum to the non-spousal beneficiary.

(12) Beneficiaries who are minors.

(a) A minor is a child under the age of 18. Section 744.301, F.S., allows for the natural guardian (surviving parent) to handle benefits to a minor child where that amount does not exceed \$15,000, without court appointment, authority or bond.

(b) In all cases where a minor child or children are the beneficiary(ies) of the member, a copy of the birth certificate of all minor children shall be sent to the FRS Investment Plan Administrator, and shall be received prior to any payout, regardless of the amount. The purpose is to provide proof that the surviving parent is the natural guardian of the children. The FRS Investment Plan Administrator shall confirm that the surviving parent is providing the instructions for any payment arrangements being made.

(c) In all cases in which a minor is a beneficiary of an account balance which is greater than \$15,000, the FRS Investment Plan Administrator shall place a hold on the account and advise the SBA of the situation and the SBA shall send instructions to the FRS Investment Plan Administrator for any additional action.

(d) If the individual responding to the correspondence sent by the Administrator and providing instructions for payout is not the surviving parent, the Administrator shall request the individual to provide a Court Order wherein a guardian has been appointed for the minor, prior to payout of any balance and the Administrator shall take directions only from the named guardian.

(e) If no instructions for payout are received, the Administrator shall notify the SBA and the SBA will contact the probate court with jurisdiction over the estate of the

member to request direction on the disposition of the minor's interest in the account. Expenses shall be deducted from the member's account.

(9)(13) Invalid distributions.

(a) An "invalid distribution" is a distribution given to a member to which the member is not entitled.

(a)(b) If a member or a former member of the FRS Investment Plan receives an invalid distribution, the member or former member is required to repay the entire invalid distribution within 90 days of the member's receipt of a final notification from the SBA, or in lieu of repayment, the member must terminate employment from all participating employers. If the member fails to repay the invalid distribution, or terminate employment, the employer is liable for the repayment of the invalid distribution even if the member signed a statement at the time the member was hired that no benefit had been received from the Plan.

1. If a member repays the entire distribution, the member's repayment will be deposited in the his FRS Investment Plan account; the member he will be returned to the Investment Plan; and all future employer contributions will be deposited in the funds the member he has chosen.

2. If the employer repays the entire distribution, the repayment will be deposited in the Investment Plan Trust Fund and allocated to the Investment Plan's forfeiture account to offset plan expenses. The member will be returned to the Investment Plan; and all future employer contributions will be deposited in the funds the member has chosen.

3. If the member fails to repay the invalid distribution and terminates employment, the SBA will declare the member a "retiree" and will not pursue the repayment of the invalid distribution pursuant to paragraph (b) above. As a "retiree," the member is subject to the provisions ~~restrictions~~ of Section 121.122, F.S., ~~which means that~~ if the member is reemployed in the future with an FRS-covered employer; in a regularly established position the member is not eligible for Special Risk membership, or for the Deferred Retirement Option Program, nor for disability benefits. Section 121.122, F.S., has other restrictions and should be read by the member with his or her particular situation in mind.

(b)(e) The following are examples of scenarios that could result in invalid distributions. They are only examples and are not inclusive of all possible situations. Members and employers are encouraged to contact the FRS Investment Plan Administrator to discuss the particular situation.

1. Example 1: A member joined the FRS Investment Plan effective September 1, 2002. He terminated all employment from his FRS-covered employer on August 24, 2009. On December 15, 2009, he takes a partial distribution from his Investment Plan account. However, he returned to FRS-covered employment with a participating employer on December 1, 2009. The member took an invalid distribution because he was working for a participating FRS covered

employer at the time he received the distribution. His payroll record reflected the August 24, 2009, termination date but did not yet reflect his rehire date. Therefore, because the payroll report is not required from the employer to the Division of Retirement until the 5th business day of the month following the end of the work month, the FRS Investment Plan Administrator, which receives its information from the Division of Retirement, had no knowledge of his return to work in the middle of December, since the information would not have arrived until at least January 6. The member is asked at the time of the distribution whether he is employed or pending employment with an FRS covered employer. If it is determined that the member knew or reasonably knew the answer to this question was yes, the member has taken an invalid distribution.

2. Example 2: A member joined the FRS Investment Plan effective April 1, 2004. He terminates all FRS-covered employment on November 12, 2009. The member has not reached his normal retirement date. On March 1, 2010, the member takes a total distribution from his Investment Plan account. The member returns to FRS-covered employment on April 15, 2010. The March 1, 2010 distribution is invalid since the member returned to work within 6 calendar months of his retirement date.

3. Example 3: A member joined the FRS Investment Plan effective May 1, 2005. The member He terminates all FRS-covered employment on November 12, 2009. The member has reached the his normal retirement date. On January 5, 2010, the member receives his one-time distribution of up to 10 percent from the his Investment Plan account. The member returns to FRS-covered employment on May 15, 2010. The January 5, 2010 distribution is invalid since the member returned to work within 6 calendar months of his retirement date.

~~(10)(14)~~ Documentation of a distribution made prior to August 30, 2007.

A member or beneficiary who requests documentation of a distribution made prior to August 30, 2007 will incur a special service charge due to the extensive resources required to retrieve and produce such documentation. The requestor will be advised of the amount of such charge at the time request is made. Upon payment of the charge by the requestor, the request will be promptly processed.

Rulemaking Authority 121.4501(8)(a), FS. Law implemented 119.07(4)(d), 121.021(29), (39), 121.091(5)(j), 121.4501(20), 121.591, 121.77, 732.802 FS. History-New 3-9-06, Amended 11-26-07, 5-19-09, 1-7-10, 8-7-11, _____.

19-11.004 Excessive Trading in the FRS Investment Plan.

(1) Purpose.

(a) ~~The purpose of this rule is to mitigate the negative impact on members in the FRS Investment Plan from excessive trading and to establish limitations on such excessive trading. The Trustees of the State Board of Administration of Florida~~

~~(SBA) have a fiduciary duty to make decisions about the FRS Investment Plan in the best interests of all members and beneficiaries.~~

~~(b) Excessive trading by just a few of a fund's investors can disrupt fund operations, increase expenses and harm fund performance for all investors. In particular, some members have shown a high proclivity to make numerous short-term trades in foreign stock funds in an attempt to exploit funds' pricing conventions and other technical factors. Therefore, this rule establishes limitations so that excessive trading between approved investment funds shall be prevented, without materially inhibiting all members' opportunities to direct contributions and account balances between investment funds with a frequency that is appropriate in light of the market volatility of the funds.~~

~~(c) The Executive Director of the SBA is directed to establish a policy on excessive trading in Section V of the Investment Policy Statement, adopted and incorporated by reference in Rule 19-9.001, F.A.C. This rule establishes that policy.~~

(1) Excessive trading by Investment Plan members is prohibited.

~~(d)1. Effective October 16, 2007, the United States Securities and Exchange Commission (SEC) has adopted Rule 22c-2 (17_CFR §270.22c-2), regarding excessive trading for open-end mutual funds. Rule 22c-2 can be obtained by accessing the SEC website at sec.gov and clicking on the Laws and Regulations section. This rule does not apply to institutional funds nor to mutual funds for which the SBA has received exemptions. This rule gives mutual funds the right to ask the FRS Investment Plan Administrator for information about members and their trading activities. If the mutual funds determine that the member has engaged in excessive trading under the mutual funds' policies, the mutual funds are entitled to impose redemption fees or prevent trading that violates the mutual funds' excessive trading policies. It is the responsibility of the member to comply with the trading restrictions permitted by the SEC U.S. Securities and Exchange Commission. Any applicable fees will be deducted directly from the members' accounts. To prevent FRS Investment Plan members from having to pay monetary penalties or being prevented from making additional transactions, the FRS has requested that the Administrator use its "best efforts," by using a computer-based system, to monitor members' trading activities and to prevent restricted trades from occurring in any of the three mutual funds in subparagraph 2., below. However, if a restricted trade is not prevented, the member will be responsible for paying any monetary penalties through a reduction in his or her account balance in the amount of the penalty and will also be subject to continued trading restrictions.~~

2. All approved mutual funds in the FRS Investment Plan have agreed to use the Investment Plan's excessive trading policy as outlined in this rule except the following three funds: Fidelity Growth Company, T. Rowe Price Small Cap Stock, and PIMCO High Yield. When this list changes, members will be notified. Note that the restrictions in the SEC Rule 22e-2 are in addition to the restrictions in this Rule 19-11.004, F.A.C.

(2) Definitions:

(a) A "member" is a person who has an account established in the FRS Investment Plan as a result of current or previous employment with an FRS-covered employer, or being designated as an alternate payee due to a qualified domestic relations order ("QDRO") or being a designated beneficiary when a member is deceased.

(b) A "Roundtrip Trade" occurs when a member conducts a series of at least two non-exempt transactions that include one or more transfers into an authorized investment fund AND one or more transfers out of the same authorized investment fund in either order (i.e., in/out or out/in), regardless of any multiple transfers from or to other different authorized investment funds during the roundtrip.

(c) An "exempt transaction" is any transaction that is initiated for purposes of: depositing employer payroll contributions; processing a distribution; processing a QDRO; or mapping funds from terminated products. Exempt transactions are not included in any calculations for the purposes of this rule.

(d) "Excessive trading" involves multiple occurrences of Market Timing Trades by a member over time.

(e) A "Market Timing Trade" is a member-directed series of trades with the following two characteristics:

1. At least one Roundtrip Trade within a 30 day period, and

2. The trade amount for all Roundtrip Trades is an aggregate amount of \$75,000 or more.

(f) "Aggregate amount of \$75,000 or more" means the total of the amounts transferred out of a fund and into the same fund, in either order (i.e., in/out or out/in) during any rolling 30 calendar day period, regardless of the number of Round Trips.

(2)(3) Limitations.

(a) Regarding authorized foreign and/or global stock funds are subject to a minimum holding of seven (7) calendar days following any non-exempt transfers into such funds. After making a non-exempt transaction by transferring any portion of their account balance into an authorized foreign or global or stock fund, members are prohibited from completing a Roundtrip Trade in that fund for a minimum of 7 calendar days, using the convention of last dollar in and first dollar out for the roundtrip calculation.

(b) Regarding All authorized investment funds, except for money market funds, are subject to the following controls:

1. Members who engage in Market Timing Trades (as defined in Rule 19-11.001, F.A.C.) in authorized funds will receive a warning letter sent by U.S. mail. The warning letter shall notify the member that excessive trades have been identified in the member's his/her accounts and any additional violations will result in a direction letter.

2. Members who engage in Market Timing Trades in authorized funds and who have previously received a warning letter described in subparagraph 1., above, will be sent a direction letter delivered by courier. The direction letter shall require that the member shall not have access to automated online trade instructions for at least one full calendar month following the date of the direction letter. The member shall be required to conduct trades via telephone by contacting the Investment Plan Administrator for at least one full calendar month. "One full calendar month," in this context, means the full calendar month following the month in which the direction letter is received.

3. Members who engage in Market Timing Trades and who have previously received a direction letter, as described in subparagraph 2., above, will be sent another direction letter, delivered by courier. This direction letter shall require that the member shall not have access to automated trade instructions for at least three full calendar months following the date of the direction letter. The member shall be required to conduct trades via telephone by contacting the Investment Plan Administrator for at least three full calendar months.

4. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 3., above, will be sent another direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted to conduct trades via paper trading forms for at least three full calendar months following the date of the direction letter. The form to be used by the member in conducting the trades is the "Transfer Request Form, Excessive Fund Trading Violators," Form EFTPV-1, rev. 06/3/1009, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01127>, which hereby is adopted and incorporated by this reference. The form will be sent to the member by the Plan Administrator with the direction letter. This form must be notarized and returned to the Office of Defined Contribution Programs, via US mail, certified return receipt requested.

5. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 4., above, will be sent another direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted to conduct trades via paper trading forms for at least twelve full calendar months following the date of the direction letter. The form to be used by the member in conducting the trades is the "Transfer Request Form, Excessive Fund Trading Violators," Form EFTPV-1, rev. 06/3/1009, which hereby is adopted and incorporated by

~~this reference.~~ This form must be notarized and returned to the Office of Defined Contribution Programs, via US mail, certified/return receipt requested.

6. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 5., above, will be sent another direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted to conduct trades via paper trading forms for the remainder of any time that any balance exists in the member's Investment Plan account following the date of the direction letter. The form to be used by the member in conducting the trades is the "Transfer Request Form, Excessive Fund Trading Violators," Form EFTPV-1, rev. ~~063/1009, which hereby is adopted and incorporated by this reference.~~ This form must be notarized and returned to the Office of Defined Contribution Programs, via US mail, certified/return receipt requested.

~~(e) If Member A receives a direction letter as described in subparagraph (3)(b)2., above, on November 15, Member A's access to automated online trade instructions shall be denied until January 1. "One full calendar month," in this context, means the full calendar month following the month in which the direction letter is received. The direction letter, in this example, was received in November. The "one full calendar month" is December. Therefore, access will not be resumed until January.~~

~~(3)(4)~~ This subsection contains examples only. This subsection does not contain an exhaustive list of all possible transactions. Members avoiding these examples will not necessarily avoid the impact of this rule since other transactions will meet the definitions of Market Timing Trades or Excessive Trading.

(a) If Member A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$20,000 out of Fund B on Tuesday, the transaction is a Roundtrip Trade but is not a Market Timing Trade because the aggregate amount of \$75,000 ~~specified in subparagraph (2)(c)2., above,~~ has not been met.

(b) If Member A transfers \$50,000 out of Fund A and into Fund B on Monday and then transfers \$55,000 out of Fund B on the following Monday, the transaction is a Roundtrip Trade and a Market Timing Trade because the aggregate amount of all trades in and out of Fund B has exceeded \$75,000 (\$50,000 + \$55,000 = \$105,000) within a 30 day period.

(c) If Member A transfers \$5,000 out of Fund A and into Fund B on November 1 and then transfers \$25,000 out of Fund A and into Fund B on November 3, and then transfers \$10,000 out of Fund A and into Fund B on November 5 and then transfers \$40,000 out of Fund B and into Fund A on November 15, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of all trades into and out of Funds A and B each exceeded \$75,000 within a 30 day period.

(d) If Member A transfers \$5,000 out of Fund A and puts \$2,500 into Fund B and \$2,500 into Fund C on December 1 and then transfers \$25,000 out of Fund A and puts \$20,000 into Fund B and \$5,000 into Fund C on December 5, and then transfers \$10,000 out of Fund A and puts \$10,000 into Fund C on December 6 and then transfers \$23,000 out of Fund B and into Fund A and \$20,000 out of Fund C into Fund A on December 16, the entire series of transactions constitutes a Roundtrip Trade and is a Market Timing Trade because the aggregate amount of all trades into and out of Fund A exceeded \$75,000 within a 30 day period. It is irrelevant that money has come out of one fund and been transferred into two funds because the money has been returned to the original fund.

(e) Member A transfers \$50,000 out of Fund A and into a foreign stock fund, which already contains \$100,000, on October 1, so that on October 1, the foreign stock fund contains \$150,000. Member A must wait until October 9 to transfer any or all of the \$150,000 in funds out of the foreign stock fund.

(f) Member A transfers \$250,000 in his FRS Investment Plan account and is the subject of a QDRO with the result that the Member's spouse becomes entitled to half of the Member's FRS Investment Plan account. A total of \$125,000 is transferred from the Member's account to a newly-established account for the Member's spouse and the funds are put into a foreign stock fund on December 1. On December 5, the Member's spouse rolls over the entire \$125,000 into an IRA. This is neither a Roundtrip Trade nor a Market Timing Trade because the transfer is an exempt transaction, as defined in Rule 19-11.001, F.A.C. as described in paragraph (2)(e), above.

(g) A member transfers \$32,000 into Fund A on August 5 and then transfers \$32,000 out of Fund A on August 11 and then transfers \$31,000 into Fund A on August 17 and finally transfers \$31,000 out of Fund A on August 18. The entire series of trades are Roundtrip Trades and the trades are also a Market Timing Trade because the aggregate amount of all trades exceeded \$75,000 within a 30 day period.

(5) For all members, Roundtrip and Market Timing Trades are calculated using a rolling 30-calendar day time period. If a trade occurs on May 15 and the following 30-calendar day period, from May ~~16~~ through June ~~14~~, includes a sufficient number of trades to fit the definition of a Market Timing Trade, this rule shall apply.

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.4501(13), (14), (15) FS. History—New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 1-7-10, _____.

19-11.005 FRS Investment Plan Complaint Procedures.

(1) Request for Intervention Purpose. ~~Section 121.4501(9)(f)3., F.S., requires that the State Board of Administration "... develop procedures to receive and resolve participant complaints against a provider or approved provider personnel, and, when appropriate, refer such complaints to the~~

appropriate agency.” The following procedures outline the SBA’s policy in handling complaints filed against Investment Plan providers, including the third party administrator, education providers, and investment providers.

(2) Definitions:

(a) “Complaint” shall mean a participant’s written or verbal expression of dissatisfaction with an Investment Plan provider or one of its representatives.

(b) “Investment Plan” shall mean the Public Employee Optional Retirement Program as defined in Section 121.4501(2)(g), F.S.

(c) “Investment Plan providers” are:

1. Third Party Administrator, the FRS Investment Plan Administrator;
2. Companies providing Investment Plan education;
3. Investment managers providing investment services supporting mutual funds or institutional funds offered in the FRS Investment Plan;
4. Marketing companies providing marketing and educational support for their investment products or providing individual counseling; and
5. Any other company or state agency providing Investment Plan services (including the State Board of Administration of Florida).

(d) “Member” means an employee who elects to participate in the FRS Investment Plan and enrolls in such program as provided in Section 121.4501(4), F.S. For purposes of this rule, “member” also includes FRS employees who have not elected the FRS Investment Plan but who claim that they intended to join but were prevented for various reasons.

(e) “SBA” means the State Board of Administration of Florida, the plan sponsor for the FRS Investment Plan.

(3) Procedures:

(a) Any FRS Investment Plan or FRS Pension Plan member who has a complaint regarding the FRS laws, rules, plan provisions or services rendered by an Investment Plan or MyFRS Financial Guidance Program provider or one of the representatives thereof Intervention:

~~1. The Member may send a written Request for Intervention to the SBA for intervention and resolution. The written Request for Intervention shall be sent:~~

- ~~1.a. By regular US mail service to:
Investment Plan Complaint Resolution
Office of Defined Contribution Programs
State Board of Administration
P. O. Box 13300
Tallahassee, FL 32317-3300~~
- ~~2.b. By e-mail: DefinedContributionPrograms@sbafla.com;~~
- ~~3.e. By fax: (850)413-1489.~~

or

~~(b)2. The Member shall use “FRS Investment Plan Request for Intervention,” Form SBA-RFI 01/2009, contained in the FRS Investment Plan Complaint Procedures package, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01128>, which is hereby adopted and incorporated by reference. The form may be obtained by using the toll free number at 1(866)446-9377, Option 4, (TRS 711), and requesting that the form ~~it~~ be mailed to the Member or by accessing the MyFRS.com website, clicking on Resources, and then clicking on Forms. By using this form, the Member grants permission to the SBA to obtain any personally identifiable information shared with or generated by any services provider to the FRS, including the MyFRS Financial Guidance Program.~~

~~(c)3. The Member must provide all information requested by the form. If all information is not provided, the member form shall be required returned to submit another completed form, upon notification by the SBA the Member so that the missing information can be added.~~

~~(d)4. Upon receipt of the complete Request for Intervention, an acknowledgment will be sent by regular US mail or emailed to the Member.~~

~~(e)5. The SBA will conduct an investigation and will prepare and send to the Member an final agency action letter detailing the SBA’s findings; any proposed resolution; and information on any the next steps in the dispute resolution process.~~

~~(2)(b) Second Step: Hearing Request for Hearing.~~

~~(a)1. If the Member is not satisfied with the proposed resolution as set out in the final agency action letter and the Member wishes to protest the determination, the Member must ~~may~~ file a fully-completed Petition for Hearing, “FRS Investment Plan Petition for Hearing,” Form SBA-PFH 01/2009, contained in the FRS Investment Plan Complaint Procedures package, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01128>, which is hereby adopted and incorporated by reference, with the SBA. The Petition for Hearing is routinely attached to the final agency action letter and may also be obtained by calling the toll free number at 1(866)446-9377, Option 4, (TRS 711), and requesting that it be sent to the Member or by accessing the MyFRS.com website, and clicking on Resources and then clicking on Forms. The Petition for Hearing must be received within 21 days of the Member’s receipt of the final agency action letter or it will be rejected as untimely and the Member will have waived his right to a hearing.~~

~~(b)2. The Member shall use “FRS Investment Plan Petition for Hearing,” Form SBA-PFH 01/2009. By signing the FRS Investment Plan Petition for Hearing, using this form, the Member thereby grants permission to the SBA to obtain any personally identifiable information shared with or generated by any services provider to the FRS, including the MyFRS~~

Financial Guidance Program. Any such information obtained will be used by the SBA for the sole purpose of resolving the complaint.

~~(c)3.~~ Upon receipt of the Petition for Hearing, the SBA has 15 days to respond to the Petition for Hearing, in accordance with Section 120.569(2)(a), F.S.

~~(d)4.~~ If the hearing request contains a disputed issue of material fact, the SBA shall, within the required 15 days, forward the hearing request to the Division of Administrative Hearings, requesting that an administrative law judge be assigned to conduct the hearing and will so notify the Member accordingly.

~~(e)5.~~ If there is no disputed issue of material fact, then the SBA shall assign the matter to a presiding officer, who will send out a "Notice of Proceeding and Initial Order of Instructions" to the Petitioner and to Respondent's counsel.

~~(f)6.~~ The balance of the hearing process shall conform to the requirements of Chapter 120, F.S.

(g) A Final Order will be issued by the SBA after the conclusion of the hearing process. The Member will have appeal rights as set forth in Section 120.68, F.S.

Rulemaking Authority 121.4501(8)(a) FS. Law Implemented 120.569, 120.57, 120.573, 121.4501(8)(g)(9)(f)3. FS. History--New 10-21-04, Amended 3-9-06, 11-26-07, 5-19-09, _____.

19-11.006 Enrollment Procedures for New Hires.

~~(1) Purpose.~~ This rule adopts procedures and forms for enrollment in the Florida Retirement System Investment Plan for employees who become employed in a regularly established position with a state employer commencing after April 1, 2002; or with a district school board employer commencing after July 1, 2002; or with a local employer commencing after October 1, 2002.

~~(2) Definitions.~~

~~(a) "ABO,"~~ which is the acronym for the "accumulated benefit obligation," means the present value of a member's benefit in the FRS Pension Plan, which is the defined benefit program of the Florida Retirement System, to which the member would be entitled if the member retired from the FRS Pension Plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(c)2., F.S., by the Division of Retirement within the Department of Management Services. The ABO changes on a monthly basis based on the following factors: age, service, salary level, and membership class.

~~(b) "Division"~~ means the Division of Retirement within the Department of Management Services.

~~(c) "Administrator"~~ means the entity hired by the SBA, pursuant to Section 121.4501(8)(b)1., F.S., to provide administrative services to the FRS Investment Plan and is responsible for processing enrollment forms received from employees making a retirement plan choice either by form, by telephone, or on the MyFRS.com website.

~~(d) "Effective date of enrollment or effective enrollment in the FRS Investment Plan"~~ means that the employee has completed enrollment by filing the enrollment form for his membership class or by filing a separate document for his membership class with the Administrator; that the Administrator has entered the employee into its recordkeeping system; and that the Administrator has informed the Division of the employee's effective date of enrollment in either the FRS Pension Plan or the FRS Investment Plan. For purposes of this rule, the term "enrollment form" or "form" shall also refer to the separate document described in paragraph 19-11.006(4)(b), F.A.C., below.

~~(e) "Electronic Means"~~ shall mean an enrollment on the MyFRS.com website, by telephone or other technology as specified by the SBA in a subsequent amended rule.

~~(f) "Employee"~~ means an eligible employee as defined in Section 121.4501(2)(d), F.S.

~~(g) "Employer"~~ means an employer as defined in Section 121.4501(2)(e), F.S. For purposes of the FRS Investment Plan, there are three general categories of employers: state agencies; school districts; and local employers.

~~(h) "FRS Investment Plan"~~ means the defined contribution retirement program of the Florida Retirement System, established in Parts II and III of Chapter 121, F.S. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan. The FRS Investment Plan has two parts: the FRS Investment Plan and the FRS Investment Plan Hybrid Option, also known as the FRS Hybrid Option.

~~(i) "FRS Pension Plan"~~ means the defined benefit retirement program of the Florida Retirement System, established in Part I of Chapter 121, F.S.

~~(j) "Florida Retirement System Trust Fund" or "FRSTF"~~ shall mean the trust fund holding the assets of the FRS Pension Plan, which is the defined benefit plan of the Florida Retirement System.

~~(k) "Grace Period"~~ means that procedure described in subsection (6), below, which permits, under certain circumstances, the voiding of a retirement plan election.

~~(l) "Member"~~ means an employee who elects to join the FRS Investment Plan or the FRS Investment Plan Hybrid Option.

~~(m) "Public Employee Optional Retirement Program" or "PEORP"~~ means the defined contribution retirement program of the Florida Retirement System established by Section 121.4501, F.S., more commonly known as the FRS Investment Plan.

~~(n) "SBA"~~ means the State Board of Administration of Florida.

~~(e) “True-up Amount” means the difference between the ABO calculated by using the member’s actual creditable service and the actual final average compensation as of the member’s effective date in the FRS Investment Plan and the ABO initially transferred.~~

~~(1)(3) General Enrollment Procedures.~~

~~(a) All newly-hired employees are initially enrolled in the FRS Pension Plan. If a newly-hired employee chooses, within the statutory election period, to enroll in the FRS Investment Plan, or the FRS Investment Plan Hybrid Option, the effective date of enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option is the date of hire of the employee. However, the employer contributions received by an employee prior to effective enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option will be transferred into the employee’s FRS Investment Plan or FRS Investment Plan Hybrid Option account at the rate the employer was required to contribute for that employee. Only after effective enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option will the employee receive the employer contribution at the FRS Investment Plan or FRS Investment Plan Hybrid Option rate appropriate to that employee’s class of membership, as specified in Section 121.4501(4)(a)2.b., (b)2.b., and (c)2.b., F.S.~~

~~(b) Eligible newly-hired employees enrolled in the regular, special risk, and special risk administrative support classes may choose to enroll in the FRS Investment Plan by submitting an enrollment form or by electronic means.~~

~~(c) Eligible newly-hired employees may enroll in the FRS Investment Hybrid Option if they have at least 5 years of FRS Pension Plan service, if enrolled in the FRS prior to July 1, 2011, or at least 8 years of FRS Pension Plan service, if initially enrolled in the FRS on or after July 1, 2011.~~

~~(d)(e) Eligible newly-hired employees enrolled in the Elected Officers’ Class or Senior Management Service Class may only enroll in the FRS Investment Plan by submitting an enrollment form.~~

~~(e)(d) Eligible newly-hired employees eligible to enroll in the Community College Optional Retirement Program or State University System Optional Retirement Program may only enroll in the FRS Investment Plan by submitting an enrollment form.~~

~~(f)(e) Enrollment forms are available in the enrollment package which is sent to an employee’s address of record or by accessing www.MyFRS.com, and clicking on Resources and then on Forms; or by calling toll-free 1(866)446-9377, or for the hearing impaired TRS 711 1(888)429-2160.~~

~~(2)(4) Specific Enrollment Procedures.~~

~~(a) All newly-hired employees may enroll in the FRS Investment Plan no later than 4:00 p.m. Eastern Time the last business day of the 5th month following the employee’s month of hire or may elect to remain in the FRS Pension Plan. Example: If an employee is hired on January 15, the employee~~

he must complete a plan choice elect the FRS Investment Plan no later than 4:00 p.m. Eastern Time the last business day of June. If no plan choice is filed, the employee will default to the FRS Pension Plan.

(b) The employee must be actively employed, earning salary and service credit when the plan choice is processed by the FRS Plan Choice Administrator.

(c)(b) The SBA has designed the following forms set forth below for ease of use for employees in the several membership classes of the Florida Retirement System. As an alternative, an employee not wishing to use the forms may provide the same information requested by the forms available for use outlined in this Rule 19-11.006, F.A.C., for the appropriate his membership class in a separate document. Employees may determine their membership class by contacting the agency’s inquiry of their human resources office at their agency. The forms available are: an EZ Retirement Plan Enrollment Form, Form ELE-1-EZ, rev. 11-11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01073>, which is only for regular, special risk, and special risk administrative support class employees; a General Retirement Plan Enrollment Form, Form ELE-1, rev. 01-12 <http://www.flrules.org/Gateway/reference.asp?No=Ref-01074> for regular, special risk, and special risk administrative support class employees; an Elected Officers’ Class Retirement Plan Form, Form EOC-1, rev. 01-12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01075>; a Community College Optional Retirement Program (CCORP) Enrollment Form Retirement Plan Choice form, Form OCC-1, rev. 01-12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01076>; a State University System Optional Retirement Program (SUSORP) Retirement Plan Enrollment Form, Form ORP-16, rev. 01-12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01077> ORP Eligible Employee Retirement Plan form; a State Senior Management Service Employees Retirement Plan Enrollment Form, Form SMS-1, Rev. 01-12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01078>; and a Local Senior Management Service Employees Retirement Plan Enrollment Form, Form SMS-3, rev. 01-12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01079>. All of the preceding forms are hereby adopted and incorporated by this reference.

1. All enrollment forms can be obtained at the sources listed in paragraph ~~(1)(f) (3)(b)~~, above.

2. Only members of the regular, special risk, and special risk administrative support classes of employees may use the EZ form, “EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees,” Form ELE-1-EZ, rev. 01/10, which is hereby adopted and incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-00420>. If an employee chooses to use the EZ form, only limited information (i.e., name, plan choice, social security number and signature) is required. The FRS Select Moderate Balanced Fund is the only

initial investment option (although that investment option may be changed by the ~~m~~Member once the account is funded). ~~Beneficiary designations may be made as set forth in Rule 19-11.002, F.A.C. No beneficiary identifying information is required on the EZ form. However, beneficiary designations must be made either on forms prescribed for that purpose or electronically by logging onto MyFRS.com, clicking on "manage benefits," then clicking on "manage investments," and then clicking on "personal info." If no beneficiary designation is made, the Plan funds will be distributed, at the Member's death, in accordance with Florida law and Rule 19-11.002, F.A.C. Beneficiary designation forms may be obtained from the same sources listed in paragraph (3)(b), above.~~

~~(e) If one of the other forms is used, consistent with the employee's membership class, or if the employee chooses to submit a separate document, consistent with the employee's membership class, the employee shall provide the following information:~~

~~1. Employee's name and social security number;~~

~~2.a. For an employee who is not a member of any of the retirement plan options detailed in sub-subparagraphs b. through f., below, a selection as to whether the employee decides to stay in the FRS Pension Plan, or transfer his ABO, if any, to the FRS Investment Plan, or transfer to the FRS Investment Plan Hybrid Option and leave his ABO, if any, in the FRS Pension Plan; or~~

~~b. For a state employee who is eligible for membership in the State Senior Management Service Class, a selection as to whether the employee wishes to elect:~~

~~i. The FRS Pension Plan; or~~

~~ii. The FRS Investment Plan and have future employer contributions sent to the FRS Investment Plan account; or~~

~~iii. To retain any accrued benefit in the FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan Hybrid Option, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii.; or~~

~~iv. To switch prospectively to the Senior Management Service Optional Annuity Program (SMSOAP) and retain any accrued benefit in the FRS Pension Plan, which requires that the choice form must be received no later than 4:00 p.m. Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.055(6)(e)2., F.S.;~~

~~e. For a local employee who is eligible for the Senior Management Service Class, a selection as to whether the employee wishes to elect:~~

~~i. The FRS Pension Plan; or~~

~~ii. The FRS Investment Plan and have all future employer contributions sent to the FRS Investment Plan account; or~~

~~iii. To retain any FRS Pension Plan benefit and switch prospectively into the FRS Investment Plan Hybrid Option, which requires that the employee must have at least 5 years of previous Pension Plan service to select this option iii.; or~~

~~iv. To withdraw from the Florida Retirement System, which requires contacting the employee's employer and submitting the appropriate form to that employer;~~

~~d. For an employee who is eligible for the State University System Optional Retirement Program (SUSORP), a selection as to whether the employee wishes to elect:~~

~~i. To join SUSORP and retain any accrued benefit in the FRS Pension Plan, which requires making such election no later than the 90th day after the date of hire by executing a contract with a SUSORP provider company and which also requires that eligible clinical faculty employed at a state university with a faculty practice plan shall elect this option, which requires the selection to be made no later than 4:00 p.m. Eastern Time on the 90th day from the employee's date of hire, in accordance with Section 121.35(3), F.S.; or~~

~~ii. To join the FRS Pension Plan which must be completed no later than the last business day of the 5th month after the month of hire; or~~

~~iii. To join the FRS Investment Plan and to transfer the present value, if any, of the FRS Pension Plan benefit to the FRS Investment Plan and to have future contributions sent to the FRS Investment Plan account; or~~

~~iv. To switch prospectively to the FRS Investment Plan Hybrid Option and retain any accrued benefit in the FRS Pension Plan, which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iv.;~~

~~e. For an employee who is eligible for the Community College Optional Retirement Program, a selection as to whether the employee wishes to elect:~~

~~i. To join the FRS Pension Plan; or~~

~~ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or~~

~~iii. To join the FRS Investment Plan Hybrid Option and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii.; or~~

~~iv. To withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP) which requires that the selection must be completed within 90 days of commencing CCORP qualifying employment, in accordance with Section 1012.875(3), F.S.;~~

~~f. For an employee who is eligible for the Elected Officers' Class, a selection as to whether the employee wishes to elect:~~

~~i. To join the FRS Pension Plan; or~~

ii. To join the FRS Investment Plan and to transfer any accrued benefit from the FRS Pension Plan to the FRS Investment Plan and to have future employer contributions sent to the FRS Investment Plan account; or

iii. To join the FRS Investment Plan Hybrid Option and to retain any accrued benefit in the FRS Pension Plan which requires that the eligible employee must have 5 years of previous Pension Plan service to select this option iii.; or

iv. To join the Senior Management Service Class of the FRS Pension Plan and retain any accrued benefit in the FRS Investment Plan, which requires the eligible employee to make the choice no later than the last day of the 6th month after assuming his elected office, in accordance with Section 121.052(3)(a), F.S.; or

v. To switch prospectively to the State Senior Management Service Optional Annuity Program and retain any accrued benefit in the FRS Pension Plan, which selection must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a state elected officer to select this option v.; or

vi. To withdraw from the Florida Retirement System and participate in a local government Optional Annuity Program, which decision is irrevocable so long as the employee holds a position which is eligible for the Senior Management Service Class and which election must be made no later than the last business day of the 6th month after assuming elected office and that the employee must be a local elected officer to select this option vi.; or

vii. To withdraw from the Florida Retirement System altogether, which means that the employee will not participate in the Florida Retirement System or any retirement plan offered by his employer; that the effective date of the election will be the date he assumed elected office; that the employee can rejoin the Elected Officers Class upon written request; that the employee's decision must be made no later than the last business day of the 6th month after assuming elected office; and that this option vii. is not available to any member who has already retired from a State of Florida administered retirement plan.

3. Understand that benefits will be distributed in accordance with Section 121.091(8), F.S., in the absence of the member's filing a beneficiary designation form, which is available from the sources listed in paragraph (3)(b), above;

4. Select any combination of investment funds from among any of the balanced funds and other investment funds shown, provided, however, that the percentage of the employee's contributions for all of the funds selected must equal 100 percent. Any member who does not select investment options will be defaulted into the FRS Select Moderate Balanced Fund. Any member so defaulted retains the option at any time once the account is activated to make other investment selections. Both the accumulated benefit obligation

and all future contributions will be invested in the FRS Select Moderate Balanced Fund unless and until the member chooses other investment options;

5. Sign and date a section indicating that, depending on which options were selected as described in Section 1 of the form and in subparagraph 2., above:

a. The employee understands that he can obtain a description of his rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan by calling a toll-free number or accessing an internet website;

b. The employee understands the elections he has made by choosing among the various options available to him as described in Section 1 of the form and in subparagraph 2., above;

c. The employee understands that if he has elected the FRS Investment Plan, the initial ABO is an estimate which will be reconciled within 60 days and that if the employee is a member of the FRS Investment Plan Hybrid Option, he cannot make this choice unless he has at least 5 years of previous Pension Plan service and that if he is currently a member of the FRS Pension Plan, the election may constitute his second choice as provided under Section 121.4501(4)(e), F.S.;

d. The employee understands that he should review the fund profiles and the Investment Fund Summary before choosing investment funds and that information will be available electronically unless the employee requests hard copies and that if the employee does not choose specific funds, his assets will be invested in the FRS Select Moderate Balanced Fund;

e. The employee understands that investment management fees may change and that funds may be added or terminated and that if funds are terminated, the employee has the choice of moving his assets into other investment options or, if the employee does not make an affirmative decision, his assets will be moved to the FRS Select fund with the most similar risk characteristics or into a replacement fund designated by the Plan's Trustees;

f. The Florida Statutes incorporate federal law concepts of participant control so that if the employee exercises control over his assets in accordance with section 404(e) of the federal Employee Retirement Income Security Act of 1974, no program fiduciary shall be liable for any loss to his account which results from the employee's control;

g. The employee understands that he has a one time opportunity to switch plans and that to switch to the Pension Plan there will be a buy-in cost for doing so; [The Division of Retirement is responsible for calculating the buyback amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and rises when additional creditable service or salary is earned.]

~~h. The employee understands that he can change his fund allocations at any time after the account is activated;~~

~~i. The employee understands that his account will be available by the last business day of the month following the date of his election;~~

~~j. The employee understands that by not selecting any investment options, he is authorizing that his assets be invested in the FRS Select Moderate Balanced Fund;~~

~~k. The employee understands that the FRS Investment Plan is not designed to facilitate short term excessive trading; that foreign and international funds are subject to a 7-day holding period and that the excessive trading policy in Rule 19-11.004, F.A.C., applies to all members;~~

~~l. The employee understands that he cannot file a second election using the initial enrollment form;~~

~~m. The employee understands that if he has chosen the Senior Management Service Optional Annuity Program, he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SMSOAP; that he is not eligible for disability benefits; that his SMSOAP election is irrevocable so long as he is employed in a SMSOAP position; that the State of Florida does not guarantee or insure SMSOAP benefits; and that any employee contributions to SMSOAP are after tax deductions that are not tax-deferred;~~

~~n. The employee understands that if he has chosen to withdraw from the Florida Retirement System, that his participation in any other state-administered retirement plan is inactivated once the withdrawal is complete; that he is not eligible for disability benefits; that his withdrawal decision is irrevocable so long as he is employed in a position eligible for participation in the Senior Management Service Class;~~

~~o. The employee understands that if he has chosen the State University System Optional Retirement Program (SUSORP), he must contact the plan marketing companies to receive information about investment funds; that his participation in any other state-administered retirement plan is inactivated once enrolled in SUSORP; that he cannot participate in SUSORP if he is a retiree or receiving an annuity payment from the SUSORP; that he is not eligible for disability benefits; that his SUSORP election is irrevocable so long as he is employed in a SUSORP position; that the State of Florida does not guarantee or insure SUSORP benefits; and that any employee can contribute up to the statutory amount of his gross salary as an employee contribution and that these contributions to SUSORP shall be tax-deferred;~~

~~p. The employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in the Community College Optional Retirement Program (CCORP), he must contract with the individual provider company(ies) for CCORP within 90 days of his employment; that failure to join CCORP will make him a compulsory~~

~~member of the FRS Pension Plan; that by electing to withdraw from the Florida Retirement System, he must become a program participant in the CCORP's lifetime monthly annuity program; that his participation in any other state-administered retirement plan is inactivated once enrolled in CCORP; that he is not eligible for disability benefits; and that he has one opportunity to join either the FRS Pension Plan or the FRS Investment Plan;~~

~~q. The elected employee understands that if he has chosen to join the SMSOAP, he must be an elected officer; and that he must contact the marketing company(ies) to receive information about the plan; that his participation in any other state-administered retirement plan is inactivated; that the State of Florida does not guarantee or insure any benefits paid under the program; and that any employee contributions he makes are not tax-deferred;~~

~~r. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System and participate in a local government annuity program, his effective date will be the first day of the month following the receipt of his written election to the FRS Plan Choice Administrator; and~~

~~s. The elected employee understands that if he has chosen to withdraw from the Florida Retirement System altogether, he may rejoin upon written request and that this option is not available to members who have already retired from a State of Florida administered retirement plan.~~

~~6. For employees who have chosen to participate in the Senior Management Service Optional Annuity Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.~~

~~7. For employees who have chosen to participate in the State University System Optional Retirement Program, fill out a section designating marketing companies and contribution amounts for that option and check a statement that the employee has reviewed the investment fund options offered by the marketing companies and has signed the necessary contract(s) with the company(ies) for the deposit of the employees contributions as authorized in the section.~~

~~(d)1. The enrollment by form or electronic means shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment is received by the FRS Plan Choice Administrator by 4:00 p.m. Eastern Time on the last business day of the 5th month following the date of hire. The form shall be transmitted via the U.S. mail, courier, or by fax to 1(888)310-5559.~~

~~2. The FRS Plan Choice Administrator shall determine that the employee's enrollment in the FRS Investment Plan is within the prescribed time period, is complete, and the~~

employee's election is clearly indicated. If the Administrator determines that the enrollment is incomplete, the employee will be required to resubmit a completed enrollment. An incomplete enrollment by form is a form which is missing the name of the member, social security number, plan selection, or signatures, or one on which the investment elections total greater than or less than 100% or dates. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the account is activated transfer has been made. An incomplete enrollment by electronic means is one in which the FRS Plan Choice Administrator has no record of receipt and/or processing of the electronic enrollment.

(e) Upon receipt of the completed enrollment form by the FRS Plan Choice Administrator, the FRS Plan Choice Administrator shall enroll the employee in the indicated FRS retirement plan FRS Investment Plan. Upon completion of the enrollment, but no later than two working days after enrollment, the FRS Plan Choice Administrator shall send confirmation of the effective enrollment to the employee at the employee's home address of record, to the employee's employer, and to the Division to inform the Division of the employees retirement plan choice that the employee is no longer in the FRS Pension Plan. The employer shall change its employee records to reflect the employee's plan choice, if applicable

(f) Employers shall remit pay retirement contributions monthly for their FRS Investment Plan employees or the FRS Investment Plan Hybrid Option and those contributions are due to the Division by the 5th working day of the month following the month for which the contributions are made. The employer shall change its employee records to reflect that the contribution rates effective on the effective date of enrollment are applicable to those of its employees who have elected to enroll in the FRS Investment Plan or the FRS Investment Plan Hybrid Option.

(5) Asset Transfer and True-Up Procedures for Newly-hired Employees with Previous FRS Service.

(a) For employees with previous FRS service who elect to enroll in the FRS Investment Plan with a transfer of his or her ABO, the division shall determine the amount of the employee's ABO. This amount shall be transferred to the employee's FRS Investment Plan account and shall be allocated to each investment product selected by the participant on his or her enrollment form.

(b) I. The Division shall determine the employee's ABO as of the last day of the month prior to the employee's effective date of enrollment in the FRS Investment Plan.

2. Example: If the Division receives the enrollment during the month of June, the effective date of enrollment for the employee in the FRS Investment Plan is July 1. The Division shall determine the employee's ABO, if any, through June 30.

(c) By the 15th day of the month, the Division shall notify the Administrator of the ABO for each employee whose effective date of enrollment is the first day of the month and the Administrator shall notify the SBA of the aggregate ABO of employees whose effective date of enrollment is the first day of the month.

(d) On the last business day of the effective month of enrollment in the FRS Investment Plan, the SBA shall transfer the aggregate ABO amount to the FRS Investment Plan custodian for distribution to the FRS Investment Plan participant accounts. Such distribution shall be directed by the Administrator and shall be based on the percentage of the total investment allocated to each investment option designated by the participant on the enrollment form.

(e) The total amount initially credited to each FRS Investment Plan member's account who chooses to move his or her ABO out of the FRS Pension Plan is an estimate of the participant's ABO as calculated by the Division. Thereafter, pursuant to Section 121.4501(3)(c)3., F.S., the Division shall recompute the ABO not later than 60 days after the initial transfer of funds and, if the recomputed amount differs from the transferred ABO amount by \$10 or more, the Division shall cause an adjustment of the transfer of assets between FRS Investment Plan account(s) of the affected member(s) through a true-up transfer in accordance with that statutory section.

(f) If the recomputed ABO is greater than the initial amount transferred by \$10 or more, the amount to be transferred to the member's FRS Investment Plan account from the FRS Trust Fund will equal the excess of the recomputed ABO over the amount initially transferred plus interest. The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each investment product by the member on his or her enrollment form.

(g) If the recomputed ABO is less than the original amount transferred by \$10 or more, the Administrator shall cause to be transferred from the member's FRS Investment Plan account to the FRSTF an amount equal to the excess of the initial amount transferred over the recomputed ABO plus interest. The amount transferred from each investment product shall be based on the percentage of the total investment allocated to each investment product by the member on his or her enrollment form.

(h) The Division shall notify the SBA of the aggregate true-up amount plus interest within 45 days of the initial transfer. The Division shall notify the Administrator of the true-up amounts plus interest by member account within 45 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the Division plus interest at

~~the rates specified in Section 121.4501(3)(c)3., F.S., from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day of the month preceding the Saturday, Sunday, or legal holiday.~~

~~(i) The Division shall calculate the interest owed on true-up amounts. If the recomputed ABO is greater than the original amount transferred by \$10 or more, the member will be owed a true-up amount plus interest. Interest will be calculated using the rate of 8% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer, as specified in paragraph (h), above. If the recomputed ABO is less than the original amount transferred by \$10 or more, the member will owe a true-up amount plus interest. Interest will be calculated on the amount owed based upon 6% effective annual interest, compounded annually, and the number of days from the date of the initial transfer to the date of the true-up transfer.~~

~~(3)(6) Grace Period.~~

~~(a) If a member files an election with the FRS Plan Choice Administrator and the member realizes that the election was made in error, or if the member has reconsidered the election made, the SBA will consider, on a case-by-case basis, whether the election will be voided, subject to the following requirements:~~

~~(b) The member must notify the SBA, by a telephone call to the toll-free MyFRS Financial Guidance Line at 1(866)446-9377 or by written correspondence directly to the SBA, to the Plan Choice Administrator, or to the Division no later than 4:00 p.m. Eastern Time on the last business day of the election effective month.~~

~~(c)(b) If the request to reverse the election is made timely and the SBA finds that the election was made in error, the member will be required to sign a release and return it to the SBA no later than 4:00 p.m. Eastern Time, on the last business day of the election effective month prior to the election's being officially reversed. The member will acknowledge that failure to return a signed release by the requested due date will result in the original election being reinstated.~~

~~(d)(e) Upon receipt of the release, the Division and the Plan Choice Administrator will be directed to do the following:~~

~~1. The Division will revise its database to reflect the member's plan change. The member will have until his or her choice period deadline date to make a new election. If the member's choice period has ended, the member will have one calendar month to make a new election. Failure to make a new election will result in the member's defaulting into the Pension Plan, except for the situation described in subparagraph 3., below.~~

2. The Plan Choice Administrator will send the member written confirmation that the election has been reversed.

3. If the member had elected the FRS Investment Plan and decided to remain in the FRS Pension Plan, there is no need for another election, because the member is already in the FRS Pension Plan, his election to the FRS Investment Plan having been reversed.

~~(e)(d) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(8)(9)(g)(f)2., F.S., and discussed in Rule 19-11.005, F.A.C.~~

~~(7) Costs associated with the liquidation or transfer of assets from the FRS Trust Fund to the FRS Investment Plan will be deducted from the FRS Trust Fund. The FRS Trust Fund will not be responsible for any transaction costs associated with the purchase of FRS Investment Plan assets. Those costs will be deducted from FRS Investment Plan accounts or otherwise charged to FRS Investment Plan members.~~

~~(8) The amount transferred to each investment product shall be based on the percentage of the total investment allocated to each fund by the member on his or her enrollment form as described in paragraph (3)(b), above. However, pursuant to Section 121.4501(4)(d), F.S., amounts not specified will be invested in the default option designated in the Investment Policy Statement, as approved by the Trustees and adopted and incorporated by reference in Rule 19-9.001, F.A.C.~~

~~(9) In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), F.S., the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, F.S., until 30 days after completion of each investment transaction.~~

Rulemaking Authority 121.4501(3)(c)4., (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS. History—New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, 2-4-10, _____.

19-11.007 Second Election Enrollment Procedures for the FRS Retirement Programs.

~~(1) Purpose. The purpose of this rule is to establish procedures for making the second election permitted by Section 121.4501(4)(c), F.S. This rule includes procedures for members who initially chose the FRS Investment Plan or the FRS Investment Plan Hybrid Option to use their 2nd election to transfer to the FRS Pension Plan; and for members who chose or defaulted into the FRS Pension Plan to use their 2nd election to transfer to the FRS Investment Plan or the FRS Investment Plan Hybrid Option.~~

~~(2) A member may make a valid 2nd election only if the 2nd election is made and processed by the Plan Choice Administrator while the member is actively employed and~~

earning salary and service credit in an employer-employee relationship consistent with the requirements of Section 121.021(17)(b), F.S. ~~FRS members must be actively employed earning salary and service credit to be eligible to make a valid 2nd Election.~~ Members on an unpaid leave of absence, terminated members, or employees of an educational institution on summer break cannot use their 2nd ~~e~~ Election until they return to covered FRS employment. In general terms, this means that the 2nd election must be made and processed while the member is actively working and being paid for that work. It is the responsibility of the member to assure that the 2nd election is received by the Plan Choice Administrator no later than 4:00 p.m. Eastern Time on the last business day the member is earning salary and ~~earning~~ service credit.

(2) ~~Definitions:~~

(a) ~~“FRS Investment Plan” means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member chooses to transfer his accrued service benefit in the FRS Pension Plan, if any, to the FRS Investment Plan or the FRS Investment Plan Hybrid Option and further chooses that all future employer contributions be deposited in his FRS Investment Plan account. Although established in Parts II and III, certain parts of Part I of Chapter 121 also apply to the FRS Investment Plan. Any accrued service benefit transferred from the FRS Pension Plan to the FRS Investment Plan will be subject to the vesting requirements of the FRS Pension Plan.~~

(b) ~~“FRS Investment Plan Hybrid Option” or “FRS Hybrid Option” means the optional defined contribution retirement plan within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member chooses to retain his accrued service benefit in the FRS Pension Plan, in accordance with Section 121.4501(3)(e)1., F.S., and further chooses that all future employer contributions be deposited in his FRS Investment Plan Hybrid Option account. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the FRS Investment Plan Hybrid Option.~~

(c) ~~“FRS Pension Plan” means the defined benefit retirement plan within the Florida Retirement System, established in Part I of Chapter 121, F.S.~~

(d) ~~“I,” “you,” or “your.” these references are to the member in the context of relevant parts of the two enrollment forms described in this rule.~~

(e) ~~“ABO” “Accrued service benefit” or “accumulated benefit obligation” means the present value amount already earned by a member in the FRS Pension Plan which, if the participant uses the 2nd election, will be transferred to his or her account in the FRS Investment Plan.~~

(f) ~~“Electronic Means” shall mean an enrollment on the MyFRS.com website, by telephone or other technology as specified by the SBA in a subsequent amended rule.~~

(3) General Procedures.

(a) All members who wish to change their FRS retirement plan using their 2nd election must use a 2nd election enrollment form or, if moving from the FRS Pension Plan to the FRS Investment Plan or FRS Investment Plan Hybrid Option, may do so online by accessing the Second Choice Service at MyFRS.com. There are two types of enrollment forms. The “2nd Election Retirement Plan Enrollment Form”, Form ELE-2, rev. 01-12, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01068> which is hereby adopted and incorporated by reference. This form allows the member to select different ~~choose the~~ investment funds options he wishes to use if the member is changing from the FRS Pension Plan to either the FRS Investment Plan or the FRS Investment Plan Hybrid Option. Alternatively, the member can complete by using the “2nd Election EZ Retirement Plan Enrollment Form,” Form ELE-2EZ, rev. 07/11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01069>, which is hereby adopted and incorporated by reference. By completing this form, the member is choosing to have his employer and employee contributions and any transfers from the FRS Pension Plan invested in the FRS Select Moderate Balanced Fund. The member may change the investment selection at any time after the FRS Investment Plan or the FRS Investment Plan Hybrid Option account is activated. Activation occurs when contributions are deposited to the member’s FRS Investment Plan account.

(b) Both forms are available by calling the toll-free number for the MyFRS Financial Guidance Line: 1(866)446-9377, Option 4 or for members who are deaf, hard of hearing, or speech-impaired: TRS 711 ~~the hearing-impaired~~ 1(888)429-2160; or by using the MyFRS.com website and clicking on Resources and then on Forms.

(c) Elections made by form must be mailed to the FRS Plan Choice Administrator, P. O. Box 785027, Orlando, FL 32878-5027; Box 56290, Jacksonville, Florida 32241-6290 or faxed toll-free to (888)310-5559.

(d) For members transferring to the FRS Pension Plan, if the member’s Investment Plan account balance was less than the calculated amount required to buy back into the FRS Pension Plan, the election will require a personal payment. The member will receive notification and proper instructions from the Division detailing where and in what form to send any personal payments. Such payment, if necessary, must be received by the date determined by the Division. If the required amount is not received by the Division by the date due, the election will be voided.

(e) A confirmation statement will be mailed to the member’s address of record once the completed form is received and processed.

(f) The member should carefully review the form and be sure that it is signed, dated, and sets forth the member’s second election plan choice. A copy of the form should be retained for the member’s records.

(g) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, social security number, plan selection, or signature, or one on which the total investment elections are greater or less than 100%. The member will be required to resubmit a completed second election enrollment form. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into the FRS Select Moderate Balanced Fund for investing the member's accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the account is activated.

(h) The second election will become final at 4:00 p.m. Eastern Time on the day it is received by the Plan Choice Administrator. Elections received after 4:00 p.m. Eastern Time will be considered as being received on the next business day. Elections received on a Saturday, Sunday or holiday will be considered as being received on the next business day.

(d) The member may elect to move between the Florida Retirement System retirement programs only if the member is earning service credit in an employer-employee relationship consistent with the requirements under Section 121.021(17)(b), F.S. FRS members must be actively employed earning salary and service credit to be eligible to make a valid 2nd Election. Members on an unpaid leave of absence, terminated members, or employees of an educational institution on summer break cannot use their 2nd Election until they return to covered FRS employment. The election must be received and processed by the FRS Plan Choice Administrator before the member terminates covered FRS employment. It is the responsibility of the member to ensure the election is received by the Plan Choice Administrator no later than 4:00 p.m. Eastern Time on the last business day the member is earning salary and earning service credit.

(4) Specific Procedures for the "2nd Election Retirement Plan Enrollment Form."

(a) All members are required to fill out Section 1 of the form by providing the member's name and Social Security number and checking only one of three boxes, indicating which choice the member is making. These boxes contain the following information:

1. Change from the FRS Investment Plan or FRS Investment Plan Hybrid Option to the FRS Pension Plan (Please complete Section 4, as described in paragraph (d) below). I understand I am using my existing FRS Investment Plan account balance to "buy" into the FRS Pension Plan. I understand that if my account balance is not sufficient to cover the cost of the "buy in", I must pay the balance due from my personal funds before being allowed into the FRS Pension Plan. The Division of Retirement is responsible for calculating the buyback amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial

calculation is a forward-looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned. I understand that I may move my FRS Investment Plan account balance into more conservative, less risky investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan. Note that if a member transfers from the Investment Plan to the Pension Plan and leaves a balance in the member's Investment Plan account, the member is a member of the Pension Plan. As such, the member cannot take a distribution of the surplus Investment Plan funds until he begins receiving his Pension Plan benefits.

2. Change from the FRS Pension Plan to the FRS Investment Plan (Please complete Sections 3 and 4, as described in paragraphs (c) and (d), below). I understand I am transferring the present value, if any, of my FRS Pension Plan benefit to the FRS Investment Plan. I understand that I will have future employer contributions deposited in my Investment Plan account.

3. Change from the FRS Pension Plan to the FRS Investment Plan Hybrid Option (Please complete Sections 3 and 4, as described in paragraphs (c) and (d) below). I am retaining any accrued benefit in the FRS Pension Plan with future employer contributions deposited in my FRS Investment Plan Hybrid Option account. I understand that I must have 5 years of Pension Plan service to select this option.

(b) The second section on the form discusses the beneficiary designation. The designation cannot be made on the enrollment form. This section contains the following information:

1. A beneficiary designation can be completed after you qualify for a retirement benefit (i.e. become "vested"). If you do not designate a beneficiary after you are vested, your benefit will be distributed in accordance with Section 121.091(8) or 121.4501(20), F.S., as applicable.

2. You may designate a beneficiary by completing a Beneficiary Designation Form (BEN-001 Pension Plan or IPBEN 1 Investment Plan). Both forms are available online at www.MyFRS.com or by calling the MyFRS Financial Guidance Line.

(c) 1. The third section on the form discusses and describes the FRS Investment Plan Fund Selections. A member who has checked the first box in the first section of the form, indicating a change to the FRS Pension Plan, must not complete this section. Members who have checked either the second or the third boxes in the first section of the form must complete this section by choosing their investment fund options.

2. The investment fund selection must be indicated by:

a. Writing the percentage you wish to allocate to each investment option. Use whole percentages only.

~~b. Choosing your investment funds from the balanced funds, the other investment funds OR from a combination of the two.~~

~~e. Ensuring that the total of all your selections equals 100%.~~

~~d. Any member who does not select any investment options will be defaulted into the FRS Select Moderate Balanced Fund. Any member so defaulted retains the option at any time to make other investment selections. Both the accumulated benefit obligation and all future contributions will be invested in the FRS Select Moderate Balanced Fund unless and until the member chooses other investment options.~~

~~(d) The fourth section on the form is an authorization section which will ensure that all members understand the information described. All members must read the information in the fourth section before signing the form. The information which follows is applicable as indicated depending on the choice the member has made.~~

~~1. For all members: I understand that I can find a description of my rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan in the respective Summary Plan Descriptions, Florida Statutes, and Administrative Rules available through the MyFRS Financial Guidance Line at: 1(866)44 MyFRS (1(866)446 9377; or TTY: 1(888)429-2160) or at MyFRS.com.~~

~~2. For members choosing to transfer to the FRS Pension Plan:~~

~~a. I understand that I have elected to change retirement plans to the FRS Pension Plan.~~

~~b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.~~

~~e. I understand that there may be a cost to change to the FRS Pension Plan, which I can get by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement, and that such cost may require that I pay some amount greater than my current FRS Investment Plan account balance. Such payment, if necessary, must be received by the date determined by the Division of Retirement. If the required amount is not received by the Division of Retirement by the date due, the election will be voided. The participant will receive notification and proper instructions from the Division of Retirement detailing where and in what form to send any personal payments. The Division of Retirement is responsible for calculating that amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward-looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned.~~

~~d. I understand that I have the ability to move my FRS Investment Plan account balance into conservative investment options within the FRS Investment Plan in order to potentially reduce the volatility of my account balance prior to liquidation and movement to the FRS Pension Plan.~~

~~e. I understand that my one-time second election is irrevocable.~~

~~3. For members choosing to transfer to the FRS Investment Plan:~~

~~a. I understand that I have elected to change retirement plans to the FRS Investment Plan, and that any accrued benefit value I may have in the FRS Pension Plan will be transferred to the FRS Investment Plan.~~

~~b. I understand that this election will constitute my one-time second election as provided under the FRS and that I must remain in this retirement plan until my retirement.~~

~~e. I understand the initial transfer amount (the accrued benefit value or the accumulated benefit obligation) is an estimate and that within 60 days of that transfer, there will be a reconciliation pursuant to Florida law, which will use my actual FRS membership record. The amount could be more or less than the estimate I received.~~

~~d. I understand that I can get the amount of my accrued benefit value by calling the MyFRS Financial Guidance Line and connecting to the Division of Retirement.~~

~~e. I understand that if I am currently a member of the FRS Investment Plan Hybrid Option, I cannot make this election.~~

~~f. I understand my one-time second election is irrevocable and I understand that I must remain in this plan until my retirement.~~

~~4. For members choosing to transfer to the FRS Investment Plan Hybrid Option:~~

~~I understand that I have elected to change retirement plans to the FRS Investment Plan Hybrid Option and that my FRS Pension Plan benefit already accrued will remain with the FRS Pension Plan and that a FRS Investment Plan Hybrid Option account will be established to receive all future employer contributions.~~

~~5. For participants choosing to transfer either to the FRS Investment Plan or to the FRS Investment Plan Hybrid Option:~~

~~a. I understand that I should review the Fund Profiles and the Investment Fund Summary at www.MyFRS.com before making any changes to my investment fund selections. I understand that information on investment funds will be provided in electronic format, unless I request hard copies. I understand that I can change my fund allocations at any time after my account is activated by accessing www.MyFRS.com or by calling the toll-free MyFRS Financial Guidance Line. I understand that my account will be available by the end of the month following the effective date of this election. If I do not choose specific investment funds, I authorize the FRS Plan Choice Administrator to invest my accumulated benefit obligation and future contributions in the FRS Select Moderate~~

Balanced Fund. I understand that the FRS Investment Plan is not designed to facilitate short term excessive fund trading. Foreign and global investment funds are subject to a minimum holding period of seven (7) calendar days following any non exempt transfers into such funds and I may be subject to trading controls on other funds in the event that I trade excessively.

b. I understand that investment management fees will be deducted from my FRS Investment Plan account or the FRS Investment Plan Hybrid Option account. I also understand that these fees may change in the future and that funds may be added or terminated. I understand that if any of the funds I select in the FRS Investment Plan or the FRS Investment Plan Hybrid Option account are terminated in the future, I will be able to move my assets into other investment funds prior to termination. Otherwise, my assets in the terminated fund(s) will be automatically moved into a replacement fund designated at that time.

e. I understand that Sections 121.4501(8)(b)4. and 121.4501(15)(b), F.S., of Florida law incorporate the federal law concept of participant control, established by regulations of the U.S. Department of Labor under section 404(e) of the Employee Retirement Income Security Act of 1974. If I exercise control over the assets in my FRS Investment Plan account, pursuant to section 404(e) regulations and all applicable laws governing the operation of the FRS Investment Plan, no program fiduciary shall be liable for any loss to my account which results from my exercise of control.

(e) The form must be signed and dated by the member and must include a daytime telephone number. Inclusion of an e-mail address or the name of the member's employing agency is optional on the member's part.

(f) The form must be mailed to the address set out in paragraph (2)(c), above.

(g) The member must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(h) For members transferring to the FRS Pension Plan, the election may require a personal payment if the member's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division. If the required amount is not received by the Division by the date due, the election will be voided. The member will receive notification and proper instructions from the Division detailing where and in what form to send any personal payments.

(i) A confirmation statement will be mailed to the member's address of record once the completed form is received and processed.

(j) The member should carefully review the form and be sure that it is signed and dated. The member should keep a copy for his records.

(k) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, social security number, plan selection, or signature. The member will be required to resubmit a completed enrollment form. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into the FRS Select Moderate Balanced Fund for investing his accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the transfer has been made.

(5) Specific Procedures for the "2nd Election EZ Retirement Plan Enrollment Form."

(a) Form ELE 2EZ, "2nd Election EZ Retirement Plan Enrollment Form," Rev. 11-08, is hereby adopted and incorporated by reference.

(b) All members choosing to use this form are required to fill out Section 1 of the form by providing the member's name and Social Security number and checking only one of three boxes, indicating which choice the member is making.

(c) The form must be signed and dated by the member and must include a daytime telephone number. Inclusion of an e-mail address or the name of the member's employing agency is optional on the member's part.

(d) The form must be mailed to the address set out in paragraph (3)(c), above.

(e) The member must put his Social Security number at the bottom of each page of the form so that if the pages become separated, they can be properly reassembled.

(f) For members transferring to the FRS Pension Plan, the election may require a personal payment if the member's account balance was less than the calculated amount required to buy back into the FRS Pension Plan. Such payment, if necessary, must be received by the date determined by the Division. If the required amount is not received by the Division by the date due, the election will be voided. The member will receive notification and proper instructions from the Division detailing where and in what form to send any personal payments. The Division is responsible for calculating that amount for those wishing to use their second elections to transfer to the FRS Pension Plan. The actuarial calculation is a forward looking projection based on the employee's salary and service and increases as additional creditable service and salary are earned.

(g) A confirmation statement will be mailed to the member's address of record once the completed form is received and processed.

(h) The member should carefully review the form and be sure that it is signed and dated. The member should keep a copy for his records.

~~(i) If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, social security number, the plan selection, or signature. The member will be required to submit a completed enrollment form.~~

~~(4)(6) Grace Period.~~

(a) If a member files an election with the Plan Choice Administrator and the member realizes that the election was made in error, or if the member has reconsidered his or her plan choice, the SBA will consider, on a case-by-case basis, whether the election will be reversed, subject to the following: The member must notify the SBA by a telephone call to the toll free MyFRS Financial Guidance Line at: (866)446-9377, or by written correspondence directly to the SBA, to the Plan Choice Administrator, to the Financial Guidance Line, or to the Division, no later than 4:00 p.m. Eastern Time on the last business day of the election effective month.

(b) If the request to reverse the election is made timely and the SBA finds the election was made in error, the member will be required to sign a release and return it to the SBA no later than 4:00 p.m., Eastern Time, on the last business day of the election effective month prior to the election being officially reversed. Upon receipt of the release, the Division and the FRS Plan Choice Administrator will be directed to take the necessary steps to reverse the election and to correct the member's records to reflect the election reversal, ~~do the following:~~

(c) A confirmation that the election was reversed will be sent to the member by the FRS Plan Choice Administrator.

~~1. The Division will revise its database to reflect the election has been reversed.~~

~~2. The Plan Choice Administrator will send the member written confirmation that the election has been voided.~~

~~(d)3. The member retains the right to file a subsequent second election will make a new election consistent with subsections (2)(3) and (3)(4), above.~~

~~(e)(e) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(8)(9)(g)(f)3., F.S. and discussed in Rule 19-11.005, F.A.C.~~

Rulemaking Authority 121.4501(8)(a) FS. Law Implemented 121.4501(3), (4), (8)(b)4., (15)(b), (20) FS. History--New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, 1-7-10, _____.

19-11.008 Forfeitures.

~~(1) Purpose. The purpose of this rule is to clarify the provisions regarding forfeitures of account balances.~~

~~(1)(2) Forfeitures after Separation or Retirement from FRS Employment.~~

(a) If a member terminates FRS-covered employment before vesting in an his Investment Plan benefit or any transferred Pension Plan benefit, the member he will not be entitled to any benefit. In such case, the unvested ~~The~~ account

balance will be placed in a suspense account for a period not to exceed five (5) years from the date of the member's termination. The suspense account shall be invested in the FRS Select U.S. Treasury Inflation-Protected Securities (TIPS) Fund, where it will accrue actual investment earnings.

(b) If the member returns to work for an FRS employer in an FRS-covered position within the five (5) years from the date of termination, the member will be returned to the Investment Plan and the unvested account balance, plus any earnings while invested in the TIPS Fund, will be returned to the member's account, together with the associated service credit. Any additional service credit earned ~~The service credit for the restored service, combined with any future service credit,~~ will be applied towards vesting of the member's benefit account.

(c) If the member never returns to work for an FRS employer in an FRS-covered position or if the member returns to FRS covered employment 5 or more years after the date of termination, the member will forfeit the unvested account balance and the associated service credit.

~~(d)(b) If the member leaves FRS-covered employment after vesting in an his~~ Investment Plan benefit account, but before the member vests in any transferred Pension Plan benefit, the member shall only be entitled to receive the vested Investment Plan benefit. However, if the member takes any self-initiated distribution from the his vested Investment Plan benefit account, the unvested Pension Plan benefit transferred into the Investment Plan, plus any earnings on these funds will be forfeited along with the associated service credit.

(e) If the member does not take a self-initiated distribution of any vested from his Investment Plan benefit after terminating from all FRS employment, ~~account~~ the unvested Pension Plan benefit will be transferred six months following termination to a suspense account. The suspense account is invested in the FRS Select U.S. Treasury Inflation-Protected Securities (TIPS) Fund, where it will accrue actual investment earnings. If the member returns to work for an FRS covered employment employer within five (5) years from the date of termination, the member's benefit account balance, plus any earnings while invested in the TIPS Fund, will be returned to the member's account. The service credit for the restored service, together with the associated service credit. Any additional service credit earned will be combined with any future service credit, will be applied towards the vesting of the member's benefit account.

~~(f)(e) If an FRS Investment Plan Hybrid Option member leaves FRS-covered employment after vesting in the his~~ Investment Plan benefit account, but before vesting in the he vests in his Pension Plan benefit, the member shall only be entitled to receive the vested Investment Plan benefit. However, if the member takes any self-initiated distribution of the from his vested Investment Plan benefit account, the unvested Pension Plan benefit will be forfeited along with the associated service credit. ~~If the member is required to receive a~~

~~required minimum distribution (RMD), the unvested Pension Plan benefit and the associated service credit, will not be forfeited, when the first RMD payment is received. If the member does not take a distribution from the his Investment Plan account and later returns to work for an FRS covered employer, the member will be returned to the FRS Investment Plan Hybrid Option and the service credit for the existing Pension Plan and Investment Plan service, combined with any future service credit, will be applied towards vesting of the member's account.~~

~~(g) If a the member is required to receive a required minimum distribution (RMD), the unvested Pension Plan benefit and the associated service credit, will not be forfeited, when the first RMD payment is received.~~

~~(h)(d) If a member's benefit and service are forfeited because the member did not return to FRS-covered employment within five (5) years, but the member later returns to FRS-covered employment after the forfeiture has occurred, the member will be returned to the plan in which he or she was participating at the time of the forfeiture. If the member's benefit and service credit in the Pension Plan are forfeited because the member took a self-initiated distribution of the his vested Investment Plan benefit, and the member later returns to FRS-covered employment, the member he will be considered a new employee and will be entitled to a new retirement plan choice, if applicable during his new employee window period.~~

~~(2)(3) Forfeitures of FRS Investment Plan accounts Due to Criminal Activity.~~

~~(a) Any member who has been found guilty by a verdict of a jury or by the court trying the case without a jury, or who has entered a plea of guilty or a plea of nolo contendere to certain specified offenses committed prior to retirement; or any member whose employment is terminated because the member admitted commission, aiding, or abetting, of any of such offense or any elected official who is convicted by the Senate of an impeachable offense, shall forfeit all rights and benefits under the FRS except for return of any accumulated employee contributions. Specified offenses are the committing, aiding, or abetting any embezzlement or theft from the member's employer; bribery in connection with employment; any other felony specified in Chapter 838, F.S., except for commercial bribery as provided in Section 838.15 or 838.16, F.S.; committing an impeachable offense; willfully committing any felony with intent to defraud the public or the public agency which employs the member or for which the member acts, of the right to receive the faithful performance of the member's duties while realizing or attempting to realize a profit, gain or advantage for the member or for someone else through the powers, rights, privileges and duties of the member's office or position; committing any felony described in Section 800.04, F.S., against a victim younger than 16 years of age, or any felony described in Chapter 794, F.S., against a victim younger than 18 years of age while using or attempting to use the~~

~~power, rights, privileges, or duties of the member's office or employment position. The Florida Constitution (Section 8, Article II) and Florida statutes provide that any member of the Florida Retirement System who commits certain crimes and is found guilty by a jury or by the court hearing the case without a jury shall forfeit all rights and benefits under Chapter 121, F.S. These crimes include embezzlement or theft from his or her employer, bribery in connection with the employment, engaging in strikes as a public employee, or killing the member to receive the member's benefits. Please see Sections 112.3173 and 121.091(5), F.S., and the other statutory sections mentioned therein, since these may be changed by the Legislature.~~

~~(b) When the SBA, on behalf of the FRS Investment Plan, becomes aware of any accusation of criminal wrongdoing against any employee who is a member of the FRS Investment Plan, the SBA will put a hold on the member's account to preclude the member from removing any his or her money from the account, until a determination is made on whether charges have been filed and whether the charges are for a forfeitable offense.~~

~~(c) If the charges against the member are not pursued and are dropped by law enforcement officials, the hold on the member's account will be released upon receipt of notification from the proper law enforcement agency.~~

~~(d) If the member is indicted and convicted, or pleads guilty, or pleads nolo contendere, the SBA will acquire a certified copy of the judgment and will contact the member to advise the member that the Investment Plan benefit his account is forfeited and that the member, if he wants to contest the forfeiture, he has the right to a hearing to contest the forfeiture. The hold on the member's account will remain in place until:~~

~~1. The time to request a hearing has passed and no request for a hearing is made, or~~

~~2. The conclusion of the hearing and any appeal of the final order issued after the conclusion of the hearing.~~

~~(e) At the conclusion of either subparagraph (d)1. above, or subparagraph (d)2. above, if the member's hearing and/or appeal are is unsuccessful, the SBA will direct the Investment Plan Administrator to transfer the member's account balance to the Investment Plan Forfeiture Account. If such member is subsequently reemployed, the member shall be eligible for benefits based on creditable service earned subsequent to the reemployment. The member shall not be eligible to claim as creditable service, rights or benefits for any period prior to the employment which was forfeited, provided the member did not take a self-initiated distribution of employee contributions.~~

~~(f) If a member has requested a self-initiated distribution of all or part of any benefit, the member shall be required to repay the benefit, if it is determined that the member forfeited all rights and benefits under the FRS. Any such member may~~

contest the forfeiture as stated in subsection (d) above. If the member fails to repay the benefit, the SBA may pursue all legal options.

(g) If a member receives a pardon for any crime applicable to any FRS employment, the member shall have all benefits previously forfeited returned to his FRS Investment Plan account plus any earnings while invested in the TIPS Fund.

(3) Forfeiture of Beneficiary's Rights Due to Criminal Activity.

(a) A beneficiary, whether designated or pursuant to Florida law, of a deceased member who, by a verdict of a jury or by a court trying the case without a jury, is found guilty, or who has entered a plea of nolo contendere, of unlawfully and intentionally killing or procuring the death of such member, shall forfeit all rights to the deceased member's retirement benefits. Any benefits will be paid as such beneficiary had predeceased the deceased member.

(b) No benefits will be paid until there is a final resolution of such charges against the beneficiary, including any appeals.

(4) Authorized uses of the Investment Plan Trust Fund Forfeiture Account.

(a) The Investment Plan Forfeiture Account is funded with unvested account balances forfeited by members as described above in this rule and with account balances forfeited due to criminal activity as described above in this rule.

(b) Section 121.4501(13), F.S., requires that the Investment Plan be administered so as to comply with the requirements of the Internal Revenue Code in order to maintain a tax-qualified status.

(c) Pursuant to a private letter ruling from the Internal Revenue Service, the Forfeiture Account may be used for two purposes:

1. Payment of Investment Plan Administrative expenses, such as fees related to the activities of the FRS Investment Plan Administrator and the custodian, investment and administrative consulting fees, and services rendered for the benefit of members of both the FRS Investment Plan and the FRS Pension Plan where costs can reasonably be allocated to each plan; and

2. Reduction of future employer contributions to the Investment Plan.

(d) Consistent with Internal Revenue Service Rulings 80-155 and 74-340, unallocated reserves within the Forfeiture Account will be used as quickly and as prudently as possible considering fiduciary duty. The expected withdrawals from the Account should endeavor to reduce the Account to zero each fiscal year end.

Rulemaking Specific Authority 121.4501(8)(a) FS. Law implemented 112.3173, 121.021(29), (39), 121.091(5), 121.4501(b)(13), (20), 121.591, 732.802 744.304 FS. History--New 11-26-07, Amended 12-8-08,_____.

19-11.009 Reemployment with an FRS-covered Employer after Retirement.

~~(1) Purpose: The purpose of this rule is to clarify the provisions regarding reemployment after retirement for FRS Investment Plan members. The limitations of this rule apply to reemployment in any capacity irrespective of the category of funds from which the member is compensated.~~

~~(2)(a) A member who has terminated FRS covered employment and has taken a distribution from his Investment Plan account is considered a retiree, as of the date of the distribution, in accordance with Section 121.4501(2)(j), F.S. As a retiree, the former member shall not be reemployed with an FRS covered employer until he has been retired for 12 months, except under certain limitations. Any retiree may return to employment with an FRS covered employer after 12 calendar months of retirement and may take distributions from prior career benefits, even while reemployed. A retiree may work for any private employer or for any public employer who does not participate in the FRS without affecting his/her FRS retirement benefits.~~

~~(b) A member who is reemployed with an employer during the first six calendar months after retirement shall be deemed to not have retired. The distribution will be deemed an invalid distribution. The member shall be required to repay the entire invalid distribution within 90 days of the member's receipt of a final notification.~~

~~(c) There are exceptions to paragraph (2)(a) above. This paragraph does not contain an exhaustive list of all possible situations. Members who are not in exactly the same circumstances as described in this paragraph should call the toll free MyFRS Financial Guidance Line at 1(866)446-9377, Option 1, to have their situations properly analyzed.~~

~~(1)± If reemployed prior to July 1, 2010, a member who has reached his normal retirement date, in accordance with Section 121.021(29), F.S., may return to FRS-covered employment after being retired for six calendar months. Six calendar months means six full calendar months following the month the member retired. For example, if a member retires in January, the six calendar months are February, March, April, May, June, and July. The retiree may return to employment in August. The retiree may return to employment in one of the excepted positions identified in Section 121.091(9)(b), F.S., and continue to take distributions from prior career benefits. If the retiree returns to work in a position that is not one of the exceptions allowed by law, the he/she must suspend receipt of any remaining retirement benefits is suspended until either employment is terminated or the completion of 12 calendar months of retirement.~~

~~(2)2. If reemployed on or after July 1, 2010, a member may return to work in any position with an FRS-covered employer after being retired for six calendar months. Six calendar months means six full calendar months following the month the member retired. For example, if a member retires in~~

January, the six calendar months are February, March, April, May, June, and July. The retiree may return to employment in August. The member must suspend receipt of any remaining retirement benefits until either employment is terminated or the completion of 12 calendar months of retirement. Effective July 1, 2010, there are no excepted positions. A member reemployed on or after July 1, 2010 will not be permitted to renew membership in the FRS.

(3) The Plan Choice Administrator must be informed whenever an FRS Investment Plan retiree returns to employment with an FRS covered employer during the first 12 calendar months of retirement.

(a) Any retiree employed in violation of the FRS Investment Plan reemployment limitations and an employer that employs or appoints such person are jointly and severally liable to the retirement trust fund for reimbursement of any benefits paid.

(3)(b) To help prevent hiring an ineligible retiree this issue, the employer should obtain a written statement from each prospective employee as to the employee's retirement status. The written statement can be set forth on the "Certification Form," Form CERT, rev. 02-12 09-10 <http://www.flrules.org/Gateway/reference.asp?No=Ref-01067> which is hereby adopted and incorporated by reference <http://www.flrules.org/Gateway/reference.asp?No=Ref-00425>. The form and can be found on the MyFRS.com website. This form should be retained in the employee's personnel file.

(c) When a prospective employee signs the Certification Form, the employee is certifying that he or she has not retired from any State of Florida administered retirement plan nor concluded participation in the Deferred Retirement Option Program (DROP) within the past 12 months, or received an initial distribution or rollover from the FRS Investment Plan within the last 6 calendar months.

Rulemaking Authority 121.4501(8)(a) FS. Law Implemented 121.021(29), (39), 121.091(9)(b), (c), 121.4501(2)(j), 121.591(1)(a)4. FS. History—New 11-26-07, Amended 12-8-08, 8-7-11, _____.

19-11.010 FRS Investment Plan: Privacy.

(1) The State Board of Administration (SBA), as the Plan Sponsor of the FRS Investment Plan, provides for the collection of personal identifying information from each of its members and beneficiaries are required to submit certain personal identifying information, including their federally-issued social security number. This information is collected by the Investment Plan's Recordkeeper and Plan Choice Administrator. This information is collected so that each member can be properly and definitively identified to ensure that he or she is correctly identified for the day to day administration of the FRS Investment Plan and that he or she is the actual person who is in fact a member of the FRS Investment Plan and so that unauthorized persons are prevented from having personal, familial, medical, and

financial information. Each of the vendors under contract with the SBA has its own privacy policy which the SBA has approved is contractually obligated to protect this information to the fullest extent permissible by law.

(2) Section 121.4501(19), F.S., prevents the SBA from sharing "[a]ll personal identifying information" under Chapter 119, F.S., the Public Records Law. The section does permit the SBA to use this information in an administrative or legal proceeding, as necessary.

(2)(3) A member of the FRS Investment Plan may is allowed to authorize a particular person such as the member's spouse or financial advisor, to receive personal identifying information by giving the person a power of attorney or by submitting a signed and notarized consent clearly identifying the person to whom the information may be given as well as specifying exactly what information may be disclosed. Such a person is often the member's spouse or financial advisor. To allow the FRS Investment Plan Administrator or Plan Choice Administrator to reveal personal identifying information, the member must provide authorization in advance of any discussion, naming the person and identifying that person in a way that can be verified.

(3)(4) Upon the death of When an Investment Plan member who had submitted submits a beneficiary designation form and then dies, the person or persons named as beneficiary(ies) must provide certain personal identifying information to the SBA before any information regarding the member will may be released by the SBA. The This types of information are is letters of administration issued by the relevant probate court; certified copies of the death certificate; copies of marriage certificates; the member's social security number; and any other requested information that can be verified with a governmental agency.

Rulemaking Specific Authority 121.4501(8)(a) FS. Law Implemented 119.071, 121.4501(19) FS. History—New 11-26-07, Amended _____.

19-11.011 Employer and Employee Contributions and ABO or Present Value Transfer Procedures.

(1) Employer and Employee contributions.

(a) All state, school district, and local employers who participate in the Florida Retirement System (FRS) (employers) and each employee are responsible for making the contributions required by Chapter 121, F.S.

(b) Employers shall submit a monthly payroll report and accompanying employer and employee contributions by the fifth (5th) business day following the month in which the salary was paid. For example, if the salary is paid in March, the monthly payroll report and contributions are due to the Division by the 5th business day of April.

(2) One Percent Penalty for Late Payroll Reporting.

(a) The portion of the one percent penalty assessed on late contributions and accompanying payroll data attributable to contributions for the FRS Investment Plan members shall be proportionally divided and deposited into affected member accounts, using the members' FRS Investment Plan investment allocation in effect at the time of the deposit.

(b) Any employer requesting a waiver of the delinquency fee in accordance with Section 121.78(3)(e), F.S., shall make a written request, setting forth a full description of the facts and circumstances, to the Office of Defined Contribution Programs, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308. Waiver of the fee is at the discretion of the SBA. A waiver may be granted only once for an employer in any one fiscal year. Once a delinquency fee has been paid to a member's account, it cannot be waived.

(3) Market loss calculation for late payroll reporting.

(a) A market loss occurs when an employer fails to timely remit the monthly payroll file and accompanying employer and employee contributions to the Division by the 5th business day of the next month the payroll file and associated employer and employee contributions are due as described in subsection (1) above and the receipt of monthly payroll file and/or the employer and employee contributions are received in the month following the due date or after.

(b) The Division will notify the administrator of the late filing by the employer. Upon notification, the Administrator will determine market losses using the affected member's investment allocation on record with the Administrator at the time of calculation.

(c) The Administrator will perform the market value calculation using a period certain which is the 15th of the month in which the payroll is due, or the next succeeding business day if the day falls on a weekend or legal holiday, in which contributions would have been processed, and ending on the date the payroll is received by the Administrator.

(d) If contributions and accompanying payroll data are not received within the calendar month they are due, but that lateness does not result in market losses to members, only the one percent late assessment will apply to the employer.

(e) The Administrator will not perform the market loss calculation until a covered payroll and accompanying payroll data is received and processed by the Administrator.

(4) Prior Period Adjustments.

(a) Employer and employee contributions paid for a prior period shall be subject to a delinquent fee of 1.0 percent for each calendar month or part thereof that said contributions should have been paid. This includes prior period contributions due to incorrect wages and contributions for an earlier report or wages and contributions that should have been reported, but were not. If the delinquent assessment is not remitted within 30 days following the Division's invoice date, an additional delinquent assessment of 1.0 percent on the invoiced amount

shall be assessed for each calendar month or part thereof of that said invoice is delinquent. This delinquent assessment cannot be waived.

(b) When an employer requests an adjustment to retire contributions or accompanying payroll data for prior periods for FRS Investment Plan members, the adjustment will be processed to the extent administratively possible. Under no circumstance shall the SBA, the FRS Investment Plan Trust Fund, or the Florida Retirement System Trust Fund incur any loss or gain as a result of an employer's adjustments for an FRS Investment Plan member or a former member.

(5) If an agency fails to pay the total amount due within 120 calendar days from the date of the Division's invoice, the procedures outlined in the Division's subsection 60S-3.011(5), F.A.C., shall be applicable.

(6) Federally Mandated Monitoring of Contributions.

(a) The FRS Investment Plan Administrator will be responsible for monitoring federally mandated contribution limits pursuant to Internal Revenue Code Section 415(c) ("Section 415(c) limitation").

(b) In no event shall the aggregate of the allocation of employer and employee contributions to an FRS Investment Plan member's account(s) in the FRS Investment Plan and the annual addition to an FRS Investment Plan member's account(s) in any other defined contribution plan maintained by the employer exceed the Section 415(c) limitations for defined contribution plans.

(c) Employers shall cooperate with the FRS Investment Plan Administrator or its agent in order for the Administrator or its agent to be able to monitor the 415(c) limitation on employer and employee contributions.

(d) Employers shall be responsible for providing all financial and payroll data which the FRS Investment Plan Administrator or its agent must use to determine whether or not the 415(c) limitation has been exceeded.

(e) Pursuant to Section 121.4501(5)(d), F.S., the Administrator will notify the employer regarding maximum contribution levels permitted under the Internal Revenue Code and if a member exceeds those limits.

(f) The Employer is responsible for notifying a member if the total contributions made to the FRS Investment Plan and to any other such plan exceed federally permitted maximums and to take appropriate steps to correct such excess contributions as set forth in paragraphs (g) and (h) below.

(g) In the event the aggregate annual additions to a member's account(s) in the FRS Investment Plan and in any other defined contribution plan maintained by the employer exceed the 415(c) limitation during any limitation year, the excess shall be attributed first to such other plans.

(h) If any excess remains after attribution to such other plans, the amount of any such excess attributable to the allocation of forfeitures, to a reasonable error in estimating a

member's annual compensation or to any other circumstances that the Commissioner of Internal Revenue finds is justified, in accordance with Treasury Regulation 1.415-6(b)(6), shall be used to reduce the employer's contributions for such member under the FRS Investment Plan in the next and succeeding limitation years; provided, however, that if the member is not covered by the FRS Investment Plan at the end of the limitation year, such excess amount will be used to reduce the employer's contributions to remaining members under the FRS Investment Plan in the next, and succeeding, limitation years.

(i) If the correction method, above, is not available, other methods of correcting excess annual additions are permitted if in accordance with Treasury Regulation 1.415-6(b)(6).

(7) Contribution Rates.

(a) The employer and employee contributions received by a member of the FRS Investment Plan prior to effective enrollment in the FRS Investment Plan will be at the rate established pursuant to Section 121.71, F.S. The amount will be transferred into the employee's FRS Investment Plan account as the opening account balance.

(b) After effective enrollment in the FRS Investment Plan, the member shall receive the employer and employee contribution at the rate established by Section 121.71, F.S. and Section 121.72, F.S. appropriate to that member's class of membership.

(8) Asset Transfer and True-Up Procedures for Newly-hired Employees with Previous FRS Service.

(a) For members with previous FRS service who elect to enroll in the FRS Investment Plan who have prior FRS credible service, the Division shall calculate the amount of the member's ABO or present value of the FRS Pension Plan benefit. This amount shall be transferred to the member's FRS Investment Plan account and shall be allocated to each investment product selected by the member.

(b) The Division shall determine the member's ABO or present value as of the last day of the month prior to the employee's effective date of enrollment in the FRS Investment Plan. For example, if the Division receives the enrollment during the month of June, the effective date of enrollment for the employee in the FRS Investment Plan is July 1 and the Division shall calculate the member's ABO or present value, if any, through June 30.

(c) By the 25th day of the month, the Division shall notify the FRS Investment Plan Administrator of the ABO or present value for each Investment Plan member whose effective date of enrollment is the first day of the month. The Administrator shall notify the SBA of the aggregate ABO or present value of members whose effective date of enrollment is the first day of the month.

(d) On the last business day of the effective month of enrollment in the FRS Investment Plan, the SBA shall effectuate the transfer of the aggregate ABO or present value amount to the FRS Investment Plan Administrator for

allocation to the applicable FRS Investment Plan member accounts based on the investment option designated by the member, and if no allocations were provided by the member, then to the Moderate Balance Fund.

(e) The total amount initially credited to each FRS Investment Plan member's account who elected to transfer the ABO or present value from the FRS Pension Plan was an estimate of the member's ABO or present value. Pursuant to Section 121.4501(3)(b)2., F.S., the Division shall re-compute the ABO or present value not later than 60 days after the initial transfer of funds. If the re-computed amount differs from the estimated ABO amount by plus or minus \$10 or more, the Division shall provide the aggregate adjustment amount to be transferred to or from the FRS Investment Plan Administrator for the affected member(s).

(f) The Division shall notify the Administrator of the true-up amounts plus interest by member account within 50 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the Division plus interest at the rates specified in Section 121.4501(3)(b)2., F.S., from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day of the month preceding the Saturday, Sunday, or legal holiday.

(g) The Division shall calculate the interest owed on true-up amounts. If the re-computed ABO is greater than the original amount transferred by plus or minus \$10 or more, the member will be owed a true-up amount plus interest. Interest will be calculated pursuant to Section 121.4501(3)(b)2., F.S. If the re-computed ABO is less than the original amount transferred by plus or minus \$10 or more, the member will owe a true-up amount plus interest. Interest will be calculated pursuant to Section 121.4501(3)(b)2., F.S.

(h) The Administrator shall notify the SBA of the aggregate true-up value for those members determined to have a true-up adjustment. On the last business day of the month in which the true-up amount is due, the SBA shall effectuate the transfer of the aggregate true-up amount to the FRS Investment Plan Administrator for allocation to the applicable member accounts based on the investment fund allocations designated by the member(s).

Rulemaking Authority 121.78(3)(c), 121.4501(8) FS. Law Implemented 121.71, 121.72, 121.78, 121.4501 FS. History—New _____.

19-11.012 Acceptance of Rollovers by the FRS Investment Plan.

(1) An FRS Investment Plan member may rollover assets from other qualified plans into the Investment Plan. These qualified assets can come from:

(a) A qualified Traditional IRA at another custodian;

(b) An eligible retirement plan (Code Section 401 defined contribution plan, Code Section 401 defined benefit plan, Code Section 457 plan, or Code Section 403(b) plan); or

(c) The Federal Employee's Thrift Savings Plan.

(2) A member may not rollover assets into the Investment Plan from the following:

(a) Roth IRAs;

(b) Payments spread out over long periods of time, for example, from an annuity. These would include payments made at least once a year and lasting for the lifetime or life expectancy of the member, or for the lifetime (or life expectancies) of the member and the member's beneficiary, or for a period of 10 years or more;

(c) A Required Minimum Distributions required to be paid to a member who has reached age 70 1/2;

(d) Emergency withdrawals from a Code Section 457 plan; or

(e) Hardship withdrawals from a Code Section 401 or 403(b) plan.

(3) Before accepting a rollover to the Plan, the Investment Plan Administrator evaluating the rollover shall first obtain sufficient evidence from the member to support a reasonable conclusion that the rollover is valid under the Code.

(4) The Investment Plan Administrator shall accept that portion of a rollover in a direct trustee-to-trustee transfer which include both taxable and non-taxable amounts. The amount of any rollover with both taxable and non-taxable amounts shall be accounted for separately by the retirement plan making the distribution rollover to the Investment Plan.

(5) The member must complete the rollover deposit within 60 days of receiving the assets. Otherwise, the member may be subject to federal income tax and early withdrawal penalty.

(6)(a) The Investment Plan Administrator may accept rollovers from:

1. A current or former Investment Plan member. Such member shall use Form IPRO-1, as described in subsection (8), below

2. Participants in the Deferred Retirement Option Program (DROP), after the conclusion of such DROP participation. Such member shall use Form IPDROP-AD-1, as described in subsection (8) below.

3. Former DROP members who had previously rolled over their DROP accumulation:

a. To the Investment Plan and subsequently rolled their DROP account balance out of the Investment Plan. Such member shall use Form IPDROP-RO-1, as described in subsection (8) below.

b. To another qualified retirement account and want to invest the DROP accumulation in the Investment Plan. Such member shall use Form IPDROP-RO-1, as described in subsection (8) below.

4. Members of the Teacher's Retirement System and the State & County Officers & Employees Retirement System with eligible DROP proceeds after their conclusion in the DROP. Such member shall use Form IPDROP-AD-1, as described in subsection (8) below.

(b) All rollovers from into the Investment Plan must be more than \$1,000.00 or such amount that will cause the account balance to be greater than \$1,000.00.

(c) The Investment Plan Administrator may not accept rollovers from:

1. The former spouse of an Investment Plan member who had an account in the Investment Plan, established by terms of a qualified domestic relations order and then removed all of the funds from the account.

2. The former beneficiary of an Investment Plan member who removed all of the funds from the account.

(7) Payment to the Investment Plan must be in the form of a check made payable to the "FRS Investment Plan – FBO (the participant's name)."

(8)(a) Instructions regarding check delivery and other information relating to the processing of rollovers, including all applicable forms, may be obtained by calling the MyFRS Financial Guidance Line, which is a toll free line: 1(866)446-9377, Option 4, or, for members who are deaf, hard of hearing, or speech impaired, TRS 711, or by accessing the website at www.MyFRS.com.

(b) Current members shall use Form IPRO-1, rev. 12-09, "Employee Rollover Deposit Instructions and Form," <http://www.flrules.org/Gateway/reference.asp?No=Ref-01124>, which is hereby adopted and incorporated by reference, to effect rollovers described in this rule.

(c) Current DROP members planning to roll over their DROP accumulation shall use Form IP-DROP-AD-1, "DROP Accumulation Direct Rollover Form for Current DROP Members," rev. 03-11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01126>, which hereby is adopted and incorporated by reference, to effect rollovers described in this rule.

(d) Former DROP members shall use Form IP-DROP-RO-1, "DROP Direct Rollover Form for Former DROP Members," rev. 03-11, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01125>, which hereby is adopted and incorporated by reference, to effect rollovers described in this rule.

(9) Rollovers to the Investment Plan shall be accounted for separately on the recordkeeping system of the Investment Plan Administrator.

(10) Member rollover deposits will be reported to the Internal Revenue Service.

(11) Once an active Investment Plan member rolls over monies into the Investment Plan, the member cannot receive a distribution of these monies, or the member's account balance, until the expiration of the three calendar months after

terminating all FRS-covered employment. A member who has reached the normal retirement date as provided in Section 121.021(29), F.S., and who has terminated employment from all FRS-covered employment for one calendar month may request a one-time distribution of up to 10 percent (10%) of the vested account balance.

(12) An Investment Plan member electing to transfer to the Pension Plan and that has an excess balance remaining in the Investment Plan account after satisfying any required Pension Plan buy-in amounts, may elect to use all or part of that remaining balance to purchase service credit in the Pension Plan. The member will need to complete Form PRO-2, "Pre-tax Direct Rollover/Transfer Form," rev. 10-10, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01184>, which hereby is adopted and incorporated by reference, to effect this purchase. The completed form is to be sent to the Investment Plan Administrator.

Rulemaking Authority 121.4501(8), (5)(e) FS. Law Implemented 121.4501(4)(g)5., (5)(e), (21), 121.591 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Ron Poppell, Senior Officer, Defined Contributions Programs
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-12.001	Definitions
19-12.002	Purpose
19-12.003	Limitation on Contributions
19-12.004	Annual Additions in Excess of Limitation
19-12.005	The Exclusive Benefit Rule of the Code and Forfeitures
19-12.006	Distribution of Benefits
19-12.007	Acceptance of Rollovers

PURPOSE AND EFFECT: To repeal rules identified during the comprehensive rule review described in Executive Order 11-01 as being duplicative or no longer necessary. Any provisions of the rules that are not duplicative will be moved to rules in Chapter 19-11, F.A.C., that cover the same subject matter.

SUMMARY: There rules are being deleted as they no longer are necessary. There are no other rules incorporating any of these proposed rules.

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: There is no adverse impact on economic growth, private-sector job creating or employment, or private sector investment from the repeal of these rules. Further, there is no adverse impact on business competitiveness or innovation and no regulatory costs resulting from the repeal of these rules. There is no cost to other states, local governmental entities, small counties or small cities and no impact on state or local revenues from the repeal of these rules.

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

RULEMAKING AUTHORITY: 121.4501 FS.
 LAW IMPLEMENTED: 121.4501(1), (7)(a), (13), 121.591, F.S.

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

DATE AND TIME: Monday, June 4, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULES IS:

19-12.001 Definitions.

Rulemaking Specific Authority 121.4501(5)(c), (13)(a) FS. Law Implemented 121.4501(1), (7)(a), (13) FS. History–New 11-20-01, Repealed _____.

19-12.002 Purpose.

Rulemaking Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(1), (7)(a), (13) FS. History–New 11-20-01, Repealed _____.

19-12.003 Limitation on Contributions.

Rulemaking Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(13) FS. History–New 11-20-01, Repealed _____.

19-12.004 Annual Additions in Excess of Limitation.

Rulemaking Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(13) FS. History–New 11-20-01, Repealed _____.

19-12.005 The Exclusive Benefit Rule of the Code and Forfeitures.

Rulemaking Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(13) FS. History–New 11-20-01, Amended 3-9-06, Repealed _____.

19-12.006 Distribution of Benefits.

Rulemaking Specific Authority 121.4501(13)(a) FS. Law Implemented 121.4501(1), (7)(a), (13), 121.591 FS. History–New 11-20-01, Amended 12-8-02, Repealed _____.

19-12.007 Acceptance of Rollovers.

Rulemaking Specific Authority 121.4501(5)(c) FS. Law Implemented 121.4501(5)(c), (21) FS. History–New 12-8-02, Amended 10-21-04, 3-9-06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Poppell, Senior Officer, Defined Contributions Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-13.001	Roles and Responsibilities of the State Board of Administration of Florida
19-13.002	Roles and Responsibilities of Division of Retirement within the Department of Management Services

19-13.003

Role and Responsibilities of State, School District, and Local Employers Participating in the Florida Retirement System

19-13.004

Role and Responsibilities of Third Party Vendors

PURPOSE AND EFFECT: Amendments are being made to update the name of the Florida Retirement System (“FRS”) defined contribution plan from the “Public Employee Optional Retirement Program” to the “Florida Retirement System Investment Plan” in accordance with the statutory change to Section 121.4501, Florida Statutes, to indicate that the administration of qualified domestic relations orders for the FRS Investment Plan no longer is handled by the Division of Retirement, but instead, as indicated in proposed amendments to Rule 19-14.004, F.A.C., by the FRS Investment Plan Administrator; to delete information regarding contributions which will be set forth in amendments to Rule Chapter 19-11, F.A.C., and to delete unnecessary language.

SUMMARY: To update information regarding the roles and responsibilities of the various entities providing services to the Florida Retirement System Investment Plan. There are no other rules incorporating these proposed rules.

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: Upon review of the proposed changes to the rules, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs as a result of the proposed amendments.

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

RULEMAKING AUTHORITY: 121.4501(8) FS. LAW IMPLEMENTED: 112.3173, 121.091(5), 121.4501(4), (5), (8), (9), (10), (14), (15), (19), 121.71, 121.72, 121.73, 121.74, 121.76, 121.77, 121.78 FS.

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

DATE AND TIME: Monday, June 4, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULES IS:

19-13.001 Roles and Responsibilities of the State Board of Administration of Florida.

(1) The State Board of Administration of Florida (“SBA”) is responsible for establishing, implementing, and administering the optional defined contribution program, called the “Florida Retirement System Investment Plan” or “Investment Plan” ~~“Public Employee Optional Retirement Program”~~ (“PEORP”), in accordance with Section 121.4501(1), Florida Statutes. The SBA is the Plan Sponsor, and the plan documents consist of the Florida Statutes and rules adopted thereunder. The Summary Plan Document (SPD) is a summary of the plan documents for the convenience of members participants. The SPD can be changed by the SBA at any time without prior notice to Florida Retirement System (FRS) members. The SBA’s primary responsibilities are set out in subsections (1)(a)(2) through (1)(n)(13), below. Each of these major responsibilities involves additional decisions which then in turn need to be implemented. Those decisions, to the extent they are not solely on a case-by-case basis, are adopted by rule. ~~With regard to all of the responsibilities set out below, the SBA must ensure is responsible for ensuring that all of the following these individual responsibilities are carried out:-~~

(a)(2) ~~Hiring~~ The SBA has hired general and specialized consultants to assist in the implementation and on-going operation of the Investment Plan PEORP. Their roles and responsibilities are found in Rule 19-13.004, F.A.C.

(b)(3) ~~Hiring~~ The SBA has hired a third party administrator (“Administrator”), educational service providers, investment option providers, and ~~has entered into a contracting~~ with the Division of Retirement (“Division”) within the Department of Management Services to provide certain administrative services. Their roles and responsibilities are found, respectively, in Rules 19-13.004 and 19-13.002, F.A.C.

(c)(4) ~~The SBA is responsible for~~ Adhering to and enforcing the fiduciary standards and responsibilities required by certain sections of the Employee Retirement Income Security Act of 1974, which are incorporated in Florida law in Section 121.4501(15), Florida Statutes.

(d)(5) ~~The SBA is responsible for~~ Coordinating with the Division of Retirement within the Department of Management Services ~~(Division)~~ in providing the education component described in Section 121.4501(10)(c) and (d), Florida Statutes, and a communication component to provide information to employers as described in Section 121.4501(10)(f), Florida Statutes, and maintaining ~~has~~ a contractual relationship with the Division regarding certain administrative activities.

(e)(6) ~~The SBA is responsible for~~ Providing information to Investment Plan members PEORP participants on a quarterly basis, pursuant to Section 121.4501(11), Florida Statutes.

(f)(7) ~~The SBA is responsible for~~ Obtaining and maintaining the tax qualified status of the Investment Plan PEORP and for compliance with the federal Internal Revenue Code.

(g)(8)(a) ~~The SBA is responsible for~~ Directing and monitoring the activities of all vendors providing various services to the private contractors as those contractors function in the on-going operation of the Investment Plan PEORP. These vendors contractors include the third party administrator, the education service providers, and the investment product providers.

(h)(b) ~~The SBA is also responsible for~~ Directing and monitoring the activities of the Division of Retirement within the Department of Management Services with which the SBA has an interagency agreement for provision of services. ~~Note that the Division is both a contractor with the SBA to provide some administrative services and coordinates with the SBA with regard to educational services.~~

(i)(9) The SBA is responsible for the transition Movement of assets from the defined benefit plan program to the defined contribution plan program upon the election of a member to transfer and is responsible for making such adjustments to plan accounts and member participant accounts as are necessary to process election reversals and prior period corrections to contributions and accompanying payroll data.

(j)(10) ~~The SBA is responsible for~~ Developing an investment policy statement for the program.

~~(k)(11) The SBA is responsible for~~ Cehoosing, monitoring, and terminating investment options in Investment Plan; PEORP. ~~The SBA is responsible for~~ mapping account balances of members participants in the event of investment option termination; ~~The SBA is responsible for~~ distributing all data regarding these investment options for presentation to members participants; ~~The SBA is responsible for~~ and rebalancing and reconstituting multiple manager investment options and also the three balanced options provided in the investment policy statement utilizing information from a registered investment advisor and fiduciary to the Florida Retirement System.

~~(l)(12) The SBA is responsible for~~ Implementing the confidentiality provisions in Section 121.4501(19), Florida Statutes.

~~(m)(13) The SBA is responsible for~~ Developing all contracts used in the Investment Plan PEORP; ~~and~~

~~(n)(14) The SBA is responsible for~~ All rulemaking for the Investment Plan PEORP.

Rulemaking Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(1), (4), (8)(b), (c), (9), (10), (14), (15), (19) FS. History—New 10-21-04, Amended _____.

19-13.002 Roles and Responsibilities of the Division of Retirement within the Department of Management Services.

(1) The Division of Retirement (Division) within the Department of Management Services is contractually obligated ~~has entered into a contract with the State Board of Administration of Florida (SBA) to provide~~ the following ~~ertain~~ administrative services, in accordance with Section 121.4501(8)(b)1., F.S., which:

(a) Determine membership eligibility and employer participation eligibility;

(b) Collect and process employer and employee payroll contributions and payroll-related data;

(c) Forward employer and employee payroll contributions and payroll-related data to the Investment Plan third party administrator, including date of termination and leave of absence indicators, if available;

(d) Calculate members' participants' Pension Plan benefit, calculate the accumulated benefit obligation and calculate any buy-back amount for those members participants who elected the Investment Plan but subsequently elect to return to the Pension Plan;

(e) Maintain and provide access to the Florida Retirement System database;

(f) Provide telephone support regarding employee or employer questions on the Pension Plan and contribution processing, but transfer general retirement plan choice, enrollment and financial planning telephone calls to other education and administration providers ~~third party~~ contractors;

(g) Administer the disability benefits for the Florida Retirement System;

(h) Administer the health insurance subsidy for the Florida Retirement System;

(i) Determine employee vesting requirements in the Florida Retirement System, as required by law; and

~~(j) Administer qualified domestic relations orders for the Florida Retirement System; and~~

~~(j)(k) Notify the~~ SBA State Board of Administration of any employees who may be subject to forfeiture of benefits, in accordance with Sections 112.3173 and 121.091(5), F.S.

Rulemaking Specific Authority 121.4501(8)(a) FS. Law Implemented 112.3173, 121.091(5), 121.4501(8), (10) FS. History—New 10-21-04, Amended 10-25-07, _____.

19-13.003 Role and Responsibilities of State, School District, and Local Employers Participating in the Florida Retirement System.

~~(1) Employer contributions:~~

~~(a) All state, school district, and local employers who participate in the Florida Retirement System (FRS) (employers) have the following duties and responsibilities:~~

~~(a) are responsible for making~~ Remitting all the employer and employee contributions required by Parts II and III of Chapter 121, Florida Statutes. These include the contributions for the benefit of members participants in the Investment Plan Public Employee Optional Retirement Program (PEORP), in accordance with Section 121.4501(5) and with Part III of Chapter 121, Florida Statutes, and also include the contributions for administrative and educational expenses, disability benefits, the health insurance subsidy, and social security.

~~(b) When an employer requests an adjustment to retirement contributions or accompanying payroll data for prior periods, the following applies:~~

~~1. If an employer's adjustment negatively affects a PEORP participant's account balance in either the contributions or the accumulated benefit obligation transferred from the FRS defined benefit plan, and the PEORP participant's account balance is less than the monetary impact of the adjustment, then the employer will be granted an adjustment not to exceed the PEORP participant's account balance; or~~

~~2. If an employer's adjustment is with respect to a former PEORP participant (i.e., who has terminated FRS-covered employment and has taken a full distribution of his or her account balance), the State Board of Administration (SBA) will communicate to the former participant the obligation of the former participant to repay the amount of the adjustment to the employer.~~

~~3. However, neither the SBA, nor the PEORP Trust Fund, nor the Florida Retirement System Trust Fund shall incur any loss or gain as a result of an employer's negative adjustments for a PEORP participant or a former participant.~~

(b)(2) Education of all employees which shall occur at least annually.

~~(a) In the natural course of administering their personnel functions, all FRS employers shall at least annually communicate to all employees This shall consist, at minimum, of a communication indicating that the FRS is composed of two retirement plans; that employees have the option to decide in options as to which FRS plan to participate enter; that employees have multi-media educational resources from the FRS to educate them concerning inform their FRS plan choice; and that employees have statutory deadlines by which enrollments must be made. Employers shall use educational materials supplied by the SBA and the Division to communicate such information, but not to the exclusion of any educational materials they may independently develop. Employers are solely responsible for the accuracy and completeness of any educational materials they develop.~~

~~(b) Employers may request all Printed educational materials and videos may be requested from both the SBA and from the Division or from their agents. Under no circumstances shall employers be deemed to be agents of the SBA, the FRS, or both.~~

~~(3) Employers are not agents of the SBA or the FRS.~~

Rulemaking Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(5), (10)(h), 121.71, 121.72, 121.73, 121.74, 121.76, 121.77, 121.78 FS. History—New 10-21-04, Amended _____.

19-13.004 Role and Responsibilities of Third Party Vendors Contractors.

~~(1) The Third Party Administrator (TPA) provides administrative services in the operation of the Investment Plan Public Employee Optional Retirement Program (PEORP) other than those provided by the Division as set forth in Rule 19-13.002, Florida Administrative Code. The Administrator also provides and enrollment processing for the Florida Retirement System (FRS).~~

~~(2) The Administrator's TPA's primary duties and responsibilities are to:~~

- ~~(a) Maintain the Investment Plan PEORP database;~~
- ~~(b) Process new employee enrollments into the FRS Pension Plan defined benefit plan and Investment Plan PEORP and to process existing employee enrollments, via the exercise of the employees' one-time Second Election, pursuant to Section 121.4501(4)(e), Florida Statutes, into either FRS plan;~~
- ~~(c) Transmit election information to the Division and to the State Board of Administration of Florida (SBA);~~
- ~~(d) Maintain a database of Investment Plan PEORP beneficiary designations;~~
- ~~(e) Transfer Investment Plan PEORP employer and employee contributions to the investment product providers, after contributions have been received from consolidated by the Division;~~

~~(f) Provide Transmit aggregate accumulated benefit obligation data segregated by investment product provider to the SBA;~~

~~(g) Maintain Investment Plan PEORP member account data and such data as is sufficient to process Second Elections by existing employees;~~

~~(h) Implement account transfers at the request of members participants;~~

~~(i) Implement withdrawals from account by electronic means phone, over the SBA's website, or by mail;~~

~~(j) Implement distribution of Investment Plan PEORP benefits to Investment Plan members or beneficiaries retirees or survivors or designated companies;~~

~~(k) Provide quarterly statements to members participants;~~

~~(l) Distribute written material;~~

~~(m) Provide phone response service on a toll-free line to assist members participants and employers to accomplish any required responsibility; and~~

~~(n) Provide recordkeeping for all Investment Plan PEORP data within its responsibilities, including monitoring of monetary limits imposed by the federal Internal Revenue Code.~~

~~(o) Administer qualified domestic relations orders (QDROs).~~

~~(2)(3) Multiple providers Educational services are provided by multiple providers hired by the SBA, in accordance with Section 121.4501(8)(b)3., Florida Statutes, furnish educational services. Subsections (8) and (10) of Section 121.4501, Florida Statutes, require educational services to be provided to all members of the FRS, both during the initial election period for choosing either the defined benefit plan or the defined contribution plan and to support Second Elections. Educational services are also to be provided regarding retirement planning, including offering financial planning guidance on matters such as investment diversification, investment risks, investment costs, and asset allocation. Therefore, the educational service organizations were hired to provide a variety of services.~~

~~(a)(4) One internet or more educational services providers furnishes internet financial information, and guidance. More specifically, this provider companies create posts technical education content and provides the following services on the internet:~~

- ~~1.(a) A defined benefit/defined contribution benefits projections calculator;~~
- ~~2.(b) A variety of other analytical financial and retirement planning tools;~~
- ~~3.(c) Investment guidance, which includes communicating general investment and financial information and risk and return modeling of investment options and optimized combinations or asset allocations, within a single member participant-directed tax-exempt retirement account, under the following requirements:~~

~~i.1.~~ Online modeling services will be based on generally-accepted investment theories that take into account historic returns of different generic asset classes over defined periods of time;

~~ii.2.~~ All material facts and assumptions that may affect a member's assessment of the different asset allocations shall either be specified in the online modeling service or entered into the online modeling services by the member;

~~iii.3.~~ To the extent that an asset allocation generated by the online modeling service identifies any specific investment option available under a member participant-directed and tax-exempt retirement account, the online service will have fully incorporated and considered all investment options available within that retirement plan, as well as all household assets, except that the member must enter into the online modeling service non-FRS retirement account investment universes and household assets;

~~iv.4.~~ Any asset allocation, or specific combinations of investment options, communicated to members will be accompanied by a disclaimer that it is based on the information provided and is not individualized to reflect all of the particular needs of the member that may be relevant to his or her investment decisions, and that in applying the asset allocation to his or her individual situation, the member should consider his or her other assets, income and investments (including, for example, equity in a home, IRA investments, savings accounts and interest in other retirement plans) as well as his or her investments within the account for which the guidance is provided; and

~~v.5.~~ There will be an objective correlation between the asset allocations and other information generated by the online modeling service and data supplied by the member;

~~4.(d)~~ Investment advice, which consists of communicating optimized combinations of specific investment options across multiple member participant-directed tax-deferred or taxable accounts, under the requirements that the advice is rendered on a regular basis to the member, pursuant to a mutual agreement with the member that the advice will serve as a primary basis for the member's investment decisions with respect to the member's multiple member participant-directed account assets and is individualized based on the particular needs of the member participant. Use of the terms "recommended" or "advice" or forms thereof, in an online modeling service does not constitute the rendering of advice in the absence of requirements set out in the preceding sentence.

~~(b)(5)~~ Another education provider furnishes one-on-one employee and employer education and counseling. More specifically, the provider company:

~~1.(a)~~ Conducts seminars and workshops for employees and employers;

~~2.(b)~~ Provides one-on-one, face-to-face, employee financial counseling, when requested;

~~3.(e)~~ Provides telephone support of education and guidance regarding:

~~i.1.~~ The defined contribution plan design and the investment options;

~~ii.2.~~ Defined benefit/defined contribution choice information;

~~iii.3.~~ Retirement planning; and

~~iv.4.~~ Support of the online modeling service through which investment guidance or investment advice is rendered.

~~(c)(6)~~ Other education providers focus on printed educational material. More specifically, the companies:

~~1.(a)~~ Create the education campaign and the overall deployment strategy;

~~2.(b)~~ Research, monitor, and measure the education campaign;

~~3.(e)~~ Create the look, theme, and branding for the education campaign;

~~4.(d)~~ Determine message positioning and delivery; and

~~5.(e)~~ Assist in graphic design and the content of the website.

~~(d)(7)~~ Another education provider focuses on the MyFRS website. This provider coordinates software application integration and the design and content of the MyFRS website among the other educational service providers, the Administrator TPA, the Division, and the SBA.

~~(3)(8)~~ Investment options for participants in PEORP are provided by multiple providers hired by the SBA, in accordance with Section 121.4501(9)(a), Florida Statutes, furnish the investment options for Investment Plan members. Section 121.4501, Florida Statutes, is generally constructed as an unbundled architecture, meaning that neither the TPA nor the education providers are permitted to offer investment products, and as a consequence, the SBA has hired multiple institutional investment managers and providers of mutual funds. ~~The SBA has also hired several bundled providers to provide various combinations of administration, education, and investments.~~

~~(9)~~ Some of the providers are unbundled institutional investment managers, which manage assets in a particular asset class and in a particular style, and which ~~They~~ are responsible solely for money management. Other providers are

~~(10)~~ The bundled providers which provide mutual funds or investment options in collective trusts which are their own funds or funds contracted for or from another money management group. Some bundled providers provide solely their own funds; others provide solely other fund family's funds; and others provide a combination. An additional investment provider has been hired to offer annuities to retiring members.

~~(11)~~ Each investment manager:

(a) Has authority and discretion, delegated by each manager’s contract, to invest employee payroll contributions deposited with the custodian and recorded by the ~~third party Administrator~~ Investment Plan PEORP accounts;

(b) Transmits product values and performance data to the custodian; and

(c) Is monitored by manager monitoring guidelines incorporated in each of their contracts.

~~(12) An additional investment provider has been hired to offer annuities to retired participants.~~

~~(4)(13) The custodian provides custodial services for certain assets of PEORP. The custodian is hired by the SBA; pursuant to Section 121.4501(8), Florida Statutes, is required to do the following:-~~

~~(14) The custodian’s primary responsibilities in acting as the custodian for the PEORP are to:~~

(a) Hold cash, non-cash and all securities delivered to it or which are held in accounts established by it, or in the Federal Reserve book-entry system;

(b) Invest contributions that it receives, transfer amounts among investment funds, or liquidate securities, after receipt of proper instructions from the SBA, Administrator TPA, or Investment Managers;

(c) Release and deliver securities held as directed by the SBA;

(d) Maintain a database of securities registered in the name of the Investment Plan PEORP;

(e) Remit or credit income;

(f) Communicate with the SBA regarding registered investment company shares and fund securities;

(g) Lend securities;

(h) Determine the value of assets; and

(i) Calculate rates of return of investment products.

~~(5)(15) Miscellaneous consultants have been hired by in accordance with Section 121.4501(8)(e)1., Florida Statutes; the SBA has hired consultants to assist the SBA in the implementation and the operations of the Investment Plan phases for PEORP. Their responsibilities may include, but are not limited to, the following are to:~~

(a) Assisting in the selection process for the ~~third party Administrator~~, the educational vendors, and the investment product providers;

(b) Assisting in all general investment product reviews;

(c) Assisting in the evaluation and selection of annuity product providers;

(d) Consulting on ~~all phases of the asset transfer program~~, the educational program; and general Investment Plan PEORP matters;

(e) Consulting on unbundled investment fund design;

(f) Assisting in the selection and evaluation of all investment product providers;

(g) Assisting in developing and implementing investment product manager monitoring guidelines; and

(h) Making recommendations for retention and termination of investment product providers.

Rulemaking Specific Authority 121.4501(8)(a) FS. Law Implemented 121.4501(4), (8)(b), (e)1., (9)(a), (10) FS. History—New 10-21-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Poppell, Senior Officer, Defined Contributions Programs
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-14.001
 RULE TITLE: Policy Statement

PURPOSE AND EFFECT: To adopt the most recent version of the Policy Statement on Support of Certain Non-FRS Defined Contribution Programs, approved by the Trustees on May 11, 2004.

SUMMARY: To adopt the most recent version of the Policy Statement for the Non-FRS Defined Contribution Programs and to advise the public where a copy of such statement may be obtained. There are no other rules incorporating this proposed rule

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: Upon review of the proposed changes to the rule and the incorporated document, the State Board of Administration has determined that the rule does not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs.

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

RULEMAKING AUTHORITY: 121.4501(8), 215.52 FS.
 LAW IMPLEMENTED: 112.215(4), 121.055(6)(f)2.,
 121.35(6)(c), 215.515 FS.

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

DATE AND TIME: Monday, June 4, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182, ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-14.001 Policy Statement.

The “Policy Statement on Support of Certain Non-FRS Defined Contribution Programs,” as approved by the Trustees of the State Board of Administration on May 11, 2004, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01219> is hereby adopted and incorporated by reference. The Policy Statement on Support of Certain Non-FRS Defined Contribution Programs may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, Attn.: Office of Defined Contribution Programs.

~~Rulemaking Specific~~ Authority 121.4501(8)(a), 215.52 FS. Law Implemented 112.215(4), 121.055(6)(f)2., 121.35(6)(c), 215.515 FS. History–New 10-21-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ron Poppell, Senior Officer, Defined Contributions Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 16, 2012

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.101
 RULE TITLE: Employee Grooming, Uniform and Clothing Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to clarify that all non-uniformed and contracted employees of the Department must comply with grooming, uniform and clothing standards while performing official duties.

SUMMARY: The proposed rule clarifies that all non-uniformed employees and contracted employees must comply with employee grooming, uniform and clothing standards while performing official duties.

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 changes are internal and organizational in nature and will not have a negative economic impact or affect small business.

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: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) The following grooming standards shall apply to all Department of Corrections employees, including all non-uniformed employees and contracted employees, while performing official duties:

(a) through 2. No change.

(2) In addition to the standards set forth in subsection (1), all male employees shall comply with the following grooming standards:

(a) Hair will not completely cover any part of the ear or go below the ear or extend below 1/2 inch of the top of the collar.

(b) Facial hair for staff is authorized as follows:

1. Staff must notify the correctional officer chief or, in the case of non-uniformed staff, their immediate supervisor, in writing, of their intention to grow authorized facial hair. Conversely, staff must also notify the correctional officer chief or, in the case of non-uniformed staff, their immediate supervisor, in writing, of their intent to shave previously authorized facial hair;

2. through (8) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, 12-28-03, 12-12-04, 9-11-06, 2-6-07, 10-8-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Glory Parton, Director of Human Resources
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2011

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.723
RULE TITLE: Visiting Check-In Procedures
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that an approved parent, legal guardian or authorized adult must be present at all times during a visitor search conducted on a minor.

SUMMARY: The rule change clarifies that an approved parent, legal guardian or authorized adult must be present at all times during a visitor search conducted on a minor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the proposed changes only modify security procedures and will not have a negative economic impact or affect small business.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.723 Visiting Check-In Procedures.

(1) through (4) No change.

(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times, to include when the minor is subject to being searched under the provisions of Rule 33-601.726, F.A.C. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship from the minor’s parent or legal guardian (neither of which may be an inmate except as provided below) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue. In cases where it can be determined that legal custody remains with the incarcerated parent or legal guardian and has not been given to another adult by the court, a notarized statement from the incarcerated parent or guardian shall be acceptable for purposes of authorizing children of the inmate to visit. Any such authorization remains subject to any relevant court orders or relevant departmental rules regarding the inmate’s contact with the minor in question. Falsification of a document of guardianship shall result in the person being subject to suspension of visiting privileges pursuant to paragraph 33-601.731(9)(d), F.A.C.

(6) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-17-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Upchurch, Director, Office of Institutions
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2012

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.726
 RULE TITLE: Visitor Searches

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that an approved parent, legal guardian or authorized adult must be present at all times during a visitor search conducted on a minor.

SUMMARY: The rule change clarifies that an approved parent, legal guardian or authorized adult must be present at all times during a visitor search conducted on a minor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the proposed changes only modify security operations and will not have a negative economic impact or affect small business.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.47, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.726 Visitor Searches.

(1) through (2)(i) No change.

(j) Careful search by touching of clothing worn next to the body such as stockings, socks, and diapers, using sufficient pressure to detect contraband items. If it is necessary to remove the diaper of an infant or toddler, written consent from the parent, legal guardian, or authorized adult shall be obtained as provided in subsection (3), and it shall be done in the privacy of a search room with the parent, legal guardian, or authorized adult present and by an officer of the same sex.

(3) The visitor shall be instructed to sign Form DC1-803, Unclothed Body Search Consent, if specific factual reasons support the suspicion that contraband is concealed on a visitor's person and this suspicion is not resolved by a less intrusive search. The parent, legal guardian, or authorized adult shall sign the consent form and will be present if a minor is to be searched. Form DC1-803 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date is 11-18-11. <http://www.flrules.org/Gateway/reference.asp?No=Ref-00793>.

(a) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 1-25-05, 1-4-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Director, Office of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2012

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.733
 RULE TITLE: Visiting – Special Status Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to specify the rules applicable to visiting privileges for inmates in administrative confinement, protective management, or disciplinary confinement status and to the determination whether an approved visit will be non-contact.

SUMMARY: The subject area to be addressed relates to visiting privileges for inmates in administrative confinement, protective management or disciplinary confinement and non-contact visits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the proposed changes only modify security operations and will not have a negative economic impact or affect small business.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Gallagher, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.733 Visiting – Special Status Inmates.

(1) Inmates in special statuses, except for medical reasons, are not considered inmates with regular visiting privileges and must have special approval to visit. Inmates in special statuses shall be prohibited or restricted from regular visiting due to adverse impacts on security and orderly institutional operation.

(a) During initial reception periods, inmates awaiting transfer to their initial permanent facility shall not be permitted visits. The warden or duty warden shall grant special visits, as outlined in Rule 33-601.736, F.A.C., if the inmate remains at the reception center more than 45 days.

(b) Inmates in administrative confinement, protective management, or disciplinary confinement status shall have visiting privileges as outlined in Rules 33-602.220, 33-602.221, and 33-602.222, F.A.C., respectively. The warden or designee shall determine whether an approved visit for inmates in one of the above statuses will be non-contact pursuant to Rule 33-601.735, F.A.C. In disciplinary confinement, administrative confinement, or protective management status, inmates shall have visiting privileges as outlined in Rule 33-601.734, F.A.C.

(c) through (6) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 12-25-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Director, Office of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2012

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-4.331
 RULE TITLE: Modification of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to specify the date from which an extension of an Environmental Resource Permit is calculated, to clarify that the “Environmental Resource Permit Modification Short Form” may be utilized by an applicant seeking extension of a Site Conditions Assessment Permit, and to correct grammatical and organizational inconsistencies. The effect will be to reduce unnecessary regulatory burdens and achieve other streamlining benefits for the regulated public.

SUMMARY: Subsection 40D-4.331(4), F.A.C., allows applicants seeking a modification to extend the permit duration of a construction permit or conceptual permit to utilize the “Environmental Resource Permit Modification Short Form,” Form No. LEG-R.013.02 (8/11) (Short Form). The proposed rule change will allow applicants seeking to extend the duration of a Site Conditions Assessment Permit to utilize the Short Form. This change reduces the costs for and regulatory burdens on a permittee seeking to extend an existing Site Conditions Assessment Permit, and promotes efficiency and consistency in the way the District processes applications seeking extension. Historically, Subsection 40D-4.331(4), F.A.C., restricted the filing of applications for permit modification for extension to 180 days prior to the permit expiration date. In a rulemaking finalized February 9, 2012, this restriction was removed from the rule in an effort to streamline District regulations and ease the regulatory restrictions on applicants. However, it has since been determined that the removal of the restriction created uncertainty as to the date from which an extension was calculated. The proposed rule changes will clarify this uncertainty by specifying that the duration of an extension will be calculated from the date that it is granted. Lastly, several areas within Subsection 40D-4.331(4), F.A.C., were identified where grammatical and organizational changes are necessary in order to clean up the language of the subsection. This rulemaking will adopt the grammatical and organizational changes, which will result in greater clarity in the understanding and application of the rule.

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: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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

RULEMAKING AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429 FS.

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

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 Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Martinez, Office of General Counsel, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2011066)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked.

(1) through (2) No change.

(3) Applications for modification of a site conditions assessment permit shall be made by formal application and reviewed using the same criteria as new applications:

(a) through (b) No change.

~~(e) For any extension of a current permit, or~~

~~(c)(d)~~ For conversion to a Chapter 40D-4 or 40D-40, F.A.C., construction permit application, except that the permitted site conditions shall remain as permitted.

(4) An Application to modify a ~~for permit modification~~ to extend the ~~existing~~ permit duration of a construction permit, ~~or~~ conceptual permit, ~~or site conditions assessment permit,~~ or to

reauthorize and extend the duration of an expired construction permit or conceptual permit ~~may should~~ be made using the “Environmental Resource Permit Modification Short Form,” Form No. LEG-R.013.02 (08/11), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00734>, a copy of which can be obtained from the District’s website at www.WaterMatters.org or from District offices. The Environmental Resource Permit Modification short form shall not be used to request a modification to reauthorize and extend the duration of an expired construction permit or conceptual permit if the construction permit or conceptual permit has been expired for more than 2 years.

(a) The District shall approve an application to extend or reauthorize and extend ~~A modification seeking extension or reauthorize and extension of a permit will be granted if the applicant provides it is reasonably assured by the applicant and determined that the activities authorized by the permit for which the extension or reauthorization and extension is sought will be conducted during the extension period will be in compliance with the District’s rules in effect at the time the application for modification to extend is filed.~~

(b) A conceptual permit or site conditions assessment permit ~~shall may~~ be reauthorized or extended if the permit complies with the same criteria as new applications.

(c) The District will grant ~~Each modifications to extend or reauthorize and extend permits will be granted~~ for a duration ~~as needed,~~ up to five years. The duration of the extension or reauthorization and extension will be calculated from the date that the modification is granted.

~~(d) An expired construction or conceptual permit shall not be reauthorized and extended through use of the Environmental Resource Permit Modification Short Form if the permit has been expired for more than 2 years from the date of permit expiration.~~

Rulemaking Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, 12-24-07, 1-8-08, 5-12-08, 8-30-09, 12-12-11, 2-9-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Donaldson, General Counsel, Southwest Florida Water Management District

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2012

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NOS.: RULE TITLES:
 41-2.001 Purpose
 41-2.003 Commission Organization and Personnel
 41-2.016 Accessibility

PURPOSE AND EFFECT: The Commission proposes to repeal Rule 41-2.001, F.A.C., because it does not implement, interpret or prescribe law or policy relevant to the Commission’s procedures or obligations. The Commission proposes to repeal Rule 41-2.003, F.A.C., because it does not meet the definition of a rule under Chapter 120, F.S. The Commission proposes to repeal Rule 41-2.016, F.A.C., because it restates what the Commission is required to do as obtained in Chapter 427, F.S.

SUMMARY: These rules should be repealed because they either restate provisions of Chapter 427, Florida Statutes or are otherwise unnecessary.

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.

At its meeting, the Commission discussed the economic impact of these rules if they were repealed. Based upon the expertise and experience of its members, the Commission determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these repealed rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Commission has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

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: 427.013(9) FS.
LAW IMPLEMENTED: 120.53(1), 427.011, 427.012, 427.013(4), 427.017 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Steve Holmes, Executive Director, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0405

THE FULL TEXT OF THE PROPOSED RULES IS:

41-2.001 Purpose.

Rulemaking Specific Authority 427.013(9) FS. Law Implemented 120.53(1), 427.011-427.017 FS. History–New 5-2-90, Amended 6-17-92, 7-11-95, Repealed_____.

41-2.003 Commission Organization and Personnel.

Rulemaking Specific Authority 427.013(9) FS. Law Implemented 427.012 FS. History–New 5-2-90, Amended 6-17-92, 3-10-98, Repealed_____.

41-2.016 Accessibility.

Rulemaking Specific Authority 427.013(9) FS. Law Implemented 427.013(4) FS. History–New 5-2-90, Amended 6-17-92, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for the Transportation Disadvantaged

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commission for the Transportation Disadvantaged

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
 61A-3.0305 Pool Buying Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal Rule 61A-3.0305, F.A.C. as duplicative of Rule 61A-4.0501, F.A.C.

SUMMARY: The elimination of Rule 61A-3.0305, F.A.C., as duplicative and unnecessary.

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 Division of Alcoholic Beverages and Tobacco

conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: June 7, 2012, 9:00 a.m. – 12:30 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

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: Renita Walton-Hayes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, (850)488-3227. 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: Renita Walton-Hayes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, (850)488-3227

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-3.0305 Pool Buying Procedures.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.14(3), 561.08, 561.42 FS. History–New 1-20-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Renita Walton-Hayes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, (850)488-3227

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-4.0501
 RULE TITLE: Cooperative or Pool Buying – Definition; Creation; Procedures; Record Keeping; Restrictions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to place all language pertaining to the subject matter of Pool Buying Procedures in Rule 61A-4.0501, F.A.C., to clarify terminology, and remove language that lacks statutory authority from Rule 61A-4.0501, F.A.C.

SUMMARY: The amendment of Rule 61A-4.0501, F.A.C., to incorporate language pertaining to Pool Buying Procedures, clarify language, and remove unnecessary language.

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 Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.42 FS.

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

DATE AND TIME: June 7, 2012, 9:00 a.m. – 12:30 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

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: Renita Walton-Hayes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, (850)488-3227. 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: Renita Walton-Hayes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, (850)488-3227

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-4.0501 Cooperative or Pool Buying – Definition; Creation; Procedures; Record Keeping; Restrictions.

(1)(a) “Cooperative or pool buying” shall mean the combining of orders into a single order or transaction, by two or more vendors, who are members of a pool buying group approved by the Division of Alcoholic Beverages and Tobacco, for the purpose of maximizing purchasing power.

(b) “Members of a pool buying group” shall mean only those licensees reported by the pool buying agent and approved by the Division.

(c) “Pool Buying Agent” shall mean the licensed vendor of alcoholic beverages in this state who is designated as such by the pool buying group in a pool buying agreement. The agreement must be submitted to and approved by the Division prior to placing any pool orders.

(2) There shall be no sales or transfers of alcoholic beverages between members of a cooperative or pool buying group, except for product purchased as part of as to the combining of individual orders and the placement of a pool order, with a distributor. In order to effectuate convenience or economies of delivery of pool orders, a pool member other than the buying agent may transfer to another pool member any portion of the alcoholic beverages ordered by the transferee vendor as part of the single transaction pool purchase provided adequate documentation is retained by the buying agent establishing that the transferee vendor has properly ordered such alcoholic beverages as part of the pool order and an invoice is provided from the transferor vendor to the transferee vendor identifying the pool invoice and establishing that the transfer is being made without cost or charge by the transferor vendor of any nature whatsoever. Transfer pursuant to this paragraph must be made within seven days of the pool delivery without any cost or charge whatsoever being made against the transferee vendor. Warehousing of pool orders by the buying agent shall be done in accordance with subsections (6) and (7) of this rule.

(3) A cooperative or pool buying group shall be created in the following manner:

(a) Prior to operating as such, a cooperative or pool buying groups shall file with the Division a copy of the agreement under which such group will operate. The Division shall review the agreement and, if the requirements of applicable law and rules are met, shall approve the agreement.

(b) Any proposed amendment to a cooperative or pool buying agreement shall be filed with and must be approved by the Division in the same manner as the original agreements, before said proposed amendment shall be effective.

(c) Cooperative or pool buying agreements shall include the name and address of the cooperative or pool buying group, the name of the buying agent for the group, and for each member, the licensee’s name, business name, license number and the date each licensee joined the group.

~~(d) The buying agent must be a licensed vendor of alcoholic beverages in this state.~~

~~(d)(e) A member of the pool or cooperative group shall not be eligible to place an order with said group until such member has first executed the pool buying agreement and the licensee’s name, business name, license number and date of membership have been filed with and approved by the Division at its Tallahassee central office.~~

(4) Procedures.

~~(a)(f) All changes, additions, and deletions to Pool Buying groups shall be made using form DBPR ABT-6010. APPLICATION FOR CHANGES TO POOL BUYING GROUPS, effective (date) and incorporated herein by reference. This form is available upon request from the Division of Alcoholic Beverages & Tobacco or through the Department of Business & Professional Regulation’s web site. Any additions or deletions to the membership of the cooperative or pool buying group shall be provided to the Division under signature of the buying agent or its authorized employee. Such notice shall include the effective date of new members and/or the effective date of deletion of existing members. Such notice may be in letter form or on official forms which may be promulgated by the Division.~~

~~(b)(g) Upon the transfer, suspension or revocation of any alcoholic beverage license held by a member of a cooperative or pool buying group, the Division shall automatically delete such licensee from membership in the cooperative or pool buying group.~~

~~(c)(4) Individual members of a cooperative or pool buying group must place their orders with and remit their payment to the buying agent. Payments shall be made payable to the pool buying agent or the distributor. Distributors of alcoholic beverages may accept pool orders and payment therefor only from the designated buying agent of a cooperative or pool buying group. The buying agent may not use any third party checks in violation of Rule 61A-4.0021, F.A.C.~~

(d) All pool buying orders shall be placed in the following manner:

1. All pool buying orders for alcoholic beverages shall be ordered from distributors by the pool buying agent.

2. The pool buying agent shall place the order under the name of the pool buying group and indicate each licensed vendor’s part of the pool order.

3. Each distributor and pool buying agent shall be responsible for keeping the individual invoices for each member's portion of the pool buying order. The master invoice shall include all alcoholic beverages ordered, and shall be in compliance with subsection 61A-4.0501(5), F.A.C., and shall refer to each associated invoice supporting the master invoice.

4. Records of purchases made between vendors as permitted by Section 561.14(3), Florida Statutes, shall be maintained by all parties to the transaction and shall be in compliance with subsection 61A-4.0501(5), F.A.C.

(e) The pool buying group and all members thereof shall be considered delinquent accounts and reported to the division as required by Section 561.42, Florida Statutes, when any payment is not timely made for a pool buying order.

(5) Record Keeping

~~(a)(5) Where the distributor shall prepares and keeps a master invoice which identifies the total pool order placed by the buying agent and separately identifies each pool order member's portion of the total pool order by setting forth the name of the buying agent making the order and the information set forth in Rule subsections 61A-4.043(1) through (9), F.A.C.; the pool buying agent is not required to keep a separate record of each pool order. Distributors must prepare and pool buying agents must keep invoices for pool purchases in accordance with Rule 61A-4.043, F.A.C. Where the distributor does not prepare and keep a master invoice, the pool buying agent must prepare and keep for a period of 3 years, records of each pool order containing:~~

1. The date of each pool order and the name of the distributor with whom each order was placed.
2. The names and license numbers of each pool member participating in each pool order.
3. The brand, size and quantity of alcoholic beverages ordered by each pool member and each pool purchase.
4. The cost to each member for its share of each pool purchase and any vinous and spirituous beverage discount given on any pool purchase.

(b) Sale of alcoholic beverages ordered as a part of a single transaction pool purchase from a vendor who received the products shall be considered a purchase between members of a pool buying group, provided a record of the transaction is made by the vendor transferring the products to another vendor and retained by both vendors for a period of three years from the date of transfer. This record shall include:

1. Business name and license number of each vendor;
2. Names, sizes, and quantities of products transferred;
3. Date of original delivery of products from the pool order;
4. Date physical transfer of products was made;
5. Unique identifier that links the with the pool order.

(c) Upon written request, a pool buying agent must make available for inspection all papers and reports related to pool orders, purchases, and payments within 10 days to any division employee.

~~(6) Where warehousing in accordance with the beverage rules is provided by the buying agent, the buying agent shall keep delivery records in accordance with this paragraph. The buying agent shall maintain all required records at the address filed with the Division. The buying agent shall issue a delivery ticket to the vendor to accompany the order. The vendor shall acknowledge receipt of the order by signing the delivery ticket and returning a copy to the buying agent. The vendor shall keep the original and the buying agent shall keep a copy of the delivery ticket for a period of 3 years. The delivery ticket shall contain the following information: name and address of vendor and buying agent and respective license numbers; and the brand, size, quantity and master sales invoice number for all alcoholic beverages delivered.~~

~~(6)(7) The buying agent may store or warehouse any portion of an individual pool member's purchase. However, the buying agent may not warehouse any alcoholic beverages off its licensed premises without first applying for and receiving from the Division an off-premises storage permit.~~

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.01(10), 561.14(3), 561.42 FS. History--New 12-3-84, Amended 3-17-85,(date), Formerly 7A-4.501, 7A-4.0501, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Renita Walton-Hayes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, (850)488-3227

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2011

**DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Agents and Agency Services**

RULE NO.: 69B-211.004
RULE TITLE: Appointment Renewal Procedure

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the existing rule to reflect certain provisions of the Florida Insurance Code that have been amended since the rule was last amended. The effect of the proposed rule amendment is to provide clear and concise information to appointing entities of the appointment renewal process and the fees for noncompliance with the law.

SUMMARY: The rule updates the statutory references in the definition section and revises the definitions of some of the terms. Further, the rule clarifies the renewal fees and filing

deadlines for appointments as an agent, customer representative, adjuster, service representative, managing general agent, title insurance agent, sales representative, reinsurance intermediary, or bail bond agent. Lastly, the rule amends the Department's notification procedures to holders of the above-referenced appointees relative to the appointment renewal process.

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: This rule clarifies the procedures for following the statutory provisions related to renewing appointments. As well, the monetary penalties assessed in this rule are provided by the statutory provisions and are not being created by this rule. Finally, other than the statutory penalties and costs described in the rule, the Division has determined that there are no regulatory costs that exceed the thresholds provided in Section 120.541, F.S.

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

RULEMAKING AUTHORITY: 624.308(1), 626.016, 626.381(9) FS.

LAW IMPLEMENTED: 624.307(1), 624.308, 624.501, 626.015, 626.112, 626.371, 626.381, 626.7492(3), (8), (9), 626.8419(2), 648.279, 648.31, 648.382, 648.383 FS.

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

DATE AND TIME: Tuesday, June 5, 2012, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Matt Tamplin, (850)413-5460 or Matt.Tamplin@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Matt Tamplin, Bureau Chief, Bureau of Licensing, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5460 or Matt.Tamplin@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69B-211.004 Appointment Renewal Procedure.

(1) Purpose. The purpose of this rule is to establish procedures for persons seeking the biennial renewal of appointments to transact insurance pursuant to the Florida Insurance Code. Additionally, this rule sets forth the fees that will be assessed to individuals and entities that which file appointment renewals after the time frames specified by statute and this rule.

(2) Scope. This rule applies to all persons submitting a request for renewal of appointments as an agent, customer representative, ~~soleitor~~, adjuster, service representative, managing general agent, title insurance agent, sales representative, reinsurance intermediary, or bail bond agent bondsman, or runner, and shall govern the renewal of appointments pursuant to the authority set forth in Sections 626.371, 626.381, 626.532, 626.843, 626.7492 and 648.383, Florida Statutes.

(3) Definitions. For purposes of this rule, the following definitions shall apply.

(a) "Appointment" shall be as defined in Section 626.015 ~~626.104~~, Florida Statutes.

(b) "Continuation fee" is the fee an appointing entity is charged to renew each licensee's appointment after the expiration date of the appointment, but before the licensee's appointment is cancelled.

(c) "Department" means the Florida Department of Financial Services.

(d) "License" shall be as defined in Sections 626.015 and 648.279 ~~626.103~~, Florida Statutes.

(e) "License Issue Month" means, ~~in the case of persons other than natural persons~~, the month in which the person or entity was first licensed by the Department. The license issue month is the month during which all appointments shall expire and be subject to renewal in accordance with the Florida Insurance Code and this rule.

(f) ~~"Reinstatement fee" is the fee an appointing entity is charged to reactivate each licensee's appointment after the expiration date of the appointment.~~

(f)(g) "Renewal" shall mean the continuation of an existing appointment for an additional period of time.

(g)(h) "Renewal notice" means an electronic paper notification sent generated by the Department and mailed to the appointing entity for its use in notifying the Department of

persons to be renewed or not renewed, ~~or the transfer of renewal information by electronic means between the Department and the appointing entity.~~

(4) Term of appointments.

(a) In the case of natural persons, new appointments or appointments being ~~reinstated and~~ continued, which are effectuated in a licensee's birth month, shall expire 24 months later on the last day of the licensee's birth month and shall be subject to renewal at that time by the entity for which they are appointed pursuant to the filing deadlines prescribed in subsections (6) and (7), below, and every 24 months thereafter unless suspended, revoked, or otherwise terminated at an earlier date.

(b) In the case of entities other than natural persons, new appointments or appointments being ~~reinstated and~~ continued, which are effectuated in the same month a licensee was first licensed as an insurance representative, shall expire 24 months later on the last day of the licensee's license issue month and shall be subject to renewal at that time by the entity for which they are appointed pursuant to the filing deadlines prescribed in subsections (6) and (7), below, and every 24 months thereafter unless suspended, revoked, or otherwise terminated at an earlier date.

(c) Appointments effectuated during any month other than the licensee's birth month in the case of natural persons, or during the license issue month in the case of entities other than natural persons, shall be valid for not less than 24 months and no longer than 36 months, which are the minimum and maximum number of months necessary to convert the original issue month to the licensee's birth month or license issue month, whichever the case may be, and expiring the last day of the licensee's birth month or license issue month, whichever is applicable, and shall be subject to renewal at that time by the entity for which the licensee is appointed pursuant to the filing deadlines prescribed in subsections (6) and (7), below, and every 24 months thereafter unless suspended, revoked, or otherwise terminated at an earlier date.

(5) Renewal Fees.

(a) All appointment renewal fees and taxes as prescribed in Section 624.501, Florida Statutes, shall be submitted ~~via the Department's online appointment system at <https://portal.fldfs.com/eappoint/> and paid by electronic payment with the renewal notice and received by the Department~~ prior to any appointments being renewed. ~~However, appointments for bail bond agents shall be submitted on a form prescribed by Rule 69B-221.155, F.A.C., and paid via a paper check.~~ All checks shall be made payable to the "Florida Department of Financial Services."

(b) Failure by an appointing entity to ~~submit and pay return~~ the renewal invoice with the required renewal fees by the prescribed renewal date deadlines set forth by statute and in this rule will require the payment of an additional ~~\$20 delinquency fee \$5 reinstatement fee~~ and a \$5 continuation fee

by the appointing entity for each person listed on the renewal notice. ~~The appointing entity shall have 45 days from the last day of the renewal period to renew a licensee's appointment late and pursuant payment of the normal appointment fee, the delinquency fee and the continuation fee. Otherwise the licensee's appointment will be cancelled. The postmark imprinted on the mailer used for delivery to the Department by the United States Postal Service, or, in the case of express mail services or couriers, the date the renewal notice is received by the entity making delivery to the Department, shall be used by the Department to determine if filing deadlines have been met.~~

(6) Filing dates.

(a) ~~The Department shall send an electronic notification to the appointing entity to the email address on record with the Department at least 90 days prior to the expiration date of an appointment. Simultaneously, the renewal notice shall be sent to the appointing entity's account in the Department's online appointment system. Renewal notices must be received by the 15th of the month immediately following the month in which an appointment will expire unless the renewal notice has been mailed pursuant to paragraph (6)(b), in such cases the renewal notice must be received no later than the 15th day of the month immediately following the month in which the appointment appears on a supplemental notice.~~

(b) ~~The Department shall send an electronic notification to the appointing entity to the email address on record with the Department on the first day of the appointment renewal month letting the appointing entity know it can submit and pay the amount indicated on the renewal invoice. The appointing entity shall have from the first day of the renewal month to the last day of the renewal month to submit and pay for the renewal invoice without being assessed the delinquency fee and continuation fee. For example, on March 1, appointing entities may be notified they have until March 31 to submit and pay for renewal invoices without being assessed the delinquency fee and continuation fee. If an appointing entity appoints a licensee and is in compliance with the notification requirements as prescribed in Section 626.361, Florida Statutes, but the Department has not had sufficient time to input the appointment information into the automated appointment database, the appointee's name and other identifying information will be included on a supplemental renewal notice. For example, persons whose appointments to represent a particular entity, which are due to expire in the month of January, must be received by the Department no later than February 15.~~

(c) ~~If an appointing entity fails to renew an appointment during the renewal month, the Department shall send an electronic notification to the appointing entity to the email address on record with the Department on the first day of the month following an appointment expiration date informing the appointing entity it has 45 days to renew the appointment. If a renewal invoice is paid during this 45-day period, the~~

appointing entity shall pay, in addition to the normal appointment fee, a delinquency fee and a continuation fee per appointment. For example, on April 1, appointing entities who failed to submit and pay for their March renewal invoice shall be notified by the Department that they have 45 days to renew appointments with a March 31 expiration date by paying a delinquency fee and a continuation fee per appointment. If an appointing entity appoints a licensee and is in compliance with the notification requirements as prescribed in Section 626.361, Florida Statutes, but the Department has not had sufficient time to input the appointment information into the Department's computer system, the appointee's name and other identifying information will be included on a subsequent renewal invoice.

(d) If an appointing entity fails to renew an appointment during the renewal month or in the 45-day late renewal period immediately following the renewal month, the Department shall send an electronic notification to the appointing entity to the email address on record with the Department on the first day after the 45-day late renewal period informing the appointing entity that the appointment was not renewed and has been cancelled. The licensee whose appointment was cancelled shall also receive such electronic notification at the email address on record with the Department. If the appointing entity desires to re-appoint the licensee, the appointing entity must submit a new appointment via the Department's online appointment system. New appointments shall be dated effective when services are first provided by the appointee to the appointing entity or the first day after cancellation of a prior appointment if services have been continuously provided by the appointee. If the new appointment's requested effective date is more than 45 days earlier than the date it is submitted to the Department, the appointing entity will be assessed a \$250 original appointment delinquency fee per appointment. For example, on May 16, appointing entities who failed to submit and pay their March renewal invoice during the month of March or during the 45-day late renewal period ending May 15, shall be sent an electronic notification by the Department informing them they must submit new appointments if they desire to appoint their licensees whose appointments expired March 31.

(e) During the periods described in paragraphs (a), (b) and (c) above, an appointing entity may elect to not renew an appointment. During the same periods, in order to renew a licensee's appointment the licensee's email, home, business and mailing addresses must be valid in the Department's records. If the licensee is indicated on the renewal invoice as having invalid addresses on record with the Department, the licensee must update the invalid addresses in order for the appointing entity to renew the licensee's appointment.

(7) Notification procedures. The renewal notice sent to the appointing entity must be completed in its entirety. The certification shall be signed by the appropriate official for the appointing entity, ~~and shall be returned, together with~~

~~applicable fees, to the Department at its offices in Tallahassee. Failure to file the renewal notice by the prescribed filing deadline will require the payment of reinstatement and continuation fees as set out in subsection (5), above. If reinstatement and continuation fees are assessed, the Department will return the renewal invoice to the appointing entity to re-submitted to the Department with the required renewal fees, taxes, and reinstatement and continuation fees.~~

(8) Invoices Furnished. All invoices necessary to comply with renewal of appointments prescribed in this rule will be furnished to appointing entities by the Department.

(9) July 1, 1997, is the effective date for implementation of the conversion of appointment expiration dates as outlined in paragraphs (4)(a), (b) and (c) of this rule.

Rulemaking Specific Authority 624.308(1), 626.016, 626.381(9), FS. Law Implemented 624.307(1), 624.308, 624.501, 626.015, 626.103, 626.104, 626.112, 626.361, 626.371, 626.381, 626.532, 626.7492(3), (8), (9), 626.8419(2), 648.279, 648.31, 648.382, 648.383 FS. History—New 7-18-93, Amended 7-1-97, Formerly 4-211.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Matt Tamplin, Bureau Chief, Bureau of Licensing, Division of Insurance Agent & Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:

RULE TITLES:

69B-211.041

Definitions

69B-211.042

Effect of Law Enforcement Records on Applications for Licensure

PURPOSE AND EFFECT: In the 2011 Legislative Session, Section 626.207, F.S. was amended to change the way that the criminal history of an applicant affects an application for insurance agent licensure. This rule amendment conforms the Department's rule to the revised statute.

SUMMARY: In Section 69B-211.041, F.A.C. several definitions are deleted because they are no longer needed based on the rewrite to Section 69B-211.042, F.A.C. Other definitions are revised to provide simplicity and clarity. Rule Section 69B-211.042, F.A.C. is amended to delete language that is inconsistent with Section 626.207, F.S. as amended. Subsection (1) establishes the process for submission of documentation related to the applicant's law enforcement record. Subsection (2) addresses the effect of failure to fully disclose a Law Enforcement Record. Subsection (3) establishes

disqualification periods based on the nature of the crime in a record. Subsection (4) provides increased disqualification periods where an applicant has a record of multiple crimes. Subsection (5) identifies mitigating factors used to reduce disqualifying periods. Subsection (6) identifies aggravating factors used to increase disqualification periods. Subsection (7) prohibits collateral attack of criminal proceedings. Subsection (8) provides that the pendency of a criminal appeal does not affect the consideration of a criminal record for licensure. Subsection (9) provides that the Department will not grant a license to a person in a pre-trial intervention program. Subsection (10) addresses the effect of sealing or expunging of criminal records. Subsection (11) addresses the effect of a pardon. Subsection (12) clarifies the effect of varying terminology found in the law enforcement record documentation. Subsection (13) prohibits licensure of applicants imprisoned, under arrest, in custody, under supervision, or serving a sentence. Subsection (14) provides that passage of a disqualification period does not create an entitlement to a license. Subsection (15) addresses how foreign law enforcement records affect a licensure application. The existing crime classification system is being removed to conform to revisions to Section 626.207, F.S.

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 economic analysis conducted by the Agency has determined that the estimated regulatory costs will be negligible.

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: 624.308, 626.207 FS.

LAW IMPLEMENTED: 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS.

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

DATE AND TIME: Wednesday, June 13, 2012, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Matt Tamplin, (850)413-5460 or Matt.Tamplin@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Matt Tamplin, Bureau Chief, Bureau of Licensing, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0320, (850)413-5460 or Matt.Tamplin@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69B-211.041 Definitions.

For purposes of this rule part, the following definitions shall apply:

(1) "Application" or "Application Process" refers to an application for licensure procedurally processed under Chapter 626, Florida Statutes. An Application is not deemed completed until so designated by the Department. The application remains open and the application process continues from the time the application is submitted online until the time the Department issues the license or issues a notice of denial of the application. Failure to comply with Department requests for information related to the application will result in the termination of the application process. If the application process is terminated for failure to timely provide the Department with requested documentation, the applicant must submit a new application.

(2) "Charge" or "charges" refers to the official allegations contained in the official document setting out the crimes that an applicant is alleged to have committed, in any criminal proceeding, whether styled including an "Information," "Indictment," or otherwise, which document that specifies the charges against an official allegations against the defendant applicant.

(3) "Crime of Moral Turpitude" refers to each felony crime identified in subsection 69B-211.042(21), F.A.C.

(4) "Criminal record," for purposes of this rule part, includes any felony charge filed against the applicant in the courts of any state or federal district or territory, or other country, on any subject matter whether related to insurance or not, concerning which charge the applicant was found guilty, or pled guilty, or pled nolo contendere, regardless of whether or not there was an adjudication by the court, and regardless of whether the matter is under appeal by the applicant. The phrase includes such charges even where the crime was subsequently pardoned or civil rights have been restored. The phrase does not include criminal convictions which were finally reversed or vacated on appeal, nor does it include charges of which the applicant was found not guilty, or which were finally

dismissed; nor does it include matters as to which at time of application an order of sealing or expungement has been issued by a court of competent jurisdiction.

~~(3)(5)~~ “Felony” means and includes any crime of any type, whether or not related to insurance, which crime is designated as a “felony” by statute in the jurisdiction state of prosecution; or designated as a “felony” in the charges, or which crime is punishable under the law of the prosecuting jurisdiction by imprisonment of more than one year regardless of how classified in the charges or statutes. If a crime is a felony in the jurisdiction state of prosecution, it shall be treated as a felony under this rule ~~part~~ notwithstanding that the same activity it is not a felony in Florida. If a crime is considered a misdemeanor in the jurisdiction of prosecution, it shall be treated as a misdemeanor under this rule notwithstanding that the same activity is a felony in Florida. The term “felony” includes felonies of all degrees.

~~(6)~~ “Insurance related misdemeanor” means and includes any misdemeanor charges which allege violation of any part of the insurance regulatory laws of Florida or any other state or the federal government; or which allege any criminal conduct involving any aspect of insurance, such as crimes in the nature of misapplication or theft of premium money or claims payment money, or dishonesty in any aspect of insurance claims practice.

~~(4)(7)~~ “Law Enforcement Record;” for purposes of this rule ~~part~~, includes the following:

(a) Any criminal charge filed against the applicant in the courts of any state or federal district or territory, or other country, for which the applicant pled guilty or no contest, regardless of whether or not there was an adjudication of guilt by the court, or for which the applicant was found guilty, and regardless of whether the matter is under appeal by the applicant; and The applicant’s criminal record as defined in this rule part;

(b) Criminal charges that were subsequently pardoned or for which civil rights have been restored. The phrase does not include criminal charges which, at the time of the application, are under an order to seal or expunge by a court of competent jurisdiction; and Any pre-trial intervention program the applicant is participating in at the time of application, or was participating in at any time in the 12 months next preceding the time of application; and

(c) All criminal charges against the applicant, whether by information or other charging document even where no formal determination of disposition has been made. All pending criminal charges against the applicant as of the time of application. The phrase “pending criminal charges” includes all criminal charges against the applicant, whether by information or other charging document filed in court, or by indictment, under the jurisdiction of any state or the federal government or any other country, concerning which charges

there has at the time of application been no finding of guilty or not guilty, nor dismissal of charges, nor formal statement of *nole proosse* by the prosecuting authority; and

~~(d)~~ All arrests on any misdemeanor or felony charge of any type whether or not related to insurance, which arrests were made by law enforcement authorities in any state or by federal authorities, or by law enforcement authorities in another country, and which arrest occurred within the 12 months next preceding the time of application, and regardless of whether there have been or will be any subsequent criminal proceedings connected therewith.

~~(5)(8)~~ “Misdemeanor” means and includes any crime of any type, whether or not related to insurance, which crime is designated as a “misdemeanor” by statute in the jurisdiction state of prosecution, ~~or is so designated in the charges, or is punishable under the law of the prosecuting jurisdiction by imprisonment of one year or less.~~ The term includes misdemeanors of all degrees.

~~(6)(9)~~ “Pre-trial Intervention” refers to a program operated under Section 948.08, Florida Statutes, or a similar program in the State of Florida or any other jurisdiction ~~another state.~~

~~(10)~~ “Time of application” is the date an application is received by the Department or received on behalf of the Department by sources utilized by the Department in its licensure process.

~~(11)~~ “Trigger Date” is the date on which an applicant was found guilty, or pled guilty, or pled *nolo contendere* to a crime; or, where that date is not ascertainable, the date of the charges or indictment.

~~(12)~~ “True Copy” or “Certified true copy” means a copy of a court or government agency paper which bears an original certification of the clerk or other official of the court or agency to the effect that the paper(s) are accurate copies of records of the court or agency.

Rulemaking Specific Authority 624.308, 626.207 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS. History—New 10-17-02, Formerly 4-211.041, Amended _____.

69B-211.042 Effect of Law Enforcement Records on Applications for Licensure.

(1) Law Enforcement Records and Required Documentation. The Department uses Law Enforcement Records to determine whether an applicant is subject to the permanent bar or disqualifying periods set forth in Section 626.207, F.S. or otherwise qualifies for licensure under the Florida Insurance Code, including determining whether an applicant is fit and trustworthy pursuant to Section 626.611(7), F.S.

(a) As provided by statute and upon the Department’s request, an applicant for licensure is required to disclose the applicant’s Law Enforcement Record. During the application process, which process continues up to the time of the issuance

of a license or the denial of the application, the applicant is required to accurately and truthfully answer questions about the applicant's Law Enforcement Record. The applicant is responsible for the accuracy of all information contained in any application submitted by the applicant or submitted by another person on the applicant's behalf, including documents or information submitted during the application process related to the Law Enforcement Record.

(b) As provided by statute, an applicant must provide the Department with fingerprints and permit the Department to obtain the applicant's Law Enforcement Record from the Florida Department of Law Enforcement and/or the Federal Bureau of Investigation. The Department shall not process an application when fingerprints are required until the Department receives readable and properly executed fingerprints. Applications are incomplete until fingerprints are received.

(c) At the direction of the Department, as a part of the application process, and in addition to the application, the following documentation is required to be submitted by the applicant:

1. A copy of the police arrest affidavit or arrest report or similar document for all arrests.
2. A certified true copy of the charging document, such as an information, indictment, or ticket.
3. A certified true copy of the plea, judgment, and sentence.
4. A certified true copy of the order of entry into pre-trial intervention, where applicable, and the order of termination of pre-trial intervention showing dismissal of the charges.

(d) If during the application process the Department requests that an applicant submit documentation related to the applicant's Law Enforcement Record but that documentation cannot be obtained because the document no longer exists, the applicant shall supply a certified or sworn statement, signed by a representative of the agency that would have been the custodian of such documentation, indicating that documentation of such matter does not exist or that the record was lost, damaged or destroyed, or otherwise indicating why the documentation cannot be produced. All requested documentation must be legible.

(e) The requirements set forth in paragraphs (a) through (d) above continue throughout the application process and apply to all types of applications including initial applications, applications for additional licenses and applications for reinstatement of a previously suspended license.

General Policy Regarding Conduct Prior to Licensure. The Department is concerned with the law enforcement record of applicants for the purpose of ascertaining from those records whether the person would represent a significant threat to the public welfare if licensed under Chapter 626, Florida Statutes. It is no part of the Department's responsibilities, and the Department does not attempt, to "penalize", "discipline", or "punish" any person concerning any conduct prior to licensure.

~~(2) Duty to Disclose Law Enforcement Record. Every applicant shall disclose in writing to the Department the applicant's entire law enforcement record on every application for licensure, as required therein, whether for initial, additional, or reinstatement of licensure. This duty shall apply even though the material was disclosed to the Department on a previous application submitted by the applicant.~~

~~(3) Policy Specifically Concerning Effect of Criminal Records-~~

~~(a) The Department interprets Sections 626.611(14) and 626.621(8), Florida Statutes, which subsections relate to criminal records, as applying to license application proceedings. The Department interprets those statutes as not limiting consideration of criminal records to those crimes of a business-related nature or committed in a business context. More specifically, it is the Department's interpretation that these statutes include crimes committed in a non-business setting, and that such crimes are not necessarily regarded as less serious in the license application context than are crimes related to business or committed in a business context.~~

~~(b) Fingerprint delays. The Department shall not delay licensure due to processing of fingerprint cards; provided, however, that the Department interprets Section 626.211(1), Florida Statutes, to mean that Department delays based on the applicant's failure to supply the Department with a properly executed and readable fingerprint card are not delays such as are prohibited by that statute. The Department shall not process an application for which fingerprints are required, except upon receipt of a readable and properly executed fingerprint card.~~

~~(c) General Procedure. The applicant shall supply the Department with required documentation, as specified in this rule, as to all matters appearing on the law enforcement record or shall supply evidence that such documentation cannot be obtained. Evidence that documentation cannot be obtained shall consist of a certified or sworn written statement on the letterhead of the agency that would be the custodian of the documents, signed by a representative of that agency, stating that they have no record of such matter, or that the record is lost or was damaged or destroyed, or otherwise stating why the document cannot be produced. The application shall be addressed as set forth in Rule 69B-211.0035, F.A.C. All documentation shall be completely legible. Required documentation includes:~~

- ~~1. For arrests, the police arrest affidavit or arrest report or similar document (need not be certified true copy).~~
- ~~2. The charges (certified true copy).~~
- ~~3. Plea, judgment, and sentence (certified true copy).~~
- ~~4. Order of entry into pre-trial intervention, and where applicable the order of termination of pre-trial intervention showing dismissal of charges (all certified true copies).~~

~~(2)(4) Effect of Failure to Truthfully Answer Fully Disclose Law Enforcement Record on Application Questions Regarding Applicant's Law Enforcement Record.~~

~~(a) The Department finds that The existence of an applicant's all matters that are part of an applicant's Law Enforcement Record is considered are material elements of the application and the application process; and the failure to find that the omission of accurately and truthfully answer application questions or Department requests regarding any part of the Law Enforcement Record required to be disclosed on the application is considered a material misrepresentation or material misstatement under Section 626.611(2), F.S. in and of itself. The applicant shall have violated Section 626.611(2) or 626.621(1), Florida Statutes, if the applicant fails to provide the Department with the documentation required by this rule.~~

~~(b)1. If an applicant fails to fully and properly accurately and truthfully answer disclose Department questions about the applicant's the existence of Law Enforcement Records, as required by the application, the application may will be denied and a disqualifying period and/or fine and/or other legally permissible punishment may waiting period will be imposed before the applicant may reapply for or be granted any license. This includes answering any application question about the existence of Law Enforcement Records in the negative when an affirmative answer was appropriate. The disqualifying period may be up to one year. This disqualifying period shall begin the later of: (1) the date of the initial application or (2) the end of any applicable disqualifying period. The Mitigating Factors in Section 7, below, may not be used to reduce the amount of the disqualifying period for failure to disclose.~~

~~2. If the Department discovers that an the applicant's failed failure to accurately and truthfully answer any question relating to Law Enforcement Records disclose only after a license has been granted, the Department shall will suspend or revoke each license currently held by the licensee pursuant to Section 626.611, F.S applicant.~~

~~3. The waiting period shall begin on the later of:~~

~~a. The date that the Department issues a letter or notice of denial of the application, or~~

~~b. The date that a previously imposed waiting period expires.~~

~~4. Waiting periods shall be calculated as follows:~~

~~a. Class A or B crime omitted, where the trigger date was more than 10 years before time of application, add 1 year. If the trigger date was 10 years prior, or less than 10 years prior, to the time of application, add 2 years.~~

~~b. Class C crime omitted, add 1 year.~~

~~e. Omission of any arrest, pending criminal charges, pre-trial intervention, or other part of the law enforcement record required to be disclosed on the application, add 1 year.~~

~~(c) An applicant whose application is denied under this subsection shall resubmit another application and applicable fee as set forth in Section 624.501, Florida Statutes, on the application form respective to the type and class of license sought.~~

~~(d) After the waiting period has elapsed, the Department shall consider the application if it is resubmitted in good form with applicable fees, and licensure shall be granted if the licensee then meets all the requirements and criteria for licensure as set out in the then applicable rules and statutes.~~

~~(e) Formal Record to be Made. The Department finds that submission of an application that is inaccurate as to law enforcement history is a matter of such weight that a formal record of the application shall be made and preserved by Department order for reference and consideration should the applicant subsequently become licensed and violate any portion of the insurance code. To this end, applicants are required to execute a settlement acknowledging the inaccuracy as a prerequisite to becoming licensed after all waiting periods have elapsed and the applicant is otherwise eligible for licensure.~~

~~(3)(5) Classification of and Treatment of Certain Felony and Misdemeanor Crimes.~~

~~(a) Application for licensure shall not be denied or subjected to a disqualifying period delayed based solely on the fact that an applicant was found guilty of, or pled guilty or nolo contendere to, a misdemeanor, unless the misdemeanor is directly related to the financial services business as defined in Section 626.207, F.S. an insurance-related misdemeanor or a misdemeanor involving breach of trust or dishonesty; provided further, that repeated misdemeanors, or a misdemeanor in combination with other conduct shall merit denial of licensure if they reflect on an applicant's character, fitness, or trustworthiness to engage in the business of insurance.~~

~~(b) A crime is directly related to the financial services business as defined in Section 626.207(1), F.S., if a financial services business, a financial services business relationship, a financial services business resource, or a transaction relating to or involving a financial services business, was used in the furtherance of the crime. The Department finds that an insurance related misdemeanor or a misdemeanor involving breach of trust or dishonesty demonstrates a lack of fitness or trustworthiness to be licensed to engage in the business of insurance and constitutes grounds for denial of licensure, pursuant to Section 626.611(7), Florida Statutes. The Department finds that the waiting period necessary to overcome the demonstrated lack of fitness and trustworthiness is equivalent to the waiting period imposed for a class "A" felony, and therefore, an applicant whose law enforcement record includes such a misdemeanor is subject to the same waiting period as a class "A" crime.~~

~~(c) For the purposes of this rule, the seven year disqualifying period in Section 626.207(4)(c), F.S. applies to all felony cases involving the passing or uttering of a worthless bank check, or obtaining property in return for a worthless bank check or any other check-related felony where the check or property involved is worth \$500 or less.~~

The Department shall not impose any waiting period pursuant to this rule where the only crime in an applicant's law enforcement record is a single misdemeanor crime that results from the applicant's passing of a worthless check, or obtaining property in return for a worthless check, and the amount of the check or checks involved in the single misdemeanor crime is \$500 or less. However, this subparagraph shall not apply where a misdemeanor crime resulting from the applicant's passing of a worthless check, or obtaining property in return for a worthless check is not the only crime in an applicant's law enforcement record.

(6) Probation. The Department shall not grant licensure to any person who at the time of application or at any time during the pendency of the application is serving a probationary term on any felony crime, or any misdemeanor crime, except for those crimes specified in Chapter 316, Florida Statutes, which are not punishable by imprisonment. The Department shall not substantively consider an application until the applicant has successfully completed his or her probationary term.

(7) Classification of Felony Crimes.

(a) The Department makes a general classification of felony crimes into three classes: A, B and C, as listed in subsections (21), (22) and (23) of this rule. The lists refer only to such crimes when they are felonies, since certain of the crimes could be misdemeanors in some jurisdictions and felonies in other jurisdictions.

(b) These classifications reflect the Department's evaluation of various crimes in terms of moral turpitude, and of the seriousness of the crime as such factors relate to the prospective threat to public welfare typically posed by someone who would commit such a crime.

(c) The names or descriptions of crimes, as set out in the classification of crimes, are intended to serve only as generic names or descriptions of crimes and shall not be read as legal titles of crimes, or as limiting the included crimes to crimes bearing the exact name or description stated.

(d) The lists are not all-inclusive. Where a particular crime involved in an application is not listed in this rule, the Department has the authority to analogize the crime to the most similar crime that is listed. No inference is to be drawn from the absence of any crime from this list, to the effect that said crime is not grounds for adverse action under this rule.

(e) In evaluating law enforcement records, the Department shall use the highest classification into which the crime fits, where "A" is the highest classification.

(f) A charge in the nature of attempt or intent to commit a crime, or conspiracy to commit a crime, is classified the same as the crime itself.

(8) Required Waiting Periods for a Single Felony Crime. The Department finds it necessary for an applicant whose law enforcement record includes a single felony crime to wait the

time period specified below (subject to the mitigating factors set forth elsewhere in this rule) before licensure. All waiting periods run from the trigger date.

(a) Class A Crime. The applicant will not be granted licensure until 15 years have passed since the trigger date.

(b) Class B Crime. The applicant will not be granted licensure until 7 years have passed since the trigger date.

(c) Class C Crime. The applicant will not be granted licensure until 5 years have passed since the trigger date.

(d) The Department shall not impose any waiting period pursuant to this rule where the only crime in an applicant's law enforcement record is a single felony crime that results from the applicant's passing of a worthless check, or obtaining property in return for a worthless check, and the amount of the check or checks involved in the single felony crime is \$500 or less. However, this subparagraph shall not apply where a felony crime resulting from the applicant's passing of a worthless check, or obtaining property in return for a worthless check is not the only crime in an applicant's law enforcement record.

(4)(9) Applicants With Multiple Crimes.

(a) Where an applicant has more than one crime subject to a disqualifying period, an additional disqualifying period for each of those additional crimes shall be added to the disqualifying period. For each additional crime that is subject to a disqualifying period the Department shall add:

1. Five years to the disqualifying period for each additional felony involving moral turpitude but not subject to the permanent bar in Section 626.207(3), F.S.;

2. Two years to the disqualifying period for each additional felony not involving moral turpitude and not subject to the permanent bar in Section 626.207(3), F.S.; and

3. Two years to the disqualifying period for each additional misdemeanor directly related to a financial services business.

The Department construes Sections 626.611 and 626.621, Florida Statutes, to require that an applicant whose law enforcement record includes multiple felony crimes wait longer than those whose law enforcement record includes only a single felony crime before becoming eligible for licensure in order to assure that such applicant's greater inability or unwillingness to abide by the law has been overcome. Therefore, the Department finds it necessary that a longer waiting period be utilized in such instances, before licensure can safely be granted. Accordingly, where the applicant has been found guilty or pled guilty or pled nolo contendere to more than one felony or to a felony and one or more misdemeanors, or to a combination of misdemeanors and felonies, the Department shall add 5 years to the waiting period for each additional felony or insurance related misdemeanor, or misdemeanor involving a breach of trust or dishonesty, and one year each for all other misdemeanors.

(b) The additional disqualifying periods shall be added to the disqualifying basic waiting period for the one most serious crime, and the combined total disqualifying waiting period will then run from the trigger date of the applicant's final release from supervision for the most recent misdemeanor or felony crime that would be subject to a disqualifying period under Section 626.207(4), F.S.

(c) Classification as "Single Crime" versus "Multiple Crimes." Multiple crimes criminal charges arising out of the same act, or related acts, performed over a relatively short period of time and in a concerted course of conduct, and crimes committed in one transaction, episode, or course of conduct are treated by the Department as one crime for application of this rule. The most serious crime will be used as the basis for the disqualifying period. For the crimes to be considered a single crime, the applicant must have pled to or been convicted of such crimes on the same date and the judgment and sentence for those crimes must have been imposed concurrently. The Department will generally process the one most serious of the charges as if it were the only crime. However, charges describing separate but similar acts are treated as multiple crimes.

(5)(10) Mitigating Factors.

(a) If applicable, the Mitigating Factors listed below may be used to shorten the total disqualifying period only when the fifteen year disqualifying period established in Section 626.207(4)(a) is applicable. Where more than one mitigating factor is present the applicant is entitled to add all applicable years of mitigation together and deduct that number from the total disqualifying period only when the fifteen year disqualifying period is applicable; however, the fifteen year disqualifying period may not be reduced to less than seven years. Mitigating Factors cannot be used to reduce the seven year disqualifying periods established by Section 626.207(4)(b) or (c), F.S. Mitigating Factors may not be used to reduce the amount of the disqualifying period for failure to answer questions accurately and truthfully established in subparagraph (2)(b)1. The following Mitigating Factors may apply. The usual waiting period specified above shall be shortened upon proof of one or more of the following as are pertinent. Where more than one factor is present the applicant is entitled to add together all the applicable mitigation amounts and deduct that total from the usual waiting period, provided that an applicant shall not be permitted an aggregate mitigation of more than 4 years for the following factors:

1. One year is deducted if the applicant was age twenty-one or younger when the felony crime was committed and if there are no felony crimes on the applicant's law enforcement record after reaching the age of twenty-two probation officer or prosecuting attorney in the most recent crime states in a signed writing that the probation officer or

~~prosecuting attorney believes the applicant would pose no significant threat to public welfare if licensed as an agent or other insurance representative.~~

2. One year is deducted if the applicant furnishes proof that the applicant was addicted to drugs, suffering from active alcoholism, or suffering from a psychiatric disorder, at the time of the crime and the applicant furnishes a letter from a medical doctor, psychologist, or therapist, who is licensed by a duly constituted state licensing body, that states that the licensed person has examined or treated the applicant and that in his or her professional opinion the condition is currently in remission and has been in remission for at least the previous 12 months ~~restitution or settlement has been made for all crimes wherein restitution or settlement was ordered by the court, and proof of such restitution or settlement is shown in official court documents or as verified in a signed writing by the prosecuting attorney or probation officer.~~

3. One year is deducted if the applicant provides letters of recommendation from three or more persons who are not relatives of the applicant and who have known the applicant for at least the five years immediately preceding the application was under age 21 when the crime was committed, if there is only one crime on the applicant's law enforcement record. This mitigating factor shall not be applicable to an applicant who qualifies for 3 years of mitigation pursuant to mitigating factor 4 immediately below.

4. One year is deducted for each associate degree, bachelor's degree, master's degree or other higher education degree earned by an applicant from an accredited institution of higher learning subsequent to the commission of the crime which is the basis for the disqualifying period. Three years are deducted if the applicant was under age 21 when the crime was committed, if there is only one crime on the applicant's law enforcement record, and if that single crime is not insurance related and does not involve moral turpitude or a breach of trust or dishonesty.

5. One year is deducted if the applicant has performed 180 or more hours of volunteer work for a charitable organization within the three years immediately preceding the application, as evidenced by a letter signed by an official of the charitable organization where the volunteer hours were performed furnishes proof that the applicant was at the time of the crime addicted to drugs or suffering active alcoholism. The proof must be accompanied by a written letter from a properly licensed doctor, psychologist, or therapist licensed by a duly constituted state licensing body stating that the licensed person has examined or treated the applicant and that in his or her professional opinion the addiction or alcoholism is currently in remission and has been in remission for the previous 12 months. The professional opinion shall be dated within 45 days of the time of application.

~~6. One year is deducted if the applicant has held one or more professional licenses from any jurisdiction or professional licensing organization for at least one year within the five years immediately preceding application and subsequent to the commission of the crime which is the basis for the disqualifying period, and only if the applicant held the license during that time period without administrative action being taken. Other Mitigating Factors. An applicant is permitted to submit any other evidence of facts that the applicant believes should decrease the waiting period before licensure is allowed based on the standard in Section 626.207, Florida Statutes.~~

~~7. One year is deducted if the applicant has been employed at least 40 hours per week for a continuous two year period within the five years immediately preceding the application.~~

~~8. One year is deducted if the applicant has served at least one year in the United States Armed Forces, active or reserves, subsequent to the commission of the crime which is the basis for the disqualifying period and provided any discharge was without an Other Than Honorable Discharge designation.~~

~~(b) The burden is on upon the applicant to establish these Mitigating Factors. Any of Where the Mitigating Factors above that involve a state or relates to or requires evidence of governmental agency, a university or school, or a court action, it must be established by providing proved by a certified true copy of the document proving that Mitigating Factor agency or court document.~~

~~(6)(11) Aggravating Factors.~~

~~(a) The following Aggravating Factors apply:~~

~~1. Two years are added to the disqualifying period if the applicant's Law Enforcement Record indicates that a crime that is the basis of the disqualifying period victimized a natural person who was over age 65 at the time the crime was committed;~~

~~2. One year is added to the disqualifying period if the applicant was found by the court to have violated probation for the crime or crimes used to establish the disqualifying period and the violation was not a technical violation;~~

~~3. One year is added to the disqualifying period if the applicant was found to have committed a crime involving aggravated violence in which bodily injury resulted;~~

~~4. One year is added to the disqualifying period if any regulatory action was taken against the applicant by any regulatory authority that resulted in a penalty being imposed and was not based on failure to change an address or failure to report an administrative action;~~

~~5. One year is added to the disqualifying period and in addition to subsection (4) above if any regulatory action was taken against the applicant by any regulating authority for an action by the applicant that caused consumers or clients financial harm or loss in an amount over \$10,000;~~

6. One year is added to the disqualifying period if the applicant's Law Enforcement Record contains a crime that caused financial harm to any person in an amount over \$10,000.

(b) The burden is on the applicant to rebut evidence of any and all Aggravating Factors used by the Department to deny the application.

Circumstances Not Constituting Mitigation. The Department finds that no mitigating weight exists in the provisions of Sections 626.611 and 626.621, Florida Statutes, and none will be given, for the following factors:

(a) Type of Plea. The Department draws no distinction among types of pleas; i.e., found guilty; pled guilty; pled nolo contendere.

(7)(b) Collateral Attack on Criminal Proceedings. The Department will not allow or give any weight to an attempt to re-litigate, impeach, or collaterally attack judicial criminal proceedings or their results wherein the applicant was found guilty or pled guilty or nolo contendere. Thus the Department will not hear or consider arguments such as: the criminal proceedings were unfair; the judge was biased; the witnesses or prosecutor lied or acted improperly; the defendant only pled guilty due to financial or mental stress; the defendant was temporarily insane at the time of the crime; or the defendant had ineffective counsel.

(e) The Department finds that subjective factors involving state of mind, generally have no mitigating weight.

(8)(12) Effect of Pending Appeal in Criminal Proceedings; Reversal on Appeal.

(a) The Department interprets the statutory grounds for denial of licensure exist as arising immediately upon an entry of judgment a finding of guilt, or a plea of guilty or nolo contendere, regardless of whether an appeal is or is not allowed to be or is being taken. The Department will not wait for the outcome of an appeal to deny licensure, unless a Florida court specifically stays the Department's adverse action.

(b) If on appeal the judgment conviction is reversed, and the judgment was the basis for the Department's denial of an application, then the applicant may reapply for licensure after providing proof of the reversal. Department shall immediately drop the said crime as grounds for denial of license, but shall, if supported by clear and convincing evidence, notwithstanding the reversal, consider the acts alleged in the criminal proceeding as reflecting on an applicant's character, trustworthiness, and fitness for licensure. If the conviction is later reinstated, the Department shall again count the "crime" itself as grounds for denial of licensure.

(13) General Policy Regarding Law Enforcement Matters Not Resulting in a Finding or Plea of Guilt or Nolo Contendere.

(a) Fitness and Trustworthiness. The Department interprets Section 626.611(7), Florida Statutes, relating to demonstrated lack of fitness or trustworthiness, as being

applicable to license application proceedings. Furthermore, the Department interprets said section as not limiting the evidence demonstrating the unfitness or untrustworthiness to evidence arising in an insurance context.

(b) ~~Character. The Department interprets Section 626.171(2)(f), Florida Statutes, as imposing upon the Department a duty to evaluate the “character” of an applicant, and to deny licensure to an applicant who has serious flaws as to such character. The Department interprets “character” to mean the applicant’s demonstrated adherence to commonly accepted norms and standards of conduct in society.~~

(c) ~~Charges Acquitted, Dismissed: General Policy. The Department finds that it is authorized by Section 626.611(7), Florida Statutes, to inquire into the facts underlying any criminal charge of which the applicant was acquitted or which was dismissed in appropriate cases, to deny licensure where such facts in context show a lack of fitness, trustworthiness, or character. A dismissal or acquittal might reflect true innocence, procedural problems peculiar to the criminal justice system, or the extremely high standard of proof in criminal proceedings. Evidence insufficient to support a finding of criminal guilt might be sufficient to support administrative action because of the differing burdens of proof and evidentiary and procedural rules for administrative proceedings versus criminal proceedings.~~

(d) ~~Arrests, Pending Charges, and Pre-trial Interventions: General Policy.~~

1. ~~The Department finds that information as to arrests and pre-trial interventions occurring within 12 months of time of application and all pending criminal charges as of time of application to be necessary and pertinent disclosures on the application, pursuant to Section 626.171(2)(f), Florida Statutes. The Department finds that such matters often supply particularly timely evidence of an applicant’s current character, fitness, and trustworthiness, and in some instances reveal criminal court proceedings underway which have not yet reached final disposition in the criminal justice system.~~

2. ~~The Department shall not draw any adverse inference against the applicant solely on the basis that the applicant was arrested, or is the subject of pending criminal charges. However, the Department is authorized to inquire into the facts underlying the arrest or pending criminal charges, and where it is shown that a serious impropriety was committed by the applicant, the Department shall deny licensure where such facts in context show a lack of fitness, trustworthiness, or character.~~

(9)(14) Pre-Trial Intervention: Specific Policy. The Department will not grant licensure to any person who at the time of the application is participating in a pre-trial intervention program for any crime that could be used as the basis of denial pursuant to Section 626.207, F.S.

~~(a) It is the Department’s interpretation of Section 948.08, Florida Statutes, relating to Pre-trial Intervention, that same, and similar programs in other states, are a matter of legislative grace to save persons who are guilty of a non-violent, first-time felony from incurring a criminal record; and that entry into Pre-trial Intervention is conclusive evidence that the criminal charges involved were meritorious, even though ultimately dismissed after the successful conclusion of the pre-trial intervention.~~

~~(b) The Department will not grant licensure to any person who at time of application is participating in a pre-trial intervention program. The Department finds it necessary to the public welfare to wait until the pre-trial intervention is successfully completed before licensure will be considered.~~

~~(c) The Department shall generally not deny licensure to an applicant where the only law enforcement record consists of a successfully completed pre-trial intervention. However, where the law enforcement record includes matters in addition to the pre-trial intervention whether previous or subsequent, the Department will consider adverse to the applicant the matters involved in the pre-trial intervention, because those matters reflect on the applicant’s character, fitness, or trustworthiness.~~

(10)(15) Effect of an Order Sealing or Expunging of Criminal Records.

(a) An applicant is not required to disclose or acknowledge, and is permitted ~~in fact~~ to affirmatively deny, any arrest or criminal proceeding; when the record of such which has been legally and properly expunged or sealed by order of a court of competent jurisdiction or by operation of law in the jurisdiction in which the arrest or criminal proceeding took place prior to the time of application, and such denial or failure to disclose is not grounds for adverse action by the Department.

(b) The denial or failure to disclose such arrest or criminal proceeding is not grounds for adverse action by the Department, even if the information had been previously revealed to the Department in another or previous application.

1. ~~The Department interprets the legislative intent in allowing a matter to be sealed or expunged to be that the matter thus sealed or expunged not be permitted to be held against the subject as a “crime” per se, and that the matter not be permitted to be proved against the subject by reference to the court’s findings or verdict.~~

2. ~~However, the Department shall consider the facts underlying a sealed or expunged criminal record against the applicant as they reflect on fitness, character, or trustworthiness, if the facts are provable by the Department independent of use of the court record. The Department is permitted to use the same or different evidence as was used in the court proceeding. As a practical matter, due to Department resource limitations and the difficulty of establishing such matters independent of the court record, the Department does~~

not generally attempt to pursue or follow-up on matters that are part of a sealed or expunged court record, except in unusual circumstances, which include:

- a. There appears to be more than one sealed or expunged case involving the applicant.
- b. The order of sealing or expungement appears to the Department to have been obtained by misleading the court.
- e. The crime was particularly pertinent to the practice of insurance.
- d. Any member of the public, including the victim of the crime, upon learning of the application for license, asks that the Department further consider the matter.
- e. The applicant failed to reveal the matter in his or her application and the matter was not then sealed or expunged, having been sealed or expunged subsequent to the application's being submitted.

(c) ~~The Department will not withhold or stay the issuance of a denial of a license application pending action on requests for sealing or expunging criminal records. Matters Sealed or Expunged Subsequent to Application. Occasionally an applicant will have a matter sealed or expunged after submitting his or her application. In such situations the Department policy is as follows:~~

1. ~~If the applicant properly revealed the matter on the application, and thereafter has the record sealed or expunged, the Department will cease to consider the matter as a "crime" per se, and will further pursue the matter only under the unusual conditions described above.~~

2. ~~If the applicant did not reveal the matter on the application, the Department will, if the Department finds that the applicant would pose an undue threat to the public welfare if licensed, take one of the following courses of action, depending on Department resources available: petitioning the court to re-open the record in view of the false application; or denying the application or seeking revocation on the ground that the failure to reveal the matter shows deceit and reflects adversely on the character, fitness, or trustworthiness of the applicant.~~

~~(d) Sealing or Expunging Department Records.~~

1. ~~It is the Department's interpretation of Florida statutes regarding sealing or expunging records that the Department is only required to expunge its records of references to the subject criminal proceedings upon receipt of a copy of the Court's Order of Sealing or Expunction of such records.~~

2. ~~The Department interprets a Court's Order of Sealing or Expunction only to apply to references to the court proceedings and copies of court records relating to those proceedings in the Department's possession, and not to apply to references in the Department's records to the underlying matter where those references appear in the Department's records via evidence other than the court proceedings or record.~~

3. ~~Where the Department seals or expunges its records, the following procedures are used by the Department as to microfilm records. It is Department policy not to physically delete or mask documents from microfilm records. Instead, the Department deletes reference to the documents from the microfilm index, thus effectively eliminating the records. It is Department policy that this satisfies a sealing or expungement order unless otherwise expressly directed by a court. The Department's licensure records generally exist only on hundreds of rolls of microfilm, with thousands of documents covering thousands of licensees, per microfilm roll. The Department does not have the equipment to edit and splice the microfilm, and in any event splicing the film would shorten the life and dependability of the film, endangering the only records relating to thousands of licensees. It is not feasible to expunge certain documents on a roll, by printing all the documents on the roll, then deleting those to be expunged, and then re-microfilming the remainder; same is not feasible both because the quality of the re-microfilmed material would be so poor as to render much of it unreadable when subsequently printed out, and the Department does not have the resources to perform this task.~~

~~(11)(16) Disclosure and Effect of a Pardon.~~

(a) ~~Pardoned crimes must be reported on the application as part of the Law Enforcement Record. However, the applicant shall clearly indicate that a pardon has been granted for the crime, and provide attached supporting documentation paperwork. The burden of proof shall be on the applicant to prove the pardon by certified true copy of the pardon and related documents.~~

(b) ~~A pardoned crime generally will not be considered against the applicant by the Department.~~

(c) ~~However, this general policy is subject to the following exceptions, in which case the pardoned crime will not be ignored by the Department:~~

1. ~~The applicant has subsequently been found guilty, or pled guilty or nolo contendere, to any felony or misdemeanor regardless of adjudication; or~~

2. ~~The pardoned crime directly involved the business of insurance.~~

~~(d) If a pardoned crime falls within either of the two exceptions contained in sub-subparagraphs (11)(c)1. or 2. above, the Department may apply the disqualifying periods set out in Section 626.207, F.S. When any crime falls within either of these two exceptions, the Department shall apply the usual waiting periods and mitigating factors set out in this rule unless the Department finds that the applicant would still pose a threat to the public welfare if licensed.~~

~~(e) The Department will not withhold or stay denial of a license application pending action on requests for a pardon.~~

~~(17) Effect of Loss or Restoration of Civil Rights.~~

~~(a) A crime as to which civil rights have been restored remains part of the law enforcement record and must be revealed on the application.~~

~~(b)1. A person who has been convicted of a felony shall not be eligible for licensure until such person has received a restoration of civil rights.~~

~~2. Restoration of civil rights does not create any right to be granted a license.~~

~~3. After a person receives restoration of civil rights, the person may apply for a license and have the application reviewed in the same manner as applicants who never lost their civil rights.~~

~~4. The applicant must meet the standard qualifications required by applicable statutes and rules for the license sought.~~

~~(c)1. An applicant will not be disqualified for licensure solely because of a prior conviction if the applicant has received a restoration of civil rights.~~

~~2. The Department shall take into account and rely upon the circumstances surrounding a prior conviction in determining an applicant's fitness and trustworthiness to engage in the business of insurance.~~

~~3. If the Department denies an application based upon the circumstances surrounding a prior conviction, the Department will apply the waiting periods and mitigating factors set forth in Rule Chapter 69B 211, F.A.C., that are applicable to the crime for which the applicant was convicted.~~

~~(d) The Department will recognize restoration of civil rights by other states or the federal government when evidenced by a certified true copy of the court or administrative order restoring the rights, or other evidence that civil rights were restored by operation of law.~~

~~(e) The burden is upon the applicant to prove restoration of civil rights.~~

~~(12)(18) Effect of Varying Terminology.~~

~~(a) For purposes of this rule, if the jurisdiction in which the applicant was prosecuted does not define or categorize felony crimes as they are defined or categorized in Florida as capital, first degree, second degree, or third degree felonies, the Department may analogize the crime to the most similar crime under Florida laws by using the elements of that crime as defined in the statute of the jurisdiction in which the applicant was prosecuted and matching those elements to the most similar Florida Statute.~~

~~(b)(a) With regard to the following six subparagraphs, the Department treats each phrase in a particular subparagraph as having the same effect as the other phrases in that same subparagraph:~~

- ~~1. Adjudicated guilty; convicted.~~
- ~~2. Found guilty; entered a finding of guilt.~~
- ~~3. Pled guilty; entered a plea of guilty; admitted guilt; admitted the charges.~~

~~4. Nolo contendere; no contest; did not contest; did not deny; no denial.~~

~~5. Adjudication of guilt withheld; Adjudication withheld; no adjudication entered; entry of findings withheld; no official record to be entered; judgment withheld; judgment not entered.~~

~~6. Nolle prosequi; nolle prosequi; charges withdrawn; charges dismissed; charges dropped.~~

~~(b) When necessary. In all other instances the Department will look to the substantive meaning of the terminology used in the context in which it was used under the law of the jurisdiction where it was used.~~

~~(13)(19) Imprisoned Persons. Notwithstanding any provision to the contrary in this rule, the Department shall not license any applicant under Chapter 626, Florida Statutes, while the applicant is imprisoned, under arrest, in custody, under supervision, or serving a sentence, for any crime. Further, the Department shall not license any applicant who has been released from imprisonment until the later of the period otherwise set out in these rules or 1 year from release. The Department finds it necessary that the person be released from imprisonment and thereafter demonstrate an ability to abide by the law by passage of at least one year on good behavior, before licensure can safely be granted without undue risk to the public welfare.~~

~~(14)(20) Effect of Disqualifying Waiting Periods. The disqualifying waiting periods applied pursuant to Section 626.207, F.S. or established in this rule do not give an applicant a right to licensure after any set period of time if the Department finds additional evidence that the applicant still possesses a criminal propensity which poses an undue threat to the public welfare. After the disqualifying period, an applicant may re-apply for licensure and the law in effect at the time will apply to that application.~~

~~(15)(24) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce, eliminate, or apply a disqualifying period or to determine if the permanent bar under Section 626.207(3), F.S. is applicable waiting period:~~

~~(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States; and~~

~~(b) The degree of penalty associated with the same or similar crimes in the United States; and~~

~~(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.~~

~~(21) Class "A" Crimes include all those listed in this subsection, where such crimes are felonies, and all are of equal weight notwithstanding from which subparagraph they are drawn. The Department finds that each felony crime listed in this subsection is a crime of moral turpitude.~~

~~(a) Submitting false insurance claims or applications.~~

- ~~(b) Crimes relating to workers' compensation insurance.~~
- ~~(c) Theft or other dishonest dealings with premiums or claims money.~~
- ~~(d) Making false reports to insurance regulatory officials.~~
- ~~(e) Grand theft or embezzlement from an insurance company or agency.~~
- ~~(f) Armed robbery (face to face theft by threat of force or force).~~
- ~~(g) Extortion.~~
- ~~(h) Bribery.~~
- ~~(i) Misuse of public office.~~
- ~~(j) Obstructing justice.~~
- ~~(k) Treason against the United States, or a state, district, or territory thereof.~~
- ~~(l) Abuse of elderly or disabled persons.~~
- ~~(m) Altering public documents.~~
- ~~(n) Forgery.~~
- ~~(o) Perjury.~~
- ~~(p) Racketeering.~~
- ~~(q) Witness tampering.~~
- ~~(r) Child abuse.~~
- ~~(s) Grand theft.~~
- ~~(t) Larceny.~~
- ~~(u) Burglary.~~
- ~~(v) Breaking and entering.~~
- ~~(w) Fraud.~~
- ~~(x) Embezzlement.~~
- ~~(y) Tax evasion.~~
- ~~(z) Defrauding an innkeeper.~~
- ~~(aa) Passing worthless check(s) with intent to defraud.~~
- ~~(bb) Failure to pay tax.~~
- ~~(cc) Buying, receiving, concealing, or possessing stolen property.~~
- ~~(dd) Fraudulent obtaining of food stamps or other welfare fraud.~~
- ~~(ee) Shoplifting.~~
- ~~(ff) Adulteration or poisoning of drugs or food.~~
- ~~(gg) Illegal possession of a firearm.~~
- ~~(hh) Impersonating or attempting to impersonate a law enforcement officer.~~
- ~~(ii) Robbery.~~
- ~~(jj) Unlawful possession of a postal key.~~
- ~~(kk) Securities fraud.~~
- ~~(ll) Sale of unregistered securities.~~
- ~~(mm) Sale of securities by an unregistered dealer.~~
- ~~(nn) Postal fraud.~~
- ~~(oo) Obtaining controlled substance by fraud.~~
- ~~(pp) Not paying required tax as a transferee of a controlled substance.~~
- ~~(qq) Uttering a forged check.~~

- ~~(rr) Forgery of a deed.~~
- ~~(ss) Defrauding the government.~~
- ~~(tt) Criminal possession of a forged instrument.~~
- ~~(uu) Credit card fraud.~~
- ~~(vv) Conspiracy.~~
- ~~(ww) Carrying a concealed weapon/firearm.~~
- ~~(xx) Murder in all degrees.~~
- ~~(yy) Aggravated Assault (e.g., as with a deadly weapon).~~
- ~~(zz) Aggravated Battery (e.g., as with a deadly weapon).~~
- ~~(aaa) Rape.~~
- ~~(bbb) Sexually molesting any minor.~~
- ~~(ccc) Sexual battery.~~
- ~~(ddd) Arson.~~
- ~~(eee) Aircraft piracy/hijacking.~~
- ~~(fff) Sale, importation, or distribution of controlled substances (drugs); or possession for sale, importation or distribution.~~
- ~~(ggg) Deriving income from another person's prostitution activities.~~
- ~~(hhh) Running a gambling establishment.~~
- ~~(iii) Unlawful placing, throwing, or discharging a bomb.~~
- ~~(jjj) Battery of or threatening a law enforcement officer or public official in the performance of his/her duties.~~
- ~~(kkk) Kidnapping.~~
- ~~(lll) Incest.~~
- ~~(22) Class "B" Crimes include the following felony crimes:~~
 - ~~(a) Manslaughter.~~
 - ~~(b) Simple Assault.~~
 - ~~(c) Simple Battery.~~
 - ~~(d) Gambling.~~
 - ~~(e) Possession of burglary tools.~~
 - ~~(f) Resisting arrest with violence.~~
 - ~~(g) Damage to Property.~~
 - ~~(h) Criminal mischief.~~
 - ~~(i) Passing worthless check(s) without intent to defraud.~~
- ~~(23) Class "C" Crimes include the following felony crimes:~~
 - ~~(a) Public drunkenness.~~
 - ~~(b) Driving under the influence.~~
 - ~~(c) Trespassing.~~
 - ~~(d) Resisting arrest without force.~~
 - ~~(e) Disorderly conduct.~~
 - ~~(f) Solicitation of prostitution.~~
 - ~~(g) Prostitution.~~
 - ~~(h) Obscenity.~~
 - ~~(i) Bigamy.~~
 - ~~(j) Sale of fireworks.~~
 - ~~(k) Criminal trespass.~~
 - ~~(l) Cruelty to animals.~~

- ~~(m) Personal use of controlled substances (illegal drugs).~~
- ~~(n) Possession of controlled substances (illegal drugs) for personal use.~~
- ~~(o) Possession of drug paraphernalia for personal use.~~
- ~~(p) Domestic disturbance not involving violence.~~
- ~~(q) Violation of fish and game laws.~~
- ~~(r) Crimes of civil disobedience relating to matters of conscience (e.g., burning of draft cards, nonviolent resisting of arrest at protests).~~
- ~~(s) Illegal possession of weapon.~~
- ~~(t) Fleeing arrest or fleeing a law enforcement officer.~~
- ~~(u) Escape.~~

Rulemaking Specific Authority 624.308, 626.207 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS. History—New 10-17-02, Formerly 4-211.042, Amended 7-21-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Matt Tamplin, Bureau Chief, Bureau of Licensing, Division of Insurance Agent & Agency Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2011

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.001
 RULE TITLE: List of Approved Forms; Incorporation by Reference.

PURPOSE AND EFFECT: Sections 497.373 and 497.375, F.S., were amended by Chapter 2010-125, Laws of Florida, to clarify the educational requirements for a funeral director license and to allow funeral director interns to earn an income while they obtain a formal education and complete the required internship. The proposed amendments will implement those changes by amending an application form and adopting six new forms.

SUMMARY: The proposed amendment will adopt an updated Application for Funeral Director Intern License Form and five new forms that will implement the legislative changes to Section 497.375, F.S. The new forms include the: (i) Application to Renew Funeral Director Internship to Continue Course of Study; (ii) Application to Renew Internship Due to Illness, Hardship, or Awaiting Results; (iii) Application to Take the Law and Rules Exam; (iv) Certification for General Supervision of Intern; (v) Report of Suspension of Intern's Conditions of Internship. The proposed amendment will also adopt a new form, Application for Approval of a Course of

Study under Section 497.373(1)(d)2., F.S., that can be used by a college or university to obtain Board approval of a course of study in mortuary science or funeral service arts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

RULEMAKING AUTHORITY: 497.103(2)(c), (g), (5)(b), 497.141(12)(g) FS.

LAW IMPLEMENTED: 497.373, 497.375 FS.

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

DATE AND TIME: June 6, 2012, 10:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, 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: LaTonya Bryant-Parker at (850)413-4957 or LaTonya.Bryant-Parker@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984 or Doug.Shropshire@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-1.001 List of Approved Forms; Incorporation by Reference.

The following forms are hereby adopted and incorporated by reference, and can be obtained from the Department by writing to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, by logging on to the Department's website at <http://www.myfloridacfo.com/FuneralCemetery/>, or by telephoning (850)413-3039:

(1) through (37) No change.

(38) DFS-N1-1722, "Application for Funeral Director Intern License," Rev. 1/12 Eff. 10-06.

(39) through (101) No change.

(102) DFS-N1-2036, "Application to Renew Funeral Director Internship to Continue Course of Study." Eff. 1/12.

(103) DFS-N1-2037, "Application to Renew Internship Due to Illness, Hardship, or Awaiting Results." Eff. 1/12.

(104) DFS-N1-2038, "Application to Take the Law and Rules Exam." Eff. 1/12.

(105) DFS-N1-2039, "Certification for General Supervision of Intern." Eff. 1/12.

(106) DFS-N1-2040, "Report of Suspension of Intern's Conditions of Internship." Eff. 1/12.

(107) DFS-N1-2041, "Application for Approval of a Course of Study under Section 497.373(1)(d)2., F.S.," Eff. 1/12.

Rulemaking Authority 497.101(8), 497.103(5)(b), 497.141(2), (12)(f), 497.142(10)(g), (12), 497.146, 497.147(4)(a), (d), (5), 497.263(2)(a), 497.264(2)(a), 497.266(2), 497.269, 497.270(2), 497.272(7), 497.283(2)(c), 497.287(2), 497.367(2), 497.370(1), 497.375(1), 497.380(4), (12), 497.382(1), (2), 497.385(1)(a), (g)1., (2)(f), (g), 497.453(1)(a), (4)(b), (5)(a), (b), (7)(a), (8), 497.454(1), 497.456(13)(f), 497.461(4), (8), (12), (16), 497.462(2), (10), 497.464(3), 497.466(5)(c), (8)(a), 497.550(2), 497.551(3), 497.553(2), (6)(a), 497.554(2), 497.602(2)(a), 497.603(2), 497.604(2)(a), (6), 497.606(2)(a), (6), (9)(a), 497.608(2) FS. Law Implemented 497.101(8), 497.103(2)(c), 497.149, 497.141, 497.142, 497.143, 497.146, 497.147, 497.263, 497.264, 497.266, 497.269, 497.270, 497.272, 497.281, 497.283, 497.287, 497.365, 497.367, 497.368, 497.369, 497.370, 497.373, 497.374, 497.375, 497.378, 497.379, 497.380, 497.382, 497.385, 497.453, 497.454, 497.456, 497.461, 497.462, 497.464, 497.466, 497.550, 497.551, 497.553, 497.554, 497.602, 497.603, 497.604, 497.606, 497.608 FS. History—New 9-28-03, Formerly 3F-5.010, 69K-5.010, Amended 1-24-08, 4-18-10, 6-17-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0573 RULE TITLE: Industry Certification Process.

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 15, April 13, 2012 Florida Administrative Weekly has been continued from May 10, 2012 to July 17, 2012.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.088 RULE TITLE: Developmental Disabilities Consumer Directed Care Plus

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 44, November 4, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-35.010 RULE TITLE: Construction Industry Departmental Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 16, April 20, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-5.025 RULE TITLE: Hydraulic Supply Shut-off Valves

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. 38, No. 11, March 16, 2012 issue of the Florida Administrative Weekly.

61C-5.025 Hydraulic Supply Shut-off Valves.

~~Regardless of other codes adopted within this rule chapter, Hydraulic supply shut-off valves known as "knock-style valves" do not comply with the safety requirements in ASME A17.1 and ASME A17.3, as adopted in Rule 61C-5.001, F.A.C., and referenced in the Florida Building Code are prohibited from use and must be replaced prior to obtaining a renewal certificate of operation. The division hereby determines that any elevator containing this type of valve is in violation of the Florida Building Code. Certified elevator inspectors must cite this violation and elevator owners must correct the violation to obtain a current satisfactory inspection.~~

Rulemaking Authority 399.02, 399.10 FS. Law Implemented 399.001, 399.061 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-8.006
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

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. 38, No. 17, April 27, 2012 issue of the Florida Administrative Weekly.

The change is due to language being inadvertently omitted. The change is as follows:

(ee) Violating any provision of Section 390.0111 (Section 390.0111(12), F.S.)

MINIMUM

Letter of Concern

Rulemaking Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History—New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 210-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03, 2-22-04, 8-3-05, 7-5-06, 2-6-12,_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

**Section IV
 Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-34
 RULE TITLE: Instant Game Number 1147, GOLD 7's

SUMMARY: This emergency rule describes Instant Game Number 1147, "GOLD 7's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-34 Instant Game Number 1147, GOLD 7's.

(1) Name of Game. Instant Game Number 1147, "GOLD 7's."

(2) Price. GOLD 7's lottery tickets sell for \$1.00 per ticket.

(3) GOLD 7's lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning GOLD 7's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-17, F.A.C.

(4) The GAME play symbols and play symbol captions are as follows:



(5) The PRIZE symbols and prize symbol captions are as follows:



(6) The legends are as follows:

- GAME 1
- GAME 2
- GAME 3
- GAME 4 PRIZE

(7) Determination of Prizewinners.

(a) There are four (4) games on a ticket. Each game is played separately. A ticket having two like play symbols and corresponding play symbol captions in the same game shall entitle the claimant to the corresponding prize shown for that

game. A ticket having a "DOUBLE" symbol and corresponding caption in a game shall entitle the claimant to double the prize shown for that game.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$30.00, \$40.00, \$100, \$200, \$1,000, and \$3,000.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 1147 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF	NUMBER OF WINNERS IN 50 POOLS OF
			TICKETS
		1 IN	PER POOL
\$1	\$1	11.11	1,080,000
\$1 (NUMBER 7)	\$2	37.50	320,000
\$1 x 2	\$2	60.00	200,000
\$2	\$2	37.50	320,000
\$1 x 4	\$4	300.00	40,000
\$1 (NUMBER 7) +	\$4	150.00	80,000
\$2	\$4	150.00	80,000

\$2 (NUMBER 7)	\$4	150.00	80,000
\$2 x 2	\$4	300.00	40,000
\$4	\$4	300.00	40,000
(\$1 x 3) + \$2	\$5	750.00	16,000
\$1 + \$2 (NUMBER 7)	\$5	750.00	16,000
\$1 + (\$2 x 2)	\$5	750.00	16,000
\$1 + \$4	\$5	750.00	16,000
\$5	\$5	750.00	16,000
\$2 + \$4 (NUMBER 7)	\$10	500.00	24,000
(\$2 x 3) + \$4	\$10	500.00	24,000
\$5 (NUMBER 7)	\$10	500.00	24,000
\$5 x 2	\$10	500.00	24,000
\$10	\$10	500.00	24,000
\$5 (NUMBER 7) + \$10	\$20	1,500.00	8,000
\$5 x 4	\$20	1,500.00	8,000
\$10 (NUMBER 7)	\$20	1,500.00	8,000
(\$5 x 2) + \$10	\$20	1,500.00	8,000
\$20	\$20	1,500.00	8,000
(\$5 x 2) + (\$10 x 2)	\$30	8,000.00	1,500
\$5 (NUMBER 7) + (\$10 x 2)	\$30	8,000.00	1,500
\$10 x 3	\$30	8,000.00	1,500
\$10 (NUMBER 7) + \$10	\$30	8,000.00	1,500
\$30	\$30	8,000.00	1,500
\$10 (NUMBER 7) + \$20	\$40	9,600.00	1,250
\$10 x 4	\$40	9,600.00	1,250
\$20 (NUMBER 7)	\$40	9,600.00	1,250
(\$10 x 2) + \$20	\$40	9,600.00	1,250
\$40	\$40	9,600.00	1,250
(\$20 x 3) + \$20 (NUMBER 7)	\$100	12,000.00	1,000
(\$30 x 2) + \$40	\$100	16,000.00	750
\$20 + (\$40 x 2)	\$100	20,000.00	600
\$20 + \$40 (NUMBER 7)	\$100	16,000.00	750
\$100	\$100	16,000.00	750
\$30 (NUMBER 7) + \$30 (NUMBER 7) + (\$40 x 2)	\$200	120,000.00	100
\$40 + \$40 (NUMBER 7) + \$40 (NUMBER 7)	\$200	120,000.00	100
\$100 (NUMBER 7)	\$200	120,000.00	100
\$100 x 2	\$200	120,000.00	100
\$200	\$200	120,000.00	100
\$200 + \$200 (NUMBER 7) + \$1,000	\$1,000	240,000.00	50
\$1,000	\$1,000	240,000.00	50
\$3,000	\$3,000	240,000.00	50

(9) The estimated overall odds of winning some prize in Instant Game Number 1147 are 1 in 4.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 1147, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) Payment of prizes for GOLD 7's lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 4-30-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 30, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-35
 RULE TITLE: Instant Game Number 1150, FANTASTIC 5s

SUMMARY: This emergency rule describes Instant Game Number 1150, "FANTASTIC 5s" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

- 53ER12-35 Instant Game Number 1150, FANTASTIC 5s.
- (1) Name of Game. Instant Game Number 1150, "FANTASTIC 5s."
- (2) Price. FANTASTIC 5s lottery tickets sell for \$2.00 per ticket.
- (3) FANTASTIC 5s lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning FANTASTIC 5s lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-17, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN	★ HIN	FANS STIMES
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 TENTY		

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVN	12 TWELV	13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN	19 NINTN	20 TENTY

(6) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$20.00 TWENTY	\$25.00 THY FIVE
\$30.00 THIRTY	\$40.00 FORTY	\$100 ONE HUN	\$400 FOUR HUN	\$1,000 ONE THOU	\$5,000 FIVE THOU	\$25,000 THYFIV THOU

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches either play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol.

A ticket having a "★ HIN" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to the prize shown for that symbol. A ticket having a

"FANS STIMES" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to five times the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$30.00, \$40.00, \$100, \$400, \$1,000, \$5,000, and \$25,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1150 are as follows:

(\$1 x 2) + \$2	\$4	50.00	244,800
\$2 x 2	\$4	50.00	244,800
\$4	\$4	50.00	244,800
\$1 (FAN5)	\$5	150.00	81,600
(\$1 x 3) + \$2	\$5	250.00	48,960
\$1 + (\$2 x 2)	\$5	250.00	48,960
\$1 + \$4	\$5	375.00	32,640
\$5	\$5	375.00	32,640
\$1 x 10	\$10	250.00	48,960
\$2 (FAN5)	\$10	250.00	48,960
\$2 x 5	\$10	250.00	48,960
\$5 x 2	\$10	250.00	48,960
\$10	\$10	250.00	48,960
\$2 x 10	\$20	750.00	16,320
\$4 x 5	\$20	750.00	16,320
\$4 (FAN5)	\$20	750.00	16,320
\$10 x 2	\$20	750.00	16,320
\$20	\$20	750.00	16,320
(\$2 x 8) + \$4	\$25	3,600.00	3,400
+ \$5			
\$5 x 5	\$25	3,600.00	3,400
\$5 (FAN5)	\$25	1,800.00	6,800
\$5 + (\$10 x 2)	\$25	3,600.00	3,400
\$25	\$25	3,600.00	3,400
(\$2 x 5) + (\$5 x 4)	\$30	1,800.00	6,800
(\$5 x 4) + \$10	\$30	1,800.00	6,800
\$10 x 3	\$30	1,800.00	6,800
\$5 + \$5 (FAN5)	\$30	1,800.00	6,800
\$30	\$30	1,800.00	6,800
\$4 x 10	\$40	3,600.00	3,400
\$10 x 4	\$40	3,600.00	3,400
(\$4 (FAN5) x 2)	\$40	1,800.00	6,800
\$20 x 2	\$40	3,600.00	3,400
\$40	\$40	3,600.00	3,400
\$10 x 10	\$100	3,600.00	3,400
(\$20 x 3) + \$40	\$100	3,600.00	3,400
\$25 x 4	\$100	3,600.00	3,400
\$20 (FAN5)	\$100	3,600.00	3,400
\$100	\$100	3,600.00	3,400
\$40 x 10	\$400	36,000.00	340
(\$25 x 4) + (\$100 x 3)	\$400	36,000.00	340
(\$40 (FAN5) x 2)	\$400	30,000.00	408
\$100 x 4	\$400	36,000.00	340
\$400	\$400	36,000.00	340
\$100 x 10	\$1,000	180,000.00	68
(\$100 x 6) + \$400	\$1,000	180,000.00	68

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 68 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	10.71	1,142,400
\$1 x 4	\$4	50.00	244,800

(\$100 x 2) + (\$400 x 2) (\$100)	\$1,000	180,000.00	68
(FAN5) x 2) \$1,000	\$1,000	90,000.00	136
\$1,000 x 5	\$5,000	1,224,000.00	10
\$5,000	\$5,000	1,224,000.00	10
\$25,000	\$25,000	1,224,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 1150 are 1 in 4.39. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1150, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for FANTASTIC 5s lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 4-30-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: April 30, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-36
RULE TITLE: Instant Game Number 1153, HEAT WAVE

SUMMARY: This emergency rule describes Instant Game Number 1153, "HEAT WAVE" for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-36 Instant Game Number 1153, HEAT WAVE.

(1) Name of Game. Instant Game Number 1153, "HEAT WAVE."

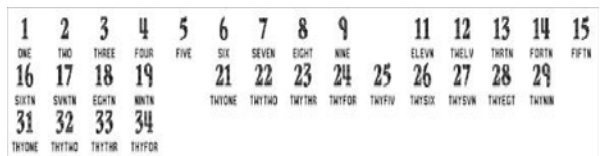
(2) Price. HEAT WAVE lottery tickets sell for \$5.00 per ticket.

(3) HEAT WAVE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HEAT WAVE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-17, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:



(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:



(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that symbol. A

ticket having a "DOUBLE" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to double the prize shown for that symbol. A ticket having a

"10X" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to ten times

the prize shown for that symbol. A ticket having a "MINIALL" symbol and corresponding caption in the "YOUR NUMBERS" play area shall entitle the claimant to all twelve prizes shown.

(b) The prizes are: \$2.00, \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$500, \$1,000, \$5,000, \$20,000 and \$250,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1153 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 60 POOLS OF 120,000 TICKETS PER POOL
\$5	\$5	10.00	720.000
\$2 x 5	\$10	30.00	240.000
\$5 x 2	\$10	60.00	120.000
\$5 (SUN)	\$10	30.00	240.000
\$10	\$10	60.00	120.000
\$5 x 3	\$15	300.00	24.000
\$5 + \$5 (SUN)	\$15	150.00	48.000
\$5 + \$10	\$15	300.00	24.000
\$15	\$15	300.00	24.000
\$2 x 10	\$20	300.00	24.000
\$2 (10X)	\$20	300.00	24.000
\$5 x 4	\$20	300.00	24.000
\$10 (SUN)	\$20	300.00	24.000
\$20	\$20	300.00	24.000
\$2 (10X) + \$5	\$25	1,200.00	6.000
\$5 x 5	\$25	1,200.00	6.000
\$5 + (\$10 x 2)	\$25	2,000.00	3.600
\$5 + \$10 (SUN)	\$25	1,200.00	6.000
\$25	\$25	2,000.00	3.600
(\$2 x 10) + (\$5 x 2) (HEAT BURST)	\$30	1,200.00	6.000
\$2 (10X) + \$10	\$30	1,500.00	4.800
\$10 x 3	\$30	1,600.00	4.500
\$15 (SUN)	\$30	1,500.00	4.800
\$30	\$30	1,600.00	4.500
(\$2 x 5) + (\$5 x 6) + \$10 (HEAT BURST)	\$50	1,200.00	6.000
\$5 x 10	\$50	1,500.00	4.800
\$5 (10X)	\$50	1,500.00	4.800
\$25 (SUN)	\$50	1,500.00	4.800
\$50	\$50	2,000.00	3.600
(\$5 x 10) + (\$25 x 2) (HEAT BURST)	\$100	2,000.00	3.600
\$10 x 10	\$100	2,000.00	3.600
\$10 (10X)	\$100	1,200.00	6.000
\$10 + (\$30 x 3)	\$100	2,000.00	3.600
\$50 (SUN)	\$100	2,000.00	3.600

\$100	\$100	2,000.00	3.600
(\$25 x 4) + (\$50 x 8) (HEAT BURST)	\$500	7,500.00	960
\$50 x 10	\$500	15,000.00	480
\$50 (10X)	\$500	15,000.00	480
\$100 x 5	\$500	15,000.00	480
(\$100 x 3) + \$100 (SUN)	\$500	15,000.00	480
\$500	\$500	15,000.00	480
(\$50 x 4) + (\$100 x 8) (HEAT BURST)	\$1,000	40,000.00	180
\$100 x 10	\$1,000	40,000.00	180
\$100 (10X)	\$1,000	40,000.00	180
\$500 (SUN)	\$1,000	40,000.00	180
\$1,000	\$1,000	40,000.00	180
\$500 x 10	\$5,000	120,000.00	60
\$5,000	\$5,000	120,000.00	60
\$20,000	\$20,000	300,000.00	24
\$250,000	\$250,000	1,200,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 1153 are 1 in 4.03. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 1153, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Payment of prizes for HEAT WAVE lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 4-30-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 30, 2012

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-37
 RULE TITLE: Instant Game Number 1158, LOTERIA®

SUMMARY: This emergency rule describes Instant Game Number 1158, "LOTERIA®," for which the Department of the Lottery will start selling tickets on a date to be determined by

the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-37 Instant Game Number 1158, LOTERIA®.

(1) Name of Game. Instant Game Number 1158, "LOTERIA®."

(2) Price. LOTERIA® lottery tickets sell for \$2.00 per ticket.

(3) LOTERIA® lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning LOTERIA® lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-17, F.A.C.

(4) The "CALLER CARDS" prize symbols and prize symbol captions are as follows:



(5) The legend is as follows:

CALLER CARDS

(6) Determination of Prizewinners.

(a) A ticket having four (4) play symbols and corresponding play symbol captions in any one horizontal, vertical or diagonal line in the "PLAYING BOARD" that match four (4) play symbols and corresponding play symbol captions in the "CALLER CARDS" play area shall entitle the claimant to the prize shown for that line.

(b) The prizes are: \$2, \$5, \$10, \$20, \$40, \$100, \$200, \$400, \$10,000 and \$30,000.

(7) The estimated odds of winning, value and number of prizes in Instant Game Number 1158 are as follows:

		<u>ESTIMATED</u>	<u>NUMBER OF</u>
		<u>ODDS OF</u>	<u>WINNERS IN</u>
<u>GAME PLAY</u>	<u>WIN</u>	<u>1 IN</u>	<u>68 POOLS OF</u>
			<u>180,000 TICKETS</u>
			<u>PER POOL</u>
\$2	\$2	9.38	1,305,600
\$5	\$5	12.50	979,200
\$10	\$10	75.00	163,200
\$5 + \$10	\$15	150.00	81,600
\$20	\$20	150.00	81,600
\$5 + \$20	\$25	300.00	40,800
\$10 + \$20	\$30	346.15	35,360
\$40	\$40	1,125.00	10,880
\$10 + \$40	\$50	3,600.00	3,400
\$10 + \$20 + \$40	\$70	3,600.00	3,400
\$100	\$100	1,440.00	8,500
\$5 + \$20 + \$100	\$125	7,200.00	1,700
\$10 + \$40 + \$100	\$150	22,500.00	544
\$200	\$200	7,200.00	1,700
\$5 + \$20 + \$200	\$225	60,000.00	204
\$10 + \$40 + \$200	\$250	60,000.00	204
\$100 + \$200	\$300	60,000.00	204
\$40 + \$100 + \$200	\$340	90,000.00	136
\$400	\$400	90,000.00	136
\$10,000	\$10,000	1,020,000.00	12
\$30,000	\$30,000	1,530,000.00	8

(8) The estimated overall odds of winning some prize in Instant Game Number 1158 are 1 in 4.50. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 1158, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) Payment of prizes for LOTERIA® lottery tickets shall be made in accordance with the rule of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Rulemaking Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 4-30-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: April 30, 2012

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission hereby gives notice that Progress Energy Florida, Inc.'s petition for variance and waiver from paragraphs 25-6.065(5)(d) and (e), Florida Administrative Code, filed January 6, 2012, in Docket No. 120012-EI was approved by the Commission by Order No. PSC-12-0173-PAA-EI issued April 2, 2012, consummated by Order No. PSC-12-0218-CO-EI, issued April 24, 2012. Paragraph 25-6.065(5)(d), F.A.C., addresses the requirement that a Standard Interconnection Agreement contain a provision that the customer hold harmless and indemnify the investor-owned utility for all loss to third parties resulting from the operation of the customer-owned renewable generation, except when the loss occurs due to the negligent actions of the investor-owned utility. Paragraph 25-6.065(5)(e), F.A.C., addresses the requirement that a Standard Interconnection Agreement contain general liability insurance for personal and property damage, or sufficient guarantee and proof of self-insurance, in the amount of no more than \$1 million for Tier 2 customers and no more than \$2 million for Tier 3 customers. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. As stated above, the petition for variance and waiver from this rule also included paragraph 25-6.065(5)(e), Florida Administrative Code. The Commission ruled that a waiver and/or variance of paragraph 25-6.065(5)(e), F.A.C., appeared to be unnecessary because the rule only requires insurance in an amount up to \$1 million. Notice of the petition was published in the F.A.W. on January 20, 2012.

A copy of the Order or additional information may be obtained by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN that on April 13, 2012, the Florida Public Service Commission, received a petition for waiver of paragraphs 25-30.037(3)(i), (j) and (k), F.A.C. and paragraph 25-30.030(4)(c), subsections 25-30.030(5), (6) and (7), Florida Administrative Code (F.A.C.), from Utilities, Inc., Docket No. 120084-WS. The petition requests that these rules, which address information and other requirements for the approval of a transfer of majority organizational control of water and wastewater companies, be waived to permit the efficient transfer of the parent company of several Florida and other state utility companies. Comments on the petition should be filed with the Office of Commission Clerk, Florida Public

Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice.

For additional information, please contact: Ralph R. Jaeger, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, telephone (850)413-6234.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or website: <http://www.psc.state.fl.us/psc/dockets>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 2, 2012, the South Florida Water Management District ("District"), received a petition for waiver from Florida Department of Transportation (FDOT), Application Number 12-0426-2M, for the replacement of existing guardrail with traffic barrier and new guardrail within Works or Lands of the District known as L-20; Section 14, Township 44 South, Range 36 East, Palm Beach County. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the placement of above-ground permanent and/or semi-permanent encroachments within the District's 100' equipment staging area within Works or Lands of the District.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 25, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from UWF, President's Hall, filed January 27, 2012, and advertised in Vol. 38, No. 6, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.1, 2.20.9 and 2.24.2 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of coated steel belts because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-034).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 25, 2012, the Division issued an order. The Final Order was in response to a Petition for Variance from UWF, College of Business, filed January 27, 2012, and advertised in Vol. 38, No. 6, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 2.20.1, 2.20.9 and 2.24.2 ASME A17.1, 2005 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires the use of coated steel belts because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-029).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice on April 25, 2012, the Division issued an order. The Final Order was in response to a Petition for emergency Variance from Southampton B, filed March 27, 2012, and advertised in Vol. 38, No. 15, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.11.3 and 3.3.2 ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators for firefighters' emergency operations and platform guards until January 1, 2013, because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-104).

A copy of the Order may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on April 26, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ironwood Building G. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a),

Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-129).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on April 26, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ironwood Building H. Petitioner seeks an emergency variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-130).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on April 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 2400 Maitland. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-131).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on April 27, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 500 Winderley. Petitioner seeks a variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 14

days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-132).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on April 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Summit Place Condo. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3 and A17.1b, Section 303.3d, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires upgrading the elevators with firefighters' emergency operations and a shut-off valve in the machine room which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-133).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on April 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Stevens Landing. Petitioner seeks an emergency variance of the requirements of ASME A17.1a, Section 303.3d, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a shut-off valve in the elevator room which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-134).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on April 30, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for 1st Baptist Church of Charlotte. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 2.2.2.5, as adopted by Chapter 30, Section 3001.2, Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, and from Section 3008.1(3)(e) Florida Building Code, adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code, that requires a sump pump in the

elevator pit and a sump of adequate size and depth to prevent the accumulation of water which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-135).

A copy of the Petition may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

NOTICE IS HEREBY GIVEN that on May 1, 2012, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(6), (7) Florida Administrative Code, from SFT Commissary, LLC located in Dania Beach, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent establishment for use by customers only.

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

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice on April 6, 2012, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(6), (7), Florida Administrative Code, from Sushi Café Catering located in Hollywood, FL. The above referenced F.A.C. addresses the requirement that at least one accessible bathroom be provided for use by customers. They are requesting to share the bathrooms located within an adjacent establishment for use by customers only.

The Petition for this variance was published in Vol. 38, No. 16 on April 20, 2012. The Order for this Petition was signed on April 26, 2012 and after a complete review of the variance request, the Division finds that the application of this rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the bathrooms located within Bella Rinatti Beauty Studio are maintained in a clean and sanitary manner and are provided with cold running water under pressure, soap, approved hand drying devices, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If

the ownership of Bella Rinatti Beauty Studio changes, an updated signed agreement for use of the bathroom facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting: Lydia.Gonzalez@dbpr.state.fl.us, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

The Construction Industry Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Variance for Scott D. Brace, filed on February 9, 2012. The Notice of Petition for Variance was published in Vol. 38, No. 8, of the February 24, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 13, 2012, in Tampa, Florida.

The Board's Order, filed on April 24, 2012, grants the Petitioner a conditional Variance or Waiver from subsection 61G4-15.001(2), Florida Administrative Code, qualifications for certification of general contractors which would allow Petitioner to construct (non-exempt) rail work and structures incidental thereto.

A copy of the Order or additional information may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN that on April 23, 2012, the Construction Industry Licensing Board, received a petition for variance or waiver, filed by Richard J. Porcelli, Thunderbolt Construction Services, LLC. The Petitioner is seeking a permanent waiver or variance of Rule 61G4-15.006, F.A.C., related to financial responsibility and financial stability requirements for initial licensure.

Comments on this petition should be filed with Construction Industry Licensing Board, Northwood Center, 1940 North Monroe Street, Tallahassee, FL 32399, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, at above address or telephone (850)487-1395.

NOTICE IS HEREBY GIVEN that on May 2, 2012, the Electrical Contractors' Licensing Board, received a petition for Richard Alger, seeking a variance or waiver of Rule 61G6-5.002, Florida Administrative Code, which requires that an applicant for certification by examination or by endorsement submit a complete application on the form prescribed by the Department of Business and Professional Regulation together with all supporting data. For re-examination on the Technical/Safety examination, a retake exam application must be submitted on a form provided by the Department.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783. Comments on this petition should be filed with the Electrical Contractors' Licensing Board at the above address, within 14 days of publication of this notice.

The Electrical Contractors' Licensing Board hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance which was filed on December 1, 2011, by Paul Avila. The Notice of Petition for Variance/Waiver was published in Vol. 38, No. 7, of the February 17, 2012, Florida Administrative Weekly. Petitioner sought a waiver or variance from subsection 61G6-5.002(1), F.A.C., entitled "Application for Certification by Examination; Reexamination," which requires that an applicant for certification by examination or by endorsement submit a complete application on the form prescribed by the Department of Business and Professional Regulation together with all supporting data. For re-examination on the Technical/Safety examination, a retake exam application must be submitted on a form provided by the Department. The Board considered the instant Petition at a duly-noticed public meeting, held January 19-20, 2012, in Amelia Island, Florida.

The Board's Order, filed on March 15, 2012, granted the petition, finding Petitioner demonstrated that application of the rule to his circumstances would violate the principles of fairness and would impose a substantial hardship on him.

A copy of the Order or additional information may be obtained by contacting: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on April 30, 2012, the Board of Clinical Laboratory Personnel, received a petition for Marilyn Horton. The petition does not state the rule from which the petitioner is requesting a variance or waiver.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Board at the above address, within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on April 13, 2012, the Board of Medicine, received a petition for waiver filed by Jesus Gutierrez Stone, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. Comments on this petition should be filed with the Board of

Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that on May 1, 2012, the Board of Medicine, received a petition for waiver filed by Terence R. Mahoney, M.D., from Rule 64B8-9.0131, F.A.C., with regard to the course requirements for physicians working in pain management clinics. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joy A. Tootle, Executive Director, Board of Medicine, at the above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN that on April 26, 2012, the Board of Optometry, received a petition for waiver or variance filed by Michael J. Giese, O.D., Ph.D., F.A.A.O. The Petitioner does not state in his request which rule the Petitioner seeks the Board to interpret. However, Petitioner appears to be requesting an interpretation of Section 463.006, Florida Statutes, and asking that his teaching certificate be converted to a certified optometrist license.

Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Bruce Deterding, Executive Director, Board of Optometry, at the above address or telephone (850)245-4355.

NOTICE IS HEREBY GIVEN that on April 20, 2012, the Department of Health, received a petition for Variance from subsection 64E-11.004(2) [subsection 64E-11.004(11)], Florida Administrative Code (F.A.C.), from Advanced Fresh Concepts Franchise Corp., 19205 S. Laurel Park Road, Rancho Dominguez, CA 90220. This rule requires that all potentially hazardous food be kept at 41 degrees Fahrenheit or below and 140 degrees Fahrenheit or above, except during necessary periods of preparation and service. Comments on this petition should be filed with Erin Levingston, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: VaKesha Brown-Timley, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN that on April 5, 2012, the Department of Children and Families, received a petition for waiver of paragraph 65C-13.030(4)(f), Florida Administrative Code, from St. Johns County School District. Paragraph 65C-13.030(4)(f), F.A.C., requires child care for children in the custody of the department shall be with a licensed or registered child care provider. The cost of the child care shall be assumed by the licensed out-of-home caregiver to the extent that subsidized child care is unavailable.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

DEPARTMENT OF ECONOMIC OPPORTUNITY

NOTICE IS HEREBY GIVEN that on April 27, 2012, the Department of Economic Opportunity, received a petition for wavier from the City of Marianna. It has been assigned case number DEO-12-041.

RULE NUMBER AND NATURE OF RULE FROM WHICH VARIANCE IS SOUGHT: Paragraph 73C-23.0041(1)(c), F.A.C. The City of Marianna is requesting a waiver of the \$700,000 cap on CDBG grants which has been removed by statutory amendment. The rule has not been amended to reflect the change.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Miriam Snipes, Agency Clerk, Department of Economic Opportunity, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Division of Library and Information Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 1, 2012, 8:30 a.m. (EDT) – until conclusion

PLACE: The Visitor Center at Mission San Luis, 2100 West Tennessee Street, Tallahassee, FL 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF CHANGE: This notice is for the purpose of changing the venue advertised in the April 13, 2012 issue.

A copy of the agenda may be obtained by contacting: Dorothy Frank, Library Program Specialist, email: dorothea.frank@dos.myflorida.com, (850)245-6631.

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: Dorothy Frank, (850)245-6631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **State Fair Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: May 30, 2012, 10:00 a.m.

PLACE: Florida State Fairgrounds, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Long Range Plan.

A copy of the agenda may be obtained by contacting: Sonia Velez, (813)627-4221.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Sonia Velez, (813)627-4221. 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: Sonia Velez, (813)627-4221.

The **Aquaculture Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 17, 2012, 12:00 Noon – 4:00 p.m.

PLACE: John R. Trinkle Center, Room 118, Hillsborough Community College, 1206 North Park Road, Plant City, FL 33563; NOTE: Meeting also accessible through teleconference by dialing: 1(888)808-6959, enter Code: 4884033

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Paul Zajicek, 1203 Governor's Square Boulevard, Suite 501, Tallahassee, FL 32301-2961, (850)488-5471.

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

agency at least 2 days before the workshop/meeting by contacting: Paul Zajicek, (850)488-5471. 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 EDUCATION

The **Department of Education**, Charter School Appeal Commission announces a hearing to which all persons are invited.

DATES AND TIME: May 21-22, 2012, 9:00 a.m. – Completion

PLACE: 325 West Gaines Street, Conference Room 1721/25, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Charter School Appeal Commission will hear the Application denials of the following schools:

Odyssey Charter School vs. Brevard County School Board; Somerset Academy Palm Bay High vs. Brevard County School Board; Somerset Academy Palm Bay vs. Brevard County School Board; Somerset Elementary vs. Pasco County School Board; Somerset Middle vs. Pasco County School Board; The Southwest Florida Virtual Charter School Board, Inc. and The Florida Virtual Academy at Lee County vs. Lee County School Board; The Southwest Florida Virtual Charter School Board, Inc. and The Florida Virtual Academy at Pasco County vs. Pasco County School Board.

A copy of the agenda may be obtained by contacting: Florida Department of Education, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400.

For more information, you may contact: Florida Department of Education, 325 W. Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400.

The Florida's **Office of Early Learning** announces a public meeting to which all persons are invited.

DATE AND TIME: June 15, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809, (407)859-1500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly business meeting.

A copy of the agenda may be obtained by contacting: Whitney.Davis@oel.myflorida.com. Agenda will be available 7 days before the meeting date.

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: Whitney.Davis@oel.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Whitney.Davis@oel.myflorida.com.

The **State Advisory Council on Early Education and Care** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 23, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: Children's Board of Hillsborough County, 1002 East Palm Avenue, Tampa, FL 33605

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Advisory Council business.

A copy of the agenda may be obtained by contacting: amy.mathis@oel.myflorida.com.

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

For more information, you may contact: amy.mathis@oel.myflorida.com.

DEPARTMENT OF COMMUNITY AFFAIRS

The **State Emergency Response Commission**, Training Task Force announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, May 23, 2012, 1:30 p.m. – 3:30 p.m.

PLACE: This is a telephone conference call which can be attended via the internet and telephone. Go to the web site: <https://www2.gotomeeting.com/join/677430082>, then dial 1(888)808-6959, Passcode: 6517811543, Meeting ID: 677-430-082

GENERAL SUBJECT MATTER TO BE CONSIDERED: Current business on the Training Task Force project board.

1. Report on Hazardous Materials/Bomb/Forensic Team Integration.
2. Discussion on Supplemental Projects.
3. Hazardous Materials Training Symposium.

A copy of the agenda may be obtained by contacting: Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, (850)413-9970.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Division of Emergency Management,

(850)413-9970. 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 TRANSPORTATION

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

DATE AND TIME: Wednesday, June 6, 2012, 5:00 p.m. – 7:00 p.m.

PLACE: Volusia TPO Office, 2570 W. International Speedway Boulevard, Suite 100, Daytona Beach, Florida 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No.: 422627-1-52-01

Project Description: US 92 (State Road (SR) 600) widening from I-4 Ramps to Tomoka Farms Road

This project consists of widening US 92 from a four lane highway to six lanes. It also includes drainage improvements, intersection improvements at LPGA Boulevard and Tomoka Farms Road intersections with US 92, sidewalks, and a shared use path. Two new bridges will replace the existing Tomoka River twin bridges. Access to all businesses adjacent to the improvements will be maintained throughout the construction period. Final design will be completed towards the end of 2013. The project is currently not funded for right of way or construction.

The meeting will be conducted in a Public Information Meeting format; a formal presentation is scheduled for 5:30 p.m. Display boards will be available throughout the meeting for viewing. Participants are welcome to attend anytime between 5:00 p.m. and 7:00 p.m. FDOT representatives will be available to discuss the project, answer questions and receive comments.

A flyer and comment form will be distributed at the meeting.

Additional information on the project and a powerpoint presentation are also available at www.cflroads.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 7 days before the workshop/meeting by contacting: Amy Sirmans, TranSystems, 101 Southhall Lane, Suite 355, Maitland, FL 32751, (407)875-8930 or via e-mail: amsirmans@transystems.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).

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: Either Christopher Dabson, FDOT, Project Manager, (386)943-5321, e-mail: chris.dabson@dot.myflorida.com or Amy Sirmans, TranSystems, (407)875-8930, via email: amsirmans@transystems.com.

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

The Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 19, 2012, 6:00 p.m. – 7:30 p.m.

PLACE: First District Community Building, 9335 N.E. 349 Hwy., Old Town, FL 32680

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to receive public comment on the draft Big Bend Seagrasses Aquatic Preserve Management Plan.

A copy of the draft plan will be available for viewing starting May 19, 2012 at www.dep.state.fl.us/coastal. The Big Bend Seagrasses Aquatic Preserve Advisory Committee will be participating.

A copy of the agenda may be obtained by contacting: Aquatic Preserve Acting Manager, Tim Jones by e-mail: Timothy.W.Jones@dep.state.fl.us, by phone: (352)563-0450, or by mail: 3266 North Sailboat Ave., Crystal River, FL 34428-6205.

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: Tim Jones, (352)563-0450. 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 Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 20, 2012, 6:00 p.m. – 7:30 p.m.

PLACE: City Council Chambers, 224 S. Jefferson St., Perry, FL 32347

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to receive public comment on the draft Big Bend Seagrasses Aquatic Preserve Management Plan.

A copy of the draft plan will be available for viewing starting May 19, 2012 at www.dep.state.fl.us/coastal. The Big Bend Seagrasses Aquatic Preserve Advisory Committee will be participating.

A copy of the agenda may be obtained by contacting: Aquatic Preserve Acting Manager, Tim Jones by e-mail: Timothy.W.Jones@dep.state.fl.us, by phone: (352)563-0450, or by mail: 3266 North Sailboat Ave., Crystal River, FL 34428-6205.

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: Tim Jones, (352)563-0450. 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 Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, June 21, 2012, 9:00 a.m. – 4:00 p.m.

PLACE: City Council Chambers, 224 S. Jefferson St., Perry, FL 32347

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is for the members of the Big Bend Seagrasses Aquatic Preserve Advisory Committee to discuss the revision of the draft Big Bend Seagrasses Aquatic Preserve Management Plan.

A copy of the agenda may be obtained by contacting: Aquatic Preserve Acting Manager, Tim Jones by e-mail: Timothy.W.Jones@dep.state.fl.us, by phone: (352)563-0450, or by mail: 3266 North Sailboat Ave., Crystal River, FL 34428-6205.

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: Tim Jones, (352)563-0450. 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 CITRUS

The Florida **Department of Citrus** announces a workshop to which all persons are invited.

DATES AND TIME: May 30, 2012; June 20, 2012, 9:30 a.m.

PLACE: Florida Department of Citrus, 605 East Main Street, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The subject area to be addressed is the modification of FDOC rules to include maturity standards and citrus fruit dealer bond requirements, as well as other changes made to Chapter 601, F.S. during the 2012 Legislative session. Rule development could result in future FDOC proposed rules, which will be further noticed. Such proposed rules will create new rules for fresh and processed maturity standards (Chapters 20-50 through 20-56 and 20-82, F.A.C.) and amend Rule 20-108.004, F.A.C., to include the citrus fruit dealer bond requirements formerly in Chapter 601, F.S.

A copy of the agenda may be obtained by contacting: Alice Wiggins, P. O. Box 9010, Bartow, Florida 33831-9010 or email: awiggins@citrus.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: Dianne Screws, P. O. Box 9010, Bartow, Florida 33831-9010, (863)537-3984. 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: Alice Wiggins, P. O. Box 9010, Bartow, Florida 33831-9010 or email: awiggins@citrus.state.fl.us.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** and the Florida Parole Commission Qualifications Committee announces a public meeting to which all persons are invited.

DATE AND TIME: May 30, 2012, 8:30 a.m.

PLACE: Florida Bar's Tampa Meeting Room, 4200 George J. Bean Parkway, Suite 2580, Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct interviews for the Parole Commissioner position.

A copy of the agenda may be obtained by contacting: Sarah J. Rumph, 4070 Esplanade Way, Tallahassee, FL 32399-2450, (850)488-4460.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Sarah J. Rumph, 4070 Esplanade Way, Tallahassee, FL 32399-2450, (850)488-4460. 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: Sarah J. Rumph, 4070 Esplanade Way, Tallahassee, FL 32399-2450, (850)488-4460.

PUBLIC SERVICE COMMISSION

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

DATE AND TIMES: Thursday, May 31, 2012, 9:30 a.m. (Sarasota, FL); 6:00 p.m. (Fort Myers, FL)

PLACE: Sarasota City Commission Chambers, Sarasota City Hall, 1565 1st Street, Sarasota, FL 34236; School Board of Lee County, Board Room Lee County Education Center, 2855 Colonial Boulevard, Fort Myers, FL 33966

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 120015-EI – Petition for increase in rates by Florida Power & Light Company. The purpose of this customer service hearing is to take testimony from the public on the quality and adequacy of Florida Power & Light Company's service and other matters related to Florida Power & Light Company's petition for a rate increase. The procedure at the service hearing shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. All witnesses shall be subject to cross-examination at the conclusion of their testimony. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

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

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: Office of General Counsel, (850)413-6199. 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: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

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

DATE AND TIME: Thursday, June 7, 2012, 6:00 p.m.

PLACE: Florida Department of Transportation, Jacksonville Urban Office, 2198 Edison Avenue, MS #2809, Jacksonville, Florida 32204

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 110282-WS – Application for staff- assisted rate case in Duval County by Regency Utilities, Inc.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact Commission staff, Pauline Robinson.

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

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: Office of Commission Clerk 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. 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: Pauline Robinson, (850)413-6183.

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, June 21, 2012, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: Electric utility requirements concerning notification of accidents, safety standards for construction on new transmission and distribution facilities, quarterly reports of work orders and safety compliance, and meter tests.

A copy of the agenda may be obtained by contacting: The Commission's website: www.floridapsc.com, on June 6, 2012.

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: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. 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: Kathryn G. W. Cowdery, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6216. Docket No. 110313-PU.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Commission on Jobs for Floridians with Disabilities**, Employment Readiness and Services Subcommittee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 24, 2012, 9:00 a.m.

PLACE: Telephone Conference

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss business of the Employment Readiness and Services Subcommittee of the Governor's Commission on Jobs for Floridians with Disabilities pursuant to Executive Order 11-161.

A copy of the agenda may be obtained by contacting: David Darm, (850)717-9433, email: David.Darm@laspbs.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: David Darm, (850)717-9433, email: David.Darm@laspbs.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: David Darm, (850)717-9433, email: David.Darm@laspbs.state.fl.us.

The Florida **Faith-Based and Community-Based Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: June 14, 2012, 10:30 a.m. – 3:30 p.m.

PLACE: Chets Creek Church, 4200 Hodges Blvd., Jacksonville, Florida 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED: Advisory Council members will meet to conduct regular business of the Florida Faith-Based and Community-Based Advisory Council and hear updates from the Council's workgroups.

A copy of the agenda may be obtained by contacting: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or Frenchie.Yon@eog.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or Frenchie.Yon@eog.myflorida.com.

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

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: Frenchie Yon, Office of Adoption and Child Protection, (850)717-9261 or Frenchie.Yon@eog.myflorida.com.

REGIONAL PLANNING COUNCILS

The **Escambia Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 22, 2012, 10:00 a.m.
 PLACE: Pensacola City Hall, Whibbs Room, 180 Governmental Center, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing and Regular Local Coordinating Board meeting. Action items include approval of the annual update of the Transportation Disadvantaged Service Plan.

A copy of the agenda may be obtained by contacting: Website www.wfrpc.org/escambiatd one week prior to the 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 48 hours before the workshop/meeting by contacting: Dorothy McKenzie, email: dorothea.mckenzie@wfrpc.org or 1(800)226-8914, ext. 230. 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: Julia Pearsall, julia.pearsall@wfrpc.org or 1(800)226-8914, ext. 231.

The **Santa Rosa County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 22, 2012, 2:00 p.m.
 PLACE: Milton City Hall, Council Chambers, 260 Dixon Street, Milton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing and Regular Local Coordinating Board meeting. Action items include approval of the annual update of the Transportation Disadvantaged Service Plan.

A copy of the agenda may be obtained by contacting: Website: www.wfrpc.org/santarosatd one week prior to the 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 48 hours before the workshop/meeting by contacting: Dorothy McKenzie, email: dorothea.mckenzie@wfrpc.org or 1(800)226-8914, ext. 230. 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: Julia Pearsall, julia.pearsall@wfrpc.org or 1(800)226-8914, ext. 231.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 24, 2012, 6:00 p.m.
 PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. 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.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 24, 2012, 6:00 p.m.
 PLACE: Holiday Inn Hotel and Suites, Olustee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. 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.

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 24, 2012, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, Suwannee Room, 213 Southwest Commerce Boulevard, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N.W. 67th Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by contacting: (352)955-2200. 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.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 30, 2012, 9:30 a.m.

PLACE: Sebring Civic Center, 355 West Center Avenue, Sebring, FL 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Heartland 2060 Consortium Partners and the Heartland 2060 Leadership Team.

A copy of the agenda may be obtained by contacting: Shannon Brett, Project Manager, (863)534-7130, ext. 132, email: sbrett@cfrpc.org.

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.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: May 31, 2012, 9:30 a.m.

PLACE: DeSoto City Fire Station #19, 6800 W. George Avenue, Sebring, FL 33875

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee (LEPC) and/or its subcommittees, to discuss the provision of the Emergency Planning Community Right-to-Know Program. Additionally, items pertaining to the State Emergency Response Commission (SERC) and its subcommittee for training may be discussed.

A copy of the agenda may be obtained by contacting: Chuck Carter, (863)534-7130, ext. 107, email: ccarter@cfrpc.org.

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.

METROPOLITAN PLANNING ORGANIZATIONS

The **Okaloosa County Transportation Disadvantaged Local Coordinating Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 23, 2012, 10:00 a.m.

PLACE: Ft. Walton Beach Administration Bldg., 1804 Lewis Turner Road, Ft. Walton Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing and Regular Local Coordinating Board meeting. Action items include approval of the annual update of the Transportation Disadvantaged Service Plan.

A copy of the agenda may be obtained by contacting: Website: www.wfrpc.org/okaloosatd one week prior to the 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 48 hours before the workshop/meeting by contacting: Dorothy McKenzie, e-mail dorothy.mckenzie@wfrpc.org, 1(800)226-8914, ext 230. 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: Julia Pearsall at julia.pearsall@wfrpc.org or 1(800)226-8914, ext. 231.

The **Lee County Metropolitan Planning Organization (MPO)** announces a public meeting to which all persons are invited.

DATE AND TIME: May 18, 2012, 1:30 p.m.

PLACE: Lee County Public Works Building, Conference Room 1B, 1500 Monroe Street, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Local Coordinating Board of the Transportation Disadvantaged will be updating their bylaws and holding discussions on Coordinated Transportation Program updates.

A copy of the agenda may be obtained by contacting: Mr. Brian Raimondo, email: braimondo@leempo.com or phone: (239)244-2220.

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: Mr. Brian Raimondo, email: braimondo@leempo.com, phone: (239)244-2220. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

WATER MANAGEMENT DISTRICTS

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

DATE AND TIME: May 24, 2012, 1:00 p.m. (Central Time)

PLACE: Crestview Field Office, 800 Hospital Drive, Crestview, Florida 32539

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to consider District business. There will also be an opportunity for public input on the intention to amend the District’s fiscal year (FY) 2012 budget as follows: Adjust carryover and fund balances based on the September 30, 2011 audited financial statements; reallocate budget authority from the Management and Administration program to the other program areas to more accurately reflect the full cost of projects and services; and increase the Information Technology contractual services budget by \$50,000 to make changes to the e-permitting systems due to legislation passed during the 2012 Legislative Session. This amendment will not impact the District millage or ad valorem property taxes.

Other Meetings to be held on May 24, 2012:

11:30 a.m. – 12:30 p.m. (CT) Workshop: DEP Statewide Water Use Permitting Consistency Effort and Rulemaking

1:05 p.m. (CT) Public Hearing on Regulatory Matters

A copy of the agenda may be obtained by contacting: April Murray, NFWFMD, 81 Water Management Drive, Havana, FL 32333, (850)539-5999 (also available through the Internet at www.nwfwmd.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 72 hours before the workshop/meeting by contacting: Ms. Jean Whitten. 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.

The **St. Johns River Water Management District** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, May 24, 2012, 9:00 a.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Orientation for newly appointed Governing Board members.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Kyia Tiffany, 4049 Reid Street, Palatka, FL 32177, (386)329-4101 or by visiting the District’s website: floridaswater.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 days before the workshop/meeting by contacting: District Clerk, (386)329-4500. 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 **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 22, 2012, 9:00 a.m.

PLACE: SWFWMD, Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting, Committee Meetings and Public Hearing: Consider SWFWMD business. Some Board members may participate in the meeting via communications media technology.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar, 1(800)423-1476 (FL Only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources, Bureau Chief, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4702; TDD (FL Only) 1(800)231-6103 or email: ADACoordinator@

swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Luanne.Stout@watermatters.org, 1(800)423-1476 (FL Only) or (352)796-7211, ext. 4605 (Ad Order EXE0214).

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

Quarterly meeting of the Everglades Technical Oversight Committee

DATE AND TIME: May 30, 2012, 10:00 a.m.

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained by contacting: (1) District Website (<http://www.swfwmd.gov/toc>) or (2) write: Kim Chuirazzi, South Florida Water Management District, Mail Stop 7282, P. O. Box 24680, West Palm Beach, FL 33416.

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: The District Clerk's Office, (561)682-2087. 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: Dr. Garth Redfield, Water Quality Bureau, South Florida Water Management District, Mail Stop 7211, P. O. Box 24680, West Palm Beach, FL 33416, (561)682-6611.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs, Long-Term Care Ombudsman Program** announces a public meeting to which all persons are invited.

DATE AND TIME: September 25, 2012, 12:00 Noon – 12:55 p.m. (EST/EDT)

PLACE: Chamber of Commerce (South), 6410 South West 80th Street, South Miami, FL 33143

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Dade & Florida Keys District Long-Term Care Ombudsman Program Council business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2323 or email: LTCOPInformer@elderaffairs.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 72 hours before the workshop/meeting by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, Florida 32399, (850)414-2323 or email: LTCOPInformer@elderaffairs.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).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 21, 2012, 9:00 a.m.

PLACE: Courtyard Marriott St. Petersburg Downtown, 300 4th Street North, St. Petersburg, Florida 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor's Panel on Excellence in Long-Term Care will be considering applications received for the Gold Seal Award designation. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, FL 32308, email: jacqueline.williams@ahca.myflorida.com.

The **Agency for Health Care Administration** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, June 8, 2012, 1:30 p.m. – 4:30 p.m. (EST)

PLACE: Agency for Health Care Administration, **TELECONFERENCE CALL ONLY**, Dial In Number: 1(888)808-6959, Conference Code: 8509227761

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a teleconference meeting of the Organ and Tissue Procurement and Transplantation Advisory Board, created by Section 765.543, Florida Statutes. The purpose is to conduct general business of the advisory board including review and discussion on recommendations for changes to the laws and administrative rules related to organ and tissue procurement activities in Florida.

A copy of the agenda may be obtained by contacting: Dayle Mooney, Program Administrator, Agency for Health Care Administration, Laboratory Licensure Unit, 2727 Mahan Drive, MS #32, Tallahassee, Florida 32308, (850)412-4500,

email: Dayle.Mooney@ahca.myflorida.com. The agenda will also be posted at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/OrganTissueBoard.shtml at least seven (7) days prior to the 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: Dayle Mooney, (850)412-4500. 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 BUSINESS AND PROFESSIONAL REGULATION

The **Division of Alcoholic Beverages and Tobacco** announces a hearing to which all persons are invited.

DATE AND TIME: June 7, 2012, 1:30 p.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-1016

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a public hearing considering the repeal of Rule 61A-1.013, F.A.C., which was identified, during a comprehensive review of existing rules and regulations, as substantially duplicative of Florida Statutes.

A copy of the agenda may be obtained by contacting: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244. 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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

The **Division of Alcoholic Beverages and Tobacco** announces a hearing to which all persons are invited.

DATE AND TIME: June 7, 2012, 1:30 p.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-1016

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a public meeting considering the repeal of Rule 61A-2.018, F.A.C., which was identified during a comprehensive review of existing rules and regulations, as duplicative, unnecessary, burdensome, or no longer necessary.

A copy of the agenda may be obtained by contacting: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244. 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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

The **Division of Alcoholic Beverages and Tobacco** announces a hearing to which all persons are invited.

DATE AND TIME: June 7, 2012, 1:30 p.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-1016

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a public meeting considering the repeal of Rule 61A-3.033, F.A.C., which was identified during a comprehensive review of existing rules and regulations, as not statutorily mandated and unnecessary.

A copy of the agenda may be obtained by contacting: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244. 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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

The **Division of Alcoholic Beverages and Tobacco** announces a hearing to which all persons are invited.

DATE AND TIME: June 7, 2012, 1:30 p.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-1016

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a public meeting considering the repeal of Rules 61A-4.003, 61A-4.046 and 61A-4.0461, F.A.C., which were identified during a comprehensive review of existing rules and regulations as not statutorily mandated, duplicative of other Rules, implementing a statute that has been repealed, or unnecessary.

A copy of the agenda may be obtained by contacting: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244. 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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

The **Division of Alcoholic Beverages and Tobacco** announces a hearing to which all persons are invited.

DATE AND TIME: June 7, 2012, 1:30 p.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399-1016

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a public hearing considering the repeal of Rules 61A-5.001, 61A-5.011, 61A-5.700, 61A-5.710 and 61A-5.761, F.A.C., which were identified during a comprehensive review of existing rules and regulations as not statutorily mandated, duplicative of other rules, and unnecessary.

A copy of the agenda may be obtained by contacting: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244. 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: R. Kathleen Brown-Blake, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1244.

The **Division of Alcoholic Beverages and Tobacco** announces a workshop to which all persons are invited.

DATE AND TIME: June 7, 2012, 1:30 p.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The general subject matter for the rules workshop is review of proposed amendments to Rule 61A-5.010, F.A.C.

A copy of the agenda may be obtained by contacting: Susan Doherty, Chief, Bureau of Licensing, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

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: Susan Doherty, Chief, Bureau of Licensing, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399. 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: Susan Doherty, Chief, Bureau of Licensing, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 19, 2012, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399-0773.

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 Board Office. 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.

The **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 3, 2012, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4878197#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399-0773.

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 Board Office. 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.

The **Board of Veterinary Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: June 13, 2012, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting, portions which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399. 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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)717-1399.

The **Florida Building Commission**, "The Commission", Fire Technical Advisory Committee concurrent with the Fire Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: May 29, 2012, 2:00 p.m. – Until Completion

PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically Conference Call and Webinar. YOU MUST ACCESS BOTH THE TELECONFERENCE NUMBER for AUDIO ONLY and the WEBINAR for VISUAL ONLY. Conference Call: 1(888)808-6959, Code: 2059360213

Webinar:

1. Go to <https://suncom.webex.com/suncom/j.php?ED=191930162&UID=1416024097&RT=MIMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click "Join".

To view in other time zones or languages, please click the link: <https://suncom.webex.com/suncom/j.php?ED=191930162&UID=1416024097&ORT=MIMxMQ%3D%3D>. Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and make recommendations to the Commission regarding potential conflicts between the proposed 2013 Florida Building Code and the Florida Fire Prevention Code and to consider other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Pat Harvey, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-0772, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Florida Building Commission**, “The Commission”, the Plumbing Technical Advisory Committee concurrent with the swimming pool sub-committee announces a public meeting to which all persons are invited.

DATE AND TIME: June 1, 2012, 10:00 a.m.

PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically Conference Call and Webinar. YOU MUST ACCESS BOTH THE TELECONFERENCE NUMBER for AUDIO ONLY and the WEBINAR for VISUAL ONLY. Teleconference Number: 1(888)808-6959, Code: 2059360213

Webinar:

1. Go to <https://suncom.webex.com/suncom/j.php?ED=192006382&UID=1416470857&RT=MIMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click “Join”.

Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: to consider request for Declaratory Statements and other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Pat Harvey, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-0772, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

The **Florida Building Commission**, “The Commission”, Accessibility Technical Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 5, 2012, 10:00 a.m. – until completion

PLACE: Meeting to be conducted using media technology: specifically, Webinar and Conference Call. YOU MUST ACCESS BOTH THE WEBINAR for VISUAL AIDS ONLY and TELECONFERENCE for AUDIO ONLY.

To access the Webinar:

1. Go to <https://suncom.webex.com/suncom/j.php?ED=191320437&UID=1412839032&RT=MIMxMQ%3D%3D>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: (This meeting does not require a password.)
4. Click “Join”.

To access the Conference Call dial: 1(888)808-6959, Code: 2059360213; Public point of access: Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and provide comments to the Rule Development Workshop of June 12, 2012 regarding proposed amendments to Rules 61G20-4.001 & 61G20-4.002, F.A.C., to evaluate the accessibility waiver fees authority and the viability of implementing said authority, and to conduct other business as necessary.

A copy of the agenda may be obtained by contacting: Refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm or contact: Mr. Mo Madani or Ms. Marlita Peters, Building

Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Pat Harvey, Building Codes and Standards Office, Department of Business and Professional Regulation, 25555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Refer to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm or contact: Mr. Mo Madani or Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org.

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

DATE AND TIME: May 30, 2012, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 1332505

GENERAL SUBJECT MATTER TO BE CONSIDERED: The education committee will meet to consider items relating to the educational requirements to sit for the CPA Examination.

A copy of the agenda may be obtained by contacting: DeWayne McBride, Regulation Specialist II, Florida Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: DeWayne McBride, Regulation Specialist II, Florida Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607. 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: DeWayne McBride.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Bureau of Assessment and Restoration Support, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 23, 2012, 1:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959; Code: 2458512; Webinar: <https://www2.gotomeeting.com/register/419360034>

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Water Resources Monitoring Council Monitoring Catalog Workgroup to discuss the next steps for the Monitoring Catalog effort.

A copy of the agenda may be obtained by contacting: Ms. Stephanie Sunderman, Watershed Monitoring Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS #3525, Tallahassee, FL 32399, e-mail: Stephanie.Sunderman@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Stephanie Sunderman, (850)245-8478, email: Stephanie.Sunderman@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).

The Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, May 31, 2012, 8:30 a.m. – 5:00 p.m.; Friday, June 1, 2012, 8:30 a.m. – 12:30 p.m.

PLACE: Center of Excellence for Coral Reef Ecosystem Research, Nova Southeastern University Oceanographic Center, 8000 North Ocean Drive, Dania Beach, FL 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Southeast Florida Coral Reef Initiative Land Based Sources of Pollution Technical Advisory Committee will hold its bi-annual meeting to update committee members and the public on the progress and status of projects currently being conducted. They will also assess the existing data, make recommendations as to what additional information is necessary/required, prioritize data gaps and recommend management action strategies for the future.

A copy of the agenda may be obtained by contacting: Katharine Tzadik by e-mail: Katharine.Tzadik@dep.state.fl.us, (305)795-1223, mail: 1277 N.E. 79th St., JFK Causeway Miami, FL 33138-4206.

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: Katharine Tzadik, Katharine.Tzadik@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).

The **Bureau of Water Facilities Funding** announces a hearing to which all persons are invited.

DATE AND TIME: July 11, 2012, 2:00 p.m.

PLACE: Room 538B, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A workshop to present the Department's recommendations and receive public comment on the intended use of available funds in the Clean Water State Revolving Fund (CWSRF) Program during Fiscal Year (FY) 2013; and, a hearing to adopt the FY 2013 CWSRF priority list of projects to be funded under Chapter 62-503, Florida Administrative Code (F.A.C.). The funds, totaling approximately \$250 million, include the Federal Clean Water Act appropriations, State matching funds, proceeds from the sale of bonds, interest income, loan repayments, balances carried forward from FY 2012, and fees may be used to finance wastewater, stormwater or non-point source preconstruction and/or construction projects through direct loans, and to cover the administrative costs of the program, under State Revolving Fund Rule, Chapter 62-503, F.A.C. Projects will be ranked and listed on the Priority List in accordance with Rule 62-503.600, F.A.C. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the list and any proposed actions. The Department may adopt, modify, or deny the proposed actions at the hearing.

Documents will be posted on the Public Notices web page at <http://sharepoint.dep.state.fl.us/PublicNotices/default.aspx> not later than June 27, 2012.

A copy of the agenda may be obtained by contacting: Gary Powell, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399 2400, (850)245-8383 or e-mail: gary.powell@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gary Powell, as shown above. 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 **Bureau of Beaches and Coastal Systems** announces a workshop to which all persons are invited.

DATE AND TIME: May 24, 2012, 7:00 p.m.

PLACE: St. Lucie County BOCC Chambers (Roger Poitras Annex), 2300 Virginia Avenue, Ft. Pierce, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The workshop will discuss the proposed erosion control project known as St. Lucie County – South County Beach and Dune Restoration Project, and the establishment of an Erosion Control Line for said project. This workshop is the public's opportunity to ask questions about, comment on, speak in support of, and object to the proposed beach restoration project and the proposed erosion control line. The location of the proposed erosion control project and erosion control line is as follows: Hutchinson Island fronting the Atlantic Ocean at the line of mean high water, Sections 27, 34 & 35, Township 36 South, Range 41 East; Sections 2, 11 & 12, Township 37 South, Range 41 East in St. Lucie Co., FL.

A copy of the agenda may be obtained by contacting: William Weeks, (850)922-7714, e-mail: .

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: Mr. Weeks using the contact information cited above. 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 **Bureau of Beaches and Coastal Systems** announces a hearing to which all persons are invited.

DATE AND TIME: May 24, 2012, 8:00 p.m.

PLACE: St. Lucie County BOCC Chambers (Roger Poitras Annex), 2300 Virginia Avenue, Ft. Pierce, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed establishment of an Erosion Control Line, pursuant to Section 161.161, F.S. This hearing will consider evidence on the location of the proposed Erosion Control Line for the beach erosion control project known as St. Lucie County – South County Beach and Dune Restoration Project. The proposed Erosion Control Line lies along Hutchinson Island fronting the Atlantic Ocean at the line of mean high water. The Erosion Control Line lies in Sections 27, 34 & 35, Township 36 South, Range 41 East; Sections 2, 11 & 12, Township 37 South, Range 41 East in St. Lucie Co., FL. After the Hearing, and if approved by the Board of Trustees, the Erosion Control Line will be recorded in the County's Official Records and will become the boundary between private uplands and sovereign submerged lands owned by the state. Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to: William Weeks, Environmental Specialist III, Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, MS #300, Tallahassee, FL 32399-3000, (850)922-7714, e-mail: william.weeks@dep.state.fl.us, prior to the date of hearing.

The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

A copy of the agenda may be obtained by contacting: William Weeks, (850)922-7714, e-mail: william.weeks@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mr. Weeks using the contact information cited above. 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 **Florida Greenways and Trails Council**, Florida Greenways and Trails System Map Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 22, 2012, 10:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2452066

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee members will discuss the Florida Greenways and Trails System Trail Opportunity Map updates and Priority Trail Corridor Map.

A copy of the agenda may be obtained by contacting: Cindy Radford, Office of Greenways and Trails, Division of Recreation and Parks, State of Florida, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #795, Tallahassee, Florida 32399-3000. Ms. Radford may also be reached by telephone: (850)245-2052 or by email: Cynthia.Radford@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 3 days before the workshop/meeting by contacting: Cindy Radford, (850)245-2052. 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 **Florida Greenways and Trails Council**, Florida Greenways and Trails System Plan Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 22, 2012, 2:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code: 2452066

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee members will discuss the framework for the update of the Florida Greenways and Trails System Plan.

A copy of the agenda may be obtained by contacting: Cindy Radford, Office of Greenways and Trails, Division of Recreation and Parks, State of Florida, Department of

Environmental Protection, 3900 Commonwealth Boulevard, MS #795, Tallahassee, Florida 32399-3000. Ms. Radford may also be reached by telephone: (850)245-2052 or by email: Cynthia.Radford@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 3 days before the workshop/meeting by contacting: Cindy Radford, (850)245-2052. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Pharmacy**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, May 29, 2012, 9:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code: 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reconsideration Cases.

A copy of the agenda may be obtained by contacting: The public portion of the agenda may be obtained by contacting the Board of Pharmacy approximately 1 week prior to the meeting date at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Board of Pharmacy, (850)245-4292. 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: Board of Pharmacy, (850)245-4292.

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

DATES AND TIMES: Tuesday, June 5, 2012, 1:00 p.m.; Wednesday, June 6, 2012, 8:00 a.m.

PLACE: Hilton Deerfield Beach/Boca Raton, 100 Fairway Drive, Deerfield Beach, FL 33441. The phone number for this hotel is (954)427-7700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board business.

A copy of the agenda may be obtained by contacting: Approximately 7 days prior to the meeting date, you may visit our website: [http://www.doh.state.fl.us/mqa/ph_](http://www.doh.state.fl.us/mqa/pharmacy/ph_)

meeting.html for a copy of the agenda under the "Agendas and Notices" tab. You may also contact: Board of Pharmacy, by phone: (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Board of Pharmacy, (850)245-4292. 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: Board of Pharmacy, (850)245-4292.

The Florida **Board of Acupuncture** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 1, 2012, 9:00 a.m. (EST) or shortly thereafter

PLACE: Grand Hyatt Tampa Bay, 2900 Bayport Drive, Tampa, FL 33607, (813)874-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256, (850)245-4161.

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: Paula Mask, (850)245-4161. 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.

The **Board of Medicine**, Credentials Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2012, 9:00 a.m.

PLACE: Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, Hotel phone #: (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the

Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: www.flhealthsource.com for cancellations or changes to meeting dates or call: Board of Medicine, (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Chandra Prine, chandra_prine@doh.state.fl.us, call: (850)245-4135.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Chandra Prine, chandra_prine@doh.state.fl.us, call: (850)245-4135. 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.

The **Board of Medicine**, Physician Assistants Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2012, 1:00 p.m.

PLACE: Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, Hotel phone: (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: www.flhealthsource.com for cancellations or changes to meeting dates or call: Board of Medicine, (850)245-4131 for information.

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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.

The **Board of Medicine**, Finance & Process Accountability Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2012, immediately following the Communication, Education & Information Committee

PLACE: Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, Hotel phone: (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: www.flhealthsource.com for cancellations or changes to meeting dates or call the Board of Medicine, (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen, whitney_bowen@doh.state.fl.us, call: (850)245-4131, ext. 3517.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Whitney Bowen, whitney_bowen@doh.state.fl.us, call: (850)245-4131, ext. 3517. 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.

The **Board of Medicine**, Rules/Legislative Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2012, immediately following the Physician Assistants Council

PLACE: Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, Hotel phone: (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: www.flhealthsource.com for cancellations or changes to meeting dates or call: Board of Medicine, (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen, whitney_bowen@doh.state.fl.us, call: (850)245-4131, ext. 3517.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Whitney Bowen, whitney_bowen@doh.state.fl.us,

call: (850)245-4131, ext. 3517. 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.

The **Board of Medicine**, Surgical Care/Quality Assurance Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2012, immediately following the Rules/Legislative Committee

PLACE: Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, Hotel phone: (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please check the Board Web Site: www.flhealthsource.com for cancellations or changes to meeting dates or call: Board of Medicine, (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: George Johnson, george_johnson@doh.state.fl.us, call: (850)245-4134.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: George Johnson, george_johnson@doh.state.fl.us, call: (850)245-4134. 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.

The **Board of Medicine**, Communication, Education & Information Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 31, 2012, immediately following the Surgical Care/Quality Assurance Committee

PLACE: Peabody Orlando, 9801 International Drive, Orlando, Florida 32819, Hotel phone: (407)352-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the committee. The Board of Medicine announces that certain Committee meetings will be held on the Thursday, before each Full Board meeting. Committee meetings may be cancelled prior to the meeting date. Please

check the Board Web Site: www.flhealthsource.com for cancellations or changes to meeting dates or call: Board of Medicine, (850)245-4131 for information.

A copy of the agenda may be obtained by contacting: Whitney Bowen, whitney_bowen@doh.state.fl.us, call: (850)245-4131, ext. 3517.

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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.

The Florida **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 21, 2012, 10:00 a.m. – 1:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number: 1(888)808-6959, Code: 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board, (850)245-4125. 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.

The **Board of Nursing** and **Council on Certified Nursing Assistants** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday – Friday, June, 6-8, 2012

PLACE: Grand Hyatt Tampa Bay, 2900 Bayport Drive, Tampa, FL 33607, (813)874-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Wednesday, 8:30 a.m. CNA Council meets to discuss general business.

Wednesday, 2:00 p.m. Credentials Committee.

Wednesday, 2:00 p.m. Education Committee.

Thursday, 8:30 a.m. CNA discipline.

Thursday, 1:00 p.m. RN, LPN, ARNP discipline and general business.

Friday, 8:30 a.m. General business.

To view the public agenda materials visit: <http://www.doh.state.fl.us/mqa/nursing/nur-meeting.html>.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The Board, (850)245-4125. 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.

The Probable Cause Panel of the **Board of Osteopathic Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, June 13, 2012, 9:00 a.m. (EST)

PLACE: Conference Call: 1(888)808-6959, Conference Code: 6321783289

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)245-4161.

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: Christy Robinson, (850)245-4161. 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.

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

DATE AND TIME: June 21, 2012, 10:00 a.m. (ET)

PLACE: Florida Department of Health, Southwood Complex, 4042 Bald Cypress Way, Room #240 P, Tallahassee, Florida 32399; Conference Call/Web Conference: 1(888)808-6959, Conference Code: 7427896255; Website: http://connectpro22543231.na5.acrobat.com/rtrac_new/

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and guide current, proposed, and potential future onsite sewage research projects. This meeting will discuss the Nitrogen Reduction Strategies Study and other ongoing and possible future research projects may be discussed. Part of this meeting may be accessible via web conference with details to be posted on the Bureau website: <http://www.doh.state.fl.us/environment/ostds/research/index.html>.

A copy of the agenda may be obtained by contacting: Elke Ursin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, e-mail: Elke_Ursin@doh.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: Elke Ursin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713, (850)245-4070, e-mail: Elke_Ursin@doh.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: Elke Ursin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, e-mail: Elke_Ursin@doh.state.fl.us.

The Department of Health, Bureau of Radiation Control announces a public meeting to which all persons are invited.

DATE AND TIME: May 22, 2012, 10:00 a.m. – 3:00 p.m.

PLACE: Tampa Marriott Hotel, Tampa International Airport, 4200 George J. Bean Parkway, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Routine meeting of the Advisory Council on Radiation Protection to discuss and make recommendations on, or issues relating to, the following: radiation protection; radiation dose; national organizations and professional societies, including their standards, recommendations, registrants and certificate

holders; radiation requirements of federal agencies; radiation machines; radioactive materials including medical radionuclides; medical physicists; radiologic technologists, radiologist assistants, specialty technologists, and other radiological personnel including their titles, duties, scopes of practice and supervision; educational programs and training courses; authorized operator/user/physicist requirements; emergency response and preparedness; radiation incidents/accidents; environmental monitoring; food irradiation; radiation therapy; electronic brachytherapy; fluoroscopy; computed tomography (CT); fees; forms; license, certification, registration, and examination; Chapters 64E-3, 64E-4, 64E-5, F.A.C.; Chapters 404 and 468, Part IV, F.S., including the implementation of new legislation affecting these Chapters; Bureau of Radiation Control, including Internet site; and other business.

A copy of the agenda may be obtained by contacting: Brenda Andrews, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741, (850)245-4266, email: Brenda_Andrews@doh.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 10 days before the workshop/meeting by contacting: Brenda Andrews, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, 32399-1741, (850)245-4266, email: Brenda_Andrews@doh.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: Brenda Andrews, Bureau of Radiation Control, Bin #C21, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1741, (850)245-4266, email: Brenda_Andrews@doh.state.fl.us.

DEPARTMENT OF FINANCIAL SERVICE

The Department of Financial Service, State Fire Marshal, Bureau of Fire Prevention announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 29, 2012, 2:00 p.m. – Until Completion

PLACE: MEETING TO BE CONDUCTED USING COMMUNICATIONS MEDIA TECHNOLOGY, specifically Conference Call and Webinar. YOU MUST ACCESS BOTH THE TELECONFERENCE NUMBER for AUDIO ONLY and the WEBINAR for VISUAL ONLY. Teleconference Number: 1(888)808-6959, Code: 2059360213

Webinar:

1. Go to <https://suncom.webex.com/suncom/j.php?ED=191930162&UID=1416024097&RT=MmMxMQ%3D%3D>
2. If requested, enter your name and email address.

3. If a password is required, enter the meeting password:
(This meeting does not require a password.)
4. Click "Join".

To view in other time zones or languages, please click the link:
<https://suncom.webex.com/suncom/j.php?ED=191930162&UID=1416024097&ORT=MIMxMQ%3D%3D>; Public point of access: Room 210L, 2555 Shumard Oak Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Review and make recommendations to the Florida Building Commission and the Florida Fire Code Advisory Council regarding potential conflicts between the proposed 2013 Florida Building Code and the Florida Fire Prevention Code and to consider other business for the Commission.

A copy of the agenda may be obtained by contacting: Ms. Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Pat Harvey, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-0772, (850)487-1824 or Fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Ms. Marlita Peters, Building Codes and Standards Office, Department of Business and Professional Regulation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-0772, (850)487-1824 or Fax: (850)414-8436, Website: www.floridabuilding.org or Belinda Chukes, State Fire Marshal's Office, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3619 or Fax: (850)414-6119.

The Florida **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 22, 2012, 1:30 p.m.

PLACE: 1801 Hermitage Boulevard, Room 440C, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED:
This is a quarterly meeting of the Chief Financial Officer's Treasury Investment Committee pursuant to Section 17.575, Florida Statutes. The purpose of the meeting is to provide an overview of Treasury operations and performance.

A copy of the agenda may be obtained by contacting: Shari Bruno, Administrative Assistant II, Florida Department of Financial Services, Division of Treasury, 1801 Hermitage Boulevard, Tallahassee, Florida 32308, (850)413-2762.

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: Shari Bruno, Administrative Assistant II, Florida Department of Financial Services, Division of Treasury, 1801 Hermitage Boulevard, Tallahassee, Florida 32308, (850)413-2762. 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: Shari Bruno, Administrative Assistant II, Florida Department of Financial Services, Division of Treasury, 1801 Hermitage Boulevard, Tallahassee, Florida 32308, (850)413-2762.

PLEASE NOTE: The Hermitage Building is a secure facility. Persons wishing to attend should call Ms. Bruno to obtain access to the elevator that accesses the Fourth Floor.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: May 21, 2012, 11:30 a.m.

PLACE: Stabile Trustees Boardroom, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Joint Finance and Planning Committee.

A copy of the agenda may be obtained by contacting: Kris Butler, Moffitt Cancer Center, 12902 Magnolia Drive, MCC-VP, Tampa, FL 33612.

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 days before the workshop/meeting by contacting: Kris Butler, (813)745-1888. 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 **H. Lee Moffitt Cancer Center & Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: May 22, 2012, 1:30 p.m.

PLACE: Moffitt Cancer Center, Stable Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by contacting: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612.

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 1 day before the workshop/meeting by contacting: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-ADM, Tampa, FL 33612. 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).

CITIZENS PROPERTY INSURANCE CORPORATION

The **Information Systems Advisory Committee** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 24, 2012, 1:00 p.m.

PLACE: Conference Call: 1(866)361-7525, ID: 4869641229#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business before the Information Systems Advisory Committee.

A copy of the agenda may be obtained by contacting: The Corporate website: <https://www.citizensfla.com> or Stephanie Raker, (850)521-8305.

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: Stephanie Raker, (850)521-8305. 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).

WORKFORCE FLORIDA, INC.

The **Workforce Florida, Inc.** announces a public meeting to which all persons are invited.

DATES AND TIMES: May 23, 2012, Finance and Administration Council, 9:00 a.m. – 12:00 Noon (ET) or conclusion of business; Executive Committee, 3:00 p.m. – 5:00 p.m. (ET) or conclusion of business; Reception, 5:30 p.m. – 7:30 p.m. (ET); May 24, 2012, Board of Directors Meeting, 8:30 a.m. – 12:30 p.m. (ET) or conclusion of business

PLACE: Finance & Admin., Council & Executive Committee, Hilton Garden Inn Lakeland, 3839 Don Emerson Drive, Lakeland, FL; Reception, To Be Determined, consult website for updates: www.workforceflorida.com; Board of Directors meeting, Central Florida Aerospace Academy, 4141 Medulla Road, Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board meetings for Discussion of workforce issues.

A copy of the agenda may be obtained by contacting: www.workforceflorida.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 5 days before the workshop/meeting by contacting: Peggy Dransfield, (850)921-1119. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a public meeting to which all persons are invited.

Full Council Meeting

DATES AND TIME: Monday and Tuesday, June 4-5, 2012, 8:00 a.m.

PLACE: Embassy Suites Fort Myers-Estero, 10450 Corkscrew Commons Drive, Estero, FL 33928; If you need to attend the meeting by Conference Call: 1(888)808-6959, Conference Code: 4885624

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Molly Gosline, Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free: 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

The **Florida Independent Living Council, Inc.** announces a public meeting to which all persons are invited.

Meeting: Youth Advisory Council

DATE AND TIME: Wednesday, June 6, 2012, 9:00 a.m.

PLACE: Embassy Suites Fort Myers-Estero, 10450 Corkscrew Commons Drive, Estero, FL 33928

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1416 N. Adams Street, Tallahassee, Florida 32303, (850)488-5624 or Toll Free: 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

SOUTHWEST FLORIDA CRIMINAL JUSTICE ACADEMY

The **Regional 10 Criminal Justice Training School** announces a public meeting to which all persons are invited.

DATE AND TIME: May 22, 2012, 9:30 a.m.

PLACE: Southwest Florida Public Service Academy, 4312 Michigan Ave., Fort Myers, FL 33905

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda:

1. Pledge of Allegiance
2. Approval of minutes of February 21, 2011
3. Introduction of guests
4. Introduction of new SWFPESA Director
5. F.D.L.E. report – Dawn Radick
6. Academy report from Sarasota County Technical Institute
7. Academy report from Southwest Florida Public Service Academy
8. Old business
9. New business
10. Schedule of next Meeting
11. Adjournment

A copy of the agenda may be obtained by contacting: Angela Esteves, (239)334-3897.

HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY

The **Hardee County Economic Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, May 29, 2012, 6:00 p.m.

PLACE: 412 W. Orange Street, Room 102, Wauchula, FL 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Applicants will give presentation to their projects to the Board, Cities, and County.

A copy of the agenda may be obtained by contacting: Sandy Meeks, (863)773-9430.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Sandy Meeks, (863)773-9430. 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: Sandy Meeks, (863)773-9430.

FLORIDA LEAGUE OF CITIES

The **Florida League of Cities** announces a public meeting to which all persons are invited.

DATE AND TIMES: Thursday, May 31, 2012

- 10:00 a.m. FMLC Meeting
- 11:00 a.m. FMPTF Meeting
- 12:00 Noon Joint Luncheon FMPTF/FMIvT/FMLC
- 1:00 p.m. FMPTF/FMIvT Joint Meeting
- 2:00 p.m. FMIvT Meeting

PLACE: Hyatt Regency Sarasota, 1000 Blvd. of the Arts, Sarasota, FL, (931)953-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Municipal Loan Council; Florida Municipal Pension Trust Fund; Florida Municipal Pension Trust Fund/Florida Municipal Investment Trust Joint Meeting; Florida Municipal Investment Trust.

A copy of the agenda may be obtained by contacting: Linda Bridges, email: lbridges@flcities.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 7 days before the workshop/meeting by contacting: Linda Bridges, email: lbridges@flcities.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).

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: Linda Bridges, email: lbridges@flcities.com.

SOIL AND WATER CONSERVATION DISTRICTS

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: May 16, 2012, 8:00 a.m.

PLACE: Madison USDA-NRCS Building, 1416 US 90 E., Madison, FL 32340

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by contacting: (850)973-6595.

ENTERPRISE FLORIDA, INC.

The **Enterprise Florida, Inc.** and the Florida Defense Support Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 16, 2012, 9:00 a.m. – 12:00 Noon

PLACE: Governor's Large Conference Room, The Capitol, Plaza Level, 400 South Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Defense Support Task Force makes recommendations to the Governor and Legislature to promote, protect and enhance Florida's military missions and installations and to improve the state's military-friendly environment for service members, military dependents, military retirees, and businesses which bring military and base-related jobs to Florida. The Task Force routinely reviews and discusses a wide range of military and defense-related issues that support this mission.

A copy of the agenda may be obtained by contacting: Donna Cucinella, (850)878-4566, dcucinella@eflorida.com; Bruce Grant, (850)878-0826, bgrant@eflorida.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 1 day before the workshop/meeting by contacting: Donna Cucinella, (850)878-4566, email: dcucinella@eflorida.com; Bruce Grant, (850)878-0826, email: bgrant@eflorida.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: Donna Cucinella, (850)878-4566, dcucinella@eflorida.com; Bruce Grant, (850)878-0826, bgrant@eflorida.com.

REGION XII TRAINING COUNCIL

The **Region XII Training Council** announces a public meeting to which all persons are invited.

DATE AND TIME: June 7, 2012, 8:45 a.m.

PLACE: Clayton Hutchinson Agricultural Center, Exhibit Hall "A", 559 Military Trail, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to F.D.L.E./C.J.S.T.C. updates; Palm Beach State College/Criminal Justice Institute Assessment Center Updates; Region XII budget approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, (561)868-3403.

FLORIDA WORKERS' COMPENSATION INSURANCE

The **Florida Workers' Compensation Insurance**, Guaranty Association's Board announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 18, 2012, 10:00 a.m.

PLACE: Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Board to consider the final resolution of a matter regarding workers' compensation premium reporting by a member insurer.

A copy of the agenda may be obtained by contacting: Cathy Irvin, (850)386-9200.

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: Cathy Irvin, (850)386-9200. 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).

COUNCIL OF COMMUNITY COLLEGE PRESIDENTS

The **Florida College System, Council of Presidents** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 3, 2012, 9:00 a.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to the Florida College System.

A copy of the agenda may be obtained by contacting: Tina Ingram, (850)222-3222.

For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

MRGMIAMI

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

DATE AND TIMES: June 7, 2012, 5:30 p.m.; Presentation, 6:00 p.m.

PLACE: Boca Raton Community Center in the Royal Palm Room, 150 Crawford Boulevard, Boca Raton, FL 33432

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the preferred alternative improvements to SR 5/US 1 from south of Glades Road to north of Yamato Road in Palm Beach County (Financial Project Number 416526-1-22-01; Efficient Transportation Decision Making (ETDM) Number 10660).

The draft project documents will be available for public review from May 17, 2012 to June 17, 2012, on the project's website: www.SR5boca.com, and at the FDOT, District Four Office, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, as well as the Boca Raton Community Center, 150 Crawford Boulevard, Boca Raton, Florida 33432. For further information, please visit the project website: www.sr5boca.com.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: FDOT, Project Manager, Nadir Rodrigues, P.E., (954)777-4385 or Toll Free: 1(866)336-8435, ext. 4385, email, nadir.rodrigues@dot.myflorida.com or in writing: Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309.

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. Rodrigues, either in writing at the above address, or at (954)777-4385, Toll Free: 1(866)336-8435, ext. 4385 or via email: nadir.rodrigues@dot.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Rodrigues or visit the project's website: www.sr5boca.com.

ATKINS - BARTOW

The Florida **Department of Transportation** (FDOT) District One announces a workshop and invites all persons to attend.

DATE AND TIME: Tuesday, June 5, 2012, 6:00 p.m. – 7:30 p.m.

PLACE: Crossroads Baptist Church, 10721 Palm Beach Boulevard, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: FDOT will hold a workshop to give affected property owners and interested persons an opportunity to express their views concerning the potential design and construction of traffic noise barriers for the Morse Shores Community along the east and west sides of Interstate 75 north of State Road (SR) 80. The barriers are associated with Financial Project ID 413066-1, otherwise known as Interstate 75 from north of SR 80 to south of SR 78 in Lee County, Florida. Input is requested from property owners adjacent to the proposed noise barriers regarding their support for or opposition to construction of the proposed traffic noise barriers and their preference regarding color and texture of the residential side of the proposed noise barriers.

A copy of the agenda may be obtained by contacting: Mr. Jeffrey W. James, Environmental Project Manager, FDOT, District One, P. O. Box 1249, Bartow, FL 33831, by phone: (863)519-2625, by e-mail: jeffreyw.james@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, FDOT asks anyone requiring special accommodations to participate in the workshop to advise the agency by contacting Mr. James at least 7 days before the workshop. Anyone who is hearing or speech impaired may contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

ATKINS – TAMPA

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

DATE AND TIME: Tuesday, May 22, 2012, 5:00 p.m. – 7:00 p.m.

PLACE: Northbound I-75 Rest Area, Mile Marker 278, Wesley Chapel, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa North Interstates open house, covering projects on I-275 and I-75 in northern Hillsborough County and projects on I-75 in Pasco and Hernando counties. The improvements under construction or design include capacity and operational upgrades such as roadway widening, repaving, interchange improvements, signal replacement, drainage, highway lighting and Intelligent Transportation System (ITS) components. Nine projects will be included in this open house:

FPN 408459-2, 408459-3 and 405492-8: I-75 from south of Fowler Avenue to State Road 56 – widening – under construction

FPN 408459-4: I-75 from State Road 56 to north of County Road 54 – widening – under construction

FPN 258736-2: I-75 from County Road 54 to State Road 52 – widening & Interchange improvements – under design
 FPN 411014-2: I-75 from State Road 52 to the Pasco/Hernando line – widening – under design
 FPN 411011-2: I-75 from Pasco/Hernando line to State Road 50 – widening & interchange improvements – under design
 FPN 411012-2: I-75 from State Road 50 to Hernando/Sumter line – widening – under design
 FPN 258660-2: I-275 from Floribraska Avenue to Yukon Street – bridge widening – construction starts summer 2012
 FPN 427173-1: northbound I-275 at Fowler Avenue – ramp widening – under construction
 FPN 258413-1, 258413-3 and 407233-7: I-275 from U.S. 41 to I-75 – widening – under construction

There will be no formal presentation; therefore, you are encouraged to drop in at your convenience during the hours listed above.

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 seven (7) days before the workshop/meeting by contacting: Joyce Jolliff, Florida Department of Transportation, District Seven, (813)233-3815 or 1(800)226-7220, by letter: Joyce Jolliff, Florida Department of Transportation, 4902 East 10th Avenue, Tampa, Florida 33605-4739, email: joyce.jolliff@dot.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: John McShaffrey, Public Information Officer, (813)233-3837, 1(800)226-7220, john.mcshaffrey@dot.myflorida.com.

DRMP, INC.

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

DATE AND TIMES: June 7, 2012, Open House, 5:00 p.m. – 7:00 p.m.; Presentation, 6:00 p.m.

PLACE: Boca Raton Community Center, Royal Palm Room, 150 Crawford Boulevard, Boca Raton, FL 33432

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to allow interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the preferred alternative improvements to SR 5/US 1 from south of Glades Road to north of Yamato Road, Palm Beach County (Financial Project Number 416526-1-22-01; Efficient Transportation Decision Making (ETDM) Number 10660).

The draft project documents will be available for public review from May 17, 2012 to June 17, 2012, on the project's website: www.SR5boca.com, and at the FDOT, District Four Office,

3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, as well as the Boca Raton Community Center, 150 Crawford Boulevard, Boca Raton, Florida 33432. For further information, please visit the project website: www.sr5boca.com.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: FDOT, Project Manager Nadir Rodrigues, P.E., (954)777-4385 or Toll Free: 1(866)336-8435, ext. 4385, email: nadir.rodrigues@dot.myflorida.com or in writing: Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309.

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. Rodrigues, either in writing at the above address, phone: (954)777-4385, Toll Free: 1(866)336-8435, ext. 4385 or via email: nadir.rodrigues@dot.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Rodrigues or visit the project's website: www.sr5boca.com.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Albert Frost, Unit Owner, In Re: Tregate East Condominium Association, Inc., Docket No. 2012020487, filed on April 25, 2012. The petition seeks the agency's opinion as to the applicability of Sections 718.106 and 718.303, Florida Statutes, as it applies to the petitioner.

Whether Tregate East Condominium Association, Inc. may suspend a unit owner's right to use the common elements under Sections 718.106 and 718.303, Florida Statutes, if he has been delinquent in paying assessments for more than a year.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by C.A.R.P.I. U.S.A., Inc. on March 12, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 38, No. 12, of the March 23, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 13, 2012. The Petitioner requested the Board's interpretation of Section 489, Part 1, Florida Statutes, and whether a license is required for Petitioner to subcontract with a certified general contractor for the installation of flexible polyvinyl chloride ("PVC") geomembrane and geocomposite lining materials as a water barrier, utilizing stainless steel anchorage batten bars, neoprene sponge rubber gaskets, and thixotropic epoxy water proof sealant. The Board's Order, filed on April 27, 2012, issues a declaratory statement that Petitioner is not required to obtain a contractor's license in order to subcontract for a certified general contractor on the project described in the Petition.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, Post Office Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Derek A. Pratt on March 9, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 38, No. 14, of the April 6, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 13, 2012. The Petitioner requested the Board's interpretation of Section 489.105, Florida Statutes, and whether a State license is required for sewer and drain cleaning, TV pipeline inspection, and private utility locating. The Board's Order, filed on April 27, 2012, issues a declaratory statement that a plumber's license is required to perform the described work because it requires entry into the sanitary sewer lines.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, Post Office Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Jeff Tawney, Aquacal Auto Pilot, Inc. on March 9, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 38, No. 12, of the March 23, 2012, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 13, 2012. The Petitioner requested the Board's interpretation of Section 489.105(3), Florida Statutes, and whether a Class A or Class B air-conditioning contractor can contract and install a heat pump for swimming pools or spas. The Board's Order, filed on April 27, 2012, issues a declaratory statement that Petitioner cannot contract and install a heat pump for a swimming pool under his certified air-conditioning contractor's license.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, Post Office Box 5257, Tallahassee, Florida 32314-5257.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Medicine has issued an order disposing of the petition for declaratory statement filed by Michael J. Hennings, D.C., on February 13, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement published on February 24, 2012, in Vol. 38, No. 8, of the Florida Administrative Weekly. Petitioner sought the Board's interpretation of Section 460.403(9)(b), Florida Statutes, entitled, "Definitions," concerning whether it is within the chiropractic scope of practice to perform and interpret diagnostic ultrasound for the purpose of diagnosing neuromusculoskeletal and vascular conditions in patients. The Board of Chiropractic Medicine considered the Petition at its meeting held on April 13, 2012, in Orlando, Florida. The Board's Order filed on May 1, 2012, declined to answer the petitioner's question. The Board added that chiropractors should perform only those procedures in which he or she has been trained.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

NOTICE IS HEREBY GIVEN that on April 23, 2012, the Board of Nursing has received the petition for declaratory statement from Amanda M. Walter, RN, MSN, CEN. The petition seeks the agency’s opinion as to the applicability of Section 464.003, Florida Statutes, as it applies to the petitioner. Petitioner is seeking clarification as to whether or not it is within the scope of practice for a properly trained registered nurse to perform intraosseous cannulation under the direct supervision of a Florida licensed physician in a hospital emergency department. The Board will address this petition at it’s June meeting.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252.

Please refer all comments to: Board of Nursing within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN that on April 12, 2012, the Board of Pharmacy has received the petition for declaratory statement from Gregory Milanich, RPh. The petition seeks the agency’s opinion as to the applicability of Rule 64B16-27.830, Florida Administrative Code, as it applies to the petitioner.

The petition requests the Board to issue a declaratory statement regarding Rule 64B16-27.830, Florida Administrative Code, as to whether pharmacists can enter into a proactive prescriber care plan with individual physicians for all their patients in long term care facility.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Section VIII
Notices 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 have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices 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

Notice of Bid

The University of Florida, Purchasing Services will receive sealed bids for the following: ITB12MB-151, UF Pump Station #2 Reconstruction WO #1295650, estimated budget: \$500,000, to be opened June 11, 2012, 2:00 p.m., 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Construction of a new Triplex Liftstation and the demolition of the existing liftstation building and defined utilities. See bid documents at website below. Mandatory pre-bid meeting and non-mandatory site visit will be held May 21, 2012, 10:00 a.m., PPD Main Street Facility, Bldg. 700, Radio Road, Gainesville, FL. Doors will be locked promptly at 10:00 a.m. Questions should be directed to: Mercedes Bongiovanni, mbongio@ufl.edu or (352)392-1331, ext. 210. For more information visit: www.purchasing.ufl.edu. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact: Purchasing, purchasing@ufl.edu or (352)392-1331, within three (3) days of the event.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida St. Petersburg (USFSP) announces that continuing professional services are required for the following disciplines: Cost Consulting. Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$2,000,000 or less, or studies for which the fee for professional services is \$200,000 or less. Campus Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, June 29, 2012 to July 1, 2013. Award of contract is for an initial period of one (1) year with an Owner’s option to renew for up to one (1) year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period. Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed USFSP “Professional Qualifications Supplement” form. Proposals must not exceed 40 pages, including the “Professional Qualifications Supplement” and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. Attach to each letter of interest:

1. The USFSP “Professional Qualifications Supplement,” dated April, 2009, is to be completed by the applicant. www.usfsp.edu/adminservices/omf/resources. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida. Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project. The plans and specifications for University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant 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 consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The USFSP “Professional Qualifications Supplement,” descriptive project information, and

selection criteria may be obtained by contacting: Sandy McFarlin, Business and Fiscal Assistant, University of South Florida St. Petersburg, Facilities Planning and Construction Services, 140 – 7th Avenue South, TER 100, St. Petersburg, FL 33701, (727)873-4822 or e-mail: smcfarlin@usfsp.edu. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the short listed applicants and USFSP. A projected list of minor projects will be included as an attachment to the Fact Sheet which is available upon request. Please submit any questions regarding the “Professional Qualifications Supplement” via e-mail. Six (6) bound copies of the above required proposal data shall be submitted to: John Trecastelli, RA, Associate Director, Facilities Planning & Construction Services, University of South Florida St. Petersburg, 140 – 7th Avenue South, TER 100, St. Petersburg, FL 33701. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address by 2:00 p.m. (Daylight Savings Time), May 25th, 2012. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

**PUBLIC ANNOUNCEMENT OF
A/E SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for Architectural Services

The following firms were selected by FSDB:

1. Akel Logan Shafer Architect/Planners
2. Ebert Norman Brady Architects
3. Harvard Jolly Architecture

**PUBLIC ANNOUNCEMENT OF
CIVIL ENGINEER SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for Civil Engineering Services

1. Zev Cohen & Associates, Inc.
2. JBC Planning & Engineering, LLC.
3. Bowen Civil Engineering, Inc.

**PUBLIC ANNOUNCEMENT OF
MEP ENGINEER SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for MEP Engineering Services

The following firms were selected by FSDB:

1. Matern Professional Engineering, Inc.
2. TLC Engineering for Architecture
3. McVeigh & Mangum Engineering, Inc.

**PUBLIC ANNOUNCEMENT OF
STRUCTURAL ENGINEER SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NAME: Continuing Contract for Structural Engineering Services

1. Atlantic Engineering Services
2. McVeigh & Mangum Engineering, Inc.
3. Graef-USA, Inc.

DCPS Fire Alarm and Security System Replacement at San Mateo Elementary School No. 218/DCSB Project Nos. M-83970 and M-83980/OFDC- ITB-008-12

DUVAL COUNTY PUBLIC SCHOOLS ADVERTISEMENT FOR BIDS – Invitation to Bid for an Electrical Contractor – Publish Date May 4, 2012. Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207, until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, 5th Floor, Room 513D, 1701 Prudential Drive, Jacksonville, Florida. **BIDS ARE DUE ON OR BEFORE JUNE 12, 2012 AND WILL BE ACCEPTED UNTIL 2:00 p.m.**

OFFICIAL PROJECT TITLE: Fire Alarm and Security System Replacement at San Mateo Elementary School No. 218/DCSB Project Nos. M-83970 and M-83980/OFDC-ITB-008-12.

SCOPE OF WORK: The project consists of fire alarm and security system replacement per plans and specifications. Estimated construction cost is not to exceed \$500,000. Contract documents for bidding may be obtained at the office of: LDI Repro Printing Centers, 806 Roselle St., Jacksonville, FL 32204, (904)381-0777. Name of A/E Firm: John Searcy & Associates, Inc., 2700 University Blvd. W., Suite B-4, Jacksonville, FL 32217, (904)739-1231.

DCSB Point of Contact: Tony Gimenez, (904)390-2945. Contract documents for bidding may be examined at the Duval County Public Schools Administration Building, 1701

Prudential Drive, Jacksonville, FL 32207. MBE Participation Goal: 10% Overall. All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on May 24, 2012, 9:00 a.m., San Mateo Elementary School, 600 Baisden Road, Jacksonville, FL 32218. Failure to attend the pre-bid conference shall result in disqualification of that firm’s proposal. Attendees will be required to sign an attendance register. All contractors submitting proposals and bids must be pre-qualified with Duval County Public Schools at the time of the ITB Response Due Date. No proposals or bids will be accepted from Contractors who are not pre-qualified at that time. Prequalification forms and information may be obtained at: www.duvalschools.org under http://duvalschools.org/static/aboutdcps/departments/facilities/general_documents.asp. The Bid Award Recommendation will be posted on the First Floor, Bulletin Board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

METROPOLITAN PLANNING ORGANIZATIONS

**REQUEST FOR PROPOSALS
ANNUAL CONTRACT FOR TRANSPORTATION
PLANNING CONSULTANT SERVICES**

Proposals for this service must be received by the Lee County Metropolitan Planning Organization (MPO), via delivery to 815 Nicholas Parkway E., Cape Coral, Florida or via mail: Post Office Box 150045, Cape Coral, Florida 33915, by 3:00 p.m. (Local Time), Friday, June 1, 2012. Lee County MPO reserves the right to reject any or all proposals.

SCOPE OF SERVICES: The Lee County MPO is soliciting responses to this request for proposal, which is issued for the purpose of selecting one or more consulting firms to be retained under a two-year contract, with two one-year renewal options. The firms shall be responsible for knowledge of the compliance with all relevant local, state, and federal laws and regulations, and shall be capable of providing some or all of the types of transportation planning and engineering services described in the scope of services. The transportation planning work may include, but not be limited to, financial resource forecasting and revenue projections, public involvement, corridor and small area studies, goods movement studies, traffic engineering studies, ITS needs assessment, project cost estimation, land use modeling, GIS assistance, long range transit system planning and modeling, transit authority formation studies, and other miscellaneous studies as directed. Proposals must specify which of the services identified in the scope of services the firm or team is proposing to provide and which it is not.

INVITATION TO PROPOSE: The program hereby solicits proposals for selection as on-call consultant for planning services to the Lee County MPO. Awards will be made to respondents whose proposals are deemed by the Program to be most beneficial, all factors considered.

REQUEST FOR PROPOSALS (RFP) INFORMATION AND INSTRUCTION:

(HOW TO APPLY): A Request for Proposals document may be obtained by contacting, in writing, Ms. Meghan Marion, Lee MPO Designee, P. O. Box 150045, Cape Coral, Florida 33915, (239)244-2220, Fax: (239)790-2695 or by email: mmarion@leempo.com. Materials will be sent by regular mail to the requester within two business days. All requests for clarification or additional information on the RFP must be submitted in writing to the same address as above by no later than 5:00 p.m., May 25, 2012. Proposals must then be received by the Lee County MPO, via delivery: 815 Nicholas Parkway E., Cape Coral, FL 33990 or via mail: P. O. Box 150045, Cape Coral, FL 33915, by 3:00 p.m. (Local Time), Friday, June 1, 2012.

This public notice was posted in the lobby of the offices of the: Lee County MPO, 815 Nicholas Parkway E., Cape Coral, Florida 33990, Friday, May 11, 2012. The Lee County MPO does not discriminate based on age, race, color, sex, religion, national origin, disability or marital status. Qualified minority-owned, women-owned or disadvantaged business enterprises are encouraged to apply.

FLORIDA HOUSING FINANCE CORPORATION**RFQ 2012-01 Financial Advisor Services**

The Florida Housing Finance Corporation invites all qualified entities wishing to act as financial advisor and to perform services for and on behalf of Florida Housing Finance Corporation to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, June 15, 2012, to the Attention: Sherry Green, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact: Sherry Green, (850)488-4197 or sherry.green@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and offeror's responsibilities, please submit your request to the Attention: Sherry Green or you can download the Request for Qualifications from the Florida Housing Finance Corporation web site: <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForQualifications.htm>.

Any modifications that occur to the Request for Qualifications will be posted at the web site and may result in an extension of the deadline.

DEPARTMENT OF MILITARY AFFAIRS**INVITATION TO BID**

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General Contractors/Electrical Contractors for the following project located at St. Francis Barracks (SFB), St. Augustine, Florida.

FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER 5/11/12 AT: http://vbs.dms.state.fl.us/vbs/main_menu.

PROJECT: 212020 St. Francis Barracks Generator Replacement.

FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

BID OPENING DATE: As stated on the Vendor Bid System (late bids will not be accepted).

MANDATORY PRE-BID/SITE VISIT DATE: As stated on the Vendor Bid System.

STATEMENT OF WORK: Disconnect and removal of two (2) existing generators, supply and installation one (1) new backup generator for the building located at SFB.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction and Facility Management Office, Contracting Branch, (904)823-0255, (904)823-0256, e-mail: cfmocontracting@ng.army.mil.

Faxed or e-mailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner's representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

Tentative Schedule: 212020 St. Francis Barracks Generator Replacement: F.A.W./VBS Published (5/11/12), Pre-Bid Meeting (5/17/12, 9:00 a.m.), Final Questions submitted (5/22/12), Final Addenda Published (5/25/12), Bid Opening RFE (6/5/12, 2:00 p.m.)

AULD & WHITE CONSTRUCTORS, LLC

NOTICE TO SUBCONTRACTORS
 CENTER FOR THE PREVENTION OF HEALTH
 DISPARITIES – REQUEST FOR BIDS

NOTICE IS HEREBY GIVEN that Auld & White Constructors, LLC, in conjunction with the Edward Waters College, will be accepting sealed proposals, which will be received until 2:00 p.m., Tuesday, May 22, 2012, at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, for the referenced project. Bids shall be opened publicly at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216.

SCOPE DESCRIPTION: New construction of a 2,520 s.f. concrete masonry and brick building for use as an educational/medical research facility. Building includes lobby, classroom, food prep space, office/exam rooms, accessible restrooms and support spaces. Work also includes site work and parking upgrades.

Interested Bidders are required to notify Auld & White Constructors, LLC, of their Intent to Bid, in writing, no later than Friday, May 11, 2012. Interested Bidders who fail to notify Auld & White Constructors, LLC, of their intent to bid by the date referenced above MAY NOT be permitted to bid. Bid drawings and specifications will be available at Auld & White Constructors, LLC, 4168 Southpoint Parkway, Suite 101, Jacksonville, Florida 32216, on Thursday, May 3, 2012. All interested bidders shall submit their Notice of Intent to Bid by Fax: (904)296-1896, Attention: Jodi Marson or e-mail: awcestimating@auld-white.com.

Edward Waters College and Auld & White Constructors, LLC are committed to provide equal opportunity and strongly encourage all interested M/WBE and small business firms and suppliers to submit bids.

Auld & White Constructors, LLC reserves the right to reject any and all bids, waive formalities and irregularities in bidding and to accept bids, which are considered by Auld & White Constructors, LLC to be in the best interest of the project.

Section XII Miscellaneous

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Group 1 Compliance Economic Review Reports
 Pursuant to the requirements of Section 120.745, Florida Statutes, the Department of Agriculture and Consumer Services has completed a Compliance Economic Review Report for each rule and rule subpart identified as “Group 1” by the Department in the Enhanced Biennial Review Report.

The reports were posted on the Department’s website on May 1, 2012. To view the reports visit: http://www.freshfromflorida.com/offices/general_counsel/enhanced_biennial_rule_review.html.

In accordance with Sections 120.745(7)(b)2. and 3., Florida Statutes, any interested party should address all inquiries, public comments, and objections pertaining to the publication of the Department’s “Group 1” Compliance Economic Review Reports in writing to Steven L. Hall, Attorney, Office of General Counsel, 407 South Calhoun Street, Suite 520, Tallahassee, Florida 32399, by email: Steven.Hall@FreshFromFlorida.com or by Fax: (850)245-1001.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

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

Pursuant to Section 320.642, Florida Statutes, notice is given that Value Group Enterprises, Inc., intends to allow the establishment of TGT Companies, Inc., as a dealership for the sale of motorcycles manufactured by Zhejiang Kaikai Meiduo Locomotive Co. Ltd. (line-make KAIK), 2327 East Semoran Boulevard, Apopka (Orange County), Florida 32703, on or after June 11, 2012.

The name and address of the dealer operator(s) and principal investor(s) of TGT Companies, Inc., are dealer operator(s): Heidi Drawl, 1918 South Orange Blossom Trail, Apopka, Florida 32703; principal investor(s): Heidi Drawl, 1918 South Orange Blossom Trail, Apopka, Florida 32703.

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

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

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

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael Leija, Value Group Enterprises, Inc., 12825 Alondra Boulevard, Norwalk, California 90650.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

PUBLIC SERVICE COMMISSION

Notice is hereby given that on April 27, 2012, the Florida Public Service Commission published the following documents on its website pursuant to Section 120.745(5), Florida Statutes (F.S.), for Group 1 rules: Compliance economic reviews, certification of completion, and directions for submitting lower cost regulatory alternatives. The Internet addresses through which these publications may be accessed are:

- http://www.floridapsc.com/2011_Rule_review/Economic_Review
- http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-4.0161
- http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-4.0436
- http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-4.0131
- http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-4.0021
- http://www.floridapsc.com/2011_Rule_review/Economic_Review/25-4.032

Pursuant to Section 120.745(5)(c), F.S., no later than August 1, 2012, the rule ombudsman in the Executive Office of the Governor may submit lower cost regulatory alternatives to the Florida Public Service Commission. No later than June 15, 2012, other interested parties may submit lower cost regulatory alternatives to any rule. The person designated to receive lower cost regulatory alternatives, all inquiries, public comments, and objections pertaining to the publications identified in this notice is as follows: Julie Phillips, c/o Ann Cole, Commission Clerk, Docket No. 110303-OT, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, Fax: (850)717-0118, email: jphillip@psc.state.fl.us.

EXECUTIVE OFFICE OF THE GOVERNOR

**NOTICE OF FUNDING AVAILABILITY – NOFA
RESIDENTIAL CONSTRUCTION MITIGATION
PROGRAM – COMPETITIVE AWARD PROGRAM**

The Florida Division of Emergency Management (DEM or Division) announces the advertisement of the availability of Hurricane Loss Mitigation funding for the Residential Construction Mitigation Program (RCMP). This NOFA advertisement is for informational purposes only. No applications or proposals shall be submitted to the Division under this NOFA. Instead, the Division will use the Request for Proposal (RFP) process as the procurement procedure. Eligible Proposers may submit proposals under

RFP-DEM-11/12-027 – Residential Retrofit and Outreach Programs, that will be posted on MyFloridaMarketPlace on Friday, May 11, 2012.

In order to submit proposals under RFP-DEM-11/12-027 – Residential Retrofit and Outreach Programs, the Proposer must meet all the requirements identified in the RFP, including registration in MyFloridaMarketPlace as described below.

Please contact: Tara Walters, Procurement, (850)410-1391, email: Tara.Walters@em.myflorida.com, if you have any questions regarding MyFloridaMarketPlace.

Prior to May 11, 2012, please contact: Howard Douglas, Community Assistance Consultant, (850)413-9817, email: Howard.Douglas@em.myflorida.com, for RCMP questions. Do not contact Howard Douglas in anyway after the posting of the RFP on the Vender Bid System on May 11, 2012 or your proposal will be disqualified.

MyFloridaMarketPlace

Since July 1, 2003, the State has been using the State of Florida’s web-based electronic procurement system known as, MyFloridaMarketPlace. Proposers must be registered in the state of Florida’s MyFloridaMarketPlace system by the time and date of the technical proposal opening or they will be considered non-responsive. Prospective proposers that are not registered should go to the following link to complete on-line registration: <https://vendor.myfloridamarketplace.com/> or call: 1(866)352-3776 for assisted registration.

View the Request for Proposal (RFP) through the State of Florida Vendor Bid System.

The Division of Emergency Management advertises all formal solicitations electronically. The RFP solicitation documents are not published or distributed in any other format.

The RFP solicitation documents are available only through the State of Florida Vendor Bid System at the following site: http://vbs.dms.state.fl.us/vbs/main_menu.

The RFP solicitation will be posted to the Vendor Bid System (VBS) beginning May 11, 2012. Choose “Search Advertisements” on the menu screen. The search page provides several ways to customize the search. The “Advertisement Type” may be left blank. Target the search by choosing Division of Emergency Management from the “Agency” selection list. Scroll down to click “Initiate Search.” Click on the Request for Proposal #RFP-DEM-11/12-027, titled Residential Retrofit and Outreach Programs. Scroll down to the bottom of the page to view attachments and related documents.”

To avoid missing the publication of notices, addendums or other future advertisements for this solicitation, we encourage all interested parties to complete the Electronic Notification registration at the Web site to begin receiving automatic e-mail notifications of such solicitations.

Recap

- Go to: http://vbs.dms.state.fl.us/vbs/main_menu
- Choose “Search Advertisements” from the main menu

- Under the “agency” drop down menu, select Division of Emergency Management
- Click “initiate search”
- Click on the Request For Proposal #RFP-DEM-11/12-027
- Titled: Residential Retrofit and Outreach Programs
- Scroll to the bottom of the page to view attached documents

You will need to refer back to the VBS website and review the Request for Proposal (RFP) for important updates as outlined in the Schedule of Events.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call: (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF JUVENILE JUSTICE

Internal Review Board (IRB) Research Proposal Process

The Florida Department of Juvenile Justice has posted a revised procedure and its associated policy and forms for review and comment. The Institutional Review Board (IRB) Research Proposal Review Process (FDJJ – 1609.01) is posted at: http://www.djj.state.fl.us/policies_procedures/policyreview.html. The revised procedure addresses the process by which the Department conducts oversight of research protocols to protect youth involved with DJJ from risks due to research studies. There is no fiscal impact for Department or applicable service providers. The revised procedure is being posted for a single 20 working day review and comment period. The closure date for submission of comments is June 6, 2012. Comments should be sent to the person identified on the above Website utilizing the Matrix of Comments.

DEPARTMENT OF HEALTH

Notice of Emergency Action

On May 2, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Benjamin Primm IV, MA, License #MA 65344. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Notice of Emergency Action

On April 27, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michael B. Schoenwald, M.D., License #ME 25467. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Notice of Emergency Action

On April 27, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Stephanie M. Hardern, C.N.A., License #CNA 199866. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Notice of Emergency Action

On April 27, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Caroline Patricia Keogh-Williams, L.P.N, License #PN 1065441. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public

Notice of Emergency Action

On April 27, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Sadie Diane Calhoun Wilson, L.P.N, License #PN 5156573. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2010). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

Notice of Emergency Action

On May 2, 2012, State Surgeon General, issued an Order of Emergency Suspension Order with regard to the license of Michael James Fisher, RPT, License #RPT 23716. This Emergency Suspension Order was predicated upon the State

Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

NOTICE OF PROPOSED APPLICATION FOR WAIVER TO CERTAIN PORTIONS OF 7 CFR §226

NOTICE IS HEREBY GIVEN THAT the Florida Department of Health has prepared a request for waiver for certain federal regulations regarding the Childcare Food Program activity at certain public schools. The Department has requested waiver of the requirements of 7 CFR §226 as they apply to Childcare Food Program operations at public schools in favor of those federal regulations applying to the same or similar activity under the National School Lunch Program governed by 7 CFR §210; §220; §225; and §245. If the waiver is granted, the designated sections of the National School Lunch Program regulations would replace those requirements of 7 CFR §226 and would be enforced by the Florida Department of Agriculture at the public school venues.

A copy of that waiver request can be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, FL 32399-1703, Fax: (850)410-1448.

FISH AND WILDLIFE CONSERVATION COMMISSION

AVAILABILITY OF DRAFT MANAGEMENT PLAN

The Florida Fish and Wildlife Conservation Commission approved the Gopher Tortoise Management Plan in 2007 and reclassified the gopher tortoise (*Gopherus polyphemus*) to State-designated Threatened. The management plan calls for a revision at least every 5 years, and the agency is scheduled to bring draft revisions to the Gopher Tortoise Management Plan to the September 5-7, 2012 Commission meeting. A draft revised gopher tortoise management plan has been prepared, and the Commission is now requesting written comments on the plan, including those regarding conservation recommendations and expected economic and social impacts of implementing the plan. A copy of the draft management plan is available at: <http://MyFWC.com/GopherTortoise;>

follow the “Management Plan” link to access the draft plan. Instructions for submitting written comments electronically can also be obtained via the website. Comments not submitted electronically may be mailed to: Gopher Tortoise Management Plan, 620 S. Meridian St., MS #2A, Tallahassee, Florida 32399-1600. Comments will be accepted until 11:59 p.m. (EDT), June 25, 2012. Florida has a broad public records law. Your written communications, including e-mails, are public records subject to public disclosure.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

<u>By Mail or Facsimile</u>	OR	<u>By Hand Delivery</u>
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P. O. Box 8050		General Counsel’s Office
Tallahassee, Florida 32314-8050		The Fletcher Building, Suite 118
Phone (850)410-9800		101 East Gaines Street
Fax: (850)410-9548		Tallahassee, Florida 32399-0379

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., June 1, 2012):

APPLICATION AND PLAN FOR THE PURCHASE OF CERTAIN ASSETS AND ASSUMPTION OF CERTAIN LIABILITIES

Acquiring Entity: Banco de Sabadell, S.A., Sabadell, Spain
 Selling Entity: Caja de Ahorros del Mediterraneo, Miami, Florida

Received: May 1, 2012

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN April 23, 2012
 and April 27, 2012**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

5I-4.002	4/26/12	5/16/12	38/4	
5I-4.003	4/26/12	5/16/12	38/4	
5I-4.005	4/26/12	5/16/12	38/4	
5I-4.006	4/26/12	5/16/12	38/4	
5I-4.007	4/26/12	5/16/12	38/4	
5I-4.008	4/26/12	5/16/12	38/4	
5I-4.011	4/26/12	5/16/12	38/4	

DEPARTMENT OF EDUCATION

State Board of Education

6A-25.001	4/24/12	5/14/12	37/41	
6A-25.002	4/24/12	5/14/12	37/41	
6A-25.003	4/24/12	5/14/12	37/41	
6A-25.004	4/24/12	5/14/12	37/41	
6A-25.005	4/24/12	5/14/12	37/41	38/5
6A-25.006	4/24/12	5/14/12	37/41	
6A-25.007	4/24/12	5/14/12	37/41	
6A-25.008	4/24/12	5/14/12	37/41	
6A-25.009	4/24/12	5/14/12	37/41	38/5
6A-25.010	4/24/12	5/14/12	37/41	37/44
6A-25.011	4/24/12	5/14/12	37/41	37/48
6A-25.012	4/24/12	5/14/12	37/41	37/48
6A-25.013	4/24/12	5/14/12	37/41	37/48
6A-25.014	4/24/12	5/14/12	37/41	37/48
6A-25.015	4/24/12	5/14/12	37/41	37/48
6A-25.016	4/24/12	5/14/12	37/41	37/48
6A-25.017	4/24/12	5/14/12	37/41	37/48
6A-25.018	4/24/12	5/14/12	37/41	37/48
6A-25.019	4/24/12	5/14/12	37/41	

AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Licensure and Certification

59A-3.312	4/24/12	5/14/12	38/4	
59A-4.166	4/25/12	5/15/12	38/4	
59A-7.035	4/23/12	5/13/12	38/5	38/10
59A-8.0025	4/24/12	5/14/12	38/4	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
59A-9.018	4/24/12	5/14/12	38/4	
59A-10.031	4/24/12	5/14/12	38/4	
59A-11.011	4/24/12	5/14/12	38/4	
59A-18.001	4/24/12	5/14/12	38/4	
59A-18.015	4/24/12	5/14/12	38/4	
59A-18.016	4/24/12	5/14/12	38/4	
59A-22.002	4/26/12	5/16/12	38/4	
59A-22.003	4/26/12	5/16/12	38/4	
59A-22.004	4/26/12	5/16/12	38/4	
59A-22.006	4/26/12	5/16/12	38/4	
59A-22.008	4/26/12	5/16/12	38/4	
59A-22.009	4/26/12	5/16/12	38/4	
59A-22.010	4/26/12	5/16/12	38/4	
59A-22.011	4/26/12	5/16/12	38/4	
59A-27.003	4/24/12	5/14/12	38/4	
59A-33.003	4/26/12	5/16/12	38/4	
59A-33.004	4/26/12	5/16/12	38/4	
59A-33.005	4/26/12	5/16/12	38/4	
59A-33.010	4/26/12	5/16/12	38/4	
59A-33.011	4/26/12	5/16/12	38/4	

Cost Management and Control

59B-16.001	4/24/12	5/14/12	38/1	38/11
59B-16.002	4/24/12	5/14/12	38/1	38/11

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.705	4/24/12	5/14/12	38/4	
62-304.710	4/24/12	5/14/12	38/4	
62-304.715	4/24/12	5/14/12	38/4	
62-304.725	4/24/12	5/14/12	38/4	

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

64B-9.001	4/26/12	5/16/12	38/6	38/12
Board of Dentistry				
64B5-2.0152	4/23/12	5/13/12	38/12	

Board of Opticianry

64B12-9.001	4/26/12	5/16/12	38/5	
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Board of Orthotists and Prosthetists

64B14-4.005	4/25/12	5/15/12	38/9	
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Division of Environmental Health

64E-28.006	4/25/12	5/15/12	38/1	38/11
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

65G-4.014	4/26/12	5/16/12	36/7	37/11
65G-4.015	4/26/12	5/16/12	36/7	37/11
65G-4.016	4/26/12	5/16/12	36/7	37/11
65G-4.017	4/26/12	5/16/12	36/7	37/11

**DEPARTMENT OF FINANCIAL SERVICES
Securities**

69W-301.002	4/26/12	4/26/12	38/13	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO (CHAPTER 2010-279, LAWS OF FLORIDA)

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.300	3/2/11	*****	38/3	
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DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

69L-7.020	10/24/11	*****	37/24	37/3
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Section XIV
List of Rules Affected

This “List of Rules Affected” is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last eight weeks.

- w – Signifies Withdrawal of Proposed Rule(s)
- c – Rule Challenge Filed
- v – Rule Declared Valid
- x – Rule Declared Invalid
- d – Rule Challenge Dismissed
- dw – Dismissed Upon Withdrawal

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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STATE

1B-2.011	38/4		38/14
1S-2.030	37/46	38/18	
1S-2.049	37/46		38/18
IT-1.036	38/1		38/13
IT-1.037	38/3		38/13
IT-1.038	38/18		
IT-1.039	38/14		
IT-1.040	38/16		

AGRICULTURE AND CONSUMER SERVICES

5E-2.036	38/10		
5E-2.040	38/10		
5E-14.117	37/51	38/11	
5E-14.142	37/51	38/11	
5E-14.149	37/51	38/11	
5E-14.150	37/51	38/11	
5F-11.002	37/14		38/16
5I-4.002	38/4		38/19
5I-4.003	38/4		38/19
5I-4.005	38/4		38/19
5I-4.006	38/4		38/19
5I-4.007	38/4		38/19
5I-4.008	38/4		38/19
5I-4.011	38/4		38/19
5I-5.001	38/4		38/16w
5I-5.002	38/4		38/16w
5I-5.003	38/4		38/16w
5I-5.004	38/4		38/16w
5I-5.005	38/4		38/16w
5I-5.006	38/4		38/16w
5I-5.007	38/4		38/16w
5I-5.008	38/4		38/16w
5I-5.009	38/4		38/16w
5I-5.010	38/4		38/16w
5J-6.003	36/50		38/12

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
5J-6.005	36/50	38/3	38/12
5J-6.013	36/50	38/3	38/12
5J-7.004	36/47	37/48	38/12
5J-7.005	36/47	37/48	38/12
5J-7.006	36/47	37/48	38/12
5J-7.007	36/47	37/48	38/12
5J-7.008	36/47	37/48	38/12
5J-9.002	36/47	38/3	38/12
5J-14.003	36/47	37/48	38/12
5J-17.016	36/47		
5J-17.029	36/47		
5J-17.030	36/47		
5J-17.0321	36/47		
5J-17.0322	36/47		
5J-17.034	36/47		
5J-17.035	36/47		
5J-17.036	36/47		
5J-17.038	36/47		
5J-17.0381	36/47		
5J-17.039	36/47		
5J-17.041	36/47		
5J-17.044	36/47		
5J-17.047	36/47		
5J-17.080	36/47		
5J-17.082	36/47		
5J-17.085	36/47		
5J-17.102	36/47		
5J-17.200	36/47		
5J-17.203	36/47		
5J-17.204	36/47		
5J-17.206	36/47		
5J-17.208	36/47		
5J-17.210	36/47		

EDUCATION

6A-1.001	37/41		37/50
6A-1.0015	38/15		
6A-1.0021(6)(c)	37/44c		
6A-1.004	37/41	38/4	38/10
6A-1.0071	37/41		38/4
6A-1.038	37/41		37/50
6A-1.09941	38/8		38/17
6A-1.09961	38/8		38/18w
6A-1.0998	38/8		38/17
6A-1.09981	38/5	38/11	
6A-1.099821	38/1	38/11	38/18
6A-1.099822	38/4		38/14
6A-1.099824	38/1	38/11	38/18
6A-2.0010	38/15		
6A-5.030	38/8		
6A-5.056	38/15		
6A-6.021	38/15		
6A-6.0571	38/15		
6A-6.0573	38/15		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
6A-6.0781	38/7	38/15		11B-20.001	38/5		
	38/7			11B-21.005	38/5		
6A-6.0782	38/1		38/14	11B-27.0011	38/5		
6A-6.0783	38/1		38/14	11B-27.002	38/5		
6A-6.0786	38/15			11B-27.00212	38/5		
6A-6.0907	35/5	35/12		11B-27.005	38/5		
		35/16		11B-30.006	38/5		
	35/18c			11B-30.0062	38/5		
6A-6.0950	38/15			11B-30.007	38/5		
6A-10.0318	38/1		38/17	11B-30.0071	38/5		
6A-10.0319	38/1	38/15		11B-30.008	38/5		
6A-20.0131	38/4		38/14	11B-30.009	38/5		
6A-20.028	37/51	38/6	38/18	11B-30.012	38/5		
		38/11		11B-30.013	38/5		
6A-25.001	37/41		38/19	11B-35.001	38/5		
6A-25.002	37/41		38/19	11B-35.0011	38/5		
6A-25.003	37/41		38/19	11B-35.002	38/5		
6A-25.004	37/41		38/19	11B-35.007	38/5		
6A-25.005	37/41	38/5	38/19	11B-35.009	38/5		
6A-25.006	37/41		38/19	11C-4.005	38/5		
6A-25.007	37/41		38/19	11C-4.0065	38/5		
6A-25.008	37/41		38/19	11C-6.003	38/5		
6A-25.009	37/41	38/5	38/19	11C-6.004	38/5		
		38/12		11C-6.010	38/5		
6A-25.010	37/41	37/44	38/19	11G-1.001	38/5		
6A-25.011	37/41	37/48	38/19	11G-1.002	38/5		
		38/5		11G-2.001	38/5		
6A-25.012	37/41	37/48	38/19	11G-2.002	38/5		
6A-25.013	37/41	37/48	38/19	11G-2.003	38/5		
6A-25.014	37/41	37/48	38/19	11G-2.0031	38/5		
		38/5		11G-2.004	38/5		
6A-25.015	37/41	37/48	38/19	11G-2.005	38/5		
		38/12		11G-2.006	38/5		
6A-25.016	37/41	37/48	38/19	11G-5.003	38/5		
6A-25.017	37/41	37/48	38/19	11G-5.004	38/5		
6A-25.018	37/41	37/48	38/19	11I-1.005	38/5		
6A-25.019	37/41		38/19	11I-1.010	38/5		
6C4-4.0010	Newspaper		38/4	11I-1.013	38/5		
	Newspaper		38/16	11K-1.001	38/5		
6C4-4.0011	Newspaper		38/4	11K-1.002	38/5		
6C4-4.00210	Newspaper		38/4	11N-1.008	38/5		
6C4-4.00211	Newspaper		38/4				
6C4-4.00212	Newspaper		38/4				
6C4-4.00213	Newspaper		38/4				
6C4-4.00214	Newspaper		38/4	12ER12-1			38/5
6C4-4.0023	Newspaper		38/4	12-18.001	37/39		
6C4-4.0024	Newspaper		38/4	12B-4.003	37/39	37/50	38/16
6C4-4.0025	Newspaper		38/4	12B-4.060	37/39	37/50	38/16
6C4-4.0026	Newspaper		38/4	12B-5.150		35/14	
6C4-4.0027	Newspaper		38/4	12C-2.0115		32/31	
6C4-4.0028	Newspaper		38/4	12C-3.0015		26/49	
6C4-4.0029	Newspaper		38/4	12DER12-2			38/9
				12D-1.009	38/14		
				12D-1.010	38/14		
				12D-2.001	38/14		
				12D-5.004	38/14		
	LAW ENFORCEMENT						
11B-18.008	38/5						

REVENUE

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
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12D-7.001(4)	36/50c			15A-18.006(4)	37/20c		
12D-7.0055	38/14			15B-1.001	38/18		
12D-7.006	38/14			15B-1.006	38/18		
12D-7.013	38/14			15B-4.001	38/18		
12D-7.0142	38/14			15B-5.001	38/18		
12D-7.0143	38/14			15B-6.001	38/18		
12D-7.019	38/14			15C-1.002	38/18		
12D-7.020	38/14			15C-1.009	38/18		
12D-8.0061	38/14			15C-1.0110	38/18		
12D-8.0065	38/14			15C-2.001	38/18		
12D-8.00659	38/14			15C-2.0041	38/18		
12D-8.022	38/14			15C-2.009	38/18		
12D-9.015	38/14			15C-2.010	38/18		
12D-9.036	38/14			15C-8.001	38/18		
12D-16.001	38/14			15C-8.002	38/18		
12D-16.002	38/14			15C-8.003	38/18		
12D-17.004	38/14			15C-12.001	38/18		
12D-17.005	38/14			15C-12.002	38/18		
12D-17.006	38/14			15C-12.003	38/18		
12D-18.012	38/14			15C-12.004	38/18		
TRANSPORTATION				15C-12.005	38/18		
14-15.002	38/10			15C-12.006	38/18		
14-65.0025	38/16			15C-12.007	38/18		
14-65.0035	38/16			15C-12.009	38/18		
14-65.006	38/16			15C-12.010	38/18		
14-65.0065	38/16			15C-12.011	38/18		
14-65.0075	38/16			15C-13.001	38/18		
HIGHWAY SAFETY AND MOTOR VEHICLES				15C-13.002	38/18		
15A-1.001	38/18			15C-13.003	38/18		
15A-1.0011	38/18			15C-13.004	38/18		
15A-1.0012	38/18			15C-13.005	38/18		
15A-1.002	38/18			15C-13.006	38/18		
15A-1.005	38/18			15C-13.007	38/18		
15A-1.006	38/18			15C-13.008	38/18		
15A-1.007	38/18			15C-13.009	38/18		
15A-1.011	38/18			15C-13.010	38/18		
15A-1.018	38/18			15C-13.011	38/18		
15A-1.020	38/18			15C-13.012	38/18		
15A-1.025	38/18			15C-13.014	38/18		
15A-1.029	38/18			15C-13.015	38/18		
15A-1.0291	38/18			15C-14.001	38/18		
15A-1.0292	38/18			15C-14.003	38/18		
15A-1.0293	38/18			15C-14.004	38/18		
15A-1.0294	38/18			15C-14.005	38/18		
15A-1.0295	38/18			15C-15.002	38/18		
15A-1.0297	38/18			15C-20.001	38/18		
15A-1.0298	38/18			15C-20.002	38/18		
15A-1.0299	38/18			15C-20.003	38/18		
15A-3.009	38/18			15C-20.004	38/18		
15A-5.0011	38/18			15C-20.005	38/18		
15A-5.003	38/18			15C-20.006	38/18		
15A-10.009	36/47			15C-20.007	38/18		
				15C-20.008	38/18		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
STATE BOARD OF ADMINISTRATION				33-103.011	38/7	38/13	
19-7.001	38/6		38/14	33-103.014	38/7	38/13	38/15w
19-7.002	38/6		38/14		38/16		
19-8.028	38/18			33-103.015	38/7	38/13	
19-8.029	38/13			33-103.016	38/7	38/13	38/15w
19-8.030	38/13				38/16		
CITRUS				33-103.018	38/7	38/13	
20ER11-2			38/1	33-103.019	38/7	38/13	
20-9.002	38/15			33-103.601	38/16		
20-64.001	37/46	38/1		33-302.104	26/35	26/52	
		38/2				31/21	
		38/3		33-302.110	38/9		38/15w
		38/15		33-601.101	38/12		
20-69.002	37/46	38/1			38/12		
FLORIDA PAROLE COMMISSION				33-601.201	38/11		
23-21.015(9)	35/43c			33-601.223	38/5	38/7	38/13
23-21.0155	35/43c			33-601.226	38/11		
23-21.0161	35/43c			33-601.725	38/6		38/12
PUBLIC SERVICE COMMISSION				33-602.201	37/27		
25-4.020	38/17				38/11		
25-4.0201	38/17			33-602.205	38/17		
25-4.160	38/13			COMMISSION ON ETHICS			
ADMINISTRATION COMMISSION				34-8.002	38/7c		
28-35.010	38/18			WATER MANAGEMENT DISTRICTS			
28-35.020	38/18			40B-1.706	38/10		38/18
28-35.030	38/18			40B-9.1381	38/9		38/16
28-35.040	38/18			40C-3.035	37/41		37/52
28-35.050	38/18			40C-400.1013	36/39	36/50	
28-35.060	38/18			40D-2.091	22/48		
28-35.070	38/18			40D-2.301	22/48		
28-111.001	38/18			40D-4.091	22/48		
28-111.002	38/18			40D-9.230	38/17		
28-111.003	38/18			40D-21.031	38/10		
REGIONAL PLANNING COUNCILS				40D-21.051	38/10		
29F-21.001	37/51			40D-21.211	38/10		
CORRECTIONS				40D-21.221	38/10		
33-103.001	38/7	38/13		40D-21.231	38/10		
33-103.002	38/7	38/13		40D-21.251	38/10		
33-103.003	38/7	38/13		40D-21.275	38/10		
33-103.004	38/7	38/13		40D-21.281	38/10		
33-103.005	38/7	38/13		40D-21.331	38/10		
33-103.006	38/7	38/13		40D-21.371	38/10	38/18	
33-103.007	38/7	38/13	38/15w	40D-21.391	38/10	38/18	
	38/16			40D-21.421	38/10		
33-103.008	38/7	38/13		40D-21.441	38/10		
				40D-21.601	38/10		
				40D-21.621	38/10		
				40D-21.631	38/10		
				40D-21.641	38/10	38/18	
				40D-21.651	38/10	38/18	
				40E-1.659	38/6		
				40E-4.021	38/6		

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
40E-4.051	38/6			53ER12-12			38/5
40E-4.091	38/6			53ER12-13			38/7
40E-4.101	38/6	38/13		53ER12-14			38/7
40E-4.321	38/6			53ER12-15			38/7
40E-7.521	38/16			53ER12-16			38/7
40E-7.527	38/16			53ER12-17			38/9
40E-7.538	38/16			53ER12-18			38/9
40E-7.5381	38/16			53ER12-19			38/10
40E-7.5382	38/16			53ER12-20			38/10
40E-400.021	38/6			53ER12-21			38/10
40E-400.211	38/6	38/13		53ER12-22			38/10
LAND AND WATER ADJUDICATORY COMMISSION				53ER12-23			38/10
42DDD-1.001	38/18			53ER12-24			38/11
42DDD-1.002	38/18			53ER12-25			38/11
42DDD-1.003	38/18			53ER12-26			38/11
LOTTERY				53ER12-27			38/11
53ER11-23			37/20	53ER12-28			38/14
53ER11-24			37/20	53ER12-29			38/15
53ER11-25			37/20	53ER12-30			38/15
53ER11-26			37/20	53ER12-31			38/15
53ER11-39			37/32	53ER12-32			38/15
53ER11-40			37/32	53ER12-33			38/15
53ER11-41			37/32	53-12.001	38/8		
53ER11-42			37/32	53-12.002	38/8		
53ER11-43			37/35	53-12.003	38/8		
53ER11-44			37/35	53-12.004	38/8		
53ER11-45			37/36	53-12.005	38/8		
53ER11-52			37/41	53-13.001	38/5		38/13
53ER11-53			37/41	53-13.002	38/8		
53ER11-54			37/41	53-13.003	38/8		
53ER11-55			37/41	53-13.004	38/8		
53ER11-56			37/41	53-13.005	38/8		
53ER11-57			37/41	53-13.006	38/8		
53ER11-58			37/44	53-13.007	38/8		
53ER11-59			37/44	53-13.008	38/5		38/13
53ER11-60			37/44	53-13.009	38/5		38/13
53ER11-61			37/44	53-13.010	38/8		
53ER11-62			37/47	53-13.011	38/8		
53ER11-63			37/48	53-14.001	38/8		
53ER11-64			37/49	53-14.002	38/8		
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53ER11-66			37/49	53-14.004	38/8		
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53ER12-2			38/3	53-14.006	38/8		
53ER12-3			38/3	53-14.007	38/8		
53ER12-4			38/3	53-14.009	38/8		
53ER12-5			38/4	53-14.010	38/8		
53ER12-6			38/4	53-15.001	38/8		
53ER12-7			38/4	53-15.002	38/8		
53ER12-8			38/4	53-15.003	38/8		
53ER12-9			38/4	53-16.001	38/8		
53ER12-10			38/5	53-16.002	38/8		
53ER12-11			38/5	53-16.003	38/8		
				53-16.004	38/5		38/13
				53-16.005	38/8		
				53-16.006	38/8		

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62-302.540	36/37 36/43c 36/43c			62-701.630	38/3		
62-302.800	37/45	37/51		62-701.710	38/3		
62-303.150	37/45			62-701.730	38/3		
62-303.200	37/45	37/51		62-701.803	38/3		
62-303.310	37/45			62-701.900	38/3		
62-303.330	37/45	37/51		62B-54.002	38/6		38/17
62-303.350	37/45	37/51		HEALTH			
62-303.351	37/45	37/51		64B-1.003	37/52		
62-303.352	37/45	37/51		64B-1.005	37/52	38/17	
62-303.353	37/45	37/51		64B-2.002	38/4		38/12
62-303.354	37/45			64B-3.005	38/3	38/15	
62-303.390	37/45	37/51		64B-4.003	38/4		38/18
62-303.420	37/45			64B-9.001	38/6	38/12	38/19
62-303.430	37/45	37/51		64B-9.003	37/50	38/7	38/15
62-303.450	37/45			64B1-3.004	38/11		
62-303.710	37/45			64B1-9.001	37/24		38/17
62-303.720	37/45			64B2-11.001	37/41	37/51	38/5
62-304.300	38/3			64B2-12.0155	38/11		
62-304.600	35/31	36/7 36/17		64B2-13.0049	37/41		38/1
	36/13c			64B3-5.004	37/41		38/16w
	36/13c				37/49		
	36/13c			64B3-6.001	37/49	38/11	
	36/13c			64B4-5.001	37/41	38/10	
62-304.610	35/31	36/7				38/14	
	36/13c			64B4-7.0081	37/41	38/9	38/15
	36/13c			64B5-2.013	37/39	38/12	
	36/13c				37/39		38/18
	36/13c			64B5-2.0150	38/12		
62-304.610(11)	36/13c			64B5-2.0152	38/12		38/19
62-304.705	38/4		38/19	64B5-16.002	38/10		38/17
62-304.710	38/4		38/19	64B5-16.0075	38/15		
62-304.715	38/4		38/19	64B7-25.0025	38/9		38/17
62-304.725	38/4		38/19	64B7-25.004	37/51		38/14w
62-344.100	38/1			64B7-25.006	38/8		38/17
62-344.200	38/1			64B7-28.001	38/15		
62-344.300	38/1	38/17		64B7-28.003	38/9		38/17
62-344.400	38/1			64B7-28.008	37/51	38/12	38/18
62-344.500	38/1	38/17		64B7-28.009	38/15		
62-344.550	38/17	38/17		64B7-28.0095	38/15		
62-344.600	38/1	38/17		64B7-32.001	37/51		38/14w
62-344.700	38/1			64B7-32.003	38/4	38/12	38/18
62-701.200	38/3			64B7-32.004	38/9		38/17
62-701.210	38/3			64B8-1.003	38/10		38/18
62-701.220	38/3			64B8-1.007	37/40	38/2	38/8
62-701.300	38/3			64B8-2.002	38/10		38/18
62-701.315	38/3			64B8-2.003	38/10		38/18
62-701.320	38/3			64B8-3.009	38/10		38/18
62-701.330	38/3			64B8-4.009	37/40	38/2	38/8
62-701.400	38/3			64B8-4.016	38/10		38/18
62-701.500	38/3			64B8-5.004	38/10		38/18
62-701.510	38/3			64B8-5.005	38/10		38/18
62-701.530	38/3			64B8-8.001	38/7	38/10	38/16
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64B8-9.0075	38/10		38/18	64B15-7.010	38/18		
64B8-9.009	38/14			64B15-9.007	38/14		
64B8-9.0092	38/14			64B15-12.003	37/40	37/52	38/6
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64B8-13.007	38/10		38/18	64B15-14.0051	38/5		38/12
64B8-30.015	38/5		38/12		38/18		
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64F-10.008	38/4		38/17	65C-31.007	36/38	36/49	
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64F-16.009	38/4		38/17	65C-31.011	36/38	36/49	
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