

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.001	Definitions
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	FRS Investment Plan Complaint Procedures
19-11.013	FRS Investment Plan Self-Directed Brokerage Account

PURPOSE AND EFFECT: For Rules 19-11.001, 19-11.004 and 19-11.005, F.A.C., amendments are being made to reflect the fact that a self-directed brokerage account (“SDBA”) is being made available as an additional investment option to members of the Florida Retirement System (“FRS”) Investment Plan. Rule 19-11.001, F.A.C., sets forth a definition for a SDBA and emphasizes that the SDBA is different from the primary funds available under the FRS Investment Plan. Rule 19-11.004, F.A.C., is being amended to state that the excessive trading policies applicable to the FRS Investment Plan primary funds are not applicable to funds that a member has in a SDBA, and to emphasize that funds in the SDBA may be subject to their own excessive trading policies. Rule 19-11.005, F.A.C., is amended to reflect the fact that the complaint procedures applicable to the FRS Investment plan primary funds do not apply to funds placed in the SDBA. New Rule 19-11.013, F.A.C., is being added to detail information applicable to the SDBA, including, but not limited to, participation requirements, enrollment procedure, the responsibilities of participants in the SDBA, the types of available investments, applicable fees, the types of statements that will be issued, and complaint procedures available to SDBA participants.

SUBJECT AREA TO BE ADDRESSED: Amendments are being made to reflect the fact that a self-directed brokerage account (“SDBA”) is being offered as a service to members of the Florida Retirement System (“FRS”) Investment Plan. The SDBA will allow members to access additional investment opportunities that are not currently available under the primary funds offered under the FRS Investment Plan. Other than the rules covered by this Notice, there are no other rules incorporating any of these proposed rules.

RULEMAKING AUTHORITY: 121.4501(8) FS.
LAW IMPLEMENTED: 121.78, 120.569, 120.57, 120.573, 121.78, 121.4501(8), (9), (10), (11), (12), (13), (14), (15) 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: Monday, December 23, 2013, 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19-11.001 Definitions.

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

(1) through (31) No change.

(32) “Investment Plan primary funds” or “primary funds” shall mean investment funds offered under the Investment Plan. It does not include additional investment opportunities available under the Self Directed Brokerage Window (“SDBA”).

~~(33)~~(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.

~~(34)~~(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.

~~(35)~~~~(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.

~~(36)~~~~(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.

~~(37)~~~~(36)~~ “Member’s account” or “member’s accounts” shall mean an Investment Plan account for an individual FRS Investment Plan member in which employer and employee contributions and, if applicable, FRS Pension Plan benefit transfers, are invested for an FRS Investment Plan member.

~~(38)~~ “Primary Investment Account” or “primary account” shall mean the member’s Investment Plan account that is invested in the Investment Plan’s primary funds.

~~(39)~~~~(37)~~ “Qualified Domestic Relations Order” (“QDRO”) is a domestic relations order that has been determined to meet the FRS Investment Plan’s qualification requirements.

~~(40)~~~~(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.

~~(41)~~~~(39)~~ “Retiree” is a member who has received a self-initiated distribution from the FRS Investment Plan.

~~(42)~~~~(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. A roundtrip trade includes a trade from an Investment Plan primary fund to the SDBA and a trade from the SDBA to an Investment Plan primary fund.

~~(43)~~~~(42)~~ “SBA” means the State Board of Administration of Florida, the plan sponsor for the FRS Investment Plan.

~~(44)~~ “Self-Directed Brokerage Account” or “SDBA” shall mean an account within the Investment Plan that allows a member access to additional investment opportunities that are not available in the Investment Plan primary funds.

~~(45)~~~~(44)~~ “Third Party Administrator,” “Administrator,” “Plan Administrator,” or “TPA” shall mean the Investment Plan Administrator hired by the State Board of Administration of Florida pursuant to Section 121.4501(8), F.S.

~~(46)~~~~(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.

Rulemaking 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, 7-12-12, 12-16-12, _____.

19-11.004 Excessive Trading in the FRS Investment Plan.

(1) Excessive trading by Investment Plan members is prohibited. 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. 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. Any applicable fees will be deducted directly from the members’ accounts. Funds within the Self-Directed Brokerage Account (“SDBA”) may have excessive trading rules that are applicable. However, these fund rules are separate and apart from the Investment Plan’s excessive trading policy.

(2) Limitations.

(a) Foreign and global stock funds are subject to a minimum holding of seven (7) calendar days following any non-exempt transfers into such funds.

(b) All authorized investment funds, except for money market funds and funds within the SDBA, 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 primary 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 accounts and any additional violations will result in a direction letter.

2. Members who engage in Market Timing Trades in authorized primary 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 for all trades involving the primary funds. The member shall be required to conduct trades involving primary funds 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 for all trades involving the primary funds. The member shall be required to conduct trades involving primary funds 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 involving primary funds 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. 06/10, <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. This form cannot be used to trade in, out or within the SDBA.

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 involving primary funds 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. 06/10. 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 involving primary funds 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. 06/10. This form must be notarized and returned to the Office of Defined Contribution Programs, via US mail, certified return receipt requested.

7. Members who received direction letters and who were placed on restricted trading within their primary funds, as provided in subparagraphs 2., 3., 4., 5. and 6. of paragraph (2)(b), shall be allowed to make automated trades in, out and within the SDBA. The member must meet the requirements of the SDBA as provided in Rule 19-11.013, F.A.C. The member's activity within the SDBA is not subject to this policy, but will be subject to the applicable excessive trading rules and purchase restrictions of the funds in the SDBA.

(3)(a) through (g) No change.

(h) If Member A transfers \$50,000 out of Fund A and into the SDBA on January 2, and then transfers \$35,000 from the SDBA into Fund A on January 25, the transaction is a Roundtrip Trade and 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.

~~(4)~~(5) For all members, Roundtrip and Market Timing Trades are calculated using a rolling 30-calendar day time period. For example, 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, 7-12-12,_____.

19-11.005 FRS Investment Plan Complaint Procedures.

(1) Request for Intervention.

(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, except the SDBA, may send a written Request for Intervention to the SBA. The written Request for Intervention shall be sent:

1. 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. By e-mail: DefinedContributionPrograms@sbafla.com;

or

3. By fax: (850)413-1489.

(b) through (e) No change.

(f) Complaints regarding the SDBA shall be handled in accordance with Rule 19-11.013, F.A.C.

(2) No change.

Rulemaking Authority 121.4501(8) FS. Law Implemented 120.569, 120.57, 120.573, 121.4501(8)(g) FS. History-New 10-21-04, Amended 3-9-06, 11-26-07, 5-19-09, 7-12-12, 12-16-12, _____.

19-11.013 FRS Investment Plan Self-Directed Brokerage Account.

(1) An FRS Investment Plan member meeting certain criteria may transfer assets from the member's Investment Plan primary investment account to a self-directed brokerage account ("SDBA") in order to be able to access additional investment opportunities beyond the primary investment funds offered under the Investment Plan.

(a) In order to participate in the SDBA the member must:

1. Maintain a minimum balance of \$5,000 in the Investment Plan's primary investment funds. This minimum amount may be changed at any time.

2. Make initial and subsequent transfers into the SDBA of at least \$1,000. Transfer requests must be in whole dollars. Percentages are not permitted. This minimum amount is subject to change.

3. Pay all trading fees, commissions, administrative fees, and any other expenses associated with participating in the SDBA.

(b) The member must open an account with the SDBA service provider in one of two ways:

1. By accessing and completing the enrollment form online by logging on to MyFRS.com, then choosing Manage My Benefits>Manage Investments>Open Brokerage Account. The enrollment form includes both a Member Service Agreement and Memorandum of Understanding which the member must acknowledge having received and read.

2. By printing and completing a hard copy of the enrollment form, Member Service Agreement and Memorandum of Understanding. The member must return the completed enrollment form to the service provider via fax or mail. The member must acknowledge the Member Service

Agreement and Memorandum of Understanding were received and read. A hard copy of the enrollment form can be printed from the Open Brokerage Account link on MyFRS.com or can be obtained from the Investment Plan Administrator.

3. The SDBA account will be established within two days of receipt of either the online or hardcopy enrollment form. Once the account is established, the member will receive a package from the SDBA service provider containing information on how to access and use the SDBA.

The SDBA account will be automatically closed if there is a zero balance for 18 consecutive months. To participate in the SDBA in the future, the member will have to open a new SDBA account.

(c) The member is subject to the following fees, transaction charges, expenses:

1. An annual administrative fee of \$25.00 (\$6.25 quarterly) for participating in the SDBA. This fee will be deducted from the member's primary investment account for each quarter the member maintains a balance in the SDBA. This fee is in addition to all applicable commissions, sales charges and transaction fees. This fee is deducted pro rata across the member's Investment Plan primary funds.

2. Any and all commissions, sales charges and transaction fees applicable to transactions executed by the member through the SDBA. The member may review all SDBA commissions and fees by accessing the FRS Investment Plan Self-Directed Brokerage Account Commission and Fee Schedule in the "Investment Funds" section on MyFRS.com.

3. Depending on the investments chosen, transaction fees, commissions or sales charges may be charged to the member's SDBA. These fees are automatically deducted from transaction proceeds or added to the purchases as they are incurred. In addition, investment management fees, 12b-1 fees, or other fees and expenses specific to individual funds may be charged to the member's SDBA. It is the member's sole responsibility to be aware of and understand the commissions and fees as described in the Commission and Fee Schedule and in the prospectus of any mutual fund.

(2)(a) The investment options offered through the SDBA have not been reviewed by the FRS for suitability for the member. The member is solely responsible for determining the appropriateness of any investments in the SDBA.

(b) The member agrees to fully indemnify and hold harmless the member's employer, the FRS, the State Board of Administration, and any and all service providers to the FRS against any claims, damages, or other possible causes of actions resulting from the member's use of the SDBA.

(c) The member is exercising control over all of the assets in the member's Investment Plan account, including the SDBA, pursuant to Section 404(c) regulations and all applicable laws governing the operation of the Investment Plan. Sections 121.4501(8)(b)2. and 121.4501(15)(b) of Florida law incorporate the federal law concept of participant control, established by regulations of the U.S. Department of Labor under Section 404(c) of the Employee Retirement Income Security Act of 1974. No program fiduciary shall be liable for any loss to the member's account which results from such exercise of control.

(d) Securities, including mutual funds, sold within the SDBA are not obligations of or insured by the FDIC or any other governmental agency. These investments are not endorsed or guaranteed by the SBA or any other plan fiduciary and are subject to risks, including possible loss of the principal amount invested. The value of a member's investments may fluctuate so that when they are sold, they may be worth more or less than when they were purchased.

(e) The member is responsible for reviewing and understanding the trading restrictions that may apply to the SDBA investment options purchased. It is the member's responsibility to review the fund prospectus and will be subject to a mutual fund's excessive trading policy and to any redemption fees, restrictions or penalties that may apply.

(f) Investment options available within the SDBA include the following:

1. Stocks listed on a Securities Exchange Commission (SEC) regulated national exchange
2. Exchange-Traded Funds (except for leveraged Exchange-Traded Funds)
3. Mutual funds (except for any of the Investment Plan's primary investment funds)
4. Fixed income products

(g) Investment options not permitted within the SDBA include the following:

1. Illiquid investments
2. Over-the-Counter (OTC) Bulletin Board securities
3. Pink Sheet® (PS) securities
4. Leveraged Exchange-Traded Funds
5. Direct Ownership of Foreign Securities
6. Derivatives, including, but not limited to, futures and options contracts on securities, market indexes, and commodities
7. Limited Partnerships
8. Private Placements
9. Buying or Trading on Margin
10. Investment Plan primary investment funds

11. Any investment that would jeopardize the Investment Plan's tax-qualified status

(3)(a) The member can transfer funds from the member's primary investment funds to the SDBA by logging in to MyFRS.com or by calling the Investment Plan Administrator at 1(866)446-9377, Option 4, and asking to speak to an SDBA specialist.

1. The SDBA will not accept direct contributions.
2. Transfer requests must be in whole dollars. Percentages are not permitted.

3. Transfers must be in amounts at least equal to \$1,000.

4. Transfers into the SDBA requested by 4:00 p.m. ET on regular business days are processed the same day. If a transfer is processed after 4:00 p.m. ET, it will be processed the next business day.

(b) To transfer assets from the SDBA back to the Investment Plan primary funds, the member must first liquidate investments in the SDBA and wait for the trades to settle. This process can take up to five business days to complete depending on the settlement period of the liquidated investments. Once the funds are available, the member is responsible for processing the request to transfer the funds to the member's Investment Plan primary funds.

(4)(a) The Investment Plan Administrator will include in the member's Investment Plan primary investment funds quarterly account statements the aggregate total amount invested by the member in the SDBA.

(b) The SDBA provider will provide to the member:

1. A separate quarterly statement that will itemize the brokerage transactions and show individual holdings balances as well as the total SDBA balance.

2. If the member has any activity in the SDBA, a separate monthly statement will be provided.

3. If the member has no activity in the quarter, a separate quarterly statement will be provided.

4. If the member provides the SDBA provider with an email address, the member will receive electronic statements unless the member affirmatively elects a paper format.

5. The member will also receive SDBA trade confirmations and other SDBA communications electronically.

6. The member may opt out of electronic delivery at any time by logging onto MyFRS.com and accessing the SDBA account or by calling 1(866)446-9377, Option 4, and speaking to an SDBA specialist.

(5)(a) Distributions cannot be made directly from the SDBA. A member must first transfer money in the SDBA back to the member's Investment Plan primary investment account.

(b) If the member is subject to a Required Minimum Distribution (RMD), and has insufficient funds in the member's primary account, the member will be subject to an automatic liquidation of assets by the Plan Administrator from the SDBA of an amount sufficient to cover the RMD requirements and maintain the required account balance in the primary investment funds.

(c)1. If the member is subject to qualified domestic relations orders (ODROs) by a court of competent jurisdiction, income deduction orders as provided in Section 61.1301, Florida Statutes, or a federal income tax levy, the member's SDBA balance may be subject to a partial or full liquidation to comply with the court or federally mandated levy and to ensure that at least a \$5,000 account balance in the Investment Plan primary funds is maintained.

2. In the event the member's SDBA account is subject to a lien or levy, the directions of the appropriate levying authority will be followed unless some form of release from the levying authority, or a court order staying or quashing the lien or levy is provided.

(d) A member participating in the SDBA cannot take a distribution from the member's primary account that would make the member's primary account balance fall below \$5,000. In such instance for a distribution to occur, the member first would need to liquidate sufficient SDBA funds and return the funds to the member's primary account. If such a member's primary account balance were to fall below \$5,000 due to market losses, no additional transfers into the SDBA will be allowed, and no additional distributions would be processed until the primary account balance is greater than \$5,000.

(e) A member participating in the SDBA who has requested distributions to be made on an installment basis may request to have installments established based on the total of the funds in both the member's primary account and in the member's SDBA. If a point is reached at which an additional distribution would cause the member's primary account balance to fall below \$5,000, the installments will be stopped and the member will be notified that no additional installments can be processed until the member liquidates sufficient SDBA funds to cover future distributions and maintain a \$5,000 minimum balance in the member's primary account.

(f) If the member terminates FRS employment prior to meeting the vesting requirements of the Investment Plan and has enrolled in the SDBA, the member will be required to liquidate all investments in the SDBA prior to requesting a distribution of any vested account balance. If the member requests a distribution of any portion of the vested account balance, the member will forfeit any unvested account balance and will be considered retired from the FRS. The member can reinvest in the SDBA with vested money so long as a \$5,000

minimum balance is maintained in the primary account and a minimum of \$1,000 is available to transfer to the SDBA.

(g) If the member terminates employment and has unvested money in the Investment Plan and has enrolled in the SDBA, the member's SDBA account is subject to liquidation by the Plan Administrator within four calendar months of termination and any unvested money will be moved to the Investment Plan's suspense account. The member can reinvest in the SDBA with vested money so long as a \$5,000 minimum balance is maintained in the primary account and a minimum of \$1,000 is available to transfer to the SDBA account. If the member returns to FRS-covered employment and has not taken a distribution from the Investment Plan primary account the money held in suspense will be returned to the member's primary account.

(6)(a)1. Any FRS Investment Plan member who has a complaint regarding the SDBA should call the Investment Plan Administrator at 1(866)446-9377, Option 4, and ask to speak to an SDBA specialist. If the SDBA specialist cannot resolve the complaint over the telephone, the member will be provided with instructions on how to submit a written complaint. If a written complaint is received by the SDBA provider, the SDBA provider will handle the written complaint regarding the SDBA in accordance with FINRA Rule 4530.

2. The Compliance Officer of the SDBA provider will conduct an investigation and will prepare and send the member a letter within 10 business days of receipt of the written complaint detailing the findings, any proposed resolution, and information on any next steps in resolving the complaint. Copies of the complaint and responses thereto will be provided to the SBA.

3. If a complaint is received by the SBA regarding an SDBA issue, the complaint will be forwarded to the Compliance Officer of the SDBA provider for a response.

4. The complaint process provided in Rule 19-11.005, F.A.C., is not applicable to any complaint regarding the SDBA.

(b) If the SDBA provider and the member cannot come to a resolution regarding the complaint the member can request arbitration as detailed in the SDBA Plan Member Agreement.

(c)1. If SDBA provider receives a written complaint that is unrelated to the SDBA, it will be sent to the Administrator and to the SBA. The SDBA provider will acknowledge receipt of the complaint to the member advising the member that the complaint has been forwarded to the appropriate party.

2. Upon receipt of the complaint unrelated to the SDBA referenced in (c)1 above, the SBA will handle the complaint in accordance with Rule 19-11.005, F.A.C.

Rulemaking Authority 121.4501(8), (5)(e) FS. Law Implemented 121.4501(8),(9),(10), (11), (12), (13), (14), (15) FS. History—New

Section II Proposed Rules

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.: RULE TITLE:

60FF1-5.008 Public Comment

PURPOSE AND EFFECT: The Rule proposes to facilitate public comment at board meetings.

SUMMARY: Public comment.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wink Infinger, Statewide 911 Coordinator, Florida Department of Management Services, Division of Telecommunications, 4030 Esplanade Way, Suite 135C, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF1-5.008 Public Comment.

The E911 Board invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to five (5) minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

(3) Members of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate its support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History--New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 21, 2013

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.: RULE TITLES:

- 60L-32.0001 Definitions
- 60L-32.001 Determining Salary upon Appointment
- 60L-32.0012 Salary Additives
- 60L-32.0013 Reduction in Pay
- 60L-32.0014 Computation of Overtime.
- 60L-32.002 Computation of Hourly Rate
- 60L-32.003 Dual Employment and Compensation
- 60L-32.004 Perquisites
- 60L-32.005 Benefits

PURPOSE AND EFFECT: Chapter 2012-215, Laws of Florida, amends Section 110.2035, F.S., regarding the implementation of pay additives. The new language distinguishes between Temporary special duties – general and Temporary special duties – absent coworker pay additives; recognizes that the Legislature through the General Appropriations Act provides authority for the provision of the

Temporary special duties – general pay additive; provides that any new or adjustments to existing competitive area differential or critical market pay additives require approval by the Legislature; and streamlines the process for approving additives by allowing agencies to plan for and provide pay additives within guidelines established by DMS and directions provided by the Legislature through the General Appropriations Act.

SUMMARY: Rule Chapter 60L-32, F.A.C., needs to be amended to comport with the new language in Section 110.2035, F.S. Additionally, non-substantive language clean-up is proposed throughout the rule to memorialize current practices and to provide clarity for agencies in the 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: 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 \$1 million dollars in the aggregate within 5 years after the implementation of the rule. For these reasons, a SERC has not been prepared by the agency and legislative ratification is not required.

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

RULEMAKING AUTHORITY: 110.1055, 110.201(1) FS.

LAW IMPLEMENTED: 110.2035, 110.403, 110.605 FS.

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

DATE AND TIME: December 30, 2013, 1:30 p.m. – 3:30 p.m.

****IMPORTANT NOTE**** THE HEARING REQUEST MUST BE RECEIVED BY 5:00 p.m., DECEMBER 27, 2013 OR THE HEARING WILL NOT BE HELD.

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee FL 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mailea Adams, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, Phone: (850)413-9503, Email: Mailea.Adams@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Mailea Adams, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, Phone: (850)413-9503, Email: Mailea.Adams@dms.myflorida.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-32.0001 Definitions.

For the purpose of administering this chapter, the following definitions shall apply:

(1) Base Rate of Pay – An employee’s salary excluding any approved pay additive, incentive pay, discretionary or non-discretionary bonus payment, and other legislatively approved agency specific pay additive.

(2) Dual Employment and Dual Compensation – Employment in a total of more than one full-time equivalent established position; compensation of an employee simultaneously from any appropriation other than appropriations for salaries; or compensation of an employee simultaneously by more than one state agency as provided for in Section 216.0011(qq), F.S.

(3) Excluded – A designation of exemption from the overtime provisions of the federal Fair Labor Standards Act (FLSA).

(4) Included – A designation of coverage under (not exempted from) the overtime provisions of the FLSA.

(5) Pay Additive – Temporary increases in pay in addition to the base rate of pay as specified in Section 110.2035(7), F.S.

(6) Regular Rate of Pay – An employee’s base rate of pay plus any approved pay additive, Criminal Justice Incentive Pay, Firefighter Incentive Pay, non-discretionary bonus payment, legislatively approved agency specific pay additive, and other payments as specified in this chapter.

(7) Overtime – Hours of work suffered, permitted or required, in excess of 40 hours during the established workweek or in excess of the number of full-time contract hours in the established extended work period, for which included employees are paid at the rate of time and one half, in accordance with the FLSA.

Rulemaking Authority 110.1055, 110.201(1) FS. Law Implemented 110.2035, 110.403, 110.605 FS. History–New _____.

60L-32.001 Determining Salary upon Appointment.

Upon appointment, an agency shall set an employee's base rate of pay within the pay band for the broadband level to which appointed; ~~however, provided, that~~ an employee ~~appointed with given~~ trainee status ~~may shall~~ be paid ~~less than the minimum of the pay band~~ during the training period in accordance with the individual training ~~schedule scheduled~~, subject to FLSA requirements and in accordance with Section 448.110, Florida Statutes, the Florida Minimum Wage Law.

Rulemaking Authority 110.1055, ~~110.131(3)~~, 110.201(1), ~~110.2035(4)~~, 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, ~~110.201~~, 110.2035, 110.403, 110.603 FS. History–New 1-6-02, Amended 4-3-03, _____.

60L-32.0012 Pay Salary Additives and Incentive Pay.

(1) ~~Salary additives are temporary increases to the base rate of pay.~~ Employees filling career service positions for which a ~~pay salary~~ additive has been approved shall receive the pay salary additive. A ~~pay salary~~ additive shall be removed or adjusted if there is upon a change in the conditions upon which it was granted.

(2) ~~For~~ Career service employees, pay salary additives include the following:

(a) Shift Differential Additive – When when justified by competitive labor practices and in accordance with applicable collective bargaining agreements, agencies may approve this additive for positions regularly assigned to an evening, night, rotating or split shift when the major portion of the hours assigned during the shift are between 5:00 p.m. and 6:00 a.m. ~~Agencies may approve this additive for a position.~~

(b) On-Call Additive – Agencies may approve employees positions to be placed on-call. Employees placed on-call shall be compensated in accordance with applicable collective bargaining agreements.

1. Agencies may assign this additive to individual employees subject to positions this additive when all of the following conditions are satisfied:

a.1. The employee has been instructed by the appropriate management to remain available to work during an off duty period;

b.2. The employee must leave word where the employee may be reached by phone or electronic signaling device; and

c.3. The employee is available to return to the work location on short notice to perform assigned duties, notwithstanding that the employee may be in paid or unpaid leave status.

2. An employee who is absent from work due to personal illness for all or part of the previous work shift may be excluded from on-call status at the supervisor's discretion.

3. The on-call additive will begin when the employee is released from the work shift and actually goes "on-call". An employee cannot receive the on-call additive while performing regularly scheduled or "normal work", even if the work day is extended beyond the normal hours of work.

4. An employee shall continue to be compensated for the on-call additive in addition to any hours the employee is compensated for being called back to the work location to perform work activities.

(c) Hazardous ~~Duties~~ Duty Additive – An agency may approve this additive for specific positions when it can be demonstrated that the duties and responsibilities on the official position description of such positions requires work activities are required to perform duties and responsibilities that are exceptionally hazardous or dangerous and when performed could result in serious injury or death. Such duties and responsibilities shall not be customarily associated with all positions in the broadband level.

(d) Leadworker Duties Additive – An agency may approve this additive for employees who are assigned limited supervisory responsibilities that include directing the work of employees having the same or similar duties in the same work unit. The duties may also include distributing work, maintaining a balanced workload among employees, keeping records, and defining work priorities. ~~Individuals with sufficient knowledge and experience to lead others when assigned such responsibilities on a continuing basis. The duties do not include The leadership does not include evaluating other's performance or administering disciplinary actions, and do it does not justify reclassification. The duties must be reflected on the official position description and in accordance with Chapter 60L-31, F.A.C.~~

(e) Temporary Special Duties – general Duty Additive – Subject to the request and approval requirements provided in Section 110.2035(7)(b), F.S., an agency may approve this additive, ~~for a period of ninety days,~~ when an employee a position has been assigned temporary duties and responsibilities not customarily assigned to the position. ~~An agency shall not extend the period without Department approval. The Department's review shall include the following: the duties being assigned the position; the additive amount; and compliance with the applicable collective bargaining agreement.~~

(f) Temporary Special Duties – absent coworker – Unless otherwise provided in the General Appropriations Act, an agency may approve this additive when the employee is assigned the duties and responsibilities of a coworker who is absent from work due to authorized FMLA or authorized military leave.

~~(g)(f)~~ Trainer Duties Additive – An agency may approve this additive when an employee is assigned the responsibility to provide on-the-job training to other employees as part of an agency-approved formalized training program; provided, that such training is not part of the customarily assigned duties of the position.

~~(h)(g)~~ Competitive Area Differential Additive – An agency shall not grant this additive without Department approval. This additive is provided justified for specific positions with similar duties and responsibilities within an agency when it has been determined can be demonstrated that the additive is based on geographical, localized recruitment, turnover, or competitive pay problems exist in a defined geographic region or county(ies). If requested by the agency, this additive may apply to positions within the requesting agency with similar duties and responsibilities in the approved broadband level within the geographical area for which the Department approves the additive.

~~(i)(h)~~ Critical Market Pay Additive – An agency shall not grant this additive without Department approval. This additive is agency specific and provided justified when pay for a position is substantially below the prevailing market rate, resulting in hiring and retention difficulties. In considering requests for this additive, the Department shall conduct all relevant analyses to determine the need for a pay adjustment for the position. An agency requesting this additive shall assist the Department in any analyses the Department requests.

(3) Initial establishment or increases to existing levels of Competitive Area Differential or Critical Market Pay additives must be implemented in accordance with the provisions of Section 110.2035(7)(c), F.S.

(4) Employees filling certain career service and selected exempt service positions may be eligible for Criminal Justice Incentive Pay and Firefighter Incentive Pay as provided for in Section 943.22, F.S., and Section 633.382, F.S., respectively. Rulemaking Authority 110.1055, 110.201(1), 110.2035(7)(1), (6), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.2035, 110.403, 110.603 FS. History–New 1-22-02, Amended 4-3-03, _____.

60L-32.0013 Reduction in Pay.

The following actions shall not constitute a reduction in pay: removal of pay salary additives; actions to correct overpayments resulting from erroneous application of the Florida Statutes, legislative appropriation, Department rules, or agency pay procedures; legislatively mandated reductions, including furloughs; or salary adjustments agreed to in lieu of a workforce reduction.

Rulemaking Authority 110.1055, ~~110.131(3)~~, 110.201(1), ~~110.2035(1)~~, ~~110.209(1)(e)~~, ~~110.209(3)~~, 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, ~~110.201~~, ~~110.209~~, 110.403, 110.603 FS. History–New 1-22-02, Amended _____.

60L-32.0014 Computation of Overtime.

(1) Included employees shall be compensated for overtime in accordance with the FLSA. Such compensation may take the form of pay or FLSA compensatory leave credits as described in subsection 60L-34.0031(4), F.A.C.

(2) Payment for overtime shall be computed at the rate of one and one half times the employee’s hourly regular rate of pay for the workweek or approved extended work period during which the overtime occurred.

(a) If an employee received a non-discretionary bonus, as defined in the FLSA, the amount of the bonus shall only be included in the regular rate of pay for overtime purposes during the work week or extended work period in which the bonus was received.

(b) If an employee is called back while in on-call status, only the actual time worked as a result of being called back shall be included for purposes of computing overtime compensation.

Rulemaking Authority 110.1055, 110.201(1) FS. Law Implemented 110.131, 110.2035 FS. History–New _____.

60L-32.002 Computation of Hourly Rate of Pay.

(1) No change.

(2) Calculate hourly base rate of pay as follows:

Biweekly Base Rate of Pay x 26 = Hourly Base Rate of Pay	2080 hours
Monthly Base Rate of Pay x 12 = Hourly Base Rate of Pay	2080 hours
Biweekly Base Rate of Pay x 26 = Hourly Base Rate of Pay	2080 hours
Monthly Base Rate of Pay x 12 = Hourly Base Rate of Pay	2080 hours

~~In processing pay changes, all salary additives shall be removed prior to calculating any changes to an employee’s base rate of pay.~~

(3) Calculate hourly regular rate of pay as follows:

Biweekly Regular Rate of Pay x 26 = Hourly Regular Rate of Pay	2080 hours
Monthly Regular Rate of Pay x 12 = Hourly Regular Rate of Pay	2080 hours
Biweekly Regular Rate of Pay x 26 = Hourly Regular Rate of Pay	2080 hours
Monthly Regular Rate of Pay x 12 = Hourly Regular Rate of Pay	2080 hours

(4) No change.

Rulemaking Authority 110.1055, ~~110.131(3)~~, 110.201(1), 110.403(1)(c), 110.605(1) FS. Law Implemented 110.131, ~~110.201~~, 110.2035, 110.403, 110.603 FS. History–New 1-1-02, Amended 4-3-03, _____.

60L-32.003 Dual Employment and Dual Compensation.

(1) Provisions regarding employees entering into a dual employment and dual compensation agreement are provided in the Dual Employment and Dual Compensation Guidelines and Procedures for State Personnel System Agencies (eff. <Insert

Effective Date of Rule>), hereby incorporated by reference. This guideline is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03258>. Agency approval is required for all requests for dual employment and compensation, including, but not limited to:

(a) Employment in excess of one full time equivalent established position;

(b) Compensation of an employee simultaneously from any appropriation other than salaries; and

(c) Compensation of an employee simultaneously by more than one agency.

(2) In considering requests for dual employment and compensation, agencies shall apply the following criteria:

(a) Compensation must be commensurate with assigned duties.

(b) There must be a demonstrated need for the proposed action.

(c) The services must not give rise to the appearance of a conflict of interest or otherwise violate legislative intent.

(3) Employees The employee seeking dual employment and dual compensation shall initiate a Dual Employment and Dual Compensation Request (Form DMS/HRM/DUAL, Rev. <Insert Effective Date of Rule>) hereby incorporated by reference, in accordance with the instructions on the form. This form is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03257>.

(4) An employee of an agency who renders services to another agency shall not be paid an honorarium for such services, except when required by law to be paid an honorarium. In such cases, the employee's salary shall be reduced by an amount equal to the honorarium received, unless the agency approves payment of both salary and honorarium in accordance with this rule.

Rulemaking Authority 110.1055, ~~110.131(3)~~, 110.201(1), 110.403(1)(e), 110.605(1) FS. Law Implemented 110.131, ~~110.201~~, 110.2035, 110.403, 110.605 ~~110.603~~, 216.262(1)(e) FS. History—New 1-6-02, Amended _____.

60L-32.004 Perquisites.

(1) through (3) No change.

(4) By August 1 of each year, agencies in the executive branch Agencies shall report to the Department all, on a fiscal year basis the perquisites, including dollar value, they have approved by the agency during the preceeding fiscal year under their delegated authority.

Rulemaking Authority 110.1055, 110.201(1)(a), 110.403(1), 110.605(1) FS. Law Implemented 216.262(1)(f), 216.262(1)(g) FS. History—New 1-6-02, Amended _____.

60L-32.005 Benefits.

(1) Rule Chapter ~~The rules in the Title Chapter~~ 60P, Florida Administrative Code F.A.C., series of chapters govern the insurance benefits available to employees in the State Personnel System.

(2) Rule Chapters ~~The rules in the Title Chapter~~ 60S and 19-13, Florida Administrative Code F.A.C., governs series of chapters govern the retirement benefits available to employees in the State Personnel System.

Rulemaking Authority 110.1055, 110.201(1), 110.403(1)(c), 110.605(1) FS. Law Implemented ~~110.201, 110.209~~, 110.403, 110.603 FS. History—New 1-1-02, Amended 4-3-03, 5-20-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Division Director of Human Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Agency Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 05, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 18, 2013

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.:	RULE TITLES:
60L-33.001	Scope
60L-33.002	General Principles
60L-33.003	Status Upon Appointment
60L-33.0031	Reinstatement
60L-33.00311	Appointments
60L-33.00312	Demotion Appointments
60L-33.00313	Original Appointments
60L-33.00314	Promotion Appointments
60L-33.00315	Reassignment Appointments.
60L-33.00316	Lateral Action Appointments.
60L-33.00317	Reinstatement Appointments.
60L-33.0032	Shared Employment
60L-33.0033	Appointment of Veterans
60L-33.004	Layoff and Employee Transition
60L-33.005	Other Personal Services Employment
60L-33.0065	Separations.

PURPOSE AND EFFECT: Chapter 2012-15, Laws of Florida, amends:

*Section 110.131, F.S., relating to Other-personal-services (OPS) by deleting the 1040 limitation for hours of work in a 12-month period for certain positions and removing the requirement for requesting extensions from the Executive Office of the Governor for hours worked beyond the 1040 limitation. The new language requires that agencies perform

an annual review to assess and document the necessity for continuation of each OPS employment categorized as temporary, based on agency need and to report annually to the Executive Office of the Governor and the chairs of the legislative appropriations committees the total number of OPS employees, type of employment, average pay, and total number of hours worked for each OPS employee in the previous year.

*Section 110.217, F.S., relating to appointment actions and status by introducing the term "lateral action" as a new appointment type.

SUMMARY: Rule Chapter 60L-33, F.A.C., needs to be amended to comport with the new language in Sections 110.131 and 110.217, F.S. Additionally, non-substantive language clean-up is proposed throughout the rule to memorialize current practices and to provide clarity for agencies in the 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: 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 \$1 million dollars in the aggregate within 5 years after the implementation of the rule. For these reasons, a SERC has not been prepared by the agency and legislative ratification is not required.

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

RULEMAKING AUTHORITY: 110.1055, 110.131(3), 110.201(1), 110.21(2), 110.217(1)(a), 110.217(5), 110.403(1), 110.503(2), 110.605(1) FS.

LAW IMPLEMENTED: 110.131, 110.201, 110.21, 110.213, 110.2135, 110.217, 110.227, 110.403, 110.503, 110.605 FS.

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

DATE AND TIME: December 30, 2013, 1:30 p.m. – 3:30 p.m.

****IMPORTANT NOTE** THE HEARING REQUEST MUST BE RECEIVED BY 5:00PM DECEMBER 27, 2013 OR THE HEARING WILL NOT BE HELD.**

PLACE: Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, FL 32399-0950

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Mailea Adams, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, Phone: (850)413-9503, Email: Mailea.Adams@dms.myflorida.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Mailea Adams, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, Phone: (850)413-9503, Email: Mailea.Adams@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60L-33.001 Scope.

Rulemaking Specific Authority 110.1055, 110.131(3), 110.201(1), 110.21(2), 110.217(1)(a), 110.217(5), 110.403(1), 110.503(2), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.21, 110.213, 110.2135, 110.217, 110.227, 110.403, 110.503, 110.605 FS. History—New 1-1-02, Repealed.

60L-33.002 General Principles.

(1) Agencies shall fill established positions with one of the following types of appointments: original, promotion, demotion, ~~or~~ reassignment, lateral action, or reinstatement. ~~All non-career appointments shall be original appointments.~~

(2) ~~Any~~ person appointed to a position must meet ~~any~~ licensure, certification or registration requirements established for the position, and ~~any~~ required knowledge, skills, abilities, and ~~any~~ other requirements the agency establishes for the position, unless the appointment is with trainee ~~or temporary~~ status in accordance with subsection paragraph 60L-33.003(3)(2)(b) ~~or (c)~~, F.A.C.

(3) Employees on military leave shall be treated as if they had been continuously employed for purposes of status, pay, and other benefits pursuant to the terms of the type of authorized leave they have been granted and in accordance with Title 38, United States Code, Chapter 43, the Uniformed Services Employment and Reemployment Rights Act (USERRA).

(4) The duties of a vacant position, or of a filled position when the incumbent is on an extended leave of absence, may

~~be temporarily assigned to a current employee. An agency may make an acting appointment of a current state employee to fill a vacancy within the senior management service or the selected exempt service. During the temporary assignment of duties, the The employee shall remain in and retain the status and benefits of their current position continue to earn leave and receive benefits of the employee's permanent position. In accordance with Chapter 60L-32, F.A.C., an The agency may grant a selected exempt service or senior management service the employee a temporary salary increase, or a career service employee the appropriate pay additive, while performing the duties of the other position during the acting appointment. Such temporary increases and additives shall be removed when the employee ceases to perform the temporarily assigned duties. If a career service employee who is temporarily assigned the duties of another position is subsequently appointed to fill the position, time spent performing the temporary duties shall count toward the completion of the probationary period only if the employee performed all the duties of the position.~~

(5) Every career service employee not permanent in a their current position shall serve at the pleasure of the agency head and shall be subject to any personnel action, including but not limited to suspension, dismissal, reduction in pay, demotion, lateral action or reassignment, at the discretion of the agency head. Except when taken with respect to a career service employee permanent in their current position, such personnel actions are exempt from the provisions of Section 110.227 and Chapter 120 of the Florida Statutes.

(6) Any employee appointed for less than full-time employment shall have the salary, leave credits and other benefits prorated based on the full-time equivalency (FTE) of the position. Health insurance benefits are not prorated if a position is .75 FTE or greater.

Rulemaking Specific Authority 110.1055, 110.131(3), 110.201(1), 110.2035(3)(d), 110.2035(7), 110.217(1)(a), 110.217(5), 110.227(2), 110.403(1), 110.503(2), 110.605(1) FS. Law Implemented 110.131, 110.201, 110.2035, 110.217, 110.227, 110.403, 110.503, 110.605 FS. History--New 1-22-02, Amended 4-3-03,_____.

60L-33.003 Status Upon Appointment.

(1) Exempt Status – indicates that an employee is exempt from the Career Service as provided in Section 110.205, F.S. ~~An employee appointed to fill a position not in the career service shall be given exempt status. If the employee is appointed to perform the duties of another employee in a filled position, the employee shall also be given overlap status.~~

(a) Employees appointed to fill positions in the Selected Exempt Service, Senior Management Service, or Other Personal Services shall be given exempt status.

(b) Employees with exempt status shall serve at the pleasure of the agency head and shall be subject to personnel

actions at the discretion of the agency head. Such personnel actions tantamount to suspension, dismissal, reduction in pay, demotion, or transfer are exempt from the provisions of Section 110.227 and Chapter 120, of the Florida Statutes.

(2) Probationary Status – indicates that a career service employee is serving a required probationary period of at least one year. While in probationary status the employee serves at the pleasure of the agency head and has no notice or appeal rights pursuant to Section 110.227, and Chapter 120, of the Florida Statutes. ~~An employee appointed to fill a position in the career service shall be given status in accordance with the following:~~

(a) The probationary period may be extended at the discretion of the agency head or designee if there is a documented business reason for the extension. Probationary periods may not be extended for:

1. Employees on military leave. Time spent on any form of military leave shall count toward completion of the probationary period, and an employee on military leave may attain permanent status in the position while on such leave.

2. Employees on leave pursuant to the Family and Medical Leave Act (FMLA). If the probationary period expires while on such leave, the employee shall obtain permanent status in the current position. However, if there are time-limited conditions, tests or any other requirements in place prior to beginning FMLA leave that the employee is required to fulfill in order to maintain employment, the employee's probationary period may be extended to allow the employee an opportunity to fulfill those requirements.

(b) The duration of a probationary period may not exceed 18 months.

(c) The probationary period shall be the same for both part-time and full-time employment.

(a) Overlap Status – ~~An employee shall be given overlap status when appointed to perform the duties of another employee in a filled position. Time spent on overlap status shall count toward completion of a probationary period if, while on overlap status, the employee performed all of the duties of the position.~~

(b) Temporary Status – ~~An employee shall be given temporary status when temporarily appointed to fill a vacant position. The appointment shall be for no more than 1040 hours during any twelve month period, absent the Department's approval of a written request for extension. Time spent on temporary status shall not count toward completion of a probationary period.~~

(3)(e) Trainee Status – An employee appointed to a position as a trainee shall be given trainee status in accordance with the trainee program developed by the agency. The program shall include an outline of the proposed pay schedule for the training period, including justification for the proposed

schedule. ~~An employee may not become permanent in a position while in trainee status. Upon successful completion of the trainee program, the employee may be appointed to a position in the same broadband level requiring the same licensure, certification or registration requirement and required knowledge, skills, and abilities. An agency may approve appointments with trainee status in the following programs: cooperative education program; vocational rehabilitation or blind services program; agency trainee program; or return to work program. Time spent on trainee status shall not count toward completion of a probationary period.~~

~~(d) Probationary or Permanent Status—An employee shall be given probationary status or permanent status in accordance with the following:~~

~~1. Upon original appointment, promotion or demotion to a different broadband level, or any time an employee moves between agencies, an employee shall be given probationary status unless a demotion is to a position in which the employee has previously held permanent status in the agency or unless the legislature has designated that an employee shall be moved but shall not have status as a new employee.~~

~~2. An employee appointed on probationary status shall attain permanent status in the career service upon successful completion of the designated probationary period.~~

~~3. Time spent on military leave shall count toward completion of the employee's probationary period, and an employee on military leave can attain permanent status while on such leave.~~

~~4. Part time employees and employees filling shared employment positions shall attain permanent status in the same manner as full time employees.~~

~~(4) Permanent Status – Permanent status indicates that a career service employee has successfully completed the required probationary period and has attained notice and appeal rights pursuant to Section 110.227, F.S., in the current position. Permanent status is attained on a position-only basis and must be attained for each appointment in accordance with the provisions of this rule chapter. Part-time employees and employees filling shared employment positions attain permanent status in their current positions in the same manner as full-time employees.~~

~~(5) In the case of a legislatively mandated transfer, an employee retains the status held in the position prior to the time of transfer unless the legislature directs otherwise.~~

~~Rulemaking Specific Authority 110.1055, ~~110.131(3)~~, 110.201(1), 110.217(1)(a), (5), 110.403(1), 110.503(2), 110.605(1) FS. Law Implemented 110.131, ~~110.201~~, 110.213, 110.2135, 110.217, 110.403, 110.503, 110.605 FS. History—New 1-22-02, Amended 4-3-03, _____.~~

60L-33.0031 Reinstatement

~~Rulemaking Specific Authority 110.1055, 110.201(1), 110.217(1), 110.217(5) FS. Law Implemented 110.201, 110.217 FS. History—New 1-1-02, Amended 4-3-03, Repealed _____.~~

60L-33.00311 Appointments.

(1) Appointments shall be made only to authorized positions that have been established in accordance with the provisions of Section 216.262, F.S.

(2) Appointments shall be made in accordance with the non-discrimination provisions of Section 110.105(2)(a), F.S., and other applicable federal or state non-discrimination laws.

(3) Agencies may appoint a current employee or an individual from outside the agency to a filled position for the purpose of:

(a) Training when the position's incumbent will be exiting the position. The training period shall not exceed 1040 hours during any twelve-month period unless the Department has approved a written request for an extension of the training period.

(b) Performing the duties of an incumbent who is on an extended leave of absence for active military service, when the leave of absence is expected to be for a minimum of 1040 hours.

(4) Employees performing duties pursuant to paragraphs (3)(a) and (b) shall be designated as overlapped in the State Personnel System's human resource information system and shall receive the benefits, employee rights, appropriate appointment type and associated status of the position for which such employee is appointed to overlap. In addition, such employee may receive an increase in pay in accordance with Chapter 60L-32, F.A.C.

(5) An employee designated as overlapped with an employee on a leave of absence due to active military duty shall be returned to his or her former position or to a position with substantially similar duties and responsibilities as the former position upon the return of the employee from active military duty if such position is available.

(a) In such case, the employee shall resume the same status and the same rate of pay previously held in the former position, including any across-the-board pay increases that would have been granted under the former position during the assignment.

(b) A return to the former or comparable position and resumption of the former rate of pay shall not constitute a demotion action or reduction in pay for the purpose of Section 110.227, F.S.

Rulemaking Authority 110.1055, 110.201(1), 110.2035, 110.217(1), 110.403, 110.605(1) FS. Law Implemented 110.105, 110.2035, 110.217, 110.403, 110.605, 216.262 FS. History—New _____.

60L-33.00312 Demotion Appointments.

(1) A career service employee shall be given a demotion appointment when the appointment is to a position in a broadband level having a lower maximum salary or to a position in a broadband level having the same or higher maximum salary but a lower level of responsibility.

(2) Upon a demotion appointment the employee shall be given probationary status. However, the demotion appointment shall be with permanent status if all of the following conditions are met:

(a) The demotion is in the employee's current agency;

(b) The employee previously held permanent status in the position and the duties of such position have not substantially changed; and

(c) The position is assigned to the same occupation and broadband level of the position previously held by the employee.

Rulemaking Authority 110.1055, 110.201(1), 110.217(1) FS. Law Implemented 110.105, 110.217 FS. History–New _____.

60L-33.00313 Original Appointments.

(1) An employee shall be given an original appointment upon:

(a) Initial placement in an established career service position; or

(b) Placement with trainee status in the following programs: cooperative education program; vocational rehabilitation or blind services program; agency trainee program; or return to work program. Upon successful completion of a trainee program, the employee may be appointed to a position in the same occupation and broadband level requiring the same licensure, certification or registration requirement and required knowledge, skills, and abilities. Following the successful completion of a training program if the employee remains assigned to the position used for trainee purposes, the employee's status shall be changed from trainee to probationary; or

(c) Placement in an established career service position from a selected exempt service or senior management service position; or

(d) Appointment to a selected exempt service or senior management service position.

(2) Upon an original appointment, a career service employee shall be given probationary status.

(3) Upon an original appointment, a selected exempt service or senior management service employee shall be given exempt status.

Rulemaking Authority 110.1055, 110.201(1), 110.217(1), 110.403(1), 110.605(1) FS. Law Implemented 110.105, 110.201, 110.217, 110.403, 110.605 FS. History–New _____.

60L-33.00314 Promotion Appointments.

(1) A career service employee shall be given a promotion appointment when the appointment is to a position in a broadband level having a higher maximum salary or to a position in a broadband level having the same or lower maximum salary but a higher level of responsibility.

(2) Upon a promotion appointment the employee shall be given probationary status.

Rulemaking Authority 110.1055, 110.201(1), 110.217(1) FS. Law Implemented 110.105, 110.217 FS. History–New _____.

60L-33.00315 Reassignment Appointments.

(1) A career service employee shall be given a reassignment appointment when the appointment is either:

(a) To a position in the same broadband level and same maximum salary but with different duties;

(b) To a position in the same broadband level and same maximum salary, regardless of the duties, but to a different agency; or

(c) To a position in a different broadband level having the same maximum salary.

(2) Upon a reassignment appointment, the employee shall be given probationary status. If the reassignment appointment is in conjunction with a legislatively mandated transfer of the position, the employee retains the status held in the position unless the legislature directs otherwise.

Rulemaking Authority 110.1055, 110.201(1), 110.217(1) FS. Law Implemented 110.105, 110.217 FS. History–New _____.

60L-33.00316 Lateral Action Appointments.

(1) A career service employee shall be given a lateral action appointment when the appointment is to another position in the same agency that is in the same occupation, same broadband level with the same maximum salary, and has substantially the same duties and responsibilities.

(2) Upon a lateral action appointment, the employee shall retain the status they held in their previous position. If probationary, time spent in the previous position shall count toward completion of the required probationary period for the new position.

Rulemaking Authority 110.1055, 110.201(1), 110.217(1) FS. Law Implemented 110.105, 110.217 FS. History–New _____.

60L-33.00317 Reinstatement Appointments.

(1) A career service employee who separates and is not on the payroll of any State Personnel System entity at any time during the interim period may, upon approval by the agency head or designee, be given a reinstatement appointment if the

employee returns to the same position within the same agency within 31 calendar days from the effective date of the separation. Such employee shall be:

(a) Appointed with the same employment status, pay, and benefits held by the employee at the time of separation from the agency.

(b) Treated as if they have been continuously employed. However, the employee shall be placed on leave without pay for any portion of the interim period.

(2) A selected exempt service or senior management service employee may be reinstated as provided in (1), but shall be given an original appointment.

Rulemaking Authority 110.1055, 110.201(1), 110.217(1), 110.403(1), 110.605(1) FS. Law Implemented 110.105, 110.217, 110.403, 110.605 FS. History—New _____.

60L-33.0032 Shared Employment.

(1) through (4) No change.

(5) In lieu of shared employment, an agency may subdivide a full-time equivalent position into separate, less than full-time equivalent positions, provided such division does not result in more than a total of one full-time equivalent position or cause an agency to exceed the total authorized full-time equivalent positions for the agency.

Rulemaking Specific Authority 110.1055, 110.201(1), 110.21 FS. Law Implemented 110.201, 110.21 FS. History—New 1-1-02, Amended 4-3-03, _____.

60L-33.0033 Appointment of Veterans.

An honorably discharged veteran seeking preference under Section 295.08 or 295.085, ~~F.S. Florida Statutes~~, must furnish documentation in accordance with Rule 55A-7.013, F.A.C., and of the following:

~~(1) Military status, dates of service, discharge type, i.e., the Department of Defense Form DD 214 or equivalent certification from the U.S. Department of Veterans' Affairs;~~

~~(2) If claiming disability, certification from the U.S. Department of Veterans' Affairs or Armed Services that the applicant has a service-connected disability.~~

~~(1)(3) Proof of Florida residence.~~

~~(2)(4) Proof of possession~~ Possession of the required licensure, certification, or registration, any required knowledge, skills, and abilities, and any other requirements the agency establishes for the position, as indicated on the position description.

Rulemaking Specific Authority 110.1055, 110.201(1), 110.217(1), ~~(5)~~ FS. Law Implemented 110.2135, 295.08, 295.085 FS. History—New 1-1-02, Amended 4-3-03, _____.

60L-33.004 Layoff and Employee Transition.

(1) No change.

(2) Each agency shall have a Department-approved workforce transition plan. The goal of the plan is to ensure that the agency makes reasonable efforts to provide a smooth transition for the career service employees adversely affected by the layoff. The plan shall identify the steps the agency will take during the layoff to advance this goal. The following steps ~~are reasonable and~~ shall be included in any plan, unless the plan justifies in writing why they are not included:

(a) Appoint a workforce transition team, ~~which is~~ responsible for overseeing and administering the layoff.

(b) Develop a communications plan, designed to ensure open, honest, and frequent communication regarding staffing changes. Provide clear avenues for employees to seek and obtain information and assistance. Address necessary communications with the Department, the ~~Department of Economic Opportunity Agency for Workforce Innovation~~, and unions.

(c) No change.

(d) Assess employees.

1. No change.

2. If the layoff affects any other career service employee, develop assessment procedures on objective measures that include comparative merit, demonstrated skills, experience and length of service in the State Personnel System. In determining which employees to retain, consider which employees will best enable the agency to advance its mission. ~~In~~ In this context, consider how each employee fares with respect to the following factors: commitment, cooperation, excellence, fairness, honesty/integrity, initiative, respect, and teamwork.

(3) through (4) No change.

(5) The ~~Department of Economic Opportunity Agency for Workforce Innovation~~ through its existing programs shall make available placement assistance to affected agencies and employees.

(6) Agencies shall prepare and maintain a workforce transition spreadsheet of adversely affected employees and provide the spreadsheet to the Department and to the Department of Economic Opportunity to assist in the job placement of such employees upon request.

(7) No change.

Rulemaking Specific Authority 110.1055, 110.201(1), 110.227(2) FS. Law Implemented 110.201, 110.227 FS. History—New 1-1-02, Amended 4-3-03, 1-20-09, _____.

60L-33.005 Other Personal Services Employment.

~~(1) Other personal services (“OPS”) employment is an a temporary employer/employee relationship used solely for the completion of short term or intermittent tasks. OPS employees; do not fill established positions. OPS employees shall not be assigned the duties of any vacant authorized position.~~

~~(a) Do not fill established positions.~~

~~(b) Are not eligible for any paid leave, holiday or personal holiday, retirement or any other employee benefit program unless provided by law.~~

~~(c) May be eligible for state group insurance subject to the provisions of Section 110.123, F.S.~~

~~(d) May participate in an agency’s recognition and rewards or telework program.~~

~~(e) May participate in the state’s deferred compensation program as provided in Section 112.215, F.S.~~

~~(f) May participate in the Employee Assistance Program (EAP).~~

~~(g) Shall participate in the State of Florida 401(a) FICA Alternative Plan (social security alternative plan), Workers Compensation and Reemployment Assistance (unemployment compensation) programs, unless otherwise exempted by law.~~

~~(2) Each agency that employs OPS employees shall: The following criteria shall form the basis of an agency’s request to the Office of Policy and Budget for approval to retain an OPS employee beyond 1,040 hours:~~

~~(a) Maintain employee records which shall include the name, hire date, the type of OPS employment, and the number of hours worked during the fiscal year. The agency has requested a full-time equivalent position in its agency legislative budget request to fulfill the duties of the OPS position on a permanent basis, and the Legislature has not previously rejected such a request.~~

~~(b) By June 30 of each year, review and document that the continuation of each OPS employment is necessary to the mission of the agency. This review does not apply to the OPS categories specifically exempt in Section 110.131(2)(c), F.S. The employee is currently working on a special project originally scheduled for completion within the 1,040 hours but, due to unforeseen circumstances documented by the agency, the project requires more time, and it would be further delayed by hiring and training a new OPS employee.~~

~~(c) By August 15 of each year, prepare and submit to the Executive Office of the Governor and to the chairs of the legislative appropriations committees a report for the previous fiscal year which includes the total number of OPS employees employed during the period, the type of OPS employment, the total number of hours worked by each employee, and average~~

~~rate of pay for each employee during the fiscal year. The employee possesses specific knowledge or skills in a mission critical area of expertise for which there is an immediate but not permanent need, and training a new employee is not cost-justified.~~

~~(d) The agency hired the employee to perform the duties of a permanent employee on extended leave, and the services are still needed.~~

~~(3) The Office of Policy and Budget shall approve extensions beyond 1,040 hours on a fiscal year basis.~~

~~(4) Office of Policy and Budget approval of an extension beyond 1,040 hours shall not guarantee approval of later requests for extension for the same employee.~~

~~Rulemaking Specific Authority 110.1055, 110.131(3), 110.201(1) FS. Law Implemented 110.105, 110.131, 110.123, 110.1315, 110.171, 112.215, 440.02(15)(a), 443.091 FS. History—New 1-1-02, Amended _____.~~

60L-33.0065 Separations.

(1) Separation is the act of removing an employee from an established position due to severance of employment from the agency, or removing an employee from Other Personal Services employment.

(2) Agencies are responsible for processing employee separations on a timely basis through the State Personnel System’s human resource information system and shall use one of the following separation types and corresponding reason:

(a) Voluntary Separations:

1. Move to Private Sector – this reason shall be used when the employee communicates to the agency that the reason for the separation is to accept employment with a non-government entity.

2. Move within State of Florida Government – this reason shall be used when the employee communicates to the agency that the reason for the separation is to accept employment with another state government entity.

3. Other – this shall be used when any reason other than those indicated in this rule or no reason is given by the employee. This reason shall also be used when the employee retires under the Public Employees Optional Retirement Plan (investment plan).

4. Retirement – this reason shall be used when the employee retires under a state pension plan or completes their Deferred Retirement Option Program (DROP) participation.

5. End of Appointment Period – this reason shall be used when the agency separates an employee at the end of a time-limited appointment.

6. Move to non-State of Florida Government – this reason shall be used when the employee communicates to the agency that the reason for the separation is to accept employment with a local government entity.

7. Abandonment – this reason shall be used when an agency separates an employee due to an employee’s absence from the job without approved leave for a minimum of five consecutive work days and the employee’s conduct or circumstances imply no intent to return. Abandonment is deemed to be an unwritten resignation.

(b) Involuntary Separations:

1. Failed Probationary Period – this reason shall be used when the agency dismisses the career service employee for failure to successfully complete the required probationary period for the position.

2. Layoff – this reason shall be used when the agency separates a career service employee due to a shortage of funds or work, or a material change in the duties or organization of an agency, including the outsourcing or privatization of an activity or function.

3. Dismissal – this reason shall be used when the agency dismisses a career service employee pursuant to Section 110.227, F.S., or when the agency dismisses a selected exempt service or senior management service employee pursuant to Sections 110.604 and 110.403, F.S.

4. Death of the Employee – this reason shall be used when the agency separates an employee due to the employee’s death.

5. Death of Employee in the Line of Duty - this reason shall be used when the agency separates an employee due to death arising out of and in the actual performance of duties required by the employee’s position.

6. Legislative Directed Transfer - this reason shall be used when the agency separates an employee due to a legislatively mandated action resulting in the employee moving to another State Personnel System agency.

7. Dismissal-Employee also Retires - this reason shall be used when the agency dismisses a career service employee pursuant to Section 110.227, F.S., or when the agency dismisses a selected exempt service or senior management service employee pursuant to Sections 110.604 and 110.403, F.S., and the employee also retires from the Florida Retirement System.

Rulemaking Authority 110.1055(1), 110.201(1), 110.227(2)(a), 110.403(1), 110.605(1) FS. Law Implemented 110.105, 110.227, 110.403, 110.604 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ms. Sharon D. Larson, Division Director of Human Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Craig J. Nichols, Agency Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 05, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 18, 2013

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:

64B10-10.002 Public Comment

PURPOSE AND EFFECT: The Board proposes to develop and adopt a new rule to establish procedures for public participation in public meetings.

SUMMARY: The rule promulgation and adoption will establish procedures for public participation in public meetings.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 286.0114 FS.

LAW IMPLEMENTED: 286.0114 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Miller, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-10.002 Public Comment

The Board of Nursing Home Administrators invites and encourages all members of the public to provide comment on matters or propositions before the Board or a committee of the Board. The opportunity to provide comment shall be subject to the following:

(1) Members of the public will be given an opportunity to provide comment on subject matters before the Board after an agenda item is introduced at a properly noticed board meeting.

(2) Members of the public shall be limited to 3 minutes to provide comment. This time shall not include time spent by the presenter responding to questions posed by Board members, staff or board counsel. The chair of the Board may extend the time to provide comment if time permits.

(3) Members of the public shall notify board staff in writing of his or her interest to be heard on a proposition or matter before the Board. The notification shall identify the person or entity, indicate support, opposition, or neutrality, and identify who will speak on behalf of a group or faction of persons consisting of 3 or more persons. Any person or entity appearing before the Board may use a pseudonym if he or she does not wish to be identified.

Rulemaking Authority 286.0114 FS. Law Implemented 286.0114 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 12, 2013

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-15.001 Continuing Education for Licensure Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add new language to clarify the requirements for continuing education credits for licensure renewal and to renumber the rule accordingly.

SUMMARY: The rule amendment will delete unnecessary language and add new language to clarify the requirements for continuing education credits for licensure renewal and to renumber the rule accordingly.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 468.1685(1), 468.1715(3) FS.

LAW IMPLEMENTED: 456.013(6), 468.1715(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: William Miller, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.001 Continuing Education for Licensure Renewal

(1) through (2) No change.

~~(3) Each licensee shall be responsible for maintaining the documentation to prove his/her compliance with the continuing education requirements for a period of four years and shall provide such documentation to the Department upon request.~~

~~(4) The Department shall audit at random a number of licensees to ensure that the continuing education requirements are met.~~

~~(3)(5) No change.~~

~~(4)(6)~~ A licensee may obtain three ~~Three~~ hours of continuing education credit may be obtained by the any of the following: attending one full day of a Board meeting in compliance with the following:

~~(a) Attending one full day of a Board meeting in compliance with the following:~~

~~(a)1-~~ The licensee must sign in with the Executive Director ~~or~~ Program Operations Administrator of the Board before the meeting day begins.

~~(b)2-~~ No change.

~~(c)3-~~ The licensee must sign out with the Executive Director ~~or~~ Program Operations Administrator at the end of the meeting. ~~A licensee shall receive continuing education credit in risk management for attending a board meeting at which another licensee is disciplined. A licensee may also be granted continuing education hours if he or she serves as a volunteer expert witness for the department in a disciplinary case, or if he or she serves as a member of a probable cause panel after the expiration of the Board member's term.~~

~~(5)(b)~~ A licensee who serves ~~Serve~~ as a volunteer expert witness for the department in a disciplinary case shall receive 3 hours of continuing education credit; ~~or~~

~~(e) Serve as a member of a probable cause panel after expiration of the Board member's term.~~

~~(6)(7)~~ Licensees who participate in the development of Florida licensure exam questions may be awarded up to five hours of continuing education credit, ~~comprised of two (2) hours of laws and rules and three (3) hours optional,~~ upon request of the Board.

~~(7)(8)~~ Former Board members who serve on probable cause panels shall receive three hours of continuing education credit per meeting up to a maximum of 12 hours of continuing education credit ~~pursuant to subpart (6)(e), in the Laws, Regulatory Codes and Governing Boards domain of practice,~~ for each full or partial biennium served on the probable cause panel.

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

(9) Board members shall receive 12 hours of continuing education credit for each full or partial biennium served on the Board.

Rulemaking Authority 468.1685(1), 468.1715(3) FS. Law Implemented 456.013(6), 468.1715(3) FS. History—New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, 11-4-02, 5-7-06, 4-8-07, 10-24-07, 10-11-10, 8-8-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 12, 2013

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-16.003 Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to the apprenticeship requirements and training program.

SUMMARY: The rule amendment will delete unnecessary language and add new language to the apprenticeship requirements and training program.

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.003 Apprenticeship Requirements and Training Program

(1) Any persons seeking to be registered as an apprentice optician shall submit to the Board an Apprentice Optician Application (Form DH-MQA 1180, revised 7/13), hereby adopted and incorporated by reference, which can be obtained at www.doh.state.fl.us/mqa/opticianry. All apprenticeship training must be conducted by the sponsor(s) with whom the apprentice is currently registered with the Agency. Credits shall be granted to apprentices if the training is properly documented according to this rule. An apprentice shall not receive credit for any training received from a person other than the properly registered sponsor(s). However, an apprentice can receive credit for attending continuing education courses by a board-approved provider pursuant to this rule.

(2) through (3) No change.

(4) An apprenticeship shall consist of 6,240 hours of training, completed within five years after the apprentice's first registration with the Department. However, time spent in training at a board-approved school of opticianry or board-approved apprentice training program may be substituted for required apprenticeship time. Each credit hour earned at such school shall count as 86.67 apprenticeship hours. For each hour of the stated instructional time of a board-approved apprentice training program shall count as five (5) apprenticeship hours for successfully completing the entire course.

(a) No change.

(b) Each sponsor may attend a Board-approved Apprentice/Sponsor Orientation course. This course will count toward ~~either the elective or the laws and rules~~ continuing education requirement pursuant to Rule 64B12-15.003, F.A.C.

(c) No change.

(5) No change.

(6) Total training received by an apprentice during apprenticeship must consist of training in the following subject areas:

(a) through (g) No change.

(h) Filling contact lens prescriptions, fitting, adapting and dispensing contact lenses if the sponsor is a Board-Certified optician, Florida-licensed optometrist or Florida-licensed allopathic or osteopathic physician, or an optician pursuant to subsection 64B12-10.009(1), F.A.C., or the apprentice must complete a Board-approved training program in contact lenses course equivalent to 32 hours of instructional time as a

substitute for working experience with contact lenses. The Board has approved the following areas of study for the Florida Apprentice Contact Lens Training Course: Such course must include the following instruction:

~~1 hour — contact lens history~~

~~2 hours — anatomy and physiology of the eye~~

~~1 hour — patient selection~~

~~2 hours — contact lens technology~~

~~2 hours — basic optics for contact lenses~~

~~4 hours — basic fitting methods~~

~~1 hour — patient follow up~~

~~1 hour — data collection and record keeping~~

~~2 hours — ordering and verification~~

~~2 hours — patient instruction~~

~~2 hours — problem solving~~

~~2 hours — specialty fittings~~

~~1 hour — ANSI Standards~~

~~1 hour — Florida laws and rules~~

~~8 hours — hands on practice~~

6 hours — introduction to contact lenses. Including but not limited to basic ocular anatomy, basic optics, basic lenses, fundamentals of instrumentation, nomenclature and patient instructions

2 hours — prefit and assessment

2 hours — diagnostic fit and evaluation

1 hour — lens dispensing and patient evaluation

1 hour — followup visits with the patient

1 hour — administrative procedures

3 hours — slit lamp and pathology

3 hours — Florida and Federal laws/rules related to contact lenses and dispensing

13 hours — practical hands on training component

Lecture, self study and hands-on ~~Although the lecture sessions as well as blended teaching models are considered appropriate training and may be open to any number of students provided the following can be shown to be part of the training course; the hands on sessions shall be limited to 20 students per qualified instructor and three assistant instructors.~~

Current and appropriate teaching models.

Qualified instructors.

Learning outcomes are articulated and comprehensive according to required course instruction, testing, and evaluation of student comprehension is completed after each area of study before they can proceed to the next area of study.

A qualified instructor for the training course in contact lenses is one who has been a Board-Certified optician, licensed optometrist or ophthalmologist and actively engaged in contact lens fitting for 2 years immediately preceding instructorship or

actively engaged as a contact lens instructor in an approved school of opticianry, an accredited school of optometry or an accredited medical school. The assistants must be Board-Certified or equally qualified to the instructor. Any request for program ~~course~~ approval must be submitted to the Board 30 days prior to the next Board meeting and must be reviewed every two years. The apprentice must complete the entire course within 18 months of enrolling ~~course within 31 days~~.

(i) No change.

Rulemaking Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History—New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07, 11-20-07, 5-25-09, 11-29-09, 5-19-10, 4-9-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Opticianry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Opticianry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 12, 2013

Section III
Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.09401 Student Performance Standards
 NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 181, September 17, 2013 Florida Administrative Register has been continued from January 21, 2014 to February 18, 2014.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.09412 Course Requirements – Grades K-12 Basic
 and Adult Secondary Programs
 NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 181, September 17, 2013 Florida Administrative Register has been continued from January 21, 2014 to February 18, 2014.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.09414 Course Requirements - Grades PK-12
 Exceptional Student Education
 NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 39 No. 181, September 17, 2013 Florida Administrative Register has been continued from January 21, 2014 to February 18, 2014.

AGENCY FOR HEALTH CARE ADMINISTRATION

RULE NOS.: RULE TITLES:
59-1.039 Official Reporter
59-1.044 Access to Final Orders
59-1.045 Final Orders Required to Be Indexed
59-1.046 Listing of Final Orders
59-1.047 Numbering of Final Orders
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 229, November 25, 2013 issue of the Florida Administrative Register.

The following statement was inadvertently omitted from the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION and is hereby added:

Information that should have been included under the 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. The Agency has determined that no SERC is required and that no legislative ratification pursuant to subsection 120.541(3), F.S. is required based upon the Agency’s review of information at the time of analysis and the preparation of a checklist for each rule to determine the need for the creation of a SERC.

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-16.001 General Information
 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. 39, No. 121, June 21, 2013 issue of the Florida Administrative Register.

The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated July 22, 2013, and at the public meeting held on the rule on October 11, 2013.

The changes are as follows:

64B10-16.001(2): The revision date for form DH-NHA003, "Administrator-In-Training Application" will be changed to "10/2013."

64B10-16.002: The title of form #DH-MQA NHA003, will be changed to "Application for Administrator-In-Training."

Form # DH-MQA NHA003: Page One: Subsections "468.1695(2) and (4), Florida Statutes", shall be added to the parenthetical on the "Instructions." Language has also been modified as follows: **THE FOLLOWING ITEMS MUST BE INCLUDED WITH YOUR APPLICATION: You must COMPLETE your AIT program and have your last report approved BEFORE you submit your application for the exam and last report approved.**

Page Two: Reference to "3. Photo" has been be deleted and the Checklist renumbered accordingly.

Part 4, "Training," has been reorganized and language added. For the AIT 1,000 program, three options have been added to indicate which degree the applicant possesses, as required by Section 468.1695(2)(a). For the AIT 2,000 hour program, language was added: "A bachelor's degree in any field" as required by Section 468.1695(2)(b).

Number 6, language has been added: AHCA licensure and Life safety survey.

Number 7, language has been added: Facility Organizational Chart or complete form in application packet (Submit with application).

Page Four: Reference to the term "Photo" in the bottom right corner was deleted.

Language has been added regarding the request for the applicant's email address.

The question regarding the applicant's place of birth has been deleted.

Page Five: The question "Preceptor #C _____" was deleted.

Pages Six and Seven: The Facility Organizational Chart, was significantly revised, with both deletions and additions to the previous language.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:

William Miller, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-1.004	Policy
66B-1.008	Project Eligibility
66B-1.009	Project Administration
66B-1.015	Small-Scale Derelict Vessel Removal Projects

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 220, November 12, 2013 issue of the Florida Administrative Register.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Commissioners, Florida Inland Navigation District

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.006	Application Process
66B-2.008	Project Eligibility
66B-2.009	Project Administration
66B-2.015	Small-Scale Derelict Vessel Removal Projects

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 220, November 12, 2013 issue of the Florida Administrative Register.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Commissioners, Florida Inland Navigation District

**Section IV
Emergency Rules**

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-51.002 Licensure by Examination

NOTICE IS HEREBY GIVEN that on December 5, 2013, the Electrolysis Council received a petition for variance or waiver filed by Dina Moshe, seeking a waiver of paragraph 64B8-51.002(1)(c), Florida Administrative Code, which requires that every applicant for licensure as an electrologist by examination shall demonstrate to the Council that the applicant possesses a high school diploma, a graduate equivalency diploma, college diploma, university diploma, or technical school diploma if such college, university, or technical school required high school or graduate equivalency diploma for admission.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255. Comments on this petition should be filed with the Electrolysis Council at the above address, within 14 days of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-15.017 Personnel

NOTICE IS HEREBY GIVEN that on October 17, 2013, the Department of Children and Families received a petition for waiver for subsection 65C-15.017(3), Florida Administrative Code, from Devereux Community Based Care of Okeechobee and the Treasure Coast. Subsection 65C-15.017(3), F.A.C., requires staff performing casework services shall have bachelor's degree in social work or related area of study from an accredited college or university.

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 CHILDREN AND FAMILY SERVICES
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-15.010 Finances

NOTICE IS HEREBY GIVEN that on November 25, 2013, the Department of Children and Families received a petition for waiver of subsection 65C-15.010(3), Florida Administrative Code, from Destiny Adoption Services and

Consulting, Inc., subsection 65C-15.010(3), F.A.C., requires a licensed child-placing agency to annually obtain and audit of its financial records.

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 CHILDREN AND FAMILY SERVICES
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-13.025 Initial Licensing Procedures

NOTICE IS HEREBY GIVEN that on November 20, 2013, the Department of Children and Families received a petition for waiver of paragraph 65C-13.025(1)(a), Florida Administrative Code, from the Children's Home and Melissa Hoskins. Paragraph 65C-13.025(1)(a), F.A.C., states each applicant wishing to become a licensed out-of-home caregiver shall complete the Application for License to Provide Out-of-Home Care for Dependent Children. Married persons living together shall both sign the application.

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.

Section VI
Notice of Meetings, Workshops and Public
Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Department of State, Historic Grants Program announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, December 17, 2013, 10:30 a.m. – 11:30 a.m.

PLACE: Webinar/Room 404, R.A. Gray Building, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Grants Management Webinar, intended to explain the current management process for the 2014 Small Matching Grant projects including reports and payments; procurement of Consultants, Contractors and Vendors; Close out and final products.

A copy of the agenda may be obtained by contacting: Historic Preservation Grant staff at 1(800)847-7278, emailing us at BHPgrants@DOS.MyFlorida.com or visiting www.flheritage.com/grants.

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: Grant staff at 1(800)847-7278 or emailing us at BHPgrants@DOS.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Historic Preservation Grant staff at BHPgrants@flheritage.com or call 1(800)847-7278.

DEPARTMENT OF EDUCATION

Education Practices Commission

The Education Practices Commission announces hearings to which all persons are invited.

DATES AND TIMES: December 12, 2013, 9:00 a.m. or as soon thereafter as can be heard, New Commissioner Training Session; December 12, 2013, 1:30 p.m., or as soon thereafter as can be heard, Teacher Hearing Panel; December 13, 2013, 8:30 a.m. or as soon thereafter as can be heard, Administrator Hearing Panel; December 13, 2013, 9:15 a.m. or as soon thereafter as can be heard, Business Meeting

PLACE: Embassy Suites Orlando North, 225 Shorecrest Drive, Altamonte Springs, Florida 32701, (407)834-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct training of new Commission members. The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. The Business Meeting of the Education Practices Commission will be to conduct the business of the Commission.

A copy of the agenda may be obtained by contacting: Gretchen Kelley Brantley at (850)245-0455.

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: Gretchen Kelley Brantley at (850)245-0455. 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: Lisa Forbess or Gretchen Kelley Brantley at (850)245-0455.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation-District Five announces a hearing and meetings to which all persons are invited.

DATE AND TIME: December 11, 2013, 6:00 p.m., please notice change of date.

PLACE: Florida Department of Transportation, District Five Office Building, 719 South Woodland Boulevard, Cypress A & B Conference Rooms, DeLand, Florida 32720

There will also be public information meetings held at each Metropolitan Planning Organization/Transportation Planning Organization listed below:

MetroPlan Orlando Board Meeting – Public Information Meeting

Date and Time: Wednesday, December 11, 2013, 9:00 a.m.

Location: 315 East Robinson Street, Suite 355, Orlando, Florida 32801

Lake-Sumter Metropolitan Planning Organization – Public Information Meeting

Date and Time: Wednesday, December 11, 2013, 2:00 p.m.

Location: 1616 South 14th Street, Leesburg, Florida 34748

Space Coast Transportation Planning Organization – Public Information Meeting

Date and Time: Thursday, December 12, 2013, 9:00 a.m.

Location: Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 3rd Floor Florida Room, Melbourne, Florida 32940

Flagler County Board of County Commissioners – Public Information Meeting

Date and Time: Monday, January 13, 2014, 5:00 p.m.

Location: 1769 E. Moody Blvd., Bldg. 2, Board Chambers, Bunnell, Florida 32110-0787

Volusia County Transportation Planning Organization – Public Information Meeting

Date and Time: Wednesday, January 22, 2014, 9:00 a.m.

Location: 2570 West International, Speedway Boulevard, Suite 100, Daytona Beach, FL 32114-8145

Ocala/Marion County Transportation Planning Organization – Public Information Meeting

Date and Time: Tuesday, January 28, 2014, 4:00 p.m.

Location: McPherson Complex Auditorium, 601 SE 25th Ave., Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: The District Five Tentative Five Year Work Program, for Fiscal Years 2014/2015 through 2018/2019, hearing and public information meetings will also include consideration of proposed projects for Florida's Turnpike Enterprise.

A copy of the agenda may be obtained by contacting: Kellie Smith, Florida Department of Transportation, FDOT/MPO Liaison, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5427, email: Kellie.Smith@dot.state.fl.us.

The Department will also provide an option for the public to attend the Districtwide Work Program Public Hearing on December 11, 2013 through access of a webinar. A webinar link will be provided on the Department's Work Program Website: www.D5WPPH.com/2013.

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: Jennifer Taylor, Florida Department of Transportation, Title VI Coordinator, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5367, email: Jennifer.Taylor@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

Written comment from all interested parties will be accepted by the Department at the Public Hearing and for a period of ten (10) days after the Public Hearing. Comments should be addressed to: Noranne Downs, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. The presentation of the Department's Tentative Five Year Work Program will be available through various local TV stations. Please check the website at www.D5WPPH.com/2013 for the availability in your area.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The Water Resource Advisory Commission – Recreational Issues announces a public meeting to which all persons are invited.

DATE AND TIME: December 16, 2013, 5:00 p.m.: Water Resource Advisory Commission (WRAC) – Recreational Issues Workshop

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Workshop sponsored by the Water Resources Advisory Commission (WRAC) regarding recreational issues and opportunities within the South Florida Water Management District. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: Tia Barnett, (561)682-6286, tbarnett@sfwmd.gov or at our website: <http://my.sfwmd.gov/wrac.gov>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District Clerk, (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: Tia Barnett, (561)682-6286.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 17, 2013, 10:00 a.m. – 12:00 Noon

PLACE: This is a teleconference meeting. To participate, dial 1(888)670-3525; participant code: 3875036751. If you have any difficulty accessing the teleconference, please call the Florida Center's main number at (850)412-3730.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the State Consumer Health Information and Policy Advisory Council to which all interested parties are invited. The purpose is to conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

A copy of the agenda may be obtained by contacting: Kristian Blessington, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5407. The agenda will also be posted at the Agency website: <http://ahca.myflorida.com/SCHS/CommitteesCouncils/SCHIP/chismetings.shtml> 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: Kristian Blessington, Florida Center for Health Information and Policy Analysis at Kristian.Blessington@ahca.myflorida.com or (850)412-3765. 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: Kristian Blessington, Florida Center for Health Information and Policy Analysis at Kristian.Blessington@ahca.myflorida.com or (850)412-3765.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Application Committee and/or Educational Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 14, 2014, 8:30 a.m. (EST) or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for licensure and other general business of the committees.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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

DATE AND TIME: January 14, 2014, 1:00 p.m. (EST) or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Although this meeting is open to the public, the Probable Cause Panel meeting may be closed consistent with law. If you wish to participate in any public portion of the Probable Cause Panel Meeting, please contact Sandee Spradlin at least 48 hours prior to the meeting.

A copy of the agenda may be obtained by contacting: Sandee Spradlin.

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: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers SE Licensure Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 15, 2014, 8:30 a.m. (EST) or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: general business of the committee. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500, ext. 114 at least 48 hours prior to the date of the meeting.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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

DATE AND TIME: January 24, 2014, 10:00 a.m. (EST) or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on the recommendations from the Application & Educational Advisory Committee to approve or deny applications for licensure and any old or new business of the Board. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500, ext. 114 at least 48 hours prior to the date of the meeting.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

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

DATES AND TIMES: February 12, 2014, 1:00 p.m. (EST) or soon thereafter; February 13, 2014, 8:30 a.m. (EST) or soon thereafter

PLACE: Tampa Marriott Westshore, 1001 N. Westshore Blvd., Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the board.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Application Committee and/or Educational Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2014, at the conclusion of the Board Meeting

PLACE: Tampa Marriott Westshore, 1001 N. Westshore Blvd., Tampa, FL 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for licensure and other general business of the committees.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF HEALTH

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

DATE AND TIME: Monday, December 16, 2013, 1:00 p.m. – 3:00 p.m.

PLACE: Florida Department of Health, 2585 Merchants Row Blvd., Suite 140, Tallahassee, FL 32399 or by telephone: 1(888)670-3535, attendee access code: 277 680 0919# or WebEx: <https://suncom.webex.com/suncom/j.php?ED=256070067&UID=492507417&RT=MIMxMQ%3D%3D>

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Information Clearinghouse on Developmental Disabilities Advisory Council will provide technical assistance to the Department of Health in the establishment of a website of resource information related to Down syndrome or other prenatally diagnosed developmental disabilities; support programs for parents and families; and developmental evaluation and intervention services.

A copy of the agenda may be obtained by contacting: Anna Simmons, (850)245-4444, ext. 2960.

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: Anna Simmons, (850)245-4444, ext. 2960. 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: Anna.Simmons@flhealth.gov.

DEPARTMENT OF HEALTH

Office of Statewide Research

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

DATE AND TIME: December 19, 2013, 4:00 p.m. – 5:00 p.m.

PLACE: Conference call: 1(888)670-3525, conference code: 2922384719

GENERAL SUBJECT MATTER TO BE CONSIDERED: Biomedical Research Advisory Council meeting pertaining to the James and Esther King Biomedical Research Program and the Bankhead-Coley Cancer Research Program.

A copy of the agenda may be obtained by contacting: Sarah Hofmeister, Public Health Research Unit, Division of Community Health Promotion, (850)245-4444, ext. 3591.

For more information, you may contact: Sarah Hofmeister, Public Health Research Unit, Division of Community Health Promotion, (850)245-4444, ext. 3591.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Refugee Services

The Pensacola Area Refugee Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 18, 2013, 10:00 a.m. – 12:00 Noon

PLACE: TBD

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Pensacola Area Refugee Task Force meeting is to increase awareness of the refugee populations, share best practices, spot trends in refugee populations, build collaborations between agencies, help create good

communication among service providers, get informed about upcoming community events, and discuss refugee program service needs and possible solutions to meeting those needs.

A copy of the agenda may be obtained by contacting: Theresa Leslie at (850)921-7944 or Taddese Fessehayee at (407)317-7335.

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: Theresa Leslie at (850)921-7944 or Taddese Fessehayee at (407)317-7335. 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: Theresa Leslie at (850)921-7944 or Taddese Fessehayee at (407)317-7335.

NAVIGATION DISTRICTS

Florida Inland Navigation District

The Florida Inland Navigation District announces public meetings to which all persons are invited.

DATES AND TIMES: all meetings start at 8:00 a.m. at the dates and location listed below

PLACE: Friday, October 18, 2013 in Broward County

Saturday, November 16, 2013 in Martin County

Friday, December 13, 2013 in Volusia County

Saturday, January 18, 2014 in St. Johns County

Friday, February 14, 2014 in St. Lucie County

Saturday, March 15, 2014 in Duval County

Friday, April 11, 2014 in Flagler County

Saturday, May 17, 2014 in Miami-Dade County

Friday, June 20, 2014 in Brevard County

Saturday, June 21, 2014 in Brevard County

Friday, July 18, 2014 in Nassau County

Saturday, August 16, 2014 in Indian River County

Saturday, September 13, 2014 in Palm Beach County

GENERAL SUBJECT MATTER TO BE CONSIDERED: regular business of the Board of Commissioners of the Florida Inland Navigation District.

A copy of the agenda may be obtained by contacting: the District by mail at 1314 Marcinski Road, Jupiter, FL 33477, by website aicw.org or by telephone at (561)627-3386.

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 by mail at 1314 Marcinski Road, Jupiter, FL 33477 by website: aicw.org or by telephone at (561)627-3386. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

DEPARTMENT OF FINANCIAL SERVICES

The Medicaid & Public Assistance Fraud Strike Force announces a public meeting to which all persons are invited.

DATE AND TIME: December 12, 2013, 2:00 p.m. – 3:30 p.m.

PLACE: Cabinet Meeting Room, The Capitol, Tallahassee, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: Medicaid & Public Assistance Fraud.

A copy of the agenda may be obtained by contacting: Jade.Stern@myfloridacfo.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: Jade.Stern@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).

FLORIDA TELECOMMUNICATION RELAY

The Florida Telecommunications Relay, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 13, 2013, 10:00 a.m.

PLACE: Florida Telecommunications Relay, Inc., 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the Board of Directors. The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

A copy of the agenda may be obtained by contacting: Mr. James Forstall, Executive Director, Florida Telecommunications Relay, Inc., 1820 E. Park Avenue, Suite 101, Tallahassee, FL 32301.

Section VII

Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

NOTICE IS HEREBY GIVEN that the Florida Real Estate Appraisal Board has received the petition for declaratory statement from Heidi M. Bauer, filed on October 14, 2013. The petition seeks the agency’s opinion as to the applicability

of Title XXXII, Chapter 475, Sections 475.611 and 475.6235, Florida Statutes, as it applies to the petitioner.

The petition seeks the Board’s interpretation of Title XXXII, Chapter 475, Sections 475.611 and 475.6235, Florida Statutes, regarding whether licensure as an appraisal management company is required in connection with limited appraisal consulting services with the following functions: Consults on appropriate policies and procedures to comply with the various regulatory bodies; consults on the scheduling of property appraisals to assure compliance; reviews the client’s panel of approved appraisers and consults with clients on the selection of independent appraisers; reviews independent, third-party appraisals on behalf of client; facilitates consulting process by providing client access to web-based software that automates information exchange between various parties; house client databases, and provides industry benchmarking capabilities; and periodically complete appraisal engagements directly for the client with no outside assistance. Except for good cause shown, motions for leave to intervene must be filed within 21 days after publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Juana Watkins, Director, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801, Juana.Watkins@dbpr.state.fl.us or by telephoning (850)487-1395.

Section VIII

Notice of Petitions and Dispositions
Regarding the Validity of Rules

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

NONE

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

NONE

Section IX

Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

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

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

Florida Atlantic University

BT 676 – FAU College of Medicine Office Building – CM

NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Construction Management services will be required for the project listed below:

Project No.: BT#676

Project Name: College of Medicine Office Building

Project and Location: Located on Florida Atlantic University's Boca Raton Campus on the north side of North University Dr. just east of the newly constructed Parking Garage III; the project consists of 16,000 GSF facility to accommodate Faculty programs for the College of Medicine. Envisioned as a two story building, each floor will accommodate approximately 8,000 sq. ft. of offices, clinical procedure rooms and support space. The total construction budget is approximately \$2,740,000.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, and staff and consultants. Finalist may request a copy of the standard Florida Atlantic University Agreement Between Owner and Construction Management.

The approved FAU Facilities Program is available online at <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php> or by contacting the University's Sole Point of Contact for this project, Robert Richman, Bldg. 69, Room 104 on the Boca Raton Campus, (561)297-3166 or rrichman@fau.edu. From the date of issuance of this Notice until a final selection of a Construction Manager is made or a notice of cancellation is posted, the Construction Manager must not make available or discuss its proposal, or any part thereof, with any member of the Selection Committee, unless permitted by the Sole Point of Contact, in writing, for purposes of clarification only, as set forth herein. Any individual associated with a Construction

Manager who contacts members of the Selection Committee, regarding any aspect of this project, whether such contact be in person, telephone, or through electronic or written correspondence, may be determined to have violated the terms and conditions of this solicitation. If that determination is made, any proposal received from such an individual OR their company may be rejected as non-responsive and not subject to evaluation. If there are any changes or additions to the Sole Point of Contact information at any time in the process, participating Construction Manager's will be notified via an addendum to the Notice.

Questions regarding the Notice and/or process should be submitted via fax or email to the Sole Point of Contact. No oral communications shall be considered as a change to the Notice. FAU may respond to questions deemed by the University to be material in nature via a written addendum to the Notice. Interpretation of the wording of this document shall be the responsibility of FAU and that interpretation shall be final.

All postings referred to in this Notice will be posted electronically on the FAU Facilities website: <http://wise.fau.edu/facilities/uavp/AE-CM-advertise-home.php>. At all times it shall remain the responsibility of the Construction Manager participating in this solicitation to check the website for postings of addenda, short lists, and award decisions. No further notice will be given.

The Selection Committee may reject all proposals and stop the selection process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed "Florida Atlantic University Construction Manager Qualification Supplement" (FAUCMPQS Revised January 2004). Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. 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.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of

\$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six (6) bound sets of the required proposal data shall be submitted and addressed to: the Office of Facilities Planning, Florida Atlantic University, 777 Glades Road, Campus Operations Building #69-Room 107, Boca Raton, Florida 33431 by 5:00 p.m. on Wednesday, January 8, 2014. Facsimile (FAX) submittals are not acceptable and will NOT be considered.

DEPARTMENT OF TRANSPORTATION
FLORIDA DEPARTMENT OF TRANSPORTATION
605 SUWANNEE STREET, MS 20
TALLAHASSEE, FL 32399
LEASE OF RIGHTS-OF-WAY FOR
FIXED GUIDEWAY TRANSPORTATION SYSTEM

The Florida Department of Transportation (FDOT) has received an unsolicited proposal for the leasing of rights-of-way and other real property owned by FDOT, the Orlando Orange County Expressway Authority (OOCEA), Orange County, the City of Orlando, and the Greater Orlando Aviation Authority (GOAA), for the purposes of constructing and operating a fixed guideway transportation system between Orlando International Airport and the Orange County Convention Center in the International Drive area of Orange County. FDOT, OOCEA, Orange County, the City of Orlando, and GOAA jointly request Proposals from Proposers for the leasing of rights-of-way and real property owned by FDOT, OOCEA, Orange County, the City of Orlando, and GOAA to provide a fixed guideway transportation system between Orlando International Airport and the Orange County Convention Center in the International Drive area of Orange County, as detailed in the project Request for Proposals (RFP) document. Qualified proposers must submit a proposal in accordance with the RFP. A copy of the RFP may be obtained by submitting a written request to: row.lease@dot.state.fl.us.

Please provide a contact name and e-mail address when submitting your request. Questions about the RFP should also be directed to the aforementioned e-mail address. Notice of changes (addenda) to the RFP will be posted on the FDOT Procurement web site at <http://www.dot.state.fl.us/procurement/ROWLeaseFixedGuideway.shtm>.

It is the responsibility of all potential proposers to monitor the website for any changing information prior to submitting your proposal. Proposals must be submitted by the time and date indicated in the RFP. Pursuant to Section 337.251(3), Florida Statutes, an application fee of \$10,000 is required from each proposer upon submittal of its proposal to FDOT.

WATER MANAGEMENT DISTRICTS
St. Johns River Water Management District
Indian River Lagoon National Estuary Program 2014-2015
Work Plan Proposals

The Indian River Lagoon National Estuary Program invites all interested parties to submit project proposals for consideration in accordance with the terms and conditions set forth in the 2014 Work Plan Request for Project Proposals. Project Proposals shall be accepted until 5:00 p.m. (Eastern Time), Wednesday, January 15, 2014. To obtain a copy of the Project Proposal Application and Proposal Guidelines, please visit: <http://www.itsyourlagoon.com> and select: "Indian River Lagoon cost-share program" page. Any modifications that occur to the Request for Project Proposals will be posted on that web page.

Section XII
Miscellaneous

NONE

Section XIII
Index to Rules Filed During Preceding
Week

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