

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

RULE NO.: RULE TITLE:
6M-4.400 Required Parent Co-payment
PURPOSE AND EFFECT: The purpose of the revised rule is to revise the school readiness program parent co-payment requirements to comply with federal and statutory mandate.
SUBJECT AREA TO BE ADDRESSED: School Readiness Program Parent Co-Payment Requirements.
RULEMAKING AUTHORITY: 1001.213(2), FS.
LAW IMPLEMENTED: 1002.84(8) , 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: Thursday, December 8, 2016, 4:30 p.m. to 5:30 p.m. EST or until business is concluded, whichever is earlier.
PLACE: via GoToWebinar only. To register for the webinar, please visit:
http://www.floridaearlylearning.com/statewide_initiatives/laws_and_rules/proposed_rules.aspx
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Katerina Maroney, School Readiness Policy Supervisor, (850)717-8614. 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: Katerina Maroney, 250 Marriott Drive, Tallahassee, FL 32399, (850)717-8614 or email: Katerina.Maroney@oel.myflorida.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: available on the Office of Early Learning website prior to the date of the rule development workshop:
http://www.floridaearlylearning.com/oel_resources/rules_guidance_technical_assistance/proposed_rules.aspx

DEPARTMENT OF TRANSPORTATION

RULE NOS.: RULE TITLES:
14-26.00411 Procedure for Issuance of Permits
14-26.012 Movement Conditions and Restrictions
14-26.01311 Permits to Move Sealed Containerized Loads
14-26.014 Non-Compliance
14-26.015 Penalties
PURPOSE AND EFFECT: Rules for overweight and overdimensional permits are being revised for clarity and consistency. Rule 14-26.01311 is being amended to remove a restriction on transporting hazardous waste or materials, provided the load is in a sealed container.
SUBJECT AREA TO BE ADDRESSED: The requirements for overweight and overdimensional permits are being revised for clarity and to remove a restriction on transporting hazardous materials in sealed containers.
RULEMAKING AUTHORITY: 316.550, 334.044(2) FS.
LAW IMPLEMENTED: 316.535, 316.550, 334.044(27) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Schwartz, Florida Department of Transportation, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399, (850)414-5392, susan.schwartz@dot.state.fl.us
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District
RULE NOS.: RULE TITLES:
40E-10.041 Water Reservation Areas: Lower West Coast Planning Area
40E-10.051 Water Reservation Areas: Upper East Coast Planning Area
40E-10.061 Water Reservation Areas: Lower East Coast Planning Area
PURPOSE AND EFFECT: During the rulemaking effort to reserve water for the Caloosahatchee River (C-43) West Basin Storage Reservoir Project (C-43 Reservoir), the District included language stating: “all presently existing legal uses of water shall be protected so long as such use is not contrary to the public interest.” The inclusion of this language was challenged in DOAH Case No. 14-1329RP. The administrative law judge determined the language was invalid, stating that “[e]xisting legal uses are presumed not contrary to

the public interest unless and until the District determines otherwise.” Language similar to that found invalid in C-43 Reservoir reservation case exists in the water reservations for Picayune Strand, Fakahatchee Estuary, North Fork of the St. Lucie River, and Nearshore Central Biscayne Bay, in subsections 40E-10.041(1) and (2), 40E-10.051, and 40E-10.061(2), F.A.C., respectively.

SUBJECT AREA TO BE ADDRESSED: The language "all presently existing legal uses of water shall be protected so long as such use is not contrary to the public interest" will be deleted in the text for the following water reservations: 1) Picayune Strand; 2) Fakahatchee Estuary; 3) North Fork of the St. Lucie River; and 4) Nearshore Central Biscayne Bay. The preliminary draft rule text is available on the District's website at: www.sfwmd.gov/reservations, or may be obtained at no cost by contacting the persons listed below.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171, F.S.

LAW IMPLEMENTED: 373.016, 373.026, 373.036, 373.1501, 373.1502, 373.219, 373.223, 373.4592, 373.4595, 373.430, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Brown, Esq., South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: (561)682-6278, email: jebrown@sfwmd.gov, or Jan Sluth, CP, FRP, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone: (561)682-6299, email: jsluth@sfwmd.gov.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-1.009 Definitions

PURPOSE AND EFFECT: The purpose of the rule amendment is to add definitions.

SUBJECT AREA TO BE ADDRESSED: Add definitions.

RULEMAKING AUTHORITY: 468.606, 468.607 FS.

LAW IMPLEMENTED: 468.603 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE

DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 2601 Blair Stone Road, N12, Tallahassee, FL 32399-0790, (850)717-1394 or by electronic mail: Robyn.Barineau@myfloridalicense.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-6.0036 Application for Certification Review Procedure

PURPOSE AND EFFECT: The purpose of the rule amendment is to update rule language.

SUBJECT AREA TO BE ADDRESSED: Update rule language.

RULEMAKING AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 455.203, 468.606, 468.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Building Code Administrators and Inspectors, 2601 Blair Stone Road, N12, Tallahassee, FL 32399-0790, (850)717-1394 or by electronic mail: Robyn.Barineau@myfloridalicense.com

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

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: RULE TITLE:
64B6-6.010 Requirements Regarding Certain Information on the Receipt

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the information required on the receipt.

SUBJECT AREA TO BE ADDRESSED: Filing of complaints online.

RULEMAKING AUTHORITY: 484.044 FS.

LAW IMPLEMENTED: 484.051(2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Wenhold, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.: 68-1.003 RULE TITLE: Florida Fish and Wildlife Conservation Commission Grants Program

PURPOSE AND EFFECT: The proposed amendment to Rule 68-1.003, F.A.C. would address minor changes to Guidelines and forms for the State Wildlife Grants Program.

State Wildlife Grants are Federal Grants that provide flow-through funds from the U.S. Fish and Wildlife Service to non-federal entities. The proposed amendment would address revisions and reformatting to Florida’s State Wildlife Grants Program Guidelines, Budget Forms, and Application Form. These revisions would remove obsolete language and references, provide updated language and references, clarify differences between and procedures of Florida’s State Wildlife Grants program and U.S. Fish and Wildlife Service’s Competitive State Wildlife Grants Program, and include new requirements for complete proposals to address changes in 2 CFR 200 and the Federal Grants Tracking System.

SUBJECT AREA TO BE ADDRESSED: Florida’s State Wildlife Grants Program, which is identified in subsection (11) of the rule.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution 327.04, 327.47, and 379.106, FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution 327.47, 328.72, and 379.106 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Andrea Alden, Florida Fish and Wildlife Conservation Commission, Bryant Building Headquarters, 620 S. Meridian St., Tallahassee, FL 32399, (850)488-3831, Andrea.Alden@MyFWC.com

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

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

Florida’s Office of Early Learning

RULE NO.: 6M-4.620 RULE TITLE: Health and Safety Checklists

PURPOSE AND EFFECT: The purpose of the proposed rule revision is to standardize and clarify certain health and safety standards for all School Readiness Program providers pursuant to statutory and federal mandate.

SUMMARY: The revised rule further aligns health, safety and training standards to currently existing standards for licensed child care programs and provides additional clarification for providers of the school readiness program regarding implementation and intent of standards previously adopted.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: : the proposed rule revisions do not have a significant impact on the current minimum health and safety standards or inspections process for the School Readiness Program, as most of the revisions merely clarify existing standards. Therefore, the proposed revisions do not have a positive nor negative cost impact.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal

for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1001.213(2), 1002.82(2)(i),(t)-(w), FS.

LAW IMPLEMENTED: 1002.82(2)(i),(t)-(w) and 1002.88(1)(c), FS.

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

DATE AND TIME: December 16, 2016, 11:30 a.m. – 1:00 p.m. EST, or at the conclusion of business, whichever is earlier.

PLACE: via GoToWebinar only. To register for the webinar, please visit:

http://www.floridaearlylearning.com/statewide_initiatives/laws_and_rules/proposed_rules.aspx

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Katerina Maroney (850)717-8614.. 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: Katerina Maroney, School Readiness Policy Supervisor, Office of Early Learning, 250 Marriott Dr., Tallahassee, Florida 32399, (850)717-8550

THE FULL TEXT OF THE PROPOSED RULE IS:

6M-4.620 Health and Safety Checklists and Inspections.

(1) Inspections.

(a) All school readiness providers must address basic health and safety of their program(s) and facilities, and shall allow the Department of Children and Families or local licensing agency, whichever is applicable, the ability to inspect all program premises, including access to facilities, personnel and records, to monitor and verify compliance with school readiness health, safety, and training standards, pursuant to sections 402.311(2) and 1002.82(2)(i), F.S.

(b) Prior to participation in the school readiness program, and annually thereafter, each school readiness program facility shall be inspected for compliance with the requirements of section 1002.88, F.S., and minimum standards contained within the provider-type specific health and safety checklist and corresponding handbook adopted under this rule. Annual inspections shall be unannounced and shall take place within the contract year at a time as scheduled by the department or local licensing agency (as applicable). The process for such inspections can be found in each of the corresponding

handbooks for the provider-type specific checklists adopted under this rule.

(c) Within seven (7) days of receipt, each school readiness provider that is a registered family day care home or is not subject to licensure or registration by the Department of Children and Families must post the results of their most recent health and safety checklist inspection, as verified by the Department or local licensing agency (as applicable), in a conspicuous location easily accessible to parents. Providers must also submit a copy of the results of the health and safety checklist inspection to their local early learning coalition. The results of the health and safety checklist inspection may be submitted to the coalition electronically.

(2) Checklist(s) and Handbook(s).

(a) Licensed child care providers, faith-based child care providers (religious-exempt), and all other child care facilities who are contracted pursuant to Rule 6M-4.610 to provide school readiness services must comply with the standards outlined in Form OEL-SR-6201 (February 2017 ~~October 2016~~) entitled “School Readiness Program Health and Safety Checklist for Licensed, License-Exempt, and School-Age Center-based Programs” and the corresponding Form OEL-SR-6202 (February 2017 ~~October 2016~~) entitled “School Readiness Program Health and Safety Standards Handbook for Licensed, License-Exempt, and School-Age Center-based Programs,” each incorporated by reference.

(b) Public and non-public schools who are contracted pursuant to Rule 6M-4.610 to provide school readiness services must comply with the standards outlined in Form OEL-SR-6203 (February 2017 ~~October 2016~~) entitled “School Readiness Program Health and Safety Checklist for Public and Non-public School Programs” and the corresponding Form OEL-SR-6204 (February 2017 ~~October 2016~~) entitled “School Readiness Program Health and Safety Standards Handbook For Public and Non-public School Programs,” each incorporated by reference.

(c) Informal child care providers, Large Family Child Care Homes, and Family Day Care Homes, whether licensed or registered, who are contracted pursuant to Rule 6M-4.610 to provide school readiness services must comply with the standards outlined in Form OEL-SR-6205 (February 2017 ~~October 2016~~) entitled “School Readiness Program Health and Safety Checklist for Family Child Care Homes and Informal Providers” and the corresponding Form OEL-SR-6206 (February 2017 ~~October 2016~~) entitled “School Readiness Program Health and Safety Standards Handbook for Family Child Care Homes and Informal Providers,” each incorporated by reference.

(d) Form OEL-SR-6207 (October 2016), entitled “In-Service Training Record,” and Form OEL-SR-6208 (October

2016), entitled “Child Abuse and Neglect Reporting Requirements,” are each incorporated by reference.

(e) Each form listed in the above paragraphs is available on the Office of Early Learning website at www.floridaearlylearning.com or by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, Florida. The incorporated forms are also available at <http://flrules.org/Gateway/reference.asp?No=Ref-07457>.

(3) Enforcement. Any issue of noncompliance with the standards outlined in the provider-type specific health and safety checklist(s) or corresponding handbook(s), as identified by the Department of Children and Families or local licensing agency (as applicable), will be forwarded to the appropriate early learning coalition for corrective action, probation, or termination in accordance with enforcement procedures outlined in the corresponding provider-type specific handbook and the Statewide Provider Contract for the School Readiness Program adopted pursuant to Rule 6M-4.610.

(4) Compliance.

(a) All school readiness program providers must be in compliance with the active credential requirements outlined for group size no later than 24 months from the date of enactment of this rule.

(b) All school readiness program providers must be in compliance with preservice training requirements of this rule no later than March 31, 2017.

(c) All school readiness program providers must be in compliance with all other requirements of this rule no later than June 30, 2017.

(5) The following documents and forms are also incorporated by reference as part of this rule:

(a) Title 16 CFR, Parts 1219 and 1220 (January 2016 Edition) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(b) School Entry Health Exam, Florida Department of Health Form DH 3040-CHP (July 2013) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(c) Florida Certification of Immunization, Florida Department of Health Form DH 680 (July 2010), Part A-1, B, or C [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(d) Religious Exemption from Immunization, Florida Department of Health Form DH 681 (July 2008) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(e) Immunization Guidelines – Florida Schools, Childcare Facilities and Family Daycare Homes, Florida Department of Health Form DH 150-615 (March 2013)

[<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(f) Center for Disease Control guidelines for handwashing (May 2015) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(g) USDA Child and Adult Care Food Program Guidelines (April 2016) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(h) USDA MyPlate Guidelines (January 2016) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(i) Child Abuse & Neglect Reporting Requirements, form CF-FSP 5337 (October 2012) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(j) Background Screening & Personnel File Requirements, form CF-FSP 5131 (July 2012) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(k) In-Service Training Record – Child Care Facility, form CF-FSP 5268 (July 2012) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(l) In-Service Training Record – Family Day Care Home, form CF-FSP 5268A (March 2009) [<http://www.flrules.org/Gateway/reference.asp?No=Ref-07458>].

(m) Each form listed above is available on the Office of Early Learning website at www.floridaearlylearning.com or by contacting the Office of Early Learning, Department of Education, 250 Marriott Drive, Tallahassee, Florida. The incorporated forms are also available at the link following the associated form name.

Rulemaking Authority 1001.213(2), 1002.82(2)(i),(t)-(w), 1002.88(1)(c) FS. Law Implemented 1002.82(2)(i),(t)-(w) and 1002.88(1)(c), FS. History—New 7-1-14. Amended 10-24-16,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Katerina Maroney, School Readiness Policy Supervisor,
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Rodney J. MacKinnon, Executive Director
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 22, 2016
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 3, 2016

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.001	Definitions
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.005	FRS Investment Plan Complaint Procedures
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.008	Forfeitures
19-11.009	Reemployment with an FRS-covered Employer after Retirement
19-11.010	FRS Investment Plan: Privacy
19-11.011	Employer and Employee Contributions and ABO or Present Value Transfer Procedures
19-11.012	Rollovers or Plan to Plan Transfers to or from the FRS Investment Plan
19-11.013	FRS Investment Plan Self-Directed Brokerage Account

PURPOSE AND EFFECT: To amend Rule 19-11.001, F.A.C. to add new definitions for “death in the line of duty” and “special risk member;” to clarify other definitions; and to correct some typographical errors. To amend Rule 19-11.003, F.A.C. to clarify certain information regarding Required Minimum Distributions (RMDs); to add new information concerning pending distributions; and to clarify certain information. To amend Rule 19-11.004, F.A.C. to clarify certain information. To amend Rule 19-11.005, F.A.C. to clarify information and to indicate how copies of issued Final Orders can be obtained. To amend Rule 19-11.006 to adopt the latest versions of the applicable enrollment forms; and to indicate that an employee who terminates employment prior to making a retirement plan choice will be given another opportunity to make a plan choice if the employee returns to FRS-covered employment in the future. To amend Rule 19-11.007, F.A.C. to adopt the latest versions of the Second Election enrollment forms; to clarify information set forth regarding a member who is on unpaid leave of absence or summer break to indicate that a second election form can only be submitted by such member during the month that the member is actively working and earning salary and service credit; and to indicate that any person that transfers to the Investment Plan and provides a cell phone number or email address will be deemed to have consented to electronic delivery of documents through the MyFRS.com website. To amend Rule 19-11.008, F.A.C. to indicate the any unvested account balances will be transferred to a suspense account which is invested in the FIAM Intermediate Duration Pool Fund. To amend Rule 19-11.009 to indicate that if a member receives an invalid distribution, the member may elect to terminate employment rather than to pay back the invalid

distribution. Rule 19-11.010 is being amended to state that a power of attorney may be submitted by electronic means or by hard copy. To amend Rule 19-11.011, F.A.C. to indicate how employer errors and corrections will be made and resolved; and to indicate that the Division of Retirement is responsible for monitoring the federally-mandated annual salary that may be applied towards retirement. Rule 19-11.012, F.A.C. is amended to adopt the latest version of the rollover forms. Rule 19-11.013, F.A.C. is amended to set forth how the Self-Directed Brokerage Account enrollment form can be obtained and to make a few clarifications.

SUMMARY: To adopt updated forms; to clarify certain information; and to update the names of the default investment vehicles where funds are placed in a suspense account. There are no other rules incorporating these proposed amended rules. The proposed amendments do not have an impact on any other rules. Legislative ratification of the rule amendments is not required.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on its analysis of the rule amendments and the fact that it is not a regulatory agency, the State Board of Administration has determined that there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs caused by the proposed amendments to these rules.

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

RULEMAKING AUTHORITY: 121.78(3)(c); 121.4501(8) FS.

LAW IMPLEMENTED: 120.569, 120.57, 120.573, 121.021, 121.051, 121.055, 121.091, 121.35, 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), 121.591, 121.71, 121.72, 121.74, 121.77, 121.78, 215.44(8), 732.802, 744.301, 1012.875(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE

DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: December 15, 2016, 9:00 a.m. until conclusion of hearing.

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: Eddie McEwen, (850)413-1104, eddie.mcewen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

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

(3) No change.

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

(5) "Annual addition" means the sum for any limitation year of all employer and employee contributions which are

treated as annual additions to a defined contribution plan for purposes of Section 415(c) of the U.S. Internal Revenue Code, as amended ("Code") and forfeitures. Examples of such contributions to a defined contribution plan include the following: employer and employee contributions to the ~~FRS~~ Investment Plan; contributions to the Senior Management Service Optional Annuity Program described in Section 121.055(6), F.S.; contributions to a Code s. 401(k) plan; employer contributions to an individual retirement account; voluntary employee contributions to accounts in a defined benefit plan [but not including contributions to a qualified cost-of-living arrangement in accordance with Code s. 415(k)]; amounts allocated to the separate account of a key employee for post-retirement medical benefits described in Code s. 419A(d)(2); and contributions to an individual medical benefit account, as described in Code s. 415(l). Examples of contributions which are not annual additions for purposes of Section 415(c) of the Code as applied to the ~~FRS~~ Investment Plan include the following: rollover contributions or transfers from another eligible retirement plan to the ~~FRS~~ Investment Plan; contributions to a Code s. 403(b) annuity plan; contributions to a Code s. 457 deferred compensation plan; and contributions which are additional elective deferrals under Code s. 414(v).

(6) through (8) No change.

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

(10) "Death in line of duty" means death arising out of and in the actual performance of duty required by a Special Risk Class member's employment during his or her regularly scheduled working hours or irregular working hours as required by the employer. The Division may require such proof as deemed necessary as to the time, date, and cause of death, including evidence from any available witnesses. Workers' compensation records under the provisions of chapter 440, Florida Statutes, may also be used.

~~(11)(10)~~ "Defined contribution plan" means a plan, such as the ~~FRS~~ Investment Plan, which provides for an individual account for each member and for benefits based solely on the amount contributed to the member's account, and any income, expenses, gains and losses, and any forfeitures of accounts of other members which may be allocated to such member's account.

~~(12)(11)~~ "De Minimus Distribution" is an automatic distribution made when an inactive member's account balance is \$1,000 or less. However, such a distribution will not occur until the member has been terminated from all employment with ~~FRS-participating covered~~ employers for a minimum of six (6) calendar months.

~~(13)~~~~(12)~~ “Direct rollover” means a payment by the ~~FRS~~ Investment Plan to another ~~the~~ eligible retirement plan specified by the distributee.

~~(14)~~~~(13)~~ “Distributee” means a member or former member who has taken a distribution from the ~~FRS~~ Investment Plan. In addition, the member’s or former member’s surviving spouse and the member’s or former member’s spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code s. 414(p), are distributees with regard to the interest of the spouse or former spouse. Effective January 1, 2010, a non-spouse beneficiary is also a “distributee,” but the term “eligible retirement plan” for such individual is limited to an individual retirement account described in Code s. 408(a), an individual retirement annuity described in Code s. 408(b), or a Roth individual retirement account or annuity described in Code s. 408A that is treated as an inherited individual retirement account or annuity pursuant to Code s. 402(c)(11).

~~(15)~~~~(14)~~ “Division” means the Division of Retirement within the Department of Management Services.

~~(16)~~~~(15)~~ “Domestic Relations Order” or “DRO” is any draft DRO, court judgment, decree, or order (including an approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a member and that is made pursuant to a state domestic relations law (including a community property law).

~~(17)~~~~(16)~~ “Effective date of enrollment” or “effective enrollment in the ~~FRS~~ Investment Plan” means the employee completed the enrollment into the Plan by filing the appropriate enrollment form, or by electronic means, in the applicable membership class or by filing a separate document for the applicable membership class with the Administrator; the Administrator has entered the employee into its recordkeeping system; and the Administrator has informed the Division of the employee’s effective date of enrollment in either the ~~FRS~~ Pension Plan or the ~~FRS~~ Investment Plan. For purposes of this rule, the term “enrollment form” or “form” shall also refer to the separate document described in Rules ~~paragraphs~~ 19-11.006(2)(b) and 19-11.007(3)(a), F.A.C.

~~(18)~~~~(17)~~ “Electronic Means” shall mean an enrollment or other member directive made on the MyFRS.com website, by telephone or other technology as specified by the SBA.

~~(19)~~~~(18)~~ “Eligible retirement plan” means an individual retirement account described in Code s. 408(a), an individual retirement annuity described in Code s. 408(b), an annuity plan described in Code s. 403(a), an annuity contract described in Code s. 403(b), a Roth individual retirement account or annuity described in Code s. 408A, an eligible deferred compensation plan described in Code s. 457(b) which is maintained by an eligible employer described in Code s.

457(e)(1)(A) or a qualified trust described in Code s. 401(a), that accepts the distributee’s eligible rollover distribution.

~~(20)~~~~(19)~~ “Eligible rollover distribution” means any distribution of all or any portion of the balance of the member’s account(s) in the ~~FRS~~ Investment Plan to the credit of the distributee. An eligible rollover distribution does not include any distribution which is made upon hardship of the employee; any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee’s designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code s. 401(a)(9); or a deemed distribution of a loan under Code s. 72(p). Any portion of a distribution that consists of after-tax employee contributions which are not includible in gross income may be transferred only to paragraph (1)(a) a traditional individual retirement account or annuity described in Code s. 408(a) (a “traditional IRA”); or (b) a Roth individual retirement account or annuity described in Code s. 408A (a “Roth IRA”); or (2) to a qualified plan or an annuity contract described in Code s. 401(a) and 403(b), respectively, that agrees to separate accounting for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

~~(21)~~~~(20)~~ “Employee” means an eligible employee as defined in Section 121.4501(2)(e), F.S.

~~(22)~~~~(21)~~ “Employer” means an employer as defined in Section 121.4501(2)(f), F.S. For purposes of the ~~FRS~~ Investment Plan, there are three (3) general categories of employers: state agencies; school districts; and local employers.

~~(23)~~~~(22)~~ “Excessive trading” means multiple occurrences of Market Timing Trades by a member. The definition of a Market Timing Trade is set forth in subsection ~~(36)~~~~(35)~~ herein.

~~(24)~~~~(23)~~ “Exempt transaction” is any transaction that is initiated for purposes of: depositing employer payroll and employee contributions; processing a distribution; processing a Qualified Domestic Relations Order; or mapping funds from terminated products. Exempt transactions are not included in any calculations for the purposes of Rule 19-11.004, F.A.C.

~~(25)~~~~(24)~~ “FRS Investment Plan”, “Florida Retirement System Investment Plan,” or “Investment Plan” means the defined contribution retirement program of the Florida Retirement System, established in Parts II and III of Chapter 121, F.S. Although established in Parts II and III, certain parts of Part I of Chapter 121, F.S., also apply to the ~~FRS~~ Investment Plan, to the extent such provisions are not

inconsistent with, or duplicative of, the provisions of parts II and III. The ~~FRS~~ Investment Plan refers to both the FRS Investment Plan and the FRS Investment Plan Hybrid Option, also known as the ~~FRS~~ Hybrid Option.

~~(26)(25)~~ “FRS Investment Plan Hybrid Option” or “FRS Hybrid Option” means the plan choice option within the Florida Retirement System, established in Parts II and III of Chapter 121, F.S., in which a member chooses to retain his or her accrued service benefit in the ~~FRS~~ Pension Plan, in accordance with Section 121.4501(3)(a), F.S., and further chooses that all future employer and employee contributions be deposited in his or her ~~FRS~~ Investment Plan account.

~~(27)(26)~~ “FRS Investment Plan providers” are:

(a) The FRS Investment Plan Administrator or Investment Plan Administrator;

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

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

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

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

~~(28)(27)~~ “FRS Pension Plan,” “Florida Retirement System Pension Plan” or “Pension Plan” means the defined benefit retirement program of the Florida Retirement System, established in Part I of Chapter 121, F.S.

~~(29)(28)~~ “Florida Retirement System Trust Fund” or “FRSTF” shall mean the trust fund holding the assets of the ~~FRS~~ Pension Plan, which is the defined benefit plan of the Florida Retirement System.

~~(30)(29)~~ “Grace period” means that procedure described in ~~Rules subsections 19-11.006(3) and 19-11.007(4)~~, F.A.C., which permits, under certain circumstances, the voiding of a retirement plan choice election.

~~(31)(30)~~ “In-service distribution” is an invalid distribution made to a member who is actively employed with an FRS-participating employer in a regularly established position at the time of taking a distribution.

~~(32)(31)~~ “Invalid distribution” is a distribution to a member to which the member was not entitled.

~~(33)(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 Account (“SDBA”).

~~(34)(33)~~ “Limitation year” is the consecutive twelve (12) month period of time to which Code limitations with respect to compensation, contributions and forfeitures are applied. For the ~~FRS~~ Investment Plan, the limitation year is the calendar year.

~~(35)(34)~~ “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 or ABO that is late, not to the member’s aggregate value in his or her Investment Plan account.

~~(36)(35)~~ “Market Timing Trade” is a member-directed series of trades with the following two characteristics:

(a) At least one Roundtrip Trade within a 30-day period, and

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

~~(37)(36)~~ “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.

~~(38)(37)~~ “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.

~~(39)(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.

~~(40)(39)~~ “Qualified Domestic Relations Order” (“QDRO”) is a domestic relations order that has been determined to meet the ~~FRS~~ Investment Plan’s qualification requirements.

~~(41)(40)~~ “Required Minimum Distributions” (“RMD”) are the annual minimum distributions that, pursuant to the Internal Revenue Code 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.

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

(43)(42) “Retirement Date Fund” or “Target Date Fund” is a diversified portfolio of other Investment Plan primary funds that is based on the amount of time a member has before retirement. The portfolio gradually changes as the member gets closer to retirement.

(44)(43) “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.

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

(46)(45) “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.

(47) “Special risk member” or “Special Risk Class member” means a member of the Florida Retirement System who meets the eligibility and criteria required under s. 121.0515, F. S., for participation in the Special Risk Class.

(48)(46) “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.

(49)(47) “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, 121.450 FS. History—New 12-8-02, Amended 3-9-06, 7-12-12, 12-16-12, 6-5-14, 8-18-14, 12-30-15,_____.

19-11.003 Distributions from FRS Investment Plan Accounts-

(1) Distributions from FRS Investment Plan accounts are made either after the member terminates employment from all Florida Retirement System (FRS)-participating employers and meets distribution eligibility requirements as set out below in subsection (2), or after the member’s death. Monies that are rolled over from the Pension Plan from a Deferred Retirement

Option Program (DROP) rollover are available for immediate distribution.

(2) Distributions are available after the member terminates employment with all FRS-participating employers FRS-covered employment.

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

(b) If the member’s termination date has not been submitted by the employer via the monthly payroll file within three (3) calendar months, the employer can complete and return the “Employment Termination Form,” Form ETF-2, rev.

05/13,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-05798>,

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

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

(d) A member who has reached his or her normal retirement date, as provided in Section 121.021(29), F.S., and has terminated employment from all FRS-participating employers covered employment for one (1) calendar month may request a one-time distribution of up to 10 percent (10%) of the vested account balance. For example, if such a member terminates on May 15, the one calendar month is June. The member can request a one-time distribution of up to 10 percent (10%) in July.

(e) A member who transfers to the Pension Plan from the Investment Plan and leaves a balance in the member’s Investment Plan account is a member of the Pension Plan and,

as such, the member cannot take a distribution of the surplus Investment Plan funds until the member begins receiving Pension Plan benefits.

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

(a) Distribution of benefits to a member shall be made or commence not later than April 1 following the close ~~of the later~~ of the calendar year during which the member attains age 70 1/2 and has terminated employment from all FRS-participating employers or retires.

(b) Any benefits payable to a beneficiary designated by the ~~m~~Member shall be distributed as set forth in Rule 19-11.002, F.A.C.

(4) A member may request benefits to be distributed as a periodic or installment distribution, a partial lump-sum payment, various annuity options, or a lump-sum distribution. A member distributee may elect to have any portion of the eligible rollover distribution paid directly to an eligible retirement plan specified by the member distributee as a direct rollover. Any distribution, if applicable, will be subject to the withholding of taxes which are remitted to the Internal Revenue Service.

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

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

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

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

(7) De Minimus Distributions-

(a) If an inactive member's account balance is \$1,000 or less, such amount may be subject to an automatic distribution.

However, a distribution will not occur until the member has been terminated from all employment with ~~FRS-participating covered~~ employers for a minimum of six (6) calendar months.

(b) If the member meets the termination requirements and upon receiving notification of the automatic distribution, the distribution either will be made as a complete lump-sum liquidation of the account balance, subject to the provisions of the Internal Revenue Code, or if so instructed by the member, a lump-sum direct rollover distribution on the member's behalf paid directly to the custodian of an eligible retirement plan, as defined by the Internal Revenue Code. If a member rolls money into the Investment Plan from another qualified plan, which brings the account balance greater than \$1,000, no automatic distribution will occur unless the balance should become \$1,000 or less in the future.

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

(8) Required Minimum Distributions ("RMD")-

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

(b) The amount of an RMD in any year is based on account balances as of December 31st of the prior year. 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.

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

(d)(e) If such member returns to work with an FRS-participating employer covered employment after receiving this automatic distribution, the member is not considered a reemployed retiree and will not be subject to any limitations applicable to such employees.

(9) Pending Distributions.

(a) An Investment Plan member eligible to request a distribution pursuant to subsection (2) above may request a distribution forty five (45) days prior to his or her eligibility date and have it pended for processing until the first business day of the month the member is eligible for the distribution. A member who has reached his or her normal retirement date is eligible to request a distribution fifteen (15) days prior to his or her eligibility date for the one-time distribution of up to ten (10%) of the member's vested account balance. The distribution will process after 4 p.m. EST on the first business day of the month the member is eligible for the distribution. The distribution will be based on the total account balance at the close of business on the day the distribution is processed. The member can call the Investment Plan Administrator at 1(866)446-9377, Option 4, or, if deaf, hard of hearing, or speech impaired, at TRS 711, to process the distribution.

1. Example 1: A member terminates on May 15. The three calendar months are June, July, and August. Thus, the member is eligible to request a distribution the first business day of September. On July 15, or the first business day after July 15, the member can call the Investment Plan Administrator to process the distribution. The distribution will pend and process on the first business day in September.

2. Example 2: A member who has reached his or her normal retirement as provided in subsection (2)(a) above, terminates on August 15. One full calendar month is the month of September. The member is eligible to request a one-time distribution of up to 10 percent (10%) of the vested account balance on the first business day of October. On September 15, or the first business day after September 15, the member can call the Investment Plan Administrator to process the distribution. The distribution will pend and process on the first business day in October.

(b) A member can make changes to a pending distribution up until 4 p.m. EST on the pending distribution date. Example: If a pending distribution is scheduled to process on June 1, the member can make changes to the pending distribution up to 4 p.m. EST on June 1.

(c) A member who returns to employment with an FRS-participating employer during the pending distribution period must notify the Investment Plan Administrator to cancel the distribution.

(d) If the Investment Plan Administrator receives notification that the member's employment status has changed

from terminated to active during the pending distribution period, the pending distribution will be canceled.

(e) A distribution cannot be pended if the member has passed his or her distribution eligibility date.

(10)(9) Invalid distributions.

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

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

2. If the employer repays the entire distribution, the repayment will be deposited in the Investment Plan Trust Fund and allocated to the Investment Plan's forfeiture account to offset plan expenses. The member will be returned to the Investment Plan; and all future employee and employer contributions will be deposited in the funds the member has chosen. The member will not receive contributions for the amount repaid by the employer.

3. If the member fails to repay the invalid distribution and terminates employment, the SBA will declare the member a retiree and will not pursue the repayment of the invalid distribution pursuant to paragraph (a) above. As a retiree, the member is subject to the provisions of Section 121.122, F.S., if the member is reemployed in the future with an FRS-participating covered employer in a regularly established position.

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

1. Example 1: A member joined the FRS Investment Plan effective September 1, 2002. The member terminated all employment from his FRS-participating covered employer on August 24, 2015 2012. On December 15, 2015 2012, the member takes a partial distribution from the Investment Plan account. However, the member returned to employment with an FRS-participating employer on December 1, 2015 2012. The member took an invalid distribution because the member

was working for an FRS-participating employer at the time the member received the distribution.

2. Example 2: A member joined the ~~FRS~~ Investment Plan effective April 1, 2004. The member terminates ~~all FRS-covered~~ employment with an FRS-participating employer on November 12, ~~2015~~ 2012. On March 1, ~~2016~~ 2013, the member takes a total distribution from his Investment Plan account. The member returns to employment as a substitute teacher with a FRS-participating employer ~~FRS-covered employment~~ on April 15, ~~2016~~ 2013. The March 1, ~~2016~~ 2013 distribution is invalid since the member returned to work within six (6) full calendar months of the retirement date.

3. Example 3: A member joined the ~~FRS~~ Investment Plan effective May 1, 2005. The member terminates employment with the member's FRS-participating employer ~~all FRS-covered employment~~ on November 12, ~~2015~~ 2012. The member has reached the normal retirement date. On January 5, ~~2016~~ 2013, the member receives the one-time distribution of up to 10 percent from the Investment Plan account. The member returns to ~~FRS-covered~~ employment with an FRS-participating employer on May 15, ~~2016~~ 2013. The January 5, ~~2016~~ 2013, distribution is invalid since the member returned to work within six (6) calendar months of the member's his retirement date.

4. Example 4: A member joined the Investment Plan effective December 1, 2010. The member is terminated by his FRS-participating employer on April 3, 2014 for violating standards of employee conduct. The member files a grievance against the employer and requests to be reinstated with full back pay. On February 15, 2015, the member requests a total distribution from the Investment Plan account. On September 22, 2015, the member's grievance is granted, the member's termination is negated and the member is reinstated to employment as of April 3, 2014 with full back pay through September 22, 2015. The member's employment records are corrected to show the member had an employee/employer relationship from April 3, 2014 through September 22, 2015. The member's February 15, 2015 distribution is invalid since the member was not terminated from employment with an FRS-participating employer at the time the member received the distribution.

~~(11)(10)~~ Documentation of a distribution made prior to January 1, 2010.

A member or beneficiary who requests documentation of a distribution made prior to January 1, 2010, will incur a special service charge due to the extensive resources required to retrieve and produce such documentation, if such retrieval is possible. The requestor will be advised of the amount of such charge at the time the request is made. Upon payment of the charge by the requestor, the request will be promptly

processed. If the document cannot be retrieved, the payment will be reimbursed to the requestor.

Rulemaking Authority 121.4501(8) FS. Law implemented 119.07(4)(d), 121.021(29), (39), 121.091(5)(j), 121.4501(20), 121.591, 121.77, 732.802 FS. History-New 3-9-06, Amended 11-26-07, 5-19-09, 1-7-10, 8-7-11, 7-12-12, 12-16-12, 12-30-15,_____.

19-11.004 Excessive Trading in the FRS Investment Plan.

(1) No change.

(2) Limitations.

(a) No change.

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

1. through 3. No change.

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 will advise ~~shall require that~~ the member that the member will ~~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 Investment Plan Administrator with the direction letter. This form must be notarized and returned to the Office of Defined Contribution Programs, via U.S. 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 (12) 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 U.S. 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 will advise the member ~~shall require~~ that the member will ~~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 U.S. mail, certified/return receipt requested.

7. If the member submits a transfer request form that is incomplete, the form will not be processed. A form is considered as “incomplete” if it does not contain the name of the member; does not set forth the social security number of the member; is not notarized; is sent by facsimile, email or regular U.S. mail; does not specify what fund(s), dollar amount(s) or percentages(s) are to be transferred; or does not indicate the fund(s) into which the amounts are to be transferred. The form also will be considered “incomplete” if there are insufficient assets to execute the transfer(s), or if the requested transfer does not comply with the FRS Investment Plan Excessive Fund Trading Policy. Deficiencies are corrected through the resubmission of a transfer request form that is deemed to be complete.

8. Members who receive ~~received~~ direction letters and who are ~~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. Any such ~~The~~ member must meet the requirements of the SDBA as provided in Rule 19-11.013, F.A.C. Such ~~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) This subsection contains examples only. This subsection does not contain an exhaustive list of all possible transactions. Members avoiding these examples will not necessarily avoid the impact of this rule since other transactions will meet the definitions of Market Timing Trades or Excessive Trading.

(a) through (e) No change.

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

(g) Member A ~~member~~ transfers \$32,000 into Fund A on August 5 and then transfers \$32,000 out of Fund A on August

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

(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.

(i) If Member A transfers \$40,000 out of Fund B and into the SDBA on February 15, and then transfers \$55,000 from Fund C into Fund B on March 3, the transaction is a Roundtrip Trade and a Market Timing Trade because the aggregate amount of all trades into and out of Fund B exceeded \$75,000 within a 30 day period.

(4) No change.

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, 6-5-14, 8-18-14, 12-30-15,_____.

19-11.005 Florida Retirement System (FRS) Investment Plan State Board of Administration 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 Self-Directed Brokerage Account (“SDBA”), may send a written Request for Intervention to the State Board of Administration (SBA). The member may submit the request in writing with personally identifiable information or use the form referenced in paragraph (b) below. The written Request for Intervention shall be sent:

1. By regular U.S. 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) The ~~m~~Member may shall use “FRS Investment Plan Request for Intervention,” Form SBA-RFI 01/2009, contained in the FRS Investment Plan Complaint Procedures package, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01128>, which is hereby adopted and incorporated by reference. The form may be obtained by calling using the toll free number at

1(866)446-9377, Option 4, (TRS 711), and request that the form be mailed to the mMember or by accessing the MyFRS.com website, clicking on Resources, and then clicking on Forms. By using this form or any other written request, the mMember grants permission to the SBA to obtain any personally identifiable information shared with or generated by any services provider to the FRS, including the MyFRS Financial Guidance Program. The member must provide all information requested by the form.

(c) ~~The Member must provide all information requested by the form.~~ If all information is not provided, the member shall be required to submit additional information ~~another completed form~~, upon notification by the SBA.

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

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

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

(2) Request for Hearing.

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

(b) By signing the FRS Investment Plan Petition for Hearing, the mMember thereby grants permission to the SBA to obtain any personally identifiable information shared with or generated by any services provider to the FRS, including the MyFRS Financial Guidance Program. Any such information obtained will be used by the SBA for the sole purpose of resolving the complaint.

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

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

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

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

(g) A Final Order will be issued by the SBA after the conclusion of the hearing process. The mMember will have appeal rights as set forth in Section 120.68, F.S. All Final Orders can be viewed by accessing the MyFRS.com website and clicking on "Resources" and then "Intervention/Final Orders". The Final Orders are listed by category.

Rulemaking Authority 121.4501(8) FS. Law Implemented 120.569, 120.57, 120.573, 121.4501(8)(g) FS. HistorythroughNew 10-21-04, Amended 3-9-06, 11-26-07, 5-19-09, 7-12-12, 12-16-12, 6-5-14, 12-30-15,_____.

19-11.006 Enrollment Procedures for New Hires-

(1) General Enrollment Procedures-

(a) All newly-hired Florida Retirement System (FRS)-covered employees are initially enrolled in the FRS Pension Plan. If a newly-hired employee chooses, within the statutory election period, to enroll in the FRS Investment Plan, or the FRS Investment Plan Hybrid Option, the effective date of enrollment in the FRS Investment Plan or the FRS Investment Plan Hybrid Option is the date of hire of the employee.

(b) Eligible newly-hired employees enrolled in the Regular, Special Rrisk, and Special Rrisk Addministrative Support classes may choose to enroll in the FRS Investment Plan by submitting an enrollment form or by electronic means.

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

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

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

(f) Eligible State Senior Managers and Local Senior Managers eligible to enroll in the Senior Manager Service Annuity Optional Program (SMSOAP) may enroll in the FRS Investment Plan by submitting an enrollment form.

(g) Enrollment forms for eligible newly-hired employees enrolled in the Regular, Special Risk and Special Risk Administrative Support classes are available in the enrollment package which is sent to an employee's address of record or by accessing www.MyFRS.com, and clicking on Resources and then on Forms; or by calling toll-free 1(866)446-9377, Option 2, or for the hearing impaired TRS 711. Enrollment forms for newly hired employees in the EOC, SMSC and newly-hired employees eligible to enroll in the CCORP are available by accessing MyFRS.com, and clicking on Resources and then on Forms; or by calling toll-free 1(866)446-9377, Option 2, or, for the hearing impaired, TRS 711.

(2) Specific Enrollment Procedures-

(a) All newly-hired employees may enroll in the FRS Investment Plan no later than 4:00 p.m. (Eastern Time) the last business day of the 5th month following the employee's month of hire or may elect to remain in the FRS Pension Plan. Example: If an employee is hired on January 15, the employee must complete a plan choice no later than 4:00 p.m. (Eastern Time) the last business day of June. If no plan choice is filed, by 4:00 p.m. (Eastern Time) on the last business day of June, the employee will default to the FRS Pension Plan and will be considered the employee's initial plan choice.

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

(c) If the employee terminates employment during the plan choice enrollment window and fails to make a plan choice, he or she will be considered a newly-hired employee if returning to FRS-covered employment in the future and will be given another opportunity to make a plan choice. All previous service will be considered Pension Plan service.

(d)(e) The State Board of Administration (SBA) has designed the forms set forth below for ease of use for employees in the several membership classes of the Florida Retirement System FRS. As an alternative, an employee not wishing to use the forms may provide the same information requested by the forms available for use for the appropriate membership class in a separate document. Employees may determine their membership class by contacting the agency's human resources office. The forms available are: an EZ Retirement Plan Enrollment Form, Form ELE-1-EZ, rev. 08/16 06/14, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07617> <http://www.flrules.org/Gateway/reference.asp?No=Ref-04388>, which is only for regular, special risk, and special risk

administrative support class employees; a General Retirement Plan Enrollment Form, Form ELE-1, rev. 10/16 07/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07618> <http://www.flrules.org/Gateway/reference.asp?No=Ref-05800> for regular, special risk, and special risk administrative support class employees; an Elected Officers' Class Retirement Plan Form, Form EOC-1, rev. 10/16 07/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07621> <http://www.flrules.org/Gateway/reference.asp?No=Ref-05801>; a Community College Optional Retirement Program (CCORP) Enrollment Form, Form OCC-1, rev. 10/16 07/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07622> <http://www.flrules.org/Gateway/reference.asp?No=Ref-05802>; a State Senior Management Service Employees Retirement Plan Enrollment Form, Form SMS-1, Rev. 10/16 07/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07623> <http://www.flrules.org/Gateway/reference.asp?No=Ref-05803>; and a Local Senior Management Service Employees Retirement Plan Enrollment Form, Form SMS-3, rev. 10/16 07/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07624> <http://www.flrules.org/Gateway/reference.asp?No=Ref-05804>. All of the preceding forms are hereby adopted and incorporated by this reference.

1. All enrollment forms can be obtained at the sources listed in subsection paragraph (1)(g), above.

2. Only members of the Regular, Special Risk, and Special Risk Administrative Support classes of employees may use the EZ form, "EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees," Form ELE-1-EZ. If an employee chooses to use the EZ form, only limited information (i.e., name, plan choice, last four digits of the social security number, date of birth and signature) is required. An age appropriate retirement date fund as provided under the Plan provisions is the initial investment option (although that investment option may be changed by the member once the account is funded). A member's initial beneficiary designation will be per Florida law, as provided in Section 121.4501(20), F.S. However, a beneficiary designation may be made as set forth in Rule 19-11.002, F.A.C.

(e)(d)1. The enrollment by form or electronic means shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment is received by the FRS Plan Choice Administrator by 4:00 p.m. (Eastern Time) on the last business day of the 5th month following the date of hire. The form shall be transmitted via mail, courier, or by fax, as provided on the form. It is the responsibility of the member to ensure that the enrollment form is received by the Plan Choice Administrator no later than 4:00 p.m. (Eastern Time) on the last business day that the member is earning salary and service credit, or the last

business day of the 5th month following the date of hire, whichever first occurs.

2. The FRS Plan Choice Administrator shall determine that the employee's enrollment in the FRS Investment Plan is complete and the employee's election is clearly indicated. If the Plan Choice Administrator determines that the enrollment is incomplete, the employee will be required to resubmit a completed enrollment. An incomplete enrollment by form is a form which is missing the name of the member, last four digits of the social security number, plan selection, or signature, or one on which the investment elections total greater than or less than 100%. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into an age appropriate retirement date fund as provided under the Plan provisions for investing any accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the account is activated. An incomplete enrollment by electronic means is one in which the FRS Plan Choice Administrator has no record of receipt and/or processing of the electronic enrollment.

3. By enrolling in the Investment Plan and providing a personal e-mail address or cell phone number, the member has consented to electronic delivery of documents through the MyFRS.com website, including but not limited to prospectuses, quarterly account statements, account transaction confirmation statements, privacy notices, annual fee disclosure statement, and other documents. When one of these documents is available, an e-mail notice will be sent to the e-mail address or a text message to the cell phone number provided by the member notifying the member of the document's availability. The member will need to log in to the MyFRS.com website in order to view and print any of these documents. Receipt of documents through MyFRS.com will continue until the member calls the MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 and revokes the member's consent.

~~(f)~~^(e) Upon receipt of the completed enrollment form by the FRS Plan Choice Administrator, the FRS Plan Choice Administrator shall enroll the employee in the indicated FRS retirement plan. Upon completion of the enrollment, but no later than two working days after enrollment, the FRS Plan Choice Administrator shall send confirmation of the effective enrollment to the employee at the employee's address of record or electronically if the member has consented to electronic delivery of documents through the MyFRS.com website and to the Division to inform the Division of the employee's retirement plan choice. The employer shall change its employee records to reflect the employee's plan choice, if applicable.

~~(f) If an employee terminates employment prior to making a plan choice, the employee will be considered a newly hired employee if he or she returns to FRS covered employment, and will be given another opportunity to make a plan choice. Any previous service will be considered as being FRS Pension Plan service.~~

(g) Employers shall remit retirement contributions monthly for their employees and those contributions are due to the Division by the 5th working day of the month following the month for which the contributions are made.

(3) Grace Period-

(a) If a member files an election with the FRS Plan Choice Administrator and the member realizes that the election was made in error, or if the member has reconsidered the election made, the SBA will consider, on a case-by-case basis, whether the election will be voided, if the member notifies the SBA by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377 or by sending written correspondence directly to the SBA, to the Plan Choice Administrator, or to the Division no later than 4:00 p.m. (Eastern Time) on the last business day of the election effective month, subject to the following requirements:

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

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

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

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

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

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

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

Rulemaking Authority 121.4501(3)(c)4., (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 215.44(8)(b), 1012.875(3) FS. History—New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, 2-4-10, 7-12-12, 12-16-12, 1-28-14, 8-18-14, 12-30-15, _____.

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

(1) This rule includes procedures for members who initially chose the Florida Retirement System (FRS) Investment Plan or the ~~FRS~~ Investment Plan Hybrid Option to use their 2nd election to transfer to the ~~FRS~~ Pension Plan; and for members who chose or defaulted into the ~~FRS~~ Pension Plan to use their 2nd election to transfer to the ~~FRS~~ Investment Plan or the ~~FRS~~ Investment Plan Hybrid Option.

(2) A member may make a valid 2nd election only if the 2nd election is made and processed by the Plan Choice Administrator during the month in which ~~while~~ the member is actively employed and earning salary and service credit in an employer-employee relationship consistent with the requirements of Section 121.021(17)(b), F.S. Members on an unpaid leave of absence; or terminated members; ~~or employees of an educational institution on summer break~~ cannot use their 2nd election until they return to FRS-covered FRS employment. Employees of an educational institution on summer break cannot use their 2nd election during the full calendar months of their summer break. For example, if the last day of the school term is May 21st and the first day of the new school term is August 17th, the employee may not file a 2nd election in the calendar months of June or July. The beginning of the school term is determined by the employer. In general terms, this means that the 2nd election can only ~~must~~ be made and processed during the month in which ~~while~~ the member is actively working and being paid for that work. It is the responsibility of the member to assure that the 2nd election is received by the Plan Choice Administrator no later than 4:00 p.m. (Eastern Time) on the last business day of the month the member is actively employed and working and earning salary and service credit.

(a) The following are examples of scenarios that could result in an invalid 2nd election. They are only examples and are not inclusive of all possible situations. Members and

employers are encouraged to contact the MyFRS Financial Guidance Line to discuss their particular situation.

1. Example 1: A member goes on unpaid leave of absence on November 12, 2015. On December 4, 2015, the Investment Plan Administrator receives a 2nd election form from the member electing to transfer from the Pension Plan to the Investment Plan. The member returns from leave of absence on January 7, 2016. The member's 2nd election is not valid because the member did not earn salary and service credit in the month of December 2015. The member would be required to submit another 2nd election during the month in which he or she is actively employed and earning salary and service credit.

2. Example 2: A teacher is on summer break from June 6, 2014 through August 12, 2014. On July 21, 2014, the Investment Plan Administrator receives a 2nd election from the teacher electing to transfer from the Investment Plan to the Pension Plan. The teacher's second election is not valid because the member did not earn salary and service credit in the month of July 2014. The teacher would be required to submit a second election form during the month in which he or she is actively employed and earning salary and service credit once the member has returned from summer break.

3. Example 3: A member terminates FRS-covered employment on March 31, 2016. On April 1, 2016, the Investment Plan Administrator receives a 2nd election from the member electing to transfer from the Pension Plan to the Investment Plan. The member's 2nd election is not valid because the second election form was received after the member terminated FRS-covered employment. The member would be required to return to FRS-covered employment and submit a 2nd election form during the month in which he or she is actively employed and earning salary and service credit.

(3) General Procedures:

(a) All members who wish to change their FRS retirement plan using their 2nd election must use a 2nd election enrollment form or, if moving from the ~~FRS~~ Pension Plan to the ~~FRS~~ Investment Plan or ~~FRS~~ Investment Plan Hybrid Option, may do so online by accessing the Second Election Choice Service at MyFRS.com. There are two types of enrollment forms: The "2nd Election Retirement Plan Enrollment Form", Form ELE-2, rev.10/16 07/15, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07619> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-05805>~~, which is hereby adopted and incorporated by reference. This form allows the member to select different investment fund options if the member is changing from the ~~FRS~~ Pension Plan to either the ~~FRS~~ Investment Plan or the ~~FRS~~ Investment Plan Hybrid Option. Alternatively, the member can complete the "2nd Election EZ Retirement Plan Enrollment Form," Form ELE-2EZ, rev. 08/16 07/15,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-07620>
<http://www.flrules.org/Gateway/reference.asp?No=Ref-05806>,
 which is hereby adopted and incorporated by reference. By completing this form, the member is choosing to have the employer and employee contributions and any transfers from the ~~FRS~~ Pension Plan invested in an age appropriate retirement date fund as provided under the Plan provisions. The member may change the investment selection at any time after the ~~FRS~~ Investment Plan or the ~~FRS~~ Investment Plan Hybrid Option account is activated. Activation occurs when contributions are deposited to the member's ~~FRS~~ Investment Plan account.

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

(c) Elections made by form must be mailed to the ~~FRS~~ Plan Choice Administrator, P. O. Box 785027, Orlando, Florida 32878-5027; or faxed toll-free to the number provided on the form. It is the responsibility of the member to ensure that the 2nd ~~election~~ Election form Form is received by the Plan Choice Administrator.

(d) For members transferring to the Investment Plan who provide a personal e-mail address or cell phone number, the member has consented to electronic delivery of documents through the MyFRS.com website, including but not limited to prospectuses, quarterly account statements, account transaction confirmation statements, privacy notices, annual fee disclosure statement, and other documents. When one of these documents is available, an e-mail notice will be sent to the e-mail address or a text message to the cell phone number provided by the member notifying the member of the document's availability. The member will need to log in to the MyFRS.com website to view and print any of these documents. Receipt of documents through MyFRS.com will continue until the member calls the MyFRS Financial Guidance Line at 1-866-446-9377, Option 4 and revokes the member's consent.

~~(e)(4)~~ For members transferring to the ~~FRS~~ Pension Plan, if the member's Investment Plan account balance was less than the calculated amount required to buy back into the ~~FRS~~ Pension Plan, the election will require a personal payment. The member will receive notification and proper instructions from the Division of Retirement (Division) detailing where and in what form to send any personal payments. Such payment, if necessary, must be received by the date determined by the Division. If the required amount is not received by the Division by the date due, the election will be voided.

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

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

~~(h)(g)~~ If the member submits a form that is incomplete, it will not be processed. An incomplete form is a form which is missing the name of the member, last four digits of the social security number, plan selection, or signature, or one on which the total investment elections are greater or less than 100%. The member will be required to resubmit a completed ~~second~~2nd election enrollment form. If the form is incomplete only because the member has made no investment selection, the form will be processed and the member will be defaulted into an age appropriate retirement date fund as provided under the Plan provisions for investing the member's accumulated benefit obligation and all future contributions. Note that this default selection may be changed by the member at any time once the account is activated.

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

(4) Grace Period.

(a) If a member files an election with the Plan Choice Administrator and the member realizes that the election was made in error, or if the member has reconsidered his or her plan choice, the SBA will consider, on a case-by-case basis, whether the election will be reversed, subject to the following: The member must notify the SBA by calling a telephone call ~~to~~ the toll free MyFRS Financial Guidance Line at: 1(866)446-9377, or by sending written correspondence directly to the SBA, to the Plan Choice Administrator, to the MyFRS Financial Guidance Line, or to the Division, no later than 4:00 p.m. (Eastern Time) on the last business day of the election effective month.

(b) If the request to reverse the election is made timely and the SBA finds the election was made in error, the member will be required to sign a release and return it to the SBA no later than 4:00 p.m. (Eastern Time), on the last business day of the election effective month prior to the election's being officially reversed. Upon receipt of the release, the Division and the Plan Choice Administrator will be directed to take the necessary steps to reverse the election and to correct the member's records to reflect the election reversal.

(c) A confirmation that the election was reversed will be sent to the member by the ~~FRS~~ Plan Choice Administrator.

(d) The member retains the right to file a subsequent ~~second~~ ^{2nd} election consistent with subsections (2) and (3), above.

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

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.4501(3), (4), (8), (15)(b), (20) FS. History—New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, 1-7-10, 7-12-12, 12-16-12, 12-28-14, 8-18-14, 12-30-15, _____.

19-11.008 Forfeitures-

(1) Forfeitures after Separation or Retirement from Florida Retirement System (FRS) Investment Plan Employment.

(a) If a member terminates FRS-covered employment before vesting in an Investment Plan benefit or any transferred Pension Plan benefit, the member will not be entitled to any benefit, other than employee contributions, which are immediately vested. In such case, the unvested account balance will be placed in a suspense account for a period not to exceed five (5) years from the date of the member's termination. The suspense account shall be invested in the ~~FIAM Pyramis~~ Intermediate Duration Pool Fund, where it will accrue actual investment earnings or losses.

(b) If the member returns to work for an FRS-participating employer in an FRS-covered position within the five (5) years from the date of termination, the member will be returned to the Investment Plan and the unvested account balance, reflecting any earnings or losses while invested in the ~~FIAM Pyramis~~ Intermediate Duration Pool Fund, will be returned to the member's account, together with the associated service credit. Any additional service credit earned will be applied towards vesting of the member's benefit.

(c) If the member never returns to work for an FRS-participating employer in an FRS-covered position or if the member returns to FRS-covered employment five (5) or more years after the date of termination, the member will forfeit the unvested account balance and the associated service credit.

(d) If the member leaves FRS-covered employment after vesting in an Investment Plan benefit, but before the member vests in any transferred Pension Plan benefit, the member shall only be entitled to receive the vested Investment Plan benefit. However, if the member takes any self-initiated distribution from the vested Investment Plan benefit, the unvested Pension Plan benefit transferred into the Investment Plan, plus any earnings on these funds will be forfeited along with the associated service credit.

(e) If the member does not take a self-initiated distribution of any vested Investment Plan benefit after

terminating from all FRS-participating employers ~~employment~~, the unvested Pension Plan benefit will be transferred six (6) months following termination to a suspense account. The suspense account is invested in the ~~FIAM Pyramis~~ Intermediate Duration Pool Fund, where it will accrue actual investment earnings or losses. If the member returns to FRS-covered employment within five (5) years from the date of termination, the member's benefit, reflecting any earnings or losses while invested in the ~~FIAM Pyramis~~ Intermediate Duration Pool Fund, will be returned to the member's account, together with the associated service credit. Any additional service credit earned will be applied towards the vesting of the member's benefit.

(f) If an ~~FRS~~ Investment Plan Hybrid Option member leaves FRS-covered employment after vesting in the Investment Plan benefit, but before vesting in the Pension Plan benefit, the member shall only be entitled to receive the vested Investment Plan benefit. However, if the member takes any self-initiated distribution of the vested Investment Plan benefit, the unvested Pension Plan benefit will be forfeited along with the associated service credit. If the member does not take a distribution from the Investment Plan and later returns to work for an FRS-covered employer, the member will be returned to the ~~FRS~~ Investment Plan Hybrid Option and the service credit for the existing Pension Plan and Investment Plan service, combined with any future service credit, will be applied towards vesting of the member's account.

(g) If a member is required to receive a required minimum distribution (RMD), the unvested Pension Plan benefit and the associated service credit, will not be forfeited.

(h) If a member's benefit and service are forfeited because the member did not return to FRS-covered employment within five (5) years, but the member later returns to FRS-covered employment after the forfeiture has occurred, the member will be returned to the plan in which he or she was participating at the time of the forfeiture. If the member's benefit and service credit in the Pension Plan are forfeited because the member took a self-initiated distribution of the vested Investment Plan benefit, and the member later returns to FRS-covered employment, the member will be considered a new employee and will be entitled to a new retirement plan choice, if applicable.

(2) Forfeitures of ~~FRS~~ Investment Plan accounts Due to Criminal Activity-

(a) Any member who has been found guilty by a verdict of a jury or by the court trying the case without a jury, or who has entered a plea of guilty or a plea of nolo contendere to certain specified offenses committed prior to retirement; or any member whose employment is terminated because the member admitted committing, aiding, or abetting any such

offenses; or any elected official who is convicted by the Senate of an impeachable offense, shall forfeit all rights and benefits under the FRS except for return of any accumulated employee contributions. Specified offenses are the committing, aiding, or abetting any embezzlement or theft from the member's employer; bribery in connection with employment; any other felony specified in Chapter 838, F.S., except for commercial bribery as provided in Section 838.15 or 838.16, F.S.; committing an impeachable offense; willfully committing any felony with intent to defraud the public or the public agency which employs the member or for which the member acts, of the right to receive the faithful performance of the member's duties while realizing or attempting to realize a profit, gain or advantage for the member or for someone else through the powers, rights, privileges and duties of the member's office or position; committing any felony described in Section 800.04, F.S., against a victim younger than 16 years of age, or any felony described in Chapter 794, F.S., against a victim younger than 18 years of age while using or attempting to use the power, rights, privileges, or duties of the member's office or employment position.

(b) When the State Board of Administration (SBA), becomes aware of any accusation of criminal wrong doing against any member of the ~~FRS~~ Investment Plan, the SBA will place ~~put~~ a hold on the member's account to preclude the member from removing any money from the account, until a determination is made on whether charges have been filed and whether the charges are for a forfeitable offense.

(c) If the charges against the member are not pursued and are dropped by law enforcement officials, the hold on the member's account will be released upon receipt of notification from the proper law enforcement agency.

(d) If the member is indicted and convicted or pleads guilty, or pleads nolo contendere, the SBA will acquire a certified copy of the judgment and will contact the member to advise the member that the Investment Plan benefit is forfeited and that the member has the right to a hearing to contest the forfeiture. The hold on the member's account will remain in place until:

1. The time to request a hearing has passed and no request for a hearing is made, or
2. The conclusion of the hearing and any appeal of the final order issued after the conclusion of the hearing.

(e) At the conclusion of either subparagraph (d)1. above, or subparagraph (d)2. above, if the member's hearing and/or appeal are unsuccessful, the SBA will direct the Investment Plan Administrator to transfer the member's account balance to the Investment Plan Forfeiture Account. If such member is subsequently reemployed, the member shall be eligible for benefits based on creditable service earned subsequent to the reemployment. The member is not eligible to claim any period

~~of employment which was forfeited shall not be eligible to claim as creditable service, rights or benefits for any period prior to the employment which was forfeited, provided the member did not take a self-initiated distribution of employee contributions.~~

(f) If a member has requested a self-initiated distribution of all or part of any benefit, the member shall be required to repay the benefit, if it is determined that the member forfeited all rights and benefits under the FRS. Any such member may contest the forfeiture as stated in paragraph (d) above. If the member fails to repay the benefit, the SBA may pursue all legal options.

(g) If a member receives a pardon for any crime applicable to any FRS employment, the member shall have all benefits previously forfeited returned to his or her ~~FRS~~ Investment Plan account reflecting any earnings or losses while invested in the FIAM Pyramis Intermediate Duration Pool Fund.

(3) Forfeiture of Beneficiary's Rights Due to Criminal Activity.

(a) A beneficiary, whether designated or pursuant to Florida law, of a deceased member who, by a verdict of a jury or by a court trying the case without a jury, is found guilty, or who has entered a plea of nolo contendere, of unlawfully and intentionally killing or procuring the death of such member, shall forfeit all rights to the deceased member's retirement benefits. Any benefits will be paid as such beneficiary had predeceased the deceased member.

(b) No benefits will be paid until there is a final resolution of such charges against the beneficiary, including any appeals.

(4) Authorized uses of the Investment Plan Trust Fund Forfeiture Account.

(a) The Investment Plan Forfeiture Account is funded with unvested account balances forfeited by members ~~or as described above in this rule~~ and with account balances forfeited due to criminal activity as described herein ~~above in this rule~~.

(b) Section 121.4501(13), F.S., requires that the Investment Plan be administered so as to comply with the requirements of the Internal Revenue Code in order to maintain a tax-qualified status.

(c) Pursuant to a private letter ruling from the Internal Revenue Service, the Forfeiture Account may be used for two purposes:

1. Payment of Investment Plan Administrative expenses, such as fees related to the activities of the ~~FRS~~ Investment Plan Administrator and the custodian, investment and administrative consulting fees, and services rendered for the benefit of members of ~~both the FRS Investment Plan and the FRS Pension Plan~~ where costs can reasonably be allocated to the each plan; and

2. Reduction of future employer contributions to the Investment Plan.

(d) Consistent with Internal Revenue Service Rulings 80-155 and 74-340, unallocated reserves within the Forfeiture Account will be used as quickly and as prudently as possible considering fiduciary duty. The expected withdrawals from the Account should endeavor to reduce the Account to zero each fiscal year end.

Rulemaking Authority 121.4501(8) FS. Law implemented 112.3173, 121.021(29), (39), 121.091(5), 121.4501(6), (13), 121.591, 732.802 FS. History—New 11-26-07, Amended 12-8-08, 7-12-12, 8-18-14, 12-30-15,_____.

19-11.009 Reemployment with an FRS-Participating ~~covered~~ Employer after Retirement-

(1) If reemployed prior to July 1, 2010, a member may return to work with an FRS-participating employer ~~covered employment~~ after being retired for six (6) calendar months. Six calendar months means six full calendar months following the month the member retired. For example, if a member retires in January, the six calendar months are February, March, April, May, June and July. The retiree may return to employment in August. The retiree may return to employment in one of the excepted positions identified in Section 121.091(9)(b), F.S., and continue to take distributions from prior career benefits. If the retiree returns to work in a position that is not one of the exceptions allowed by law, the receipt of any remaining retirement benefits is suspended until either employment is terminated or the completion of 12 calendar months of retirement.

(2) If reemployed on or after July 1, 2010, a member may return to work in any position with an FRS-participating ~~covered~~ employer after being retired for six (6) calendar months. Six calendar months means six full calendar months following the month the member retired. For example, if a member retires in January, the six full calendar months are February, March, April, May, June, and July. The retiree may return to employment in August. The member must suspend receipt of any remaining retirement benefits until either employment is terminated or the completion of 12 calendar months of retirement. Effective July 1, 2010, there are no excepted positions.

(3) To prevent hiring an ineligible retiree, the employer should obtain a written statement from each prospective employee as to the employee’s retirement status. The written statement can be set forth on the “Certification Form,” Form CERT, rev. 02-12 <http://www.flrules.org/Gateway/reference.asp?No=Ref-01067>, which is hereby adopted and incorporated by reference. The form can be found on the MyFRS.com website. This form should be retained in the employee’s personnel file.

(4) A retiree who returns to work with an FRS-participating employer prior to being retired for six (6) calendar months and an employer that employs or appoints such retiree are jointly and severally liable for repaying retirement benefits paid from the Investment Plan. In lieu of repayment, the member may terminate employment from all FRS-participating employers.

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.021(29), (39), 121.091(9)(b), (c), 121.4501(2)(j), 121.591(1)(a)4. FS. History—New 11-26-07, Amended 12-8-08, 8-7-11, 7-12-12,_____.

19-11.010 FRS Investment Plan: Privacy-

(1) ~~FRS~~ Investment Plan members and beneficiaries are required to submit certain personal identifying information, including their federally-issued social security number. Each of the vendors under contract with the State Board of Administration (SBA) is contractually obligated to protect this information to the fullest extent permissible by law.

(2) A member of the ~~FRS~~ Investment Plan may authorize a particular person such as the member’s spouse or financial advisor, to receive personal identifying information by giving the person a power of attorney or by submitting by electronic means or in paper form a signed and notarized consent clearly identifying the person to whom the information may be given as well as specifying exactly what information may be disclosed.

(3) Upon the death of an Investment Plan member who had submitted a beneficiary designation form, the named beneficiary(ies) must provide certain personal identifying information to the SBA before any information regarding the member will be released. The types of information are letters of administration issued by the relevant probate court; certified copies of the death certificate; copies of marriage certificates; the member’s social security number; and any other requested information that can be verified with a governmental agency.

Rulemaking Authority 121.4501(8) FS. Law Implemented 119.071, 121.4501(19) FS. History—New 11-26-07, Amended 7-12-12,_____.

19-11.011 Employer and Employee Contributions and ABO or Present Value Transfer Procedures-

(1) Employer and Employee contributions-

(a) All state, school district, and local employers (employers) who participate in the Florida Retirement System (FRS) and each employee are responsible for making the contributions required by Chapter 121, F.S.

(b) Employers shall submit, to the Division of Retirement (Division), a monthly payroll report and accompanying employer and employee contributions by the fifth (5th) business day following the month in which the salary was

paid. For example, if the salary is paid in March, the monthly payroll report and contributions are due to the Division by the 5th business day of April.

(2) One Percent Penalty for Late Payroll Reporting-

(a) A one percent penalty will be applied to contributions that are late pursuant to Section 121.78(3), F.S. The portion of the one percent penalty assessed on late contributions and accompanying payroll data attributable to contributions for the ~~FRS~~ Investment Plan members shall be proportionally divided and deposited into affected member accounts, using the members' ~~FRS~~ Investment Plan investment allocation in effect at the time of the deposit.

(b) Any employer requesting a waiver of the delinquency fee in accordance with Section 121.78(3)(c), F.S., shall make a written request, setting forth a full description of the facts and circumstances, to the Office of Defined Contribution Programs, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308. Waiver of the fee is at the discretion of the SBA. A waiver may be granted only once for an employer in any one fiscal year. Once a delinquency fee has been paid to a member's account, it cannot be waived.

(3) Market loss calculation for late payroll reporting-

(a) Market loss calculations will be applied to contributions and benefit transfers that are late pursuant to Section 121.78(3), F.S. A market loss occurs when an employer fails to timely remit the monthly payroll file and accompanying employer and employee contributions to the Division by the 5th business day of the next month the payroll file and associated employer and employee contributions are due as described in subsection (1) above and the receipt of monthly payroll file and/or the employer and employee contributions are received in the month following the due date or after.

(b) The Division will notify the Investment Plan Administrator (Administrator) of the late filing by the employer. Upon notification, the Administrator will determine market losses using the affected member's investment allocation on record with the Administrator at the time of calculation.

(c) The Administrator will perform the market value calculation using a period certain which is the 15th of the month in which the payroll is due, or the next succeeding business day if the day falls on a weekend or legal holiday, in which contributions would have been processed, and ending on the date the payroll is received by the Administrator.

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

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

(4) Prior Period Adjustments-

(a) Employer and employee contributions paid for a prior period shall be subject to a delinquent fee of one percent for each calendar month or part thereof that said contributions should have been paid. This includes prior period contributions due to incorrect wages and contributions for an earlier report or wages and contributions that should have been reported, but were not. If the delinquent assessment is not remitted within 30 days following the Division's invoice date, an additional delinquent assessment of one percent on the invoiced amount shall be assessed for each calendar month or part thereof that said invoice is delinquent. This delinquent assessment cannot be waived.

(b) When an employer requests an adjustment to retirement contributions or accompanying payroll data for prior periods for ~~FRS~~ Investment Plan members, the adjustment will be processed to the extent administratively possible. Under no circumstance shall the SBA, the FRS Investment Plan Trust Fund, or the Florida Retirement System Trust Fund incur any loss or gain as a result of an employer's adjustments for an ~~FRS~~ Investment Plan member or a former member.

(5) Employer errors or corrections.

(a) Market loss calculations will be applied to contributions and benefit transfers that are late due to an employer error or correction. An employer error or correction is deemed to have occurred if the employer changes previously reported information that now requires contributions and benefit transfers to be posted retroactively.

~~(6)(5)~~ If an agency fails to pay the total amount due within 120 calendar days from the date of the Division's invoice, the procedures outlined in the Division's subsection 60S-3.011(5), F.A.C., shall be applicable.

~~(7)(6)~~ Federally Mandated Monitoring of Contributions and Annual Salary-

(a) The ~~FRS~~ Investment Plan Administrator will be responsible for monitoring federally mandated contribution limits pursuant to Internal Revenue Code s. 415(c) ("Section 415(c) limitation"). The monitoring of federally mandated contribution limits will only be conducted if the employer has properly reported the applicable annual salary and contributions on the payroll reports submitted each month. The Investment Plan Administrator, the Division or SBA will not be held responsible for a failure to monitor the limits due to the employers inability or failure to report the necessary data.

(b) The Division will be responsible for monitoring federally mandated annual salary that may be applied towards

retirement under a qualified retirement plan pursuant to Internal Revenue Code s. 401(a)(17).

~~(c)(b)~~ In no event shall the aggregate of the allocation of employer and employee contributions to an FRS Investment Plan member's account(s) in the FRS Investment Plan and the annual addition to an FRS Investment Plan member's account(s) in any other defined contribution plan maintained by the employer exceed the Section 415(c) limitations for defined contribution plans.

(d) In no event shall an Investment Plan member have contributions deposited to an Investment Plan account on salary above the Section 401(a)(17) limitations. In the event an Investment Plan member has contributions deposited to an Investment Plan account on salary above the Section 401(a)(17) limit, the excess contributions, and applicable investment earnings on excess contributions, shall be deducted from the member's Investment Plan account and returned to the entity that submitted the excess contributions.

~~(e)(e)~~ Employers shall cooperate with the FRS Investment Plan Administrator or its agent in order for the Administrator or its agent to be able to monitor the 415(c) limitation on employer and employee contributions.

~~(f)(d)~~ Employers shall be responsible for providing all financial and payroll data which the FRS Investment Plan Administrator or its agent must use to determine whether or not the 415(c) limitation has been exceeded.

~~(g)(e)~~ Pursuant to Section 121.4501(5)(d), F.S., the Administrator will notify the employer regarding maximum contribution levels permitted under the Internal Revenue Code and if a member exceeds those limits.

~~(h)(f)~~ The Employer is responsible for notifying a member if the total contributions made to the FRS Investment Plan and to any other such plan exceed federally permitted maximums and to take appropriate steps to correct such excess contributions as set forth in paragraphs ~~(i)(g)~~ and ~~(j)(h)~~ below.

~~(i)(g)~~ In the event the aggregate annual additions to a member's account(s) in the FRS Investment Plan and in any other defined contribution plan maintained by the employer exceed the 415(c) limitation during any limitation year, the excess shall be attributed first to such other plans.

~~(j)(h)~~ If any excess remains after attribution to such other plans, the amount of any such excess attributable to the allocation of forfeitures, to a reasonable error in estimating a member's annual compensation or to any other circumstances that the Commissioner of Internal Revenue finds is justified, in accordance with Treasury Regulation 1.415-6(b)(6), shall be used to reduce the employer's contributions for such member under the FRS Investment Plan in the next and succeeding limitation years; provided, however, that if the member is not covered by the FRS Investment Plan at the end of the limitation year, such excess amount will be used to

reduce the employer's contributions to remaining members under the FRS Investment Plan in the next, and succeeding, limitation years.

~~(k)(i)~~ If the correction method, above, is not available, other methods of correcting excess annual additions are permitted if in accordance with Treasury Regulation 1.415-6(b)(6).

~~(8)(7)~~ Employer errors or corrections. Market loss calculations will be applied to contributions and benefit transfers that are late due to an employer error or correction. An employer error or correction is deemed to have occurred if the employer changes previously reported information that causes contribution and benefit transfer to be posted retroactively.

~~(9)(8)~~ Contribution Rates-

(a) The employer and employee contributions received by a member of the FRS Investment Plan prior to effective enrollment in the FRS Investment Plan will be at the rate established pursuant to Section 121.71, F.S. The amount will be transferred into the employee's FRS Investment Plan account as the opening account balance.

(b) After effective enrollment in the FRS Investment Plan, the member shall receive the employer and employee contribution at the rate established by Sections 121.71 and 121.72, F.S. appropriate to that member's class of membership.

~~(10)(9)~~ Asset Transfer and True-Up Procedures for Newly-hired Employees with Previous FRS Service-

(a) For members who elect to enroll in the FRS Investment Plan who have prior FRS credible service, the Division shall calculate the amount of the member's ABO or present value of the FRS Pension Plan benefit. This amount shall be transferred to the member's FRS Investment Plan account and shall be allocated to each investment product selected by the member.

(b) The Division shall determine the member's ABO or present value as of the last day of the month prior to the employee's effective date of enrollment in the FRS Investment Plan. For example, if the Division receives the enrollment during the month of June, the effective date of enrollment for the employee in the FRS Investment Plan is July 1 and the Division shall calculate the member's ABO or present value, if any, through June 30.

(c) By the 25th day of the effective month of enrollment, the Division shall notify the FRS Investment Plan Administrator of the ABO or present value for each Investment Plan member whose effective date of enrollment is the first day of the month. The Administrator shall notify the SBA of the aggregate ABO or present value of members whose effective date of enrollment is the first day of the month.

(d) On the last business day of the effective month of enrollment in the ~~FRS~~ Investment Plan, the SBA shall effectuate the transfer of the aggregate ABO or present value amount to the ~~FRS~~ Investment Plan Administrator for allocation to the applicable ~~FRS~~ Investment Plan member accounts based on the investment option designated by the member, and if no allocations were provided by the member, then to an age-appropriate retirement date fund.

(e) The total amount initially credited to each ~~FRS~~ Investment Plan member's account who elected to transfer the ABO or present value from the ~~FRS~~ Pension Plan was an estimate of the member's ABO or present value. Pursuant to Section 121.4501(3)(b)2., F.S., the Division shall re-compute the ABO or present value not later than 60 days after the initial transfer of funds. If the re-computed amount differs from the estimated ABO amount by plus or minus \$10 or more, the Division shall provide the aggregate adjustment amount to be transferred to or from the ~~FRS Investment Plan Administrator for the~~ affected member(s).

(f) The Division shall notify the Administrator of the true-up amounts plus interest by member account within 50 days of the initial transfer. The true-up transfer shall include the true-up amount determined by the Division plus interest at the rates specified in Section 121.4501(3)(b)2., F.S., from the date of the initial transfer to the date of the true-up transfer. The transfer of the true-up amount plus interest shall occur on the 60th day following the initial transfer. In the event the 60th day following the initial transfer falls on a Saturday, Sunday, or a legal holiday, the true-up transfer shall occur on the last business day of the month preceding the Saturday, Sunday, or legal holiday.

(g) The Division shall calculate the interest owed on true-up amounts. If the re-computed ABO is greater than the original amount transferred by plus or minus \$10 or more, the member will be owed a true-up amount plus interest. Interest will be calculated pursuant to Section 121.4501(3)(b)2., F.S. If the re-computed ABO is less than the original amount transferred by plus or minus \$10 or more, the member will owe a true-up amount plus interest and the amount will be deducted from the member's Investment Plan account. Interest will be calculated pursuant to Section 121.4501(3)(b)2., F.S.

(h) The Administrator shall notify the SBA of the aggregate true-up value for those members determined to have a true-up adjustment. On the last business day of the month in which the true-up amount is due, the SBA shall effectuate the transfer of the aggregate true-up amount to the ~~FRS~~ Investment Plan Administrator for allocation to the applicable member accounts based on the investment fund allocations designated by the member(s).

Rulemaking Authority 121.78(3)(c), 121.4501(8) FS. Law Implemented 121.71, 121.72, 121.78, 121.4501 FS. History—New 7-12-12, Amended 12-16-12, 12-30-15, _____.

19-11.012 Rollovers or Plan to Plan Transfers to or from the FRS Investment Plan-

(1) An ~~FRS~~ Investment Plan member may rollover assets from other qualified plans into the Investment Plan. These qualified assets can come from:

(a) A qualified Traditional IRA at another custodian;

(b) An eligible retirement plan (Code s. 401 defined contribution plan, Code s. 401 defined benefit plan, Code s. 457 plan, or Code s. 403(b) plan); or

(c) The Federal Employee's Thrift Savings Plan.

(2) through (4) No changes.

(5) The member must complete the rollover deposit within 60 days of receiving the assets, unless the member qualifies for a waiver of the 60-day time limit as provided by the Internal Revenue Service (IRS). It will be the responsibility of the member to submit documentation confirming the qualification for the 60-day waiver. Otherwise, the member may be subject to federal income tax and the early withdrawal penalty.

(6)(a) No changes.

(b) All rollovers ~~from~~ into the Investment Plan must be more than \$1,000.00 or such amount that will cause the account balance to be greater than \$1,000.00.

(c) The Investment Plan Administrator may not accept rollovers from:

1. The former spouse of an Investment Plan member who had an account in the Investment Plan, established by terms of a qualified domestic relations order and then removed all of the funds from the account.

2. The former beneficiary of an Investment Plan member who removed all of the funds from the account.

3. Members of the ~~FRS~~ Pension Plan.

4. The spouse or beneficiary of a deceased ~~FRS~~ Pension Plan member who had a DROP accumulation in the ~~FRS~~ Pension Plan.

(7) No changes.

(8)(a) Instructions regarding check delivery and other information relating to the processing of rollovers, including all applicable forms, may be obtained by calling the MyFRS Financial Guidance Line, which is a toll free line: 1(866)446-9377, Option 4, or, for members who are deaf, hard of hearing, or speech impaired, TRS 711, or by accessing the website at www.MyFRS.com.

(b) Current members shall use Form IPRO-1, rev. 07/16 10/14, "Employee Rollover Deposit Instructions and Form," <http://www.flrules.org/Gateway/reference.asp?No=Ref-07625> <http://www.flrules.org/Gateway/reference.asp?No=Ref-05807>,

which is hereby adopted and incorporated by reference, to effect rollovers described in this rule.

(c) Current DROP members planning to roll over their DROP accumulation shall use Form IP-DROP-AD-1, "DROP Accumulation Direct Rollover Form for Current DROP Members," rev. 07/16 ~~07/15~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07626> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06264>~~, which hereby is adopted and incorporated by reference, to effect rollovers described in this rule.

(d) Former DROP members shall use Form IP-DROP-RO-1, "DROP Direct Rollover Form for Former DROP Members," rev. 07/16 ~~07/15~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07627> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-06234>~~, which hereby is adopted and incorporated by reference, to effect rollovers described in this rule.

(e) Current or former DROP members who roll money into the Investment Plan who provide a personal e-mail address or cell phone number, has consented to electronic delivery of documents through the MyFRS.com website, including but not limited to prospectuses, quarterly account statements, account transaction confirmation statements, privacy notices, annual fee disclosure statement, and other documents. When one of these documents is available, an e-mail notice will be sent to the e-mail address or a text message to the cell phone number provided by the member notifying the member of the document's availability. The member will need to log in to the MyFRS.com website to view and print any of these documents. Receipt of documents through MyFRS.com will continue until the member calls the MyFRS Financial Guidance Line at 1-866-446-9377, Option 4 and revokes the member's consent.

(9) – (12) No changes.

(13)(a) An Investment Plan member electing to transfer to the Pension Plan and who has an excess balance remaining in the Investment Plan account after satisfying any required Pension Plan buy-in amounts, may elect to use all or part of that remaining balance to purchase service credit in the Pension Plan. The member will need to complete Form PRO-2, "Pre-tax Direct Rollover/Transfer Form," rev. 10-10, <http://www.flrules.org/Gateway/reference.asp?No=Ref-01184>, which hereby is adopted and incorporated by reference, to effect this purchase. This form is available in paper form and may be obtained by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 (TRS 711), Monday through Friday, except holidays, 9:00 a.m. to 8:00 p.m. (Eastern Time), except holidays ~~or by accessing the MyFRS.com website and clicking on "Resources" and then "For.ms."~~

(b) The member must call the Investment Plan Administrator and request that funds be transferred from the Investment Plan to the Pension Plan to effect the purchase of service. The member must confirm that an invoice has been received from the Division of Retirement. The amount to be transferred must be equal to or less than the invoiced amount. If the balance of the member's account is less than the invoice amount, the member may request the total account balance be transferred.

(c) The member must complete the form referenced in paragraph (a) above. The completed form is to be sent to the Investment Plan Administrator.

(d) The Investment Plan Administrator will request authorization to liquidate the requested amount from the SBA. The SBA shall provide a letter of direction to effect the member's request. Upon receipt of the letter, the Investment Plan Administrator will liquidate the funds from the member's account. Upon liquidation, the amount will be received by the Investment Plan Administrator from the Custodian in the form of a check payable to the "Florida Retirement System" and reference the member's name. Upon receipt of the check, the Investment Plan Administrator will send the check and the form by regular U.S. mail to the Division of Retirement as soon as administratively possible. A confirmation of the transaction and the date the check and form were mailed to the Division of Retirement will be sent to the member.

(e) It is the responsibility of the member to confirm receipt of the funds by the Division of Retirement. Rulemaking Authority 121.4501(8), (5)(e) FS. Law Implemented 121.4501(4)(g)5., (5)(e), (21), 121.591 FS. History—New 7-12-12, Amended 12-16-12, 10-15-13, 1-28-14, 8-18-14, 12-30-15, _____.

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 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. 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. 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 (2) 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.

4. 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 as set forth above.

(c) The member is subject to the following fees, transaction changes, 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 Florida Retirement System (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 (SBA), and any and all service providers to the FRS against any claims, damages, or other possible causes of actions resulting from the member's decision to participate in the SDBA or from the specific SDBA investment options selected by the member.

(2)(c) through (4)(a) No change.

(4)(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, SDBA trade confirmations and other SDBA communications, unless the member affirmatively elects a paper format.

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

56. 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 Investment 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 (QDROs) by a court of competent jurisdiction, income deduction orders as provided in Section 61.1301, F.S., 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-covered 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 with an FRS-participating employer 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 Investment Plan Administrator within four (4) 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 the Financial Industry Regulatory Authority ("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 Investment Plan 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 subparagraph (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 6-5-14, 12-30-15, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joan Haseman, Chief of Defined Contribution Programs
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Trustees of the State Board of
Administration
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 25, 2016

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 6, 2016, Vol. 42/195

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-13.001	Roles and Responsibilities of the State Board of Administration of Florida
19-13.002	Roles and Responsibilities of Division of Retirement within the Department of Management Services
19-13.003	Role and Responsibilities of State, School District, and Local Employers Participating in the Florida Retirement System
19-13.004	Role and Responsibilities of Third Party Vendors

PURPOSE AND EFFECT: To update certain information regarding the duties and responsibilities of the State Board of Administration ("SBA"), the Division of Retirement ("Division"), participating employers and the SBA's third party vendors concerning the FRS Investment Plan. Special mention is made of the fact that the Division will administer in-line of duty death benefits for Investment Plan members.

SUMMARY: To update and clarify information for the benefit of the public. There are no other rules incorporating these proposed amended rules. The proposed amendments do not have an impact on any other rules. Legislative ratification of the rule amendments is not required.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on its analysis of the rule amendments and the fact that it is not a regulatory agency, the State Board of Administration has determined that there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs caused by the proposed amendments to these rules.

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

RULEMAKING AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 121.4501(4), (8) (9), (10), (14), (15), (19); 121.591(4) FS.

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

DATE AND TIME: December 15, 2016, 9:00 a.m. until conclusion of hearing

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: Eddie McEwen, (850)413-1104, eddie.mcewen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19-13.001 Roles and Responsibilities of the State Board of Administration of Florida-

(1) The State Board of Administration of Florida ("SBA") is responsible for establishing, implementing, and administering the defined contribution program, known referred to as the "Florida Retirement System Investment Plan" or "Investment Plan", in accordance with Section 121.4501(1), F.S. The SBA is the Plan Sponsor. The plan documents consist of the Florida Statutes and Administrative Rules ~~rules~~ adopted thereunder, and the ~~The~~ Summary Plan Description (SPD). The SPD is a summary of the plan ~~documents~~ for the convenience of members and ~~The SPD~~ can be changed by the SBA at any time without prior notice to Florida Retirement System (FRS) members. The SBA's primary responsibilities are set out in paragraphs (1)(a) through (1)(n), below. Each of these major responsibilities involves additional decisions which then in turn need to be implemented. Those decisions, to the extent they are not solely on a case-by-case basis, are adopted by rule. The SBA must ensure that all of the following individual responsibilities are carried out:

- (a) through (f) No change.

(g) Directing and monitoring the activities of all service providers ~~to the providing various services to the operation of the~~ Investment Plan. These service providers include, but are not limited to, the third party administrator, the education service providers, and the investment product providers.

(h) Directing and monitoring the services provided by the Division with which the SBA has an interagency agreement.

(i) Movement of assets from the ~~FRS~~ Pension Plan to the ~~FRS~~ Investment Plan upon the election of a member to transfer and making such adjustments to plan accounts and member accounts as are necessary to process election reversals and prior period corrections to contributions and accompanying payroll data.

(j) through (n) No change.

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.4501(1), (4), (8), (9), (10), (14), (15), (19) FS. History—New 10-21-04, Amended 7-12-12, 12-16-12, 12-30-15,_____.

19-13.002 Roles and Responsibilities of the Division of Retirement within the Department of Management Services.

(1) The Division of Retirement (Division) within the Department of Management Services provides the following administrative services, in accordance with Section 121.4501(8)(a)1., F.S., ~~which~~:

(a) Determine membership eligibility and employer participation eligibility;

(b) Collect and process employer and employee payroll contributions and payroll-related data, including monitoring salary limits imposed by the Internal Revenue Service;

(c) Forward employer and employee payroll contributions and payroll-related data to the Investment Plan Administrator, including date of termination and leave of absence indicators, if available;

(d) Calculate members' Pension Plan benefit, calculate the accumulated benefit obligation and calculate any buy-back amount for those members who elected the Investment Plan but subsequently elect to return to the Pension Plan;

(e) Maintain and provide access to the Florida Retirement System (FRS) database;

(f) Provide telephone support regarding employee or employer questions on the Pension Plan and contribution processing, but transfer general retirement plan choice, enrollment and financial planning telephone calls to other education and administration providers;

(g) Administer the disability benefits for the FRS Florida Retirement System;

(h) Administer the in line of duty death benefits for Investment Plan members enrolled in the special risk service class;

(i) ~~(h)~~ Administer the health insurance subsidy for the FRS Florida Retirement System;

~~(j)~~(i) Determine employee vesting requirements in the FRS Florida Retirement System, as required by law; and

~~(k)~~(j) Notify the State Board of Administration (SBA) of any employees who may be subject to forfeiture of benefits, in accordance with Sections 112.3173 and 121.091(5), F.S.

Rulemaking Authority 121.4501(8) FS. Law Implemented 112.3173, 121.091(5), 121.4501(8), (10) FS. History—New 10-21-04, Amended 10-25-07, 7-12-12, 12-16-12,_____.

19-13.003 Role and Responsibilities of State, School District, and Local Employers Participating in the Florida Retirement System.

All state, school district, and local employers (employers) who participate in the Florida Retirement System (FRS) have the following duties and responsibilities:

(1) Remitting all the employer and employee contributions required by Parts II and III of Chapter 121, F.S. These include the contributions for the benefit of members in the Investment Plan, in accordance with Section 121.4501(5) and with Part III of Chapter 121, F.S., and also include the contributions for administrative and educational expenses, disability benefits, survivor benefits, the health insurance subsidy, and social security.

~~(2) Education of all employees which shall occur at least annually. This shall consist, at a minimum, of a communication indicating that the FRS is composed of two retirement plans; that employees have the option to decide in which FRS plan to participate; that employees have multi-media educational resources from the FRS to educate them concerning their FRS plan choice; and that employees have statutory deadlines by which enrollments must be made. Employers shall use educational materials supplied by the SBA and the Division to communicate such information, but not to the exclusion of any educational materials they may independently develop. Employers are solely responsible for the accuracy and completeness of any educational materials they develop. Printed educational materials and videos may be requested from both the SBA and from the Division or from their agents.—Under no circumstances shall employers be deemed to be agents of the SBA, the FRS, or both.~~

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.4501(5), (10)(h), 121.71, 121.72, 121.73, 121.74, 121.76, 121.77, 121.78 FS. History—New 10-21-04, Amended 7-12-12, 12-16-12,_____.

19-13.004 Role and Responsibilities of Third Party Vendors.

(1) The Investment Plan Administrator (Administrator) provides administrative services in the operation of the Florida Retirement System (FRS) Investment Plan other than those provided by the Division of Retirement within the Department of Management Services (Division) as set forth in Rule 19-

13.002, F.A.C. The Administrator also provides enrollment processing for the ~~FRS Florida Retirement System (FRS)~~. Other administrative services are provided by the Division of Retirement within the ~~Department of Management Services (Division)~~. Those services are described in Rule 19-13.002, F.A.C. The Administrator’s primary duties and responsibilities are to:

- (a) Maintain the Investment Plan database;
- (b) Process new employee enrollments into the ~~FRS~~ Pension Plan ~~or~~ and Investment Plan and to process existing employee enrollments, via the exercise of the employees’ one-time ~~2nd Second~~ Election, pursuant to Section 121.4501(4)(e), F.S., into either FRS plan;
- (c) Transmit election information to the Division;
- (d) Maintain a database of Investment Plan beneficiary designations;
- (e) Transfer Investment Plan employer and employee contributions to the investment product providers, after contributions have been received from the Division;
- (f) Provide aggregate accumulated benefit obligation data segregated by investment product provider to the State Board of Administration (SBA);
- (g) Maintain Investment Plan member account data and such data as is sufficient to process ~~2nd Second~~ Elections by existing ~~members~~ employees;
- (h) Implement account transfers at the request of members;
- (i) Implement withdrawals from account by electronic means;
- (j) Implement distribution of Investment Plan benefits to Investment Plan members or beneficiaries;
- (k) Provide quarterly statements to Investment Plan members;
- (l) Distribute written material;
- (m) Provide phone response service on a toll-free line to assist members and employers to accomplish any required responsibility;
- (n) Provide recordkeeping for all Investment Plan data within its responsibilities, including monitoring of monetary limits imposed by the federal Internal Revenue Code; and
- (o) Administer ~~Q~~ualified ~~D~~omestic ~~R~~elations ~~O~~rders (QDROs).
- (p) Provide a Self-Directed Brokerage Account (“~~SDBVA~~”) to eligible ~~FRS~~ Investment Plan members.

(2) through (6) No changes.

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.4501(4), (8)(b), (e)1., (9)(a), (10) FS. History—New 10-21-04, Amended 7-12-12, 12-16-12, 12-30-15,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joan Haseman, Chief of Defined Contribution Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2016
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 6, 2016, Vol. 42/195

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-7.006
RULE TITLE: Minor Violations; Notices of Noncompliance

PURPOSE AND EFFECT: The Board proposes the rule amendment to update minor violations and notices of noncompliance.

SUMMARY: Minor violations and notices of noncompliance will be updated.

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: 120.695, 456.073(3), 484.044 FS.

LAW IMPLEMENTED: 120.695, 456.073(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: Jennifer Wenhold, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-7.006 Minor Violations; Notices of Noncompliance.

(1) through (2) No change.

(3) A notice of noncompliance in lieu of other actions is authorized only if the violation is not a repeat violation and only if there is only one violation. If there are multiple violations from a single inspection and each is eligible to be handled with a notice of non-compliance, then the Department shall issue a notice of non-compliance for each violation may not issue a notice of noncompliance, but must prosecute the violation under the other provisions of Section 456.073, F.S.

(4) through (5) No change.

(6) The Board hereby establishes the following as minor violations pursuant to Sections 120.695 and 456.073(3), F.S.:

(a) Providing a receipt that does not contain an itemization of the component costs (when requested); the brand, model, and serial number of the hearing aid furnished; a statement as to whether the hearing aid is new, used, or rebuilt; and the length of time and terms of any guarantee (including the name of the guarantor) unless intentional misrepresentation is apparent or suspected. This is considered a minor violation only if the receipt fails to contain only one, but not two or more, of the pieces of information delineated.

(b) Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful, as proscribed by Section 484.056(1)(k), F.S., unless intentional misrepresentation is apparent or suspected.

(c) Representation, advertisement, or implication that a used or rebuilt hearing aid or its repair is guaranteed by the manufacturer without providing full disclosure of the identity of the guarantor, the nature, extent, and duration of the guarantee, and the existence or conditions of limitations imposed upon the guarantee is proscribed by Section 484.056(1)(n), F.S., unless intentional misrepresentation is apparent or suspected.

(d) Failing to make available to prospective purchasers or clients information regarding telecoils, "t" coils, or "t" switches, as required by Sections 484.044(2) and 484.0501(5)(b), F.S., and Rule 64B6-6.002, F.A.C.

(a)(e) No change.

(b)(f) Failing to notify the Board in writing within 30 days of any change of address, as required by Section 484.047(3), F.S., and Rule 64B6-6.008, F.A.C. ; but only if this is the only violation and only if neither the Board nor the Department had

been trying to locate the licensee and were unable to do so or had difficulty doing so.

(c)(g) No change.

(h) Selling a hearing aid without having the disclaimer required by Section 484.051(3), F.S., and Rule 64B6-6.010, F.A.C. on the packaging and on the receipt.

(i) Failing to submit to the Board on an annual basis certification of testing and calibration of audiometric equipment, as required by Section 484.056(1)(u), F.S., and Rule 64B6-6.003, F.A.C. Only the failure to submit the certification is a minor violation; if the equipment has not been tested and calibrated annually, as defined in Rule 64B6-6.003, F.A.C., then the matter must proceed through the normal disciplinary process.

(d)(j) Failing to display an active the license in a conspicuous place at the licensee's regular place of business as required by Section 484.058, F.S., and Rule 64B6-6.008, F.A.C.

(e)(k) No change.

(l) Advertising in a manner that does not include the required statement regarding free or discounted services, pursuant to Section 456.062, F.S.

(m) Practicing on an inactive or retired status license for three months or less, pursuant to Section 456.036, F.S.

Rulemaking Authority 120.695, 456.073(3), 484.044 FS. Law Implemented 120.695, 456.073(3) FS. History—New 10-15-90, Amended 3-5-91, Formerly 21JJ-7.009, 61G9-7.009, Amended 9-24-97, 10-29-98, 12-20-05, 8-31-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2016
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 24, 2016

Section III
Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.016
RULE TITLE: Scenic Highways

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 186, September 23, 2016 issue of the Florida Administrative Register.

These changes are being made to address comments expressed by the Joint Administrative Procedures Committee. The reference to the incorporated manual has been conformed to the title of the document, and an effective date is provided within the rule.

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.016 Scenic Highways.

The Department will designate scenic highways under Section 335.093, F.S., in accordance with Florida Scenic Highways Programs Handbook, effective 11/11/16 ~~Scenic Highway Designation Guidebook~~, which is incorporated by reference herein

<https://www.flrules.org/Gateway/reference.asp?No=Ref-07665> and available at floridascenichighways.com. ~~Copies of this document may be obtained from the Department's Environmental Management Office, 605 Suwannee Street, M.S. 37, Tallahassee, FL 32399 0450~~

Rulemaking Authority 334.044(2), 335.093(2) FS. Law Implemented 335.093(1) FS. History—New 2-24-98, Amended 8-24-99, 8-7-03, _____ Formerly 14-12.021.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NO.: 64B6-8.002
 RULE TITLE: Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 135, July 13, 2016 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee and by a discussion and vote by the Board at its October 25, 2016 meeting. The rule shall now read as follows:

64B6-8.002 Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists.

(1) The Department shall temporarily certify, until the next Board meeting, only those applicants who meet the following requirements, in addition to those imposed by law:

- (a) No change.
- (b) The applicant must complete the Training Program Registration Application and Instructions, (Form DH-MQA 1158 (revised 10/25/16 ~~04/12/16~~), hereby adopted and incorporated by reference, which can be obtained from the Board of Hearing Aid Specialists' website at <http://floridahearingaidspecialists.gov/licensing/> ~~<http://doh.state.fl.us/mqa/HearingAid/>~~ and <http://www.flrules.org/Gateway/reference.asp?No=Ref-> , and pay the appropriate fee; and

- (c) No change.
- (2) through (3) No change.

Rulemaking Authority 484.044, 484.0445, 484.0447(4) FS. Law Implemented 484.0445, 456.0635, 456.013, 484.0447(4), 484.045(2)(c) FS. History—New 1-12-84, Formerly 21JJ-8.02, Amended 8-12-87, 9-13-90, Formerly 21JJ-8.002, Amended 12-6-94, Formerly 61G9-8.002, Amended 6-2-03, 3-4-08, 5-26-09, .

The following changes have been made to incorporated form DH-MQA 1158:

- The revision date of the form has been changed to 10/25/16.
- Fourth unnumbered page: the request for the e-mail address has been changed to optional.
- Ninth unnumbered page: the request for the e-mail address has been removed from the form.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jennifer Wenhold, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-25.002
 RULE TITLE: General Provisions for Taking Possession and Sale of Reptiles
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 8, January 13, 2016 issue of the Florida Administrative Register.

68A-25.002 General Provisions for Taking, Possession and Sale of Reptiles.

- (1) through (5) No change.
- (6) Turtles.
 - (a) Take and possession— For turtles not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession:
 - 1. through 3. No change.
 - 4. No person shall take Escambia map turtles (*Graptemys ernsti*), cooters (*Pseudemys* spp.), striped mud turtles (Lower Keys population) (*Kinosternon baurii*) or snapping turtles (*Chelydra* spp.) from the wild.
 - 5. through 7. No change.
 - (b) through (c) No change.
 - (7) through (12) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. 379.303, 379.304, 379.3012, 379.3751, 379.372, 379.3761, 379.3762 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-25.02, Amended 6-1-86, 5-10-87, 10-8-87, 4-13-88, 2-14-89, 7-1-89, 7-1-90, 4-14-92,

4-1-96, 9-15-96, 4-12-98, 7-1-99, Formerly 39-25.002, Amended 4-30-00, 3-30-06, 5-18-06, 6-7-07, 10-23-08, 7-20-09, 8-19-14,

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-26.002
 RULE TITLE: Regulations Relating to the Taking of Amphibians
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 42 No. 8, January 13, 2016 issue of the Florida Administrative Register.

68A-26.002 Regulations Relating to the Taking of Amphibians.

For amphibians not listed in Chapter 68A-27, F.A.C., the following restrictions control the take or possession:

(1) No intentional take by any means or possession is allowed of the gopher frog (*Lithobates capito*) or the Pine Barrens treefrog (*Hyla andersonii*) except as authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C., relating to the permitting to take wildlife or freshwater fish for justifiable purposes.

~~(2)(1) Except as prohibited in (1)(b) below, Other frogs may be taken by gigs, clubs, blow guns, hook and line, firearms or manually. Frogs may be taken throughout the year including non-daylight hours except that they may only be taken by firearm during daylight hours.~~

~~(b) No intentional take by any means or possession is allowed of the gopher frog (*Lithobates capito*) or the Pine Barrens treefrog (*Hyla andersonii*) except as authorized by permit from the executive director as provided in Rule 68A-9.002, F.A.C., relating to the permitting to take wildlife or freshwater fish for justifiable purposes.~~

~~(3)(2) Other amphibians other than frogs may be taken throughout the year in any manner not conflicting with other provisions of these rules and regulations except that when seines, nets or traps are used, the provisions of Chapter 68A-23, F.A.C., relating to the taking of bait minnows and other freshwater fish shall apply.~~

~~(4)(3) Any person taking for sale or selling frogs shall be licensed as provided by Section 379.363, F.S.~~

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.363 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-26.02, 39-26.002, Amended 3-25-12,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-18.002
 RULE TITLE: Funeral Director Intern Training Program.
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 41 No. 225, November 19, 2015 issue of the Florida Administrative Register.

69K-18.002 Funeral Director Intern Training Program.

(1) No change.

(2) APPLICATION FOR FUNERAL DIRECTOR INTERN LICENSE.

(a) No change.

(b) Applicants shall submit with their application for license, proof of satisfying the education requirements of Section 497.375(1)(b), F.S. The applicant shall submit, with the application, proof of satisfying education requirements complying with Section 497.373, F.S. Such proof shall be as specified by Rule 69K 100.036, F.A.C., “Proof of satisfying educational requirements.”

(c) No change.

(3) ENROLLMENT IN COURSE OF STUDY WHILE INTERNING. This rule section implements Section 497.375(1)(b)2., F.S.

(a) No change.

(b) An applicant under Section 497.375(1)(b)2., F.S., must be enrolled in a course of study referred to at Section 497.375(1)(b)2.b., F.S., as of the date the applicant’s application for intern license is received by the Division. The course of study must be approved by the Board pursuant to Section 497.373, F.S. The applicant shall submit with the application proof of current enrollment complying with Rule 69K 100.036, F.A.C. “Proof of satisfying educational requirements.”

(c) through (e) No change.

(4) through (10) No change.

**Section IV
 Emergency Rules**

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-5.004 Selection of Housing.

NOTICE IS HEREBY GIVEN that on November 8, 2016, the Agency for Persons with Disabilities received a petition for Variance and/or Waiver from William J. Palmer, Esquire for T.S. (Petitioner) seeking a waiver from paragraph 65G-5.004(2)(d), F.A.C. The rule states in part: "Neither the supported living provider nor the immediate family of the supported living provider shall serve as landlord or have any interest in the ownership of the housing unit." Petitioner is seeking a waiver from paragraph 65G-5.004(2)(b), F.A.C., and states that "[her daughter] has been living in the home owned by her provider for more than 21 years, and [the provider] has provided intense specialized care for [her] for the same period. It would result in substantial hardship for [her daughter] to be uprooted to a new environment and to alter the support system to which [her daughter] has become accustomed to for such a long period."

Any interested person or other agency may submit written comments within 14 days after the publication of this notice. Comments received will be made part of the record regarding the petition for rule waiver.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Michele A. Lucas, Esq., Agency Clerk, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, Florida 32399-0950, michele.lucas@apdcares.org.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Bureau of Historic Preservation, Florida Folklife Council announces a public meeting to which all persons are invited.

DATE AND TIME: December 6, 2016, 9:00 a.m. to conclusion

PLACE: R.A. Gray Building, 500 South Bronough Street, Room 404 or via teleconference: 1(888)670-3525

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Review of 2017 Florida Folk Heritage Award nominations.

A copy of the agenda may be obtained by contacting: Amanda Hardeman, 1(800)847-7278, Amanda.Hardeman@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Amanda Hardeman, 1(800)847-7278, Amanda.Hardeman@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: Amanda Hardeman, 1(800)847-7278, Amanda.Hardeman@dos.myflorida.com.

DEPARTMENT OF STATE

Division of Historical Resources

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

DATE AND TIME: December 1, 2016, 1:00 p.m.

PLACE: Room 307, R. A. Gray Building; Webinar

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Review and approval of seven National Register nomination proposals.

A copy of the agenda may be obtained by contacting: Ruben A. Acosta, Survey and Registration Supervisor, Ruben.Acosta@dos.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Beverly McGriff at beverly.mcgriff@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).

For more information, you may contact: Ruben A. Acosta, Survey and Registration Supervisor, Ruben.Acosta@dos.myflorida.com.

DEPARTMENT OF STATE

Division of Historical Resources

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

DATE AND TIME: December 1, 2016, 10:00 a.m. to conclusion.

PLACE: Room 307, R. A. Gray Building.

GENERAL SUBJECT MATTER TO BE CONSIDERED: A business meeting of the Florida Historical Commission.

A copy of the agenda may be obtained by contacting: Nicholas Yarbrough at nick.yarbrough@dos.myflorida.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Nicholas Yarbrough at nick.yarbrough@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).

For more information, you may contact: Nicholas Yarbrough at nick.yarbrough@dos.myflorida.com.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agriculture Center and Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, December 7, 2016, 5:00 p.m.

PLACE: Florida Horse Park Administration Office, 11008 South Highway 475, Ocala, Florida 34480

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Executive Committee to discuss general business.

A copy of the agenda may be obtained by contacting: Jennifer Barrett at (352)307-6699 or events@flhorsepark.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 2 days before the workshop/meeting by contacting: Jennifer Barrett at (352)307-6699 or events@flhorsepark.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).

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 8, 2016, 4:00 p.m. – 6:00 p.m.

PLACE: 4070 Esplanade Way, 2nd Floor, Room 280N and conference line number: 1(888)670-3525 and code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Combined Conference Call, General FRC Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Roy Cosgrove at (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

State Board of Education

The Florida Division of Blind Services announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, December 12, 2016, 6:00 p.m. – 8:00 p.m.

PLACE: Teleconference number: 1(888)419-5570, participant code: 54554721

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this teleconference is for The Florida Division of Blind Services to obtain public input on the DBS Strategic Plan for 2016-2020.

A copy of the agenda may be obtained by contacting: Alex.Brown@dbs.fldoe.org or by logging onto the DBS website at <http://dbs.myflorida.com/> to view a copy of the agenda and a draft of the DBS Strategic Plan.

For the hearing impaired, you may access CART Captioning for this call by going to the following website: <http://www.streamtext.net/player?event=FDE>.

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: Alex.Brown@dbs.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Division of Blind Services, 325 West Gaines, Street, Room 1114, Tallahassee, FL 32399, (850)245-9339, Alex.Brown@dbs.fldoe.org.

DEPARTMENT OF EDUCATION

State Board of Education

The Florida Division of Blind Services announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 13, 2016, 6:00 p.m. – 8:00 p.m.

PLACE: Teleconference number: 1(888)419-5570, participant code: 57710462

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this teleconference is for The Florida Division of Blind Services to obtain public input on the DBS Strategic Plan for 2016-2020.

A copy of the agenda may be obtained by contacting: Alex.Brown@dbs.fldoe.org or by logging onto the DBS website at <http://dbs.myflorida.com/> to view a copy of the agenda and a draft of the DBS Strategic Plan.

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: Alex.Brown@dbs.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The Division of Blind Services, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-9339, email: Alex.Brown@dbs.fldoe.org.

DEPARTMENT OF EDUCATION

State Board of Education

The State Advisory Committee for the Education of Exceptional Students Subgroup on Parental Resources announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 2, 2016, 1:00 p.m.

PLACE: 1(888)670-3525, Passcode: 8006155226

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Exploration and discussion of the dispute resolution process.

A copy of the agenda may be obtained by contacting: State Advisory Committee, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399-0400, (850)245-0475.

DEPARTMENT OF EDUCATION

Education Practices Commission

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

DATE AND TIMES: December 5, 2016, 9:00 a.m., phone hearing; 11:00 a.m., Phone Hearing Committee Meeting

PLACES: Phone Hearing: U.S. toll-free: 1(888)419-5570, participant code: 500 363 35; Phone Hearing Committee Meeting: U.S. toll-free: 1(877)809-7262, participant code: 642 942 91#

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. The Phone Hearing Committee Meeting will be do discuss the phone hearing and processes.

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 and Gretchen Kelley Brantley at (850)245-0455.

DEPARTMENT OF EDUCATION

Education Practices Commission

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

DATES AND TIMES: December 7, 2016, 2:00 p.m. or as soon thereafter, A New Commission Member Training will begin

December 8, 2016, 9:00 a.m. or as soon thereafter as can be heard, A Teacher Hearing Panel will begin

December 8, 2016, 10:30 a.m. or as soon thereafter as can be heard, A Teacher Hearing Panel will begin

December 8, 2016, 1:30 p.m. or as soon thereafter as can be heard, A Teacher Hearing Panel will begin

December 8, 2016, 3:00 p.m. or as soon thereafter as can be heard, A Teacher Hearing Panel will begin

A Commission Member Training Session is being conducted immediately following the Teacher Hearing Panels on December 8, 2016

December 9, 2016, 8:30 a.m. or as soon thereafter as can be heard, A Teacher Hearing Panel will begin

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Hearing Panels of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators. The New Member Training is being held to train new members of the Commission. The Commission Member Training is being conducted to train Commission Members.

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 EDUCATION

University of South Florida

The Louis De La Parte Florida Mental Health Institute at the University of South Florida announces a public meeting to which all persons are invited.

DATE AND TIME: December 10, 2016, 8:30 a.m.

PLACE: USF Main Campus - MHC 1503, 13301 Bruce B Downs Blvd., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The University of South Florida Louis De La Parte Florida Mental Health Institute announces the Florida Medicaid Drug Therapy Management Program for Behavioral Health Integrated Care Models Best Practice Meeting. The goal of this meeting is to convene a panel of Stakeholders to develop performance metrics to compare the behavioral health and physical health outcomes between PCMH versus non-PCMH practice types.

A copy of the agenda may be obtained by contacting: Sabrina Singh, (813)974-9879, sabrinasingh@usf.edu.

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: Sabrina Singh, Health Policy and Law, 13301 Bruce B Downs Blvd., Tampa, FL 33612, (813)974-9879, sabrinasingh@usf.edu. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Sabrina Singh, (813)974-9879 or sabrinasingh@usf.edu.

DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: Wednesday, November 30, 2016, 6:30 p.m.

PLACE: FDOT/District Four Auditorium 3400 West Commercial Blvd., Ft. Lauderdale, Florida 33309

FDOT/Palm Beach Operation Center Auditorium, 7900 Forest Hill Blvd., West Palm Beach, Florida 33413

FDOT/Treasure Coast Operations Main Building, Room One, 3601 Oleander Avenue, Ft. Pierce, Florida 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public hearing is being conducted pursuant to Section 339.135(4)(c), Florida Statutes, as amended. The hearing will begin at 6:30 pm with a presentation explaining the FDOT's work program process followed by a presentation of the Draft Tentative Work Program of projects to occur between July 1, 2017 and June 30, 2022 in Broward, Palm Beach, Martin, St. Lucie and Indian River counties. This public hearing also will include consideration of proposed projects for Florida's Turnpike Enterprise System, as applicable. A public comment period will follow the presentations and the hearing will adjourn at the conclusion of the public comments.

All Interested person are invited to attend and be heard. This public hearing will be moderated at the District Four Headquarters with the Palm Beach and Treasure Coast Operation Centers participating via video conference. Individuals can elect to attend at one of these locations or participate via webinar. For webinar registration information, please visit <https://attendee.gotowebinar.com/register/4724078474663323907>

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Antonette Adams at 1(866)336-8435, Ext. 4624 or email: Antonette.adams@dot.state.fl.us or Julie Lucas at 1(866)336-8435, Ext. 4631 or email: Julie.lucas@dot.state.fl.us. You may also choose to contact either party at the Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421. Requests must be made at least seven (7) working days prior to the public hearings. Written comments will be accepted by the Department at the public hearing and within a ten day period after the public hearing. Comments should be addressed to: Mr. Gerry O'Reilly, P.E., District Secretary, Florida Department of Transportation, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

A copy of the agenda may be obtained by contacting: There is no agenda for this meeting. The District will have a presentation for the FY 17-21 Draft Tentative Work Program followed by an open forum for questions and comments.

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: Antonette Adams at 1(866)336-8435, Ext. 4624 or email: Antonette.adams@dot.state.fl.us or Julie Lucas at 1(866)336-8435, Ext. 4631 or email: Julie.lucas@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).

DEPARTMENT OF TRANSPORTATION

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

DATES AND TIMES: Monday, December 5, 2016 thru Friday, December 9, 2016

PLACES: WEBSITE: www.d5wpph.com/2016

Florida Department of Transportation, 719 S. Woodland Blvd., DeLand, FL 32720, (386)943-5185

Tuesday, December 6, 2016, 4:30 p.m. – 6:30 p.m. at these locations:

OCALA/MARION TPO OFFICE: 121 S.E. Watula Avenue, Ocala, FL 34471

LAKE/SUMTER MPO OFFICE: 1616 South 14th Street, Leesburg, FL 34748

METROPLAN ORLANDO OFFICE: 250 South Orange Avenue, Suite 200, Orlando, FL 32801

SPACE COAST TPO: Cocoa Civic Center Ballroom, 430 Delannoy Avenue, Cocoa, FL 32922

RIVER TO SEA TPO: 2570 West International Speedway Boulevard, Suite 100, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: We want to hear from you!

The Florida Department of Transportation (FDOT), District Five, invites you to provide your comments to FDOT by participating in the Five-Year Tentative Work Program Hearing. The Tentative Work Program for fiscal years July 1, 2018 through June 30, 2022 which covers project development and environmental, preliminary engineering, right of way acquisition, construction, and public transportation projects for Brevard, Flagler, Lake, Marion, Orange, Osceola, Seminole, Sumter and Volusia Counties and includes Florida Turnpike Enterprise projects in these counties.

There are four ways you can participate:

1. Go to www.d5wpph.com/2016 between Monday, December 5, 2016 and Friday, December 9, 2016. You will be able to see all of the presentations and maps, submit comments, ask questions, and directly contact a department representative if needed.
2. If you do not have access to a computer or the internet, you can use a computer at the local public libraries in the nine counties during the libraries' regular operating hours.

3. FDOT representatives will be available at the following locations on Tuesday, December 6, 2016 from 4:30 p.m. – 6:30 p.m. to meet with you in person, answer questions, and assist with website access:

OCALA/MARION TPO OFFICE - 121 S.E. Watula Avenue, Ocala, FL 34471

LAKE-SUMTER MPO OFFICE - 1616 South 14th Street, Leesburg, FL 34748

METROPLAN ORLANDO OFFICE - 250 South Orange Avenue, Suite 200, Orlando, FL 32801

SPACE COAST TPO - Cocoa Civic Center Ballroom, 430 Delannoy Avenue, Cocoa, FL 32922

RIVER TO SEA TPO - 2570 West International Speedway Boulevard, Suite 100, Daytona Beach, FL 32114

4. FDOT representatives are also available during this week at the Florida Department of Transportation - District Five offices located at 719 South Woodland Blvd., DeLand, FL 32720. You can schedule a meeting at the district office by calling Vickie Wyche at (386)943-5185

Comments will be received thru the website, at the locations listed above, or you can mail written comments to Noranne Downs, District Five Secretary, Florida Department of Transportation, 719 S. Woodland Blvd., MS 4-503, DeLand, FL 32720 or email them to: Noranne.downs@dot.state.fl.us. Comments must be submitted or postmarked by December 19, 2016 to be a part of the official record.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (at no charge) should contact Jennifer Smith, Florida Department of Transportation, Title VI Coordinator, (386)943-5367 or 1(800)955-8771 at least seven days prior to the hearing.

A copy of the agenda may be obtained by contacting: Vickie Wyche, Florida Department of Transportation MPO Liaison, Vickie.wyche@dot.state.fl.us, (386)943-5185 or (386)943-5000.

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: Vickie Wyche, Florida Department of Transportation MPO Liaison, Vickie.wyche@dot.state.fl.us, (386)943-5185 or (386)943-5000. 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: Vickie Wyche, Florida Department of Transportation MPO Liaison, Vickie.wyche@dot.state.fl.us, (386)943-5185 or (386)943-5000.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation, District II announces a hearing to which all persons are invited.

DATE AND TIME: December 1, 2016, 4:30 p.m.

PLACE: American Legion - Post 250, 3939 CR-218, Middleburg, FL 32068

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 208211-5, otherwise known as State Road 21 from CR-218 to Black Creek in Middleburg, Clay County, Florida. The purpose of this project is to add two lanes of capacity to the four lane section of SR-21 between CR-218 and Black Creek and provide more efficient east-west movements at the intersection of SR-21 and CR-218. In addition, the CR-218 Bridge over the South Prong of Black Creek will be replaced to provide a wider bridge in order to incorporate the improvement at the intersection of SR-21 and CR-218. As of November 10, 2016, project documents are available for review at the Middleburg-Clay Hill Library, 2245 Aster Avenue, Middleburg, FL 32068 and the FDOT Urban Office, 2198 Edison Avenue, Jacksonville, FL 32204. Persons wishing to submit a written statement may do so at the hearing or mail them to the address provided to the right no later than December 12, 2016. Public participation is sought without regard to race, color, religion, sex, age, national origin, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

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: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874. 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 COMMISSION ON OFFENDER REVIEW

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

DATES AND TIMES: Wednesday, December 14, 2016 & Thursday, December 15, 2016, 9:00 a.m.; Wednesday, December 21, 2016, 9:00 a.m., and an emergency agenda as needed on Thursday, December 22, 2016, 9:00 a.m.

PLACE: Florida Commission on Offender Review, 4070 Esplanade Way, Tallahassee, FL 32399-2450

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery, Control Release and all other Commission business.

A copy of the agenda may be obtained by contacting: Florida Commission on Offender Review, (850)488-1293.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Commission on Offender Review at ada@fcor.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

PUBLIC SERVICE COMMISSION

FAR NOTICE OF SECURITIES APPLICATION

The Florida Public Service Commission will consider at its December 6, 2016, Commission Conference, Docket No. 160227-GU, Application of Florida City Gas for authority to issue debt security. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to finance its on-going cash requirements through its participation and borrowings from and investments in Southern Gas Company's Utility Money Pool. In addition, the Company seeks approval to make short-term borrowings not to exceed \$800 million (aggregate for the Company's three utilities) annually from the Utility Money Pool according to limits that are consistent, given the seasonal nature of the Company's business and its anticipated cash demands, with the Company's capitalization. The Company's share of these borrowings will not exceed \$250 million.

DATE AND TIME: Tuesday, December 6, 2016, 9:30 a.m.

The Commission Conference begins at 9:30 a.m., although the time at which this item will be heard cannot be determined at this time.

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

PURPOSE: To take final action in Docket No. 160227-GU.

In accordance with the American with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard

Oak Boulevard, Tallahassee, Florida 32399-0850, via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD), Florida Relay Service. For more information, please contact Wesley Taylor, Office of the General Counsel, (850)413-6175.

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

The Tampa Bay Regional Planning Council Agency on Bay Management announces a public meeting to which all persons are invited.

DATE AND TIME: December 8, 2016, 9:00 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, Florida 33782

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The regular business of the Agency on Bay Management.

A copy of the agenda may be obtained by contacting: Heather Young, heather@tbrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 4 days before the workshop/meeting by contacting: Heather Young, heather@tbrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Heather Young, heather@tbrpc.org.

DEPARTMENT OF CORRECTIONS

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

DATE AND TIME: December 6, 2016, 10:00 a.m.

PLACE: Florida Department of Corrections Headquarters Building, 501 South Calhoun Street, Health Services Conference Room 112, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Under the authority of the Florida Criminal Justice Standards and Training Commission, Criminal Justice Standards and Training Region XVI, announces a regular schedule meeting of the Region XVI Training Council. The primary business of the meeting will be to discuss training and budget issues.

A copy of the agenda may be obtained by contacting: Florida Department of Corrections, attention Oscar Paz Soldan, Bureau of Professional Development, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

The Southwest Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: December 7, 2016, 9:00 a.m.

PLACE: 7601 HWY 301 N, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to obtain feedback from interested persons on current pending permit applications. The agenda is available at www.watermatters.org/calendar/calendar.php/

A copy of the agenda may be obtained by contacting: Justin J. Eddy, (813)985-7481, Ext. 2097.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD, Human Resources Bureau Chief at 1(800)423-1476, Ext. 4702; TDD (FL only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

The South Florida Water Management District announces a public meeting to which all persons are invited.

DATE AND TIME: December 1, 2016, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Water Resources Advisory Commission Meeting; a Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resources protection, water supply and flood protection issues. 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: Yvette Bonilla at ybonilla@sfwmd.gov or at our website: <https://www.sfwmd.gov/news-events/meetings>.

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: District Clerk, (561)682-6805. 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: Yvette Bonilla, (561)682-6286.

REGIONAL UTILITY AUTHORITIES

Peace River/Manasota Regional Water Supply Authority

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

DATE AND TIME: Wednesday, December 7, 2016, 9:30 a.m.

PLACE: Manatee County Administrative Center Commission Chambers, First Floor, 1112 Manatee Avenue West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Board of Directors will convene to conduct regular business of the Authority. Authority board meetings are normally recorded; affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

A copy of the agenda may be obtained from: the Peace River Manasota Regional Water Supply Authority, 9415 Town Center Parkway, Lakewood Ranch, Florida 34202, (941)316-1776, peacriver@regionalwater.org or www.regionalwater.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (941)316-1776. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, December 12, 2016, 8:30 a.m.

PLACE: Agency for Health Care Administration, Medicaid Office Area 6, Medicaid Training Room, Suite 216B, 6800 N. Dale Mabry Highway, Tampa, FL 33614

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Governor’s Panel on Excellence in Long-Term Care will be considering applications received for the Gold Seal Award designation. Other business as needed may also be discussed.

A copy of the agenda may be obtained by contacting: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

For more information, you may contact: Jacquie Williams, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 33, Tallahassee, FL 32308, email: LTCStaff@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Application and Education Review Committees announce a public meeting to which all persons are invited.

DATE AND TIME: December 8, 2016, after the conclusion of the Licensure and Disciplinary matters being held at the FBPE Board Meeting

PLACE: Wahoo Seafood Grill, 2714 Graves Road, The Banquet Room, 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, rsammons@fbpe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 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

Florida Building Commission

The Department of Business and Professional Regulation, The Florida Building Commission, announces a public meeting to which all persons are invited.

DATE AND TIME: December 13, 2016, 8:30 a.m.

PLACE: TradeWinds Grand Island Resort, 5500 Gulf Blvd., St. Petersburg Beach, Florida 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED:
The Florida Building Commission will review and decide on Accessibility Waiver Applications, review and decide on requests for Declaratory Statements; and take up and consider other matters that appear on the Commission’s agenda. Specifically, the Commission will address:

Accessibility Waiver Applications:

1. 241 Miami LLC #175 - 241 77TH Street, Miami Beach, FL 33139 (Deferred)
2. Courtside Grille #177-110 Fountain Pkwy. N, St. Petersburg, FL 33716 (Deferred)
3. S2R PROPERTIES #203 - 33 E PINE St., Orlando, FL 32801
4. The Atlantis Building #191 - 65 E Nasa Blvd., Melbourne, FL 32935
5. 1443 West SUITES HOTEL #192 - 1443 West Ave., Miami Beach, FL 33139

6. A&S Courier International, LLC #196 - 7620 NW 25TH Street, Suite-2, Miami, FL 33122
7. L.Fagan Enterprises Inc. D/B/A Village Bier Garten Restaurant #188 -415 Delannoy Avenue, Cocoa, FL 32922
8. The Guest House Ocala #199 - 3230 NE 55TH Avenue, Silver Springs, FL 34489
9. The Fontane #200 - 6495 Indian Creek Dr., Miami Beach, FL 33141
10. Apopka Holdings LLC #198 - 1124 S. Park Ave., Apopka, FL 32703
11. Elestial Sound Studios #187 - 1705 NE 16TH Ave., Gainesville, FL 32601
12. Miami Lakes Office Center #201 - 6001 NW 151ST Street, Miami Lakes, FL 33014

Petitions for Declaratory Statement:

1. DS 2016 - 076 by Kathleen Ann Wilks
2. DS 2016 - 078 by Joseph Hauf of Conquest Firespray. LLC
3. DS 2016 - 080 by Tom Files of Feasterco Construction, Inc.
4. DS 2016 - 081 by Alan Gremillion of GL Homes and Douglas Buck of the Florida Home Builders Association
5. DS 2016 - 082 by Chris Glover of Palmwood Construction; James Friedrichs of Hernando County Building Division; and Douglas Buck of the Florida Home Builders Association
6. DS 2016 - 083 by Paul Zilio of Bliss & Nyitray, Inc.

A copy of the agenda may be obtained by contacting: Thomas Campbell as set forth below or on the Commission website.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road,, Tallahassee, Florida 32399-0772, (850)487-1824 or fax: (850)414-8436. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Mr. Thomas Campbell, Building Codes and Standards Office, Department of Business and Professional Regulation, 2601 Blair Stone Road, Tallahassee, Florida 32399-0772, call (850)487-1825 or refer

to http://www.floridabuilding.org/fbc/meetings/1_meetings.htm.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: December 9, 2016, 8:30 a.m.

PLACE: Betty Easley Center at the Capital Circle Office Center, 4075 Esplanade Way, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: By the end of 2020, the State of Florida is tasked to achieve a recycling goal of 75%. In order to meet the 2020 recycling goal, Florida must find ways to improve and expand markets for recyclable materials generated in the state and assure the continued viability and growth of Florida’s business infrastructure.

The Florida Department of Environmental Protection (FDEP), with assistance from the Southern Waste Exchange, Inc. (SWIX), is convening a Technical Advisory Group (TAG) made up of Florida business owners, waste management service providers, waste management and recycling consultants, local, state and federal government representatives, and non-profit organizations involved with waste management and recycling issues.

These participants, in an open and moderated discussion format, will discuss and make specific recommendations to the FDEP about what the current impediments are in Florida to increasing Florida’s recycling markets and what actions the state can take to overcome these obstacles.

A copy of the agenda may be obtained by contacting: Karen Moore, Environmental Administrator, Waste Reduction & Recycling Program, 2600 Blair Stone Road, Tallahassee, Florida, 32399-2400, Karen.Moore@dep.state.fl.us, (850)245-8864.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: November 30, 2016, 6:00 p.m. – 7:30 p.m.

PLACE: Fire Station No. 2, 2070 Waldemere Street, Sarasota, FL 34239

GENERAL SUBJECT MATTER TO BE CONSIDERED: This event is open to all interested parties. The event will provide an overview of the proposed Lido Key Nourishment Project and an opportunity for the public to learn more information about and comment on specific components of the project, including engineering analysis, resource impacts and mitigation, fish and wildlife analysis, and permitting and proprietary criteria. Each project component will be housed at individual stations to allow for discussions with the experts.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this event is asked to advise the agency at least 5

days before the event by contacting: Scott Woolam at (850)245-2806 or by email: Scott.Woolam@dep.state.fl.us or Gregory Garis at (850)245-8280 or by email: Gregory.Garis@dep.state.fl.us. If you are hearing or speech impaired, contact the agency by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information or a copy of the agenda, you may contact: Scott Woolam at (850)245-2806 or by email: Scott.Woolam@dep.state.fl.us or Gregory Garis, at (850)245-8280 or by email: Gregory.Garis@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: Tuesday, December 6, 2016, 2:00 p.m.

PLACE: Wakulla County Public Library, 4330 Crawfordville Hwy., Crawfordville, FL 32327

GENERAL SUBJECT MATTER TO BE CONSIDERED:

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

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

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

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

DEPARTMENT OF HEALTH

Board of Nursing

The Board of Nursing announces a telephone conference call to which all persons are invited.

DATE AND TIME: December 13, 2016, 3:30 p.m.

PLACE: Toll-free number: 1(888)670-3525, participant code: 990 808 6106 (Public)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: <http://floridasnursing.gov/meeting-information/>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board of Nursing. 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 HEALTH

Board of Occupational Therapy

The Board of Occupational Therapy announces a public meeting to which all persons are invited.

DATE AND TIME: December 9, 2016, 11:30 a.m., E.T.

PLACE: Conference call: dial 1(888)670-3525, then enter participant code: 7811783909 followed by the # sign

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Board Member Training.

A copy of the agenda may be obtained by contacting: The Board of Occupational Therapy, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255; by calling the board office at (850)245-4373, ext. 3478 or by visiting the website at floridasoccupationaltherapy.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 48 hours before the workshop/meeting by contacting: The Department of Health at (850)245-4444, ext. 3565. 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 HEALTH

Division of Environmental Health

RULE NOS.:RULE TITLES:

64E-6.009 Alternative Systems

64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units

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

DATE AND TIME: December 9, 2016, 10:00 a.m.

PLACE: Florida Department of Health in Orange County, South Side Health Center (Auditorium), 6101 Lake Ellenor Drive, Orlando, FL 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel will discuss numerous issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code. The panel may also hear updates on research projects and may also discuss research proposals as requested by the Research review and Advisory Committee.

A copy of the agenda may be obtained by contacting: Dale Holcomb, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin # A08, Tallahassee, Florida 32399-1710.

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: Dale Holcomb, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin # A08, Tallahassee, Florida 32399-1710. 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: Dale Holcomb, Department of Health, Bureau of Environmental Health, 4052 Bald Cypress Way, Bin # A08, Tallahassee, Florida 32399-1710.

DEPARTMENT OF CHILDREN AND FAMILIES**Refugee Services**

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

DATE AND TIME: Wednesday, December 14, 2016, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Transportation, 133 S. Semoran Blvd., Apopka A, Orlando, FL 32807

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Orlando 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: Taddese Fessehaye 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: Taddese Fessehaye 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: Taddese Fessehaye at (407)317-7335.

GULF CONSORTIUM

The Gulf Consortium Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 2, 2016, 10:00 a.m., ET

PLACE: Hilton Orlando Buena Vista, Great Hall North, 1900 E. Buena Vista Drive, Orlando, Orange County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Gulf Consortium will meet to discuss the progress of the state expenditure plan; progress of the planning grant; the Consortium's meeting calendar for 2017; the RFP for Manager Services for the Consortium; and, conduct other business.

A copy of the agenda may be obtained by contacting: Ginger Delegal at (850)922-4300 or gdelegal@fl-counties.com or at www.FACRestore.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: Ginger Delegal at (850)922-4300 or gdelegal@fl-counties.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: Ginger Delegal at gdelegal@fl-counties.com or (850)922-4300.

SCRIPPS FLORIDA FUNDING CORPORATION

The Audit Committee of the Scripps Florida Funding Corporation announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, November 30, 2016, 4:15 p.m., ET

PLACE: Conference phone number: (605)475-3200, participant code: 255626#

GENERAL SUBJECT MATTER TO BE CONSIDERED: SFFC financial audit for inclusion in the 2016 Annual Report.

A copy of the agenda may be obtained by contacting: scrippscorp@bellsouth.net.

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: scrippscorp@bellsouth.net. 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: scrippscorp@bellsouth.net.

FLORIDA DEVELOPMENT FINANCE CORPORATION

The Board of Directors for the Florida Development Finance Corporation announces a public meeting to which all persons are invited.

DATE AND TIME: November 29, 2016, 11:30 a.m. – 1:30 p.m.

PLACE: Jacksonville Chamber, 3 Independent Drive, Jacksonville, FL 32202, SunTrust Chair's Suite (3rd Floor)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Policy Discussions.

A copy of the agenda may be obtained by contacting: Jennifer Jenkins, FDFC Administrative Coordinator, (407)956-5658.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Jennifer Jenkins, FDFC Administrative Coordinator, (407)956-5658. 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: Jennifer Jenkins, FDFC Administrative Coordinator, (407)956-5658.

RS&H - TAMPA

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

DATE AND TIME: Thursday, December 1, 2016 through Monday, December 12, 2016, anytime

PLACE: www.I75JonesLoop.com

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FDOT, District One, is hosting an ePublic comment period about the design plans to widen Interstate 75 (I-75) from south of North Jones Loop Road to north of US 17, in Charlotte County. The ePublic comment period will be open from December 1 through December 12, 2016.

The proposed improvements include expanding the existing four-lane roadway to six lanes (approximately 4.2 miles) with a grass median separating the northbound and southbound travel lanes. The project improvements also include the widening of the I-75 bridges over N. Jones Loop Road and the Seminole Gulf Railway/Riverside Drive.

Anyone needing internet access may use the computers at the Punta Gorda Public Library in Charlotte County at 424 West Henry Street, Punta Gorda, Florida 33950. You may view the design plans and related documents at the FDOT Office located at 10041 Daniels Parkway, Fort Myers, Florida 33913.

A copy of the agenda may be obtained by contacting: Jeff Mednick, Project Manager, (863)519-2834, Jeffrey.Mednick@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Shelly Smith, (863)519-2761, shelly.smith@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jeff Mednick, Project Manager, (863)519-2834, Jeffrey.Mednick@dot.state.fl.us.

INFINITE SOURCE COMMUNICATIONS GROUP, LLC

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

DATE AND TIME: Thursday, December 8, 2016, 5:30 p.m. – 7:30 p.m.

PLACE: Founders Park Community Center, 87000 Overseas Highway, Islamorada, FL 33036

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation (FDOT) District Six will hold a public meeting for a landscape project along State Road (SR) 5/US 1 from Mile Marker (MM) 77.47/Lignumvitae Channel Bridge to MM 81.44/Jerome

Avenue, in Monroe County, to discuss the project’s scope of work. The project identification number is 436430-1-52-01. The meeting will begin as an open house, from 5:30 p.m. to 7:30 p.m. Graphic displays will be shown and FDOT representatives will be available to discuss the project and answer questions.

A copy of the agenda may be obtained by contacting: Dean Walters, (305)849-1474, Dean@swcinc.net.

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: Jeannine Gaslonde at (305)470-5225; at FDOT, 1000 NW 111 Avenue, Miami, FL 33172 or by email at Jeannine.Gaslonde@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).

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: Public Information Specialist Dean Walters, (305)849-1474, Dean@swcinc.net.

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

NONE

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

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

NONE

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

NONE

**Section IX
Notice of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

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

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DEP Bid no. BDC29-16/17 Ichetucknee Springs State Park –
Restroom Facility

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction is soliciting formal, competitive, sealed bids from contractors for bid number BDC29-16/17 Ichetucknee Springs State Park – Restroom Facility. More info @ <http://tinyurl.com/BDC29-16-17>

**Section XII
Miscellaneous**

AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need
NOTICE OF BATCHED APPLICATION RECEIPT AND
NOTICE OF TENTATIVE PUBLIC HEARINGS
The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Other Beds and Programs review cycle with an application due date of December 28, 2016.

County: Orange District: 7-2
CON # 10459 Application Receipt Date: 11/15/2016
Facility/Project: Orlando Health Central, Inc.
Applicant: Orlando Health Central, Inc.
Project Description: Establish a community nursing home of up to 110 beds through delicensure of up to 110 beds

County: Alachua District: 3A

CON # 10460 Application Receipt Date: 11/10/2016
Facility/Project: Community Hospice of Northeast Florida, Inc.
Applicant: Community Hospice of Northeast Florida, Inc.
Project Description: Establish a new hospice program in hospice service area 3A

County: Alachua District: 3A

CON # 10461 Application Receipt Date: 11/16/2016
Facility/Project: Odyssey Healthcare of Marion County, LLC
Applicant: Odyssey Healthcare of Marion County, LLC
Project Description: Establish a new hospice program in hospice service area 3A

County: Alachua District: 3A

CON # 10462 Application Receipt Date: 11/15/2016
Facility/Project: PruittHealth-Hospice 3A, LLC
Applicant: PruittHealth-Hospice 3A, LLC
Project Description: Establish a new hospice program in hospice service area 3A

County: Lake District: 3E

CON # 10463 Application Receipt Date: 11/16/2016
Facility/Project: Hospice of Marion County, Inc.
Applicant: Hospice of Marion County, Inc.
Project Description: Establish a new hospice program in hospice service area 3E

County: Lake District: 3E

CON # 10464 Application Receipt Date: 11/16/2016
Facility/Project: North Central Florida Hospice, Inc.
Applicant: North Central Florida Hospice, Inc.
Project Description: Establish a new hospice program in hospice service area 3E

County: Lake District: 3E

CON # 10465 Application Receipt Date: 11/16/2016
Facility/Project: Odyssey Healthcare of Marion County, LLC
Applicant: Odyssey Healthcare of Marion County, LLC
Project Description: Establish a new hospice program in hospice service area 3E

County: Lake District: 3E

CON # 10466 Application Receipt Date: 11/15/2016
Facility/Project: PruittHealth-Hospice 3E, LLC
Applicant: PruittHealth-Hospice 3E, LLC
Project Description: Establish a new hospice program in hospice service area 3E

County: Lake District: 3E

CON # 10467 Application Receipt Date: 11/10/2016

Facility/Project: Tidewell Hospice of Lake and Sumter, Inc.
Applicant: Tidewell Hospice of Lake and Sumter, Inc.
Project Description: Establish a new hospice program in hospice service area 3E

County: Lake District: 3E

CON # 10468 Application Receipt Date: 11/15/2016
Facility/Project: VITAS Healthcare Corporation of Florida
Applicant: VITAS Healthcare Corporation of Florida
Project Description: Establish a new hospice program in hospice service area 3E

County: Palm Beach District: 9C

CON # 10469 Application Receipt Date: 11/15/2016
Facility/Project: MorseLife Therapy Corp.
Applicant: MorseLife Therapy Corp.
Project Description: Establish a new hospice program in hospice service area 9C

County: Miami-Dade District: 11

CON # 10470 Application Receipt Date: 11/16/2016
Facility/Project: Comprehensive Home Health Care Inc. d/b/a OpusCare of South Florida
Applicant: OpusCare of South Florida
Project Description: Establish a new freestanding inpatient facility consisting of 13 beds

County: Orange District: 7-SA3

CON # 10471 Application Receipt Date: 11/15/2016
Facility/Project: The Nemours Foundation d/b/a Nemours Children's Hospital
Applicant: Nemours Children's Hospital
Project Description: Establish a new pediatric heart transplant program

County: Orange District: 7-SA3

CON # 10472 Application Receipt Date: 11/15/2016
Facility/Project: The Nemours Foundation d/b/a Nemours Children's Hospital
Applicant: Nemours Children's Hospital
Project Description: Establish a new pediatric heart and lung transplant program

County: Orange District: 7-SA3

CON # 10473 Application Receipt Date: 11/15/2016
Facility/Project: The Nemours Foundation d/b/a Nemours Children's Hospital
Applicant: Nemours Children's Hospital
Project Description: Establish a new pediatric lung transplant program

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: CON #10459 District: 7-2
 DATE/TIME: Tuesday, January 10, 2017 @ 9:00 a.m. – 10:00 a.m.
 PLACE: Health Council of East Central Florida
 Conference Room, Executive Suites
 5931 Brick Court
 Winter Park, Florida 32792

PROPOSALS: CON # 10460-10462 District: 3A
 DATE/TIME: Wednesday, January 11, 2017 @ 8:00 a.m. – 11:00 a.m.
 PLACE: WellFlorida Council, Inc.
 1785 N.W. 80th Boulevard
 Gainesville, Florida 32606

PROPOSALS: CON # 10463-10468 District: 3E
 DATE/TIME: Wednesday, January 11, 2017 @ 12:00 p.m. – 5:00 p.m.
 PLACE: WellFlorida Council, Inc.
 1785 N.W. 80th Boulevard
 Gainesville, Florida 32606

PROPOSALS: CON #10471 District: 7-SA3
 DATE/TIME: Tuesday, January 10, 2017 @ 10:00 a.m. – 11:00 a.m.
 PLACE: Health Council of East Central Florida
 Conference Room, Executive Suites
 5931 Brick Court
 Winter Park, Florida 32792

PROPOSALS: CON #10472 District: 7-SA3
 DATE/TIME: Tuesday, January 10, 2017 @ 11:00 a.m. – 12:00 p.m.
 PLACE: Health Council of East Central Florida
 Conference Room, Executive Suites
 5931 Brick Court
 Winter Park, Florida 32792

PROPOSALS: CON #10473 District: 7-SA3
 DATE/TIME: Tuesday, January 10, 2017 @ 12:00 p.m. – 1:00 p.m.
 PLACE: Health Council of East Central Florida
 Conference Room, Executive Suites
 5931 Brick Court
 Winter Park, Florida 32792

PROPOSALS: CON # 10469 District: 9C

DATE/TIME: Friday, January 6, 2017 @ 1:00 p.m. – 3:00 p.m.

PLACE: Health Council of Southeast Florida
 Conference Room
 600 Sandtree Drive, Suite 101
 Palm Beach Gardens, FL 33403

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida, 32308, attention Marisol Fitch, by 5:00 p.m., December 7, 2016. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to 59C-1.010(3), F.A.C., written comments must be received by December 28, 2016.

DEPARTMENT OF ECONOMIC OPPORTUNITY
 Division of Community Development
 Final Order No. DEO-16-217

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-16-217 on November 10, 2016, in response to an application submitted by Three Lanterns Homeowners Association, Inc., for covenant revitalization under Chapter 720, Part III, Florida Statutes.

The Department’s Final Order granted the application for covenant revitalization after determining that the application met the statutory requirements for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Agency.Clerk@DEO.MyFlorida.com.

ST. LUCIE COUNTY ATTORNEY’S OFFICE

Postponement on the Placement of Wireless Communication Facilities in Rights-of-Way

The County of St. Lucie gives notice of proposed ordinance governing a telecommunications company placing or maintaining telecommunications facilities in its roads or rights-of-way.

FIRST READING TO BE HELD:

DATE AND TIME: Tuesday, December 6, 2016, 6:00 p.m.

PLACE: The Commission Chambers, Roger Poitras Building, Third Floor, St. Lucie County Administration Building, 2300 Virginia Avenue, Fort Pierce, FL 34982

SUBJECT: Providing for postponement on the acceptance of applications for, or the approval of, permits or development orders for wireless communications facilities within rights-of-way during a specified term.

The County of St. Lucie gives notice of proposed ordinance governing a telecommunications company placing or

maintaining telecommunications facilities in its roads or rights-of-way.

SECOND READING TO BE HELD:

DATE AND TIME: Tuesday, December 20, 2016, 6:00 p.m.

PLACE: The Commission Chambers, Roger Poitras Building, Third Floor, St. Lucie County Administration Building, 2300 Virginia Avenue, Fort Pierce, FL 34982

SUBJECT: Providing for postponement on the acceptance of applications for, or the approval of, permits or development orders for wireless communications facilities within rights-of-way during a specified term.

OTHER AGENCIES AND ORGANIZATIONS

Total Construction of Northwest Florida, Inc.

Total Construction of Northwest Florida Inc. Announces
Completion of Escambia High Press Box Renovation

Legal Notice of Completion

Notice is hereby given that the undersigned Contractor has completed and has ready for acceptance by the Board of County Commissioners of Escambia County, Florida, the following construction project:

Escambia High Press Box Renovation

6231 "W" Street, Units 11-A & 11-B

Total Construction of Northwest Florida, Inc.

6771 N Palafox St, Pensacola, FL 32503

Subcontractors, material men, and other persons having payment claims against the Contractor relating to this project should govern themselves accordingly.

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.
