

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

**DEPARTMENT OF EDUCATION**

Commission for Independent Education

**RULE NO.:** RULE TITLE:

6E-2.004 Standards and Procedures for Licensure

**PURPOSE AND EFFECT:** To consider changes to the requirements for advertising scholarships. The effect is to require more disclosures and more specific disclosure of information in any advertising.

**SUBJECT AREA TO BE ADDRESSED:** Advertising of scholarships.

**RULEMAKING AUTHORITY:** 1105.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS.

**LAW IMPLEMENTED:** 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** September 9, 2013, 2:00 p.m.

**PLACE:** Mission Inn Resort & Club, 10400 County Road 48, Howey-In-The-Hills, Florida 34737

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: Commission for Independent Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Samuel L. Ferguson, Executive Director, Commission for independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

6E-2.004 Standards and Procedures for Licensure.

(1) through (10) No change.

(11) Standard 11: Publications and Advertising.

(a) No change .

(b) Catalog.

(c) Advertising.

1. through 10 No change.

11. References to financial assistance availability shall include the phrase, “for those who qualify,” or similar disclaimer. Scholarships, if offered, must be fully disclosed and clearly explained if used in advertising.

a. Full disclosure requires at a minimum the following information:

i. the eligibility and qualification requirements,

ii. total award amount and number of awards available on a yearly basis,

iii. total number of individual awards granted on a yearly basis,

iv. the minimum and maximum scholarship award amounts and the percent of the tuition and costs covered,

v. any costs that are not covered by the scholarship,

vi. all terms upon which a scholarship will be awarded, renewed and terminated, and

vii. the requirements for submission of a scholarship application.

b. Eligibility or qualification requirements for a scholarship may not include a statement that an award is discretionary.

c. Full disclosure shall be made by a method that does not require a student or prospective student to provide personal contact information. An institution may not contact any person who inquires about scholarship information before obtaining written authorization for such contact.

d. Any advertisement of a scholarship shall include the information provided in subparagraph 11 or provide an internet address where the information can be found.

12. through 16. No change.

(12) No change.

Rulemaking Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-18-05, 7-10-06, 7-23-07, 1-11-12, 7-11-13,\_\_\_\_\_.

### **WATER MANAGEMENT DISTRICTS**

#### **Suwannee River Water Management District**

**RULE NO.:** RULE TITLE:

40B-21.275 Implementing a Water Shortage Declaration

**PURPOSE AND EFFECT:** The purpose of the proposed rule is to implement changes to rule requirements as per Florida House Bill 999 approved this past legislative session. This bill amended subsection (6) of Section 373.246, Florida Statutes to allow notification of permittees by electronic mail in the event of a declared water shortage or emergency.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule regards electronic notification of permittees within the areas of the District declared to be in a water shortage.

RULEMAKING AUTHORITY: 373.044, 373.113 FS.  
 LAW IMPLEMENTED: 373.175, 373.246 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: Robin Lamm, Business Resource Specialist II, SRWMD, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

## Section II Proposed Rules

### STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-3.016	Executive Director
19-3.0161	Investment Responsibilities of the Executive Director
19-3.099	Plan

**PURPOSE AND EFFECT:** Amendments are being proposed to Rule Chapter 19-3, F.A.C., which are designed to update current provisions for clarification purposes. Rule 19-3.016 is being amended to provide that the Executive Director may make final decisions on personnel matters; may issue declaratory statements; may execute, or delegate the authority to execute, final orders issued pursuant to Chapter 120, Florida Statutes; may initiate rule development; and may adopt, implement, modify and terminate internal procedures, policies and guidelines.

Amendments are being made to Rule 19-3.0161 to make it clear, as required by law, that Investment Policy Statements must be submitted both to the Investment Advisory Council and the Board of Trustees of the SBA. Amendments are being made to Rule 19-3.099 to clarify that Final Orders are to be obtained from the Agency Clerk of the State Board of Administration, and that the charge for such orders is no more than cost.

**SUMMARY:** The amendments serve as informational updates regarding the authority delegated to the SBA's Executive Director & CIO, the procedures for approval of Investment Policy Statements, and how final orders may be obtained and the cost thereof. Statutory citations also are being updated.

There are no other rules incorporating the amended rules. These rules do not have an impact on any other rules.

### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to the rules, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs.

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: 120.533(1)(j), 215.52, 215.62(5), 215.835, 215.84(5), 216.345(3), 218.412 FS.

LAW IMPLEMENTED: 112.061, 215.44, 215.441, 215.45, 215.47, 215.475, 215.515, 215.52, 215.69, 215.84, 216.345, 218.409 FS.

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

DATE AND TIME: Wednesday, September 11, 2013, 9:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

## THE FULL TEXT OF THE PROPOSED RULE IS:

## 19-3.016 Executive Director.

The Executive Director, who shall act as the Board's chief administrative and investment officer, shall be selected by and serve at the pleasure of the Board. The Board has hereby delegated authority to act in the following areas to the Executive Director or his or her designee:

(1) To negotiate, enter into, ~~and~~ execute, amend and terminate purchases, contracts, leases, lease-purchases, licenses and agreements relating to real, personal and mixed property, services, commodities and capital outlay items required for the day-to-day operations of the Board.

(2) To negotiate, enter into, ~~and~~ execute, amend and terminate contracts, ~~and~~ agreements, license applications, account opening or maintenance documents, and all related documents as necessary and/or appropriate to carry out the administrative, investment and debt functions of the Board.

(3) To control and disburse funds to carry out the constitutional and statutory duties of the Board.

(4) Make final decisions on ~~Take final agency action in~~ all personnel matters, including discipline, involving Board employees.

(5) To transfer funds between categories of approved funds provided no category is increased or decreased by more than five percent of the total approved budget by all action taken.

(6) To transfer funds between object codes of a category of approved funds without limitation.

(7) To add, delete, reclassify and transfer authorized salaried positions so long as the total approved and budgeted positions are not exceeded.

(8) Authorize and pay travel expenses and per diem under Section 112.061, Florida Statutes. Authorize and pay membership dues under Section 216.345, Florida Statutes, when such membership is essential to the statutory duties and responsibilities of the Board or, with respect to constitutional duties and responsibilities of the Board, when such membership is essential to the constitutional duties and responsibilities of the Board.

(9) To act as custodian of the records and property of the Board.

(10) To act as agent for service of process, as representative to organizations in which the Board is a member or officer and as official liaison with agencies or other bodies of the State, other states, the Federal Government and the public.

(11) To immediately bring to the Board, in writing, and secure the Board's approval of any proposed legal action to be taken by or on behalf of the Board, except in defense of

litigation instituted against the Board. However, where the emergent nature of a matter requires immediate action and it is not possible to present the matter to a regular or special meeting of the Board, then the Executive Director may take appropriate legal action subject to ratification at the next regular or special meeting of the Board.

(12)(a) To issue declaratory statements pursuant to Section 120.565, F.S.;

(b) To review and execute, or to delegate the authority to review and execute, all final orders issued pursuant to Section 120.569 and 120.57, Florida Statutes;

(c) To grant variances and waivers from rules pursuant to Section 120.542, F.S.;

(d) To initiate all rule development ~~rulemaking and adopt internal procedures and guidelines.~~

(e) To adopt, implement, modify and terminate internal procedures, policies and guidelines.

(13) To perform or facilitate such other functions as may be necessary or appropriate to supervise, direct, conduct and administer the day-to-day duties of the State Board of Administration, as authorized by law or by rules and policies adopted by the Board.

(14) The Executive Director shall keep each member of the Board advised of controversial or major policy issues arising in the State Board of Administration and shall place such matters upon its agenda when directed by any member of the Board.

(15) The management and the execution of the investment and debt responsibilities of the Board shall be under the direction and supervision of the Executive Director, subject to such limitations and restrictions as may be prescribed by the Board.

(16) To authorize and designate futures and options markets as authorized in Section 215.47, Florida Statutes.

(17) To assess and collect fees for authorized services provided by the Board for certain services performed for any agency, judicial branch or fund ~~one time or non-recurring activities unattributed to specific Fund beneficiaries~~ and to deposit the fees in and to expend funds from the Administrative Expense Trust Fund. The services for which fees may be assessed and collected include but are not limited to the following:

(a) Processing of interest rate waiver applications.

(b) Collecting of undistributed account balances.

(c) Escrow restructuring.

~~(d) Unattributed investment gains.~~

~~(d)(e)~~ Reproduction fees.

~~(e)(f)~~ Fees paid for the services of General Counsel relating to private non-trust related entities.

~~(f)(g)~~ Equitable surcharges on investment earnings.

~~(g)(h)~~ Administration and legal work fees.

(h)(i) These fees may be deposited in the Administrative Expense Trust Fund and expended only for lawful purposes of the Board.

*Rulemaking Specific Authority 215.52, 215.62(5), 215.835, 215.84(5), 216.345(3), 218.412 FS. Law Implemented 112.061, 215.44(2)(b), 215.441, 215.515, 215.69, 215.84, 216.345(2), 218.409(7) FS. History—New 7-13-75, Amended 4-10-84, 12-25-85, Formerly 19-3.16, Amended 12-11-89, 10-21-90, 6-4-91, 6-16-94,\_\_\_\_\_.*

19-3.0161 Investment Responsibilities of the Executive Director.

The Executive Director has the responsibility and authority to organize and manage the ongoing investment activities of the Board Fund, consistent with the Total Fund Investment Plan. The Executive Director is responsible for implementing approved investment objectives, policies and strategies. All Investment Policy Statements Fund objectives and policies shall be submitted to the Board for approval. The Executive Director shall periodically review such policy statements policies and shall may submit proposed Investment Policy Statement policy revisions to the Investment Advisory Council for review. The Executive Director’s management of funds the Fund may include tactical changes in particular portfolio holdings in accordance with approved policies. The intent is to provide the Executive Director with sufficient authority and operating flexibility to make prudent and professional investment decisions in response to changing market and economic conditions, and otherwise to ensure that the Board fulfills its fiduciary duties.

*Rulemaking Specific Authority 120.53(1), 215.52 FS. Law Implemented 215.44, 215.45, 215.47, 215.475, 215.52 FS. History—New 12-25-85, Formerly 19-3.161, Amended 12-18-88,\_\_\_\_\_.*

19-3.099 Plan.

(1) The Board shall subsequently number final orders as rendered that are required to be indexed or listed. The Board shall make the final orders, subject matter index, and the list available for public inspection and copying, at no more than cost to the public .

(2) The Agency Board Clerk shall assist the public in obtaining information pertaining to final orders.

(3) The Board maintains and stores such final orders, index, and list in the offices of the Board at 1801 Hermitage Boulevard, Tallahassee, Florida 32308, or P. O. Box 13300, Tallahassee, Florida 32317-3300. The office is open to the public between the hours of 8:00 a.m. to 5:00 p.m., excluding holidays and weekends.

*Rulemaking Specific Authority 120.533(1)(j) FS. Law Implemented Ch. 91-30, § 10, Laws of Florida. History—New 4-23-92, Amended 3-24-96,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:

Lamar Taylor, Deputy Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 19, 2013

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:      RULE TITLES:  
19-3.097            Designation of Official Reporter  
19-3.100            Format for Final

PURPOSE AND EFFECT: These rules are being repealed as unnecessary. Rule 19-3.097, F.A.C., merely indicates that the SBA is required to comply with rules of the Department of State concerning final orders. This does not meet the definition of a rule. There is no statutory authority for Rule 19-3.100, F.A.C., which merely sets forth the format of a final order as developed by the Division of Administrative Hearings.

SUMMARY: The repeal of rules that are unnecessary, and/or do not meet the definition of a rule and/or are without statutory authority. There are no rules incorporating either of these two rules. The repeal of these rules will not have any impact on any other rules.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to the rules, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs.

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: 120.533 FS.  
 LAW IMPLEMENTED: 120.53 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
 DATE AND TIME: Wednesday, September 11, 2013, 9:00 a.m. – 11:00 a.m.  
 PLACE: Hermitage Room, the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 hours before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ruth A. Smith, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1182 ruth.smith@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-3.097 Designation of Official Reporter.  
Rulemaking Specific Authority 120.533(1) FS. Law Implemented 120.53(4) FS. History–New 4-23-92, Repealed \_\_\_\_\_.

19-3.100 Format for Final Order.  
Rulemaking Specific Authority 120.533(1)(b), (i), (j) FS. Law Implemented 120.53(2) FS. History–New 4-23-92, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Lamar Taylor, Deputy Executive Director  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2013

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-5.001  
 RULE TITLE: Interest Rate Limitation on Sale of Bonds of Governmental Units  
 PURPOSE AND EFFECT: The last amendments to this chapter occurred in 1996. During the rule review process, we

determined the rules in Chapter 19-5, F.A.C. needed to be consolidated and updated. The six separate rules currently set forth in Chapter 19-5 can be consolidated and incorporated into a single Rule 19-5.001. Consolidating the rules in Chapter 19-5 will eliminate extraneous provisions and should facilitate readability by listing all process steps and documents required to comply with the rule in one place rather than in six separate rules that cross reference each other. As such, the amendments are being proposed to consolidate, through amendment and repeal, all of the relevant provisions in Rule Chapter 19-5 into Rule 19-5.001.

Rule 19-5.001 is also being amended to describe the informal review process conducted by the SBA’s Executive Director after receipt of an application from a governmental unit requesting authority to sell bonds at an interest rate in excess of an otherwise statutory maximum interest rate. Rule 19-5.003 presently describes a slightly different review process for applications to sell bonds in excess of 50 basis points above the otherwise statutory maximum interest rate. That portion of Chapter 19-5 is being deleted. The same process will apply to all applications under this rule. Provisions also are being updated to clarify the types of information that the Executive Director & CIO may consider in conducting the informal review. The rule further clarifies that the authorization to issue bonds at an interest rate in excess of the legal limitation expires 180 days after the authorization has been given.

SUMMARY: To update, consolidate and clarify provisions concerning the procedures to be followed by a governmental unit to apply for authority to issue bonds at an interest rate in excess of the maximum set by law. There are no other rules incorporating this rule.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.  
 The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to the rules, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs.

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: 159.825(3), 215.52, 215.84(5) FS.

LAW IMPLEMENTED: 159.825, 215.84 FS.

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

DATE AND TIME: Wednesday, September 11, 9:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com... If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19-5.001 Interest Rate Limitation on Sale of Bonds of Governmental Units.

(1) Bonds of any governmental unit may be sold at an interest rate in excess of the maximum set by law, only if application has been made to the State Board of Administration and authority is granted to the governmental unit by the Board pursuant to Section 215.84, Florida Statutes, in the case of tax exempt bonds, or Section 159.825, Florida Statutes, in the case of taxable bonds. Provided, however, in determining whether or not the governmental unit has complied with the interest rate limitation set forth in Section 215.84(3), Florida Statutes, in the issuance of their bonds, where the purchaser of any such bonds is the U.S. Department of Agriculture, Farmers Home Administration, such obligations shall be deemed sold when Farmers Home Administration gives a binding commitment to purchase the bonds even though such commitment is subject to conditions subsequent such as completion of the project being financed

with bond proceeds and the computation of adding 300 basis points to The Bond Buyer “20 Bond Index” published immediately preceding the first day of the calendar month in which the bonds are sold shall be computed on the date of such commitment.

(2) The maximum interest rate limitation specified in Section 215.84, Florida Statutes, in the case of tax exempt bonds, or Section 159.825, Florida Statutes, in the case of taxable bonds, does not apply to bonds within the rating categories of A or better by Moody’s Investors Services, Inc., Standard & Poor’s Corporation, or Fitch Investors Service, Inc., or, in the case of short-term obligations or notes, within the rating categories of MIG2 or VMIG2 or better by Moody’s Investors Services, Inc., SP-2 or better by Standard and Poor’s Corporation, or F-2 or better by Fitch Investors Service, Inc.

(3) Any governmental unit requesting authority to sell its obligations at an interest rate in excess of the maximum set by law shall make application to the State Board of Administration requesting such authority. The application shall be in writing and signed by a responsible official of the governmental unit issuing the bonds or notes. The application shall specify the maximum average net interest cost rate at which the governmental unit is requesting authority to sell its obligations, and shall state the reasons requiring the sale of the bonds at an average net interest rate in excess of the maximum set by law. The following documents or information must be included with the application:

(a) The official statement or prospectus, if available, or similar information relating to the sale of the bonds;

(b) The resolution or ordinance authorizing the issuance of the bonds;

(c) Financial data relating to the anticipated revenue, debt service and coverage;

(d) The most recent financial statement of the governmental unit;

(e) A certified copy of Judgment of Validation if the bonds have been validated;

(f) Information relating to sale of the bonds, including whether they will be sold at public or private sale and the amount of the discount, if any; and

(g) Any other pertinent document or information specifically requested.

(4) After receipt by the Board of the governmental unit’s application and materials referenced in subsection (3), above, the Board may authorize the sale of bonds at an average net interest cost rate in excess of the statutory interest limitation after an informal review by the Executive Director.

(a) The Board in making its determination shall consider, but not be limited to considering,

1. comparable sales of bonds or other debt of governmental units, and

2. documented evidence that the objectives and the intent of issuing the bonds will be realized.

(b) The Executive Director in conducting the informal review shall consider the items in a., and may consider other aspects of the bonds, including without limitation,

1. whether the bonds will be privately-placed to accredited investors or publicly-offered, directly or indirectly, such as part of a mutual fund, to individuals,

2. the minimum denomination of the bonds,

3. if the bonds are to finance a project, the principal amount of the bonds relative to other sources of financing of the project,

4. the amortization schedule of the bonds, and

5. the frequency with which the issuer issues bonds.

(c) Information regarding comparable sales of bonds or other debt of governmental units may be provided by a report of staff of the Board or the Division of Bond Finance or by a report of a financial advisor to the Board or the Division of Bond Finance. Documented evidence that the objectives and intent of issuing the bonds will be realized may include, without limitation, statements in the official statement, prospectus or credit underwriting report for the bonds (if applicable) or other evidence, such as construction performance bonds or similar insurance or guarantees, indicating that the project or facility financed by such bonds or debt is reasonably expected to be completed. The Executive Director shall complete the informal review within a reasonable time after receipt of all information required or requested pursuant to these rules but in no event shall the Executive Director be required to complete the informal review sooner than thirty (30) days after receipt of the governmental unit's completed application.

(d) Upon completion of the informal review, the Executive Director shall provide a report to the Board including the Executive Director's recommendation with respect to the governmental unit's request for the sale of bonds at an average net interest rate in excess of the maximum set by law, or shall communicate to the governmental unit that no recommendation can be made and shall provide to the governmental unit a short statement for the reasons therefor. The Board, at a meeting subsequent to the preparation of the report of the Executive Director, may consider this recommendation in determining whether to authorize the issuance of such bonds at an average net interest rate in excess of the maximum set by law.

(e) The Executive Director may utilize the services and staff of the Board, any other state governmental entity, including without limitation, the Division of Bond Finance, or a financial advisor to the Board or the Division of Bond Finance in conducting the informal review.

(f) The informal review provided for herein is an agency investigation preliminary to agency action within the meaning of Section 120.57(5), F.S.

(5) The Board's authorization, with respect to a specific issue or reissue of bonds, of a specified maximum average net interest cost rate in excess of the maximum set by law shall expire one hundred eighty (180) days after the date of the Board's authorization with respect to such issue or reissue of bonds.

(6) The official statement or prospectus shall contain a statement that the authorization of the State Board of Administration for the issuing agency to sell its obligations at an interest rate in excess of the maximum permitted by law is made pursuant to Section 215.84, Florida Statutes, in the case of tax exempt bonds or Section 159.825, Florida Statutes, in the case of taxable bonds, and is not to be construed as an approval or recommendation of the issue by the State Board of Administration.

*Rulemaking Specific Authority 159.825(3), 215.52, 215.84(5) FS. Law Implemented 159.825, 215.84 FS. History--New 10-23-75, Repealed and Readopted 10-14-80, Amended 2-1-83, 12-25-85, Formerly 19-5.01, Amended 12-10-87, 10-6-96,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lamar Taylor, Deputy Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2013

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

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-5.0011	Limitations Not Applicable to Certain Bonds
19-5.002	Application
19-5.003	Limitations on Authorization of Interest Rate
19-5.004	Term of Authorization
19-5.005	Purpose of Authorization

PURPOSE AND EFFECT: These rules are being repealed and the pertinent text is being moved and incorporated into Rule 19-5.001, F.A.C., Consolidating the rules in Chapter 19-5 will eliminate extraneous provisions and should facilitate readability by listing all process steps and documents required to comply with the rule in one place rather than in six separate rules that cross reference each other.

SUMMARY: Repeals to consolidate and clarify rule provisions.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to the rules, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs.

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:** 159.825(3), 215.52, 215.84(5) FS.

**LAW IMPLEMENTED:** 159.825, 215.84 FS.

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

**DATE AND TIME:** Wednesday, September 11, 2013, 9:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

**THE FULL TEXT OF THE PROPOSED RULE IS:**

19-5.0011 Limitations Not Applicable to Certain Bonds.  
*Rulemaking Specific Authority* ~~159.825(3)~~ ~~120.53(1)~~, 215.84(5) FS. Law Implemented 159.825, 215.84 FS. History—New 10-23-75, Repealed and Readopted 10-14-80, Amended 12-25-85, Formerly 19-5.011, Amended 12-10-87, 11-19-92, Repealed.

19-5.002 Application.  
*Rulemaking Specific Authority* ~~159.825(3)~~ ~~120.53(1)~~, 215.84(5) FS. Law Implemented 215.84 FS. History—New 10-23-75, Amended 9-29-76, Repealed and Readopted 10-14-80, Formerly 19-5.02, Repealed.

19-5.003 Limitations on Authorization of Interest Rate.  
*Rulemaking Specific Authority* ~~159.825(3)~~ ~~120.53(1)~~, 215.84(5) FS. Law Implemented 215.84 FS. History—New 10-23-75, Repealed and Readopted 10-14-80, Amended 2-10-82, Formerly 19-5.03, Repealed.

19-5.004 Term of Authorization.  
*Rulemaking Specific Authority* ~~159.825(3)~~ ~~120.53(1)~~, 215.84(5) FS. Law Implemented 215.84 FS. History—New 10-23-75, Repealed and Readopted 10-14-80, Formerly 19-5.04, Repealed.

19-5.005 Purpose of Authorization.  
*Rulemaking Specific Authority* ~~159.825(3)~~ ~~120.53(1)~~, 215.84(5) FS. Law Implemented 159.825, 215.84 FS. History—New 10-23-75, Repealed and Readopted 10-14-80, Formerly 19-5.05, Amended 12-10-87, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Lamar Taylor, Deputy Executive Director  
**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Trustees of the State Board of Administration  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 6, 2013

**STATE BOARD OF ADMINISTRATION**

**RULE NOS.:** **RULE TITLES:**  
19-11.002 Beneficiary Designations and Distributions for FRS Investment Plan  
19-11.012 Acceptance of Rollovers by the FRS Investment Plan

**PURPOSE AND EFFECT:** To amend Rule 19-11.002, F.A.C., to indicate what happens when a beneficiary is “per Florida law” as described in Section 121.4501(2), Florida Statutes and that beneficiary fails to contact the FRS Investment Plan and/or cannot be identified. To amend Rule 19-11.012, F.A.C., to detail procedures that are to be followed by Investment Plan members electing to transfer to the Pension Plan, having an available balance after paying all buy-in amounts and desiring to purchase service credit with that remaining balance.



SUMMARY: To expand and clarify information concerning certain “per Florida law” beneficiaries of FRS Investment Plan accounts, and to detail procedures that must be followed by certain Investment Plan members who are entitled to purchase service credit when they transfer to the FRS Pension Plan. There are no other rules incorporating any of these proposed rules. The proposed amendments do not have an impact on any other rules. Legislative ratification of these 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: Upon review of the proposed changes to the rules as well as all incorporated materials, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs.

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

RULEMAKING AUTHORITY: 121.4501(8) FS.

LAW IMPLEMENTED: 121.091, 121.4501 (4), (5), (20), (21), 121.591, 732.802 FS.

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

DATE AND TIME: Wednesday, September 11, 2013, 9:00 a.m. – 11:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1197, tina.joanos@sbafla.com.. If you are hearing or speech

impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) through (6) No change.

(7) Per Florida Law Beneficiary Designation.

(a) If a member fails to designate a beneficiary as outlined in subsection (2) above, the member’s designation of beneficiary will automatically be assigned a designation of “Per Florida Law” as outlined in Section 121.4501(2), F.S.

(b) If, upon the death of a member, a beneficiary(ies) can be identified in accordance with Florida statute, but no social security number or address of the beneficiary or beneficiaries, is available, the FRS Investment Plan Administrator will, with the assistance of the SBA, make a reasonable effort to obtain each beneficiary’s Social Security Number or Taxpayer Identification Number, using available search tools, including the internet, LexisNexis Accurint, or another third party vendor providing such services. If a beneficiary can be identified and the social security number is provided, the transfer of benefits will be executed by the Investment Plan Administrator.

(c) If upon the death of a member a beneficiary cannot be identified, the provisions of paragraph (d) below will be followed.

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

(e) Should the beneficiary be located who then is willing to provide a social security number, a check will be issued to that beneficiary. The check will include actual earnings that have accrued on the funds from the date of transfer from the member's account to the Suspense Account. Such payment will be subject to applicable income tax withholding, which shall be paid to the tax authorities at the time of the issuance of the check to the beneficiary.

~~(8)(7)~~ Distributions to beneficiaries on the death of a member.

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

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

~~(9)(8)~~ Distributions to designated or per Florida law spousal beneficiaries.

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

(b) Spousal beneficiaries may request the following distributions:

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

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

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

determined by an actuarial table prepared by the U.S. Department of the Treasury.

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

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

~~(10)(9)~~ Distributions to designated non-spousal individual beneficiaries and look-through trusts or beneficiaries determined by Florida law.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(11)(40)~~ Distributions to the member's designated estate or to a designated non look-through trust.

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

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

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

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

~~(12)(44)~~ Distributions to beneficiaries who are minors.

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

(b) When a minor child or children are the designated beneficiaries of the member, whether the member is the minor's or minors' parent, grandparent, sibling, other relative or any other person, a copy of the birth certificate of each minor child and the social security number for each minor child must be provided to the FRS Investment Plan Administrator, and must be received prior to any payout, regardless of the amount. The birth certificate provides proof as to identity of the natural guardian(s) of the children, so that appropriate payment arrangements may be made.

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

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

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

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

~~(13)(12)~~ A beneficiary, whether designated or pursuant to Florida law, of a deceased member who, by a verdict of a jury or by a court trying the case without a jury, is found guilty, or who has entered a plea of guilty or nolo contendere, of unlawfully and intentionally killing or procuring the death of such member shall forfeit all rights to the deceased member's retirement benefits. Any benefits will be paid as if such beneficiary had predeceased the deceased member. No benefits will be paid until there is a final resolution of such charges against the beneficiary.

~~(14)(13)~~(a) If the deceased member has designated a beneficiary but has not provided the designated beneficiary's social security number or address, or has provided an incorrect social security number, then, after at least three unsuccessful attempts by the SBA or the FRS Investment Plan

Administrator to locate the beneficiary, the FRS Investment Plan Administrator will advise the SBA accordingly and the account will not be distributed.

(b) The FRS Investment Plan Administrator will, with the assistance of the SBA, at the time of notification of death, make a reasonable effort to obtain the beneficiary's Social Security Number or Taxpayer Identification Number, using available search tools, including the internet, LexisNexis Accurint, the Social Security Administration, or another third party vendor providing such services.

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

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

~~(15)(14)~~(a) Pursuant to Federal guidelines, if the deceased member's account is to be paid to the member's estate but no Estate Identification Number is provided, the account will not be paid to the Estate until the Estate Identification Number is received. In the event that no Estate Identification Number is provided within one year from the date of notification to the FRS Investment Plan Administrator of the member's death, the FRS Investment Plan Administrator will transfer the deceased member's account to the Suspense Account indicating the name of the deceased member. If after 10 years after the date of death, the FRS Investment Plan Administrator has not received an Estate Identification Number, the deceased member's account will be transferred to the FRS Investment Plan Forfeiture Account where it will be held indicating the name of the deceased member. The transferred funds shall be invested in the FRS Select U.S. Treasury Inflation-Protected Securities Index Fund.

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

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

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

~~(16)(15)~~ If the social security number and date of birth of a beneficiary are known, an account will be established in the beneficiary's name and funds will be transferred thereto. If any other beneficiaries are named, accounts also will be established in their names, provided their social security numbers and dates of birth are made known to the Investment Plan Administrator. However, no distribution will be made to any beneficiary until a certified copy of the member's death certificate has been received. In the meantime, the beneficiary will have control over any investment elections/allocations for the account. The beneficiary will be notified of the establishment of the account and will receive a PIN to access information pertaining to the account.

~~(17)(16)~~(a) A designated beneficiary may disclaim any monetary interest as provided in Chapter 739, F.S., and Internal Revenue Code s. 2518. A beneficiary can make a partial disclaimer or disclaim the entire interest. When a beneficiary makes a disclaimer, the beneficiary is considered to have predeceased the member, and the other beneficiaries designated by the member may then accept or disclaim any interest to which they are entitled.

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

1. The beneficiary must provide an irrevocable and unqualified refusal to accept the assets.
2. The refusal must be in writing.

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

- a. Nine months after the retirement account owner dies.
- b. Nine months after the beneficiary attains age 21, or if the beneficiary is 21 when the retirement account owner dies.
- c. The beneficiary must not have accepted any of the inherited assets prior to the disclaimer.
- d. The assets must pass to the successor beneficiary without any direction on the part of the person making the disclaimer.

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

*Rulemaking Authority 121.4501(8) FS. Law Implemented 121.091(5)(j), (8), 121.4501(20), 121.591(3), 732.802 FS. History—New 10-21-04, Amended 3-9-06, 11-26-07, 12-8-08, 1-7-10, 8-7-11, 7-12-12, 12-16-12, \_\_\_\_\_.*

19-11.012 Acceptance of Rollovers or Plan to Plan Transfers to or from by the FRS Investment Plan.

(1) through (11) No change.

(12)(a) An Investment Plan member electing to transfer to the Pension Plan and ~~that~~ has an excess balance remaining in the Investment Plan account after satisfying any required Pension Plan buy-in amounts, may elect to use all or part of that remaining balance to purchase service credit in the Pension Plan. The member will need to complete Form PRO-2, “Pre-tax Direct Rollover ~~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.

(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 (a) above. The completed form is to be sent to the Investment Plan Administrator.

(d) The 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 Plan Administrator will liquidate the funds from the member’s account. Upon liquidation, the amount will be received by the 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 Plan Administrator will send the check and the form by regular US 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 \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:

Ron Poppell, Senior Officer, Defined Contributions Program

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 28, 2013, Vol. 39/126

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-16.001	Scope and Applicability of Chapter
34-16.002	Amount of Time for Individual Members of the Public to Address the Commission
34-16.003	Procedure for Group Representative to Address the Commission
34-16.004	Procedure for Informing Commission of Individual's Desire to be Heard or to Indicate Designation of a Representative Speaker
34-16.005	Designation of Specified Time Period for Public Comment

PURPOSE AND EFFECT: The proposed new rule Chapter 34-16 sets forth procedures for reasonable opportunities for the public to be heard during public meetings of the Florida Commission on Ethics.

SUMMARY: Under a new statutory provision (Chapter 2013-227, Section 1, LOF, 286.0114, F.S.), the Legislature requires boards and commissions, including the Florida Commission on Ethics, to adopt rules or policies in compliance with the statute, which requires such boards and commissions to provide reasonable opportunities to be heard to members of the public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The agency has determined that this rule could have a negative impact on the Florida Commission on Ethics through added travel costs for Commission members, resulting from extending the length of meetings to accommodate public comment.

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: 112.322(9), 286.0114 FS.

LAW IMPLEMENTED: 286.0114 FS.

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

DATE AND TIME: September 13, 2013, 8:30 a.m.

PLACE: Senate Office Building, Room 37S, 404 South Monroe Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Millie Fulford, Executive Secretary, Commission on Ethics, (850)488-7864. 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: Betsy Daley, Senior Attorney, Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-16.001 Scope and Applicability of Chapter.

The Rules in this Chapter 34-16, F.A.C., shall govern the procedures for reasonable opportunities for members of the public to be heard during public meetings of the Florida Commission on Ethics under Section 286.0114(4), Florida Statutes. On the effective date of this chapter, the rules of procedure of this chapter shall govern public opportunity to be heard at public meetings of the Commission. These rules do not apply to quasi-judicial actions of the Commission, including adoption of advisory opinions and action on complaints. These rules do not apply to Commission rulemaking proceedings pursuant to Chapter 120, Florida

Statutes, which contain separate procedures for public comment. All individuals who request an opportunity to speak at a public Commission meeting will be allowed to speak within the guidelines provided in this rule chapter.

Rulemaking Authority 112.322(9), 286.0114 FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-227, Section 1, LOF, 286.0114 FS. History—New \_\_\_\_\_.

34-16.002 Amount of Time for Individual Members of the Public to Address the Commission.

During a public meeting of the Commission, each speaker will be allowed to speak for up to three minutes. The Chair may impose a cumulative time limit for all public comment on any specific agenda item. A Commission staff member will keep time for each speaker and inform the Chair when the speaker's time has expired. The Commission may use such timing devices as may be practicable to ensure that time limits are observed.

Rulemaking Authority 112.322(9), 286.0114 FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-227, Section 1, LOF, 286.0114 FS. History—New \_\_\_\_\_.

34-16.003 Procedure for Group Representative to Address the Commission.

The Chair will, where appropriate, encourage members of an organization to defer their time to a representative of their organization to speak on their behalf. At any Commission meeting during which a large number of individuals wish to speak, the Chair may require any group, faction, or organization to select a representative to speak on behalf of that group, faction, or organization. The Chair will ask speakers to refrain from repeating comments made by individual members of the public who have previously spoken.

Rulemaking Authority 112.322(9), 286.0114 FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-227, Section 1, LOF, 286.0114 FS. History—New \_\_\_\_\_.

34-16.004 Procedure for Informing Commission of Individual's Desire to be Heard or to Indicate Designation of a Representative Speaker.

A member of the Commission staff will manage a list of individuals who wish to speak during a Commission meeting. The list will indicate the speaker's name and address; the name of the speaker's organization, if any; whether the speaker wishes to be heard through a representative; the item about which the speaker wishes to comment; and whether the speaker supports, opposes, or remains neutral as to a proposition.

Rulemaking Authority 112.322(9), 286.0114 FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-227, Section 1, LOF, 286.0114 FS. History—New \_\_\_\_\_.

34-16.005 Designation of Specified Time Period for Public Comment.

During a public meeting of the Commission, public comment, if any, will be heard immediately after the staff presentation, if any, on the matter.

Rulemaking Authority 112.322(9), 286.0114 FS. Law Implemented Art. II, Section 8, Fla. Const., Chapter 2013-227, Section 1, LOF, 286.0114 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Betsy Daley, Senior Attorney, Florida Commission on Ethics  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Virlindia Doss, Executive Director, Florida Commission on Ethics  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 16, 2013

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

**WATER MANAGEMENT DISTRICT**

**Northwest Florida Water Management District**

RULE NOS.:      RULE TITLES:  
40A-2.101      Content of Application  
40A-2.901      Forms

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the Notice of Proposed Rule published in Vol. 39, No. 160, of the August 16, 2013, issue of the Florida Administrative Register. The Public Hearing Time has been changed to 4:10 pm, ET.

This correction does not affect the substance of the notice as it appeared in the Florida Administrative Register as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Angela Chelette, Northwest Florida Water Management District, Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [angela.chelette@nwfwmd.state.fl.us](mailto:angela.chelette@nwfwmd.state.fl.us) or Terri Peterson, Administrative Assistant, Northwest Florida Water Management District, Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850) 539-5999, [terri.peterson@nwfwmd.state.fl.us](mailto:terri.peterson@nwfwmd.state.fl.us).

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals**

RULE NO.:      RULE TITLE:  
59E-5.605      Public Medical Assistance Trust Fund Assessments

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 123, June 25, 2013 issue of the Florida Administrative Register.

59E-5.605 Public Medical Assistance Trust Fund Assessments.

(1) through (4) No change.

(5) The certified assessment amount is the total amount due to the Agency and shall be payable to and collected by the Agency in equal quarterly amounts, beginning the first full calendar quarter occurring six months after the end of the hospital's fiscal year.

(6) through (9) No change.

~~(10) When a hospital closes or ceases operations, the total amount due to the Agency shall be the sum of the certified assessment amounts calculated on annual net patient revenue through the date operations cease, less the sum of quarterly and settlement payments received. The Agency will base assessments on the most recently filed Prior Year Report accepted by the Agency prorated for the period from the last accepted report through the date operations cease if a hospital fails to file its Prior Year Report or the Report is not accepted by the Agency.~~

(10)(11) Assessments are made against facilities, accordingly the amount of the assessment and liability for the assessment remains with the facility regardless of any change in ownership.

~~Rulemaking Specific Authority 395.7017, 408.15(8), 408.061(2), (3), (4)(a), (7), 408.15(8) FS., Chapter 00-256, Laws of Florida. Law Implemented 395.701(2), 408.061 FS. History—New 6-11-92, Formerly 10N-5.606, Amended 5-26-03, \_\_\_\_\_.~~

**Section IV**  
**Emergency Rules**

**NONE**

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

NOTICE IS HEREBY GIVEN that on August 2, 2013, the Commission for Independent Education, received a petition for A variance of the requirements of subsections 6E-2.004(9) and 6E-2.008(4), Florida Administrative Code, that requires standards for educational institutions' physical plant and academic classrooms; and requires separate licensing of additional locations for non-degree schools.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

NOTICE IS HEREBY GIVEN that on August 14, 2013, the Board of Medicine, received a petition for waiver filed by Fawzia Hessami Sultany, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

### Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF TRANSPORTATION

The Commercial Motor Vehicle Review Board announces a public meeting to which all persons are invited.

DATE AND TIME: September 3, 2013, 9:00 a.m.

PLACE: Rhyne Building, 2740 Centerview Dr., Ste. 3B, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed

upon any vehicle or persons under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

A copy of the agenda may be obtained by contacting: Katherine Becker, Executive Assistant, Commercial Motor Vehicle Review Board, 605 Suwannee Street, MS 90, Tallahassee, FL 32399.

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

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT  
TRUST FUND

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

DATE AND TIME: September 18, 2013, 6:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR), 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group for GTMNERR will hold a meeting to provide advisory input for the management of GTMNERR.

A copy of the agenda may be obtained by contacting: Tina Gordon by email: Tina.M.Gordon@dep.state.fl.us, by phone: (904)823-4500 or by mail: 505 Guana River Road, Ponte Vedra Beach, FL 32082.

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: Tina Gordon at (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

STATE BOARD OF ADMINISTRATION

The State Board of Administration announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 3, 2013, 9:00 a.m. – 12:00 Noon (EST)

PLACE: Hermitage Room, First Floor, The Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Audit Committee



A copy of the agenda may be obtained by contacting: Elizabeth Scott, (850)413-1248, email: Elizabeth.Scott@sbafla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: James Linn, (850)413-1166, email: James.Linn@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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**PUBLIC SERVICE COMMISSION**

The Florida Public Service Commission announces two public customer meetings in the following docket to which all persons are invited.

**DAY, DATE AND TIME:** Tuesday, September 3, 2013, 4:00 p.m. (central time)

**PLACE:** Pensacola State College, Hagler Auditorium, 1000 College Blvd. (corner of Underwood Avenue and N. 9th Avenue), Pensacola, Florida 32504

**DAY, DATE AND TIME:** Wednesday, September 4, 2013, 10:00 a.m. (central time)

**PLACE:** Edgewater Beach Conference Center, 11212 Front Beach Road, Panama City Beach, Florida 32407

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Docket No. 130140-EI – Petition for rate increase by Gulf Power Company.

The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting. For questions, contact Commission staff, Suzanne Brownless, (850)413-6218. In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate at this proceeding should contact the Office of Commission Clerk no later than five days prior to the conference at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, via (800)955-8770 (Voice) or (800)955-8771 (TDD), Florida Relay Service.

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**WATER MANAGEMENT DISTRICTS**

Suwannee River Water Management District

The Suwannee River Water Management District announces a public meeting to which all persons are invited.

**DATE AND TIME:** August 28, 2013, 1:30 p.m.

**PLACE:** District Headquarters, 9225 CR 49 Live Oak, FL 32060

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Surplus Lands Committee meeting to discuss the potential disposition of surplus lands including Steinhatchee Rise and Blue Sink.

A copy of the agenda may be obtained by contacting: Richard Rocco, RMR@srwmd.org or (386)362-1001.

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: Pennie Flickinger, pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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.

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**WATER MANAGEMENT DISTRICTS**

Suwannee River Water Management District

The Suwannee River Water Management District announces a public meeting to which all persons are invited.

**DATE AND TIME:** August 28, 2013, 1:30 p.m.

**PLACE:** District headquarters, 9225 CR 49, Live Oak, FL 32060

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Lands Committee will be holding a meeting to discuss the management of District lands and the potential disposition of surplus lands including Steinhatchee Rise and Blue Sink.

A copy of the agenda may be obtained by contacting: Richard Rocco, rnr@srwmd.org or (386)362-1001.

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: Pennie Flickinger, pff@srwmd.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

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**SPACE FLORIDA**

The Space Florida announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday August 27, 2013, 8:30 a.m. – 4:30 p.m. EST

**PLACE:** Space Life Sciences Laboratory, 505 Odyssey Way, Exploration Park, FL 32953

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 The Space Florida evaluation committee members will be considering the proposals submitted by vendors in response to the competitive solicitation for the request for qualifications for Environmental Services Supporting a Launch Site Operator License for the Proposed Shiloh Launch Complex. RFQ-SF-17-0-2014/MB.

Vendors will be making oral presentations and answering questions as part of the competitive solicitation process, during which time the meeting will be closed to the public in accordance with subsection 286.0113(2)(b)1 of the Florida Statutes.

A copy of the agenda may be obtained by contacting: Debbie Truffa at [dtruffa@spaceflorida.gov](mailto:dtruffa@spaceflorida.gov) or on [www.SpaceFlorida.gov](http://www.SpaceFlorida.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 3 days before the workshop/meeting by contacting: Debbie Truffa at [dtruffa@spaceflorida.gov](mailto:dtruffa@spaceflorida.gov). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (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: Debbie Truffa at [dtruffa@spaceflorida.gov](mailto:dtruffa@spaceflorida.gov).

**DEPARTMENT OF MANAGEMENT SERVICES**

Division of Communications

The Department of Management Services announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 10, 2013, 9:30 a.m.

PLACE: Betty Easley Conference Center (CCOC), 4075 Esplanade Way, Room 152, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Discussions will revolve around the Statewide Law Enforcement Radio System (SLERS).

A copy of the agenda may be obtained by contacting: Debi Smith at (850)922-7435 or email at [Debi.Smith@DMS.MyFlorida.com](mailto:Debi.Smith@DMS.MyFlorida.com).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debi Smith at (850)922-7435 or email at

[Debi.Smith@DMS.MyFlorida.com](mailto:Debi.Smith@DMS.MyFlorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Debi Smith at (850)922-7435 or email at [Debi.Smith@DMS.MyFlorida.com](mailto:Debi.Smith@DMS.MyFlorida.com).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Accountancy

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

DATE AND TIME: September 24, 2013, 10:00 a.m.

PLACE: via conference call, dial-in number (888)670-3525, conference code number 9071262934

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 The Education Advisory Committee to consider items relating to the education requirements to sit for the CPA examination.

A copy of the agenda may be obtained by contacting: DeWayne McBride, Regulation Specialist II, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607.

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

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

For more information, you may contact: DeWayne McBride, Regulation Specialist II.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The Division of Recreation and Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, August 27, 2013, 7:00 p.m. (EDT)

PLACE: Suwannee Meeting Room at the Suwannee River Water Management District Office, 9225 CR 49 Live Oak, FL 32060

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
 Presentation of the updates to the unit management plan for Wes Skiles Peacock Springs State Park.

A copy of the agenda may be obtained by contacting: Craig Liney, Park Manger, 3631 201<sup>st</sup> Path, Live Oak, Florida 32060, (386)362-2746, fax (386)776-1448 or email Craig.Liney@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: Craig Liney, Park Manager, 3631 201<sup>st</sup> Path, Live Oak, Florida 32060, (386)362-2746, fax (386)776-1448 or email Craig.Liney@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Craig Liney, Park Manger, 3631 201<sup>st</sup> Path, Live Oak, Florida 32060, (386)362-2746, fax (386)776-1448 or email Craig.Liney@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
The Division of Recreation and Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, August 28, 2013, 9:00 a.m. (EDT)

PLACE: Nelly Bly’s Kitchen, Stephen Foster Folk Culture Center State Park – 11016 Lillian Saunders Drive, White Springs, Florida 32096.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation of the updates to the unit management plan for Wes Skiles Peacock Springs State Park for members of the Advisory Group.

A copy of the agenda may be obtained by contacting: Craig Liney, Park Manger, 3631 201<sup>st</sup> Path, Live Oak, Florida 32060, (386)362-2746, fax (386)776-1448 or email Craig.Liney@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: Craig Liney, Park Manger, 3631 201<sup>st</sup> Path, Live Oak, Florida 32060, (386)362-2746, fax (386)776-1448 or email Craig.Liney@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

For more information, you may contact: Craig Liney, Park Manger, 3631 201<sup>st</sup> Path, Live Oak, Florida 32060, (386)362-2746, fax (386)776-1448 or email Craig.Liney@dep.state.fl.us.

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Section VII  
Notice of Petitions and Dispositions  
Regarding Declaratory Statements

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

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Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

NONE

Section XII  
Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION  
Certificate of Need

DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of May 15, 2013:

County: Hillsborough Service District: 6  
CON # 10191 Decision Date: 8/16/2013 Decision: D  
Facility/Project/Applicant: LifePath Hospice, Inc.  
Project Description: Establish an eight-bed inpatient hospice facility  
Approved Cost: \$0

County: Charlotte Service District: 8  
CON # 10192 Decision Date: 8/16/2013 Decision: A  
Facility/Project/Applicant: Tidewell Hospice, Inc.  
Project Description: Establish a seven-bed inpatient hospice facility  
Approved Cost: \$73,113.00

County: Desoto Service District: 8  
CON # 10193 Decision Date: 8/16/2013 Decision: A  
Facility/Project/Applicant: Tidewell Hospice, Inc.  
Project Description: Establish an eight-bed inpatient hospice facility  
Approved Cost: \$49,035.00

County: Lee Service District: 8  
CON # 10194 Decision Date: 8/16/2013 Decision: D  
Facility/Project/Applicant: Hope Hospice and Community Services, Inc.

Project Description: Establish a 24-bed inpatient hospice facility  
Approved Cost: \$0

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

DEPARTMENT OF HEALTH  
Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Darren Henry Combass, P.T.A., License # PTA 18687. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH  
Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Michelle C. Broach, O.T., License # OT 9470. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH  
Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Melissa Terpos, R.P.T., License # RPT 39879. This Emergency Suspension Order was predicated upon the State

Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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DEPARTMENT OF HEALTH

Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the license of Caroline J. Rouleau, R.N., License # RN 9215687. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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DEPARTMENT OF HEALTH

Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Restriction Order with regard to the

license of Carolyn Jean Eddy, L.P.N., License # PN 5178122. This Emergency Restriction Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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DEPARTMENT OF HEALTH

Board of Occupational Therapy

Notice of Emergency Action

On August 15, 2013, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Santana Lashonda Williams, L.P.N., License # PN 5195962. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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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.

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