

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

### DEPARTMENT OF FINANCIAL SERVICES

#### Division of Consumer Services

RULE NOS.:	RULE TITLES:
69J-8.001	Purpose
69J-8.002	Definitions
69J-8.003	Neutral Evaluator Coarse Approval
69J-8.004	Qualification and Certification of Neutral Evaluators
69J-8.005	Maintenance of a List of Neutral Evaluators
69J-8.006	Notice of Program
69J-8.007	Request for Evaluation
69J-8.008	Selection of Neutral Evaluator
69J-8.009	Evaluation Process
69J-8.010	Appointment of Department Employee for Consultation for Policyholder Not Represented by an Attorney
69J-8.011	Neutral Evaluator's Report

**PURPOSE AND EFFECT:** The purpose of the amendment will be to conform the rule to the present wording of Section 627.4074, F.S.

**SUBJECT AREA TO BE ADDRESSED:** All aspects of the Alternative Procedure for Resolution of Disputed Sinkhole Insurance Claims.

**RULEMAKING AUTHORITY:** 627.7074(8) FS.

**LAW IMPLEMENTED:** 627.7074 FS.

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

**DATE AND TIME:** Tuesday, April 9, 2013, 9:30 a.m.

**PLACE:** 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter @ (850)413-5800 or Tasha.Carter@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Tasha Carter, Director, Division Consumer Services, Department of

Financial Services, 200 E. Gaines Street, Room 518A, Larson Building, Tallahassee, FL 32399-0321, (850)413-5800 or Tasha.Carter@myfloridacfo.com

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

## Section II Proposed Rules

### STATE BOARD OF ADMINISTRATION

#### Florida Prepaid College Board

RULE NOS.:	RULE TITLES:
19B-16.001	Application of Rule Chapter; Definitions
19B-16.002	Application for Participation in the Program
19B-16.003	Participation Agreement
19B-16.004	Payment and Minimum Contributions
19B-16.005	Maximum Account Balance Limit
19B-16.006	Change of Benefactor
19B-16.007	Change of Designated Beneficiary
19B-16.008	Contingent Benefactor
19B-16.009	Rollover Distributions
19B-16.010	Termination and Withdrawal; Distributions
19B-16.011	Unclaimed Refunds
19B-16.012	Fee Schedule

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to update and consolidate rules to reflect modifications to the Florida College Savings Program.

**SUMMARY:** The proposed rules provide for the incorporation of a new Application for Participation, Participation Agreement and Terms and Conditions. The primary purposes of updating the rules and incorporated documents is to reflect new Investment Options under the Florida College Savings Program; to recognize a minimum threshold for refunds of fifty dollars (\$50.00) before sending notices one year prior to escheatment; to set forth a right of survivorship for beneficiaries; to set forth factors the Florida Prepaid Board may consider in setting the Administration Fee for the 529 Savings Plan; and to reduce redundancy.

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

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

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

RULEMAKING AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971(4), 1009.98, 1009.981 FS.

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

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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL (850)488-8514, michael.frick@myfloridaprepaid.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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL (850)488-8514, michael.frick@myfloridaprepaid.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.001 Application of Rule Chapter; Definitions.

(1) These rules apply to participants in the Florida 529 Savings Plan (the "Savings Plan"), a Qualified Tuition Program that allows persons to make contributions to an trust Account established for the purpose of meeting some or all of the Qualified Higher Education Expenses of a designated Beneficiary.

(2) For the purposes of the Florida 529 Savings Plan and Rule Chapter 19B-16, F.A.C., definitions are set forth in the Participation Agreement and Terms and Conditions, which are incorporated by reference in Rule 19B-16.003, F.A.C.

~~(a) "Account" means an account in the program established pursuant to a participation agreement.~~

~~(b) "Account balance" means the amount remaining in an account, including all contributions to the account, investment gains or losses, after deduction of any applicable fees authorized in Rule 19B-16.012, F.A.C.~~

~~(c) "Application" means the Florida Prepaid College Plan and Florida 529 Savings Plan New Account Application and the Florida 529 Savings Plan Add On Application, adopted pursuant to Rule 19B-16.002, F.A.C.~~

~~(d) "Automatic contribution plan" means a method of making contributions to an account in the Program whereby funds are automatically withdrawn from a benefactor's bank account on a pre-scheduled, recurring basis.~~

~~(e) "Benefactor" means the person who is designated on the application as the account owner, unless the benefactor was subsequently changed pursuant to Rule 19B-16.006, F.A.C. The benefactor is the owner of the account established for the designated beneficiary named in the application.~~

~~(f) "Board" means the Florida Prepaid College Board.~~

~~(g) "Contingent benefactor" means a person designated on the application as the survivor, unless the benefactor has subsequently changed the contingent benefactor pursuant to Rule 19B-16.008, F.A.C. The contingent benefactor enjoys only the rights set forth in Rule 19B-16.008, F.A.C.~~

~~(h) "Custodial capacity" means an account where the benefactor acts in a representative capacity pursuant to a court order appointing a guardian, pursuant to the Uniform Transfers to Minors Act or pursuant to the Uniform Gifts to Minors Act.~~

~~(i) "Designated beneficiary" means the same as that term is defined in s. 529 of the Internal Revenue Code and is the person designated on the application as the beneficiary, unless the benefactor changed the designated beneficiary pursuant to Rule 19B-16.007, F.A.C.~~

~~(j) "Eligible educational institution" means the same as that term is defined in s. 529 of the Internal Revenue Code.~~

~~(k) "Internal Revenue Code" means the same as that term is defined in Section 1009.97(3)(1), F.S.~~

~~(l) "Investment options" means the investment options available to benefactors that are described in the Comprehensive Investment Plan for the Program adopted by the Board and approved by the State Board of Administration, pursuant to Section 1009.973, F.S.~~

~~(m) "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code.~~

~~(n) "Participation agreement" means the contract between a benefactor and the Board.~~

~~(o) "Person" means the same as the term "person," as used in s. 529 of the Internal Revenue Code.~~

~~(p) "Program" means the Florida 529 Savings Plan (the "Savings Plan").~~

~~(q) "Qualified higher education expenses" means the same as that term is defined in s. 529 of the Internal Revenue Code.~~

~~(r) "Qualified tuition program" means the same as that term is defined in s. 529 of the Internal Revenue Code.~~

~~(s) "Rollover distribution" means the transfers described in Rule 19B-16.009, F.A.C. Rollover distributions into the Program must be made by check, money order or electronic funds transfer.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02, 11-5-12,

19B-16.002 Application for Participation in the Program.

~~(1) Any person may apply for participation in the Program by submitting a completed Florida Prepaid College Plan and Florida College Investment Plan New Account Application, along with an initial contribution to the Program that meets the requirements of Rule 19B-16.004, F.A.C. Benefactors and designated beneficiaries do not have to be residents of the State of Florida. Any natural person named as the benefactor or contingent benefactor in a completed application must have reached the age of majority and must be a citizen or resident alien of the United States with a valid social security number. Any person named as the beneficiary in a completed application must be a citizen or resident alien of the United States with a valid social security number.~~

~~(2) The Florida Prepaid College Plan and Florida 529 Savings Plan New Account Application, Form No. FPCB 20143-031, <http://www.myfloridaprepaid.com/about-florida-prepaid-college-plans/rulemaking-information.aspx> <http://www.flrules.org/Gateway/reference.asp?No=Ref 01868>, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).~~

~~(3) Only one (1) benefactor, one (1) co-benefactor and one (1) designated beneficiary can be named on an application, except that scholarship accounts may be established for the benefit of one (1) or more beneficiaries identified in the future. A benefactor may submit applications for more than one (1) designated beneficiary. More than one (1) benefactor may submit an application for the same designated beneficiary.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09, 10-18-10, 12-5-11, 11-5-12, \_\_\_\_\_.

19B-16.003 Participation Agreement.

~~(1) The contract between the Board and a benefactor shall consist of the benefactor’s completed application and the participation agreement. The Florida 529 Savings Plan Disclosure Statement and Participation Agreement, Form No. FPCB 20142-054, <http://www.myfloridaprepaid.com/about-florida-prepaid-college-plans/rulemaking-information.aspx> <https://www.flrules.org/Gateway/reference.asp?No=Ref 01731>, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1). The Terms and Conditions, applicable to the Participation Agreement, Form No. FPCB 2014-06, <http://www.myfloridaprepaid.com/about-florida-prepaid-college-plans/rulemaking-information.aspx>, is hereby incorporated by reference.~~

~~(2) Except when a participation agreement is established by a benefactor functioning in a custodial capacity, a benefactor, or any successor benefactor, retains ownership of all funds in his or her account, except for those funds actually distributed from the account, on behalf of a designated beneficiary.~~

~~(3) The benefactor may at any time increase or decrease contributions to the Program for the designated beneficiary.~~

~~(4) A Disclosure Statement and Participation Agreement shall remain in effect until terminated pursuant to Rule 19B-16.010, F.A.C.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.981(2) FS. History—New 11-27-02, Amended 12-28-04, 6-2-05, 7-13-06, 12-4-07, 5-29-08, 6-3-09, 6-22-10, 10-24-12, \_\_\_\_\_.

19B-16.004 Payment and Minimum Contributions.

~~(1) Contributions to an account may be made by checks, money orders, rollover distributions, electronic funds transfers, automatic contribution plan or employer payroll deductions. Contributions may not be made by credit cards or other means of credit, third party checks of \$10,000.00 or more, or traveler’s checks.~~

~~(2) A benefactor, a contingent benefactor and a designated beneficiary shall not direct the investment of any contributions or amounts held in the Program.~~

~~(3) The benefactor must select one or more investment options for the funds contributed to an account on the application. A benefactor may change the selection of the investment options that will apply to future contributions to an account at any time. A benefactor may transfer all or any portion of the funds invested in one investment option or options to another investment option or investment options, to the extent permitted under s. 529 of the Internal Revenue Code.~~

~~(4) To establish an account, a benefactor must submit, together with the completed application, one of the following:~~

~~(a) A deposit of not less than two hundred fifty dollars (\$250.00); or~~

~~(b) An authorization for a payroll deduction or automatic contribution plan in an amount not less than twenty-five dollars (\$25.00) per month.~~

~~(5) A benefactor may make a contribution to the account at any time.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02, 12-28-03, 4-21-05, 1-28-09 Repealed, \_\_\_\_\_.

19B-16.005 Maximum Account Balance Limit.

~~(1) The maximum account balance limit shall be determined annually by the Board. The Mmaximum Aaccount Bbalance limit shall be calculated by multiplying the Qqualified Hhigher Eeducation Eexpenses, including tuition fees, room and board, and supplies, at the most expensive Eeligible Eeducational Iinstitution, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. In determining the Qqualified Hhigher Eeducation Eexpenses at the most expensive Eeligible Eeducational Iinstitution, the Board will consult the figures compiled by the College Board and published in the annual College Handbook~~

which is found at the College Board's website ([www.collegeboard.com](http://www.collegeboard.com)) at <http://store.collegeboard.com>. The ~~M~~maximum ~~A~~ccount ~~B~~alance ~~l~~imit shall not exceed the amount permitted pursuant to ~~s~~Section 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The ~~a~~ccount balance for a designated beneficiary plus the redemption value of an advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, ~~a~~ccounts for a designated beneficiary that have reached the maximum account balance limit may continue to ~~a~~ccrue investment earnings. The redemption value of an advance payment contract shall be as provided in subsection ~~19B 4.005(2), F.A.C.~~

(2) ~~If the Board receives contributions for a designated beneficiary and the sum of the new contribution, the account balance for that designated beneficiary, and the redemption value of any advance payment contract under the Florida Prepaid College Plan for that beneficiary exceeds the maximum account balance limit, the Board shall return the excess to the person making the contribution.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented ~~1009.971, 1009.98, 1009.981 FS. History—New 5-30-02, Amended 11-27-02, 12-28-03, 7-13-06, 7-9-08, \_\_\_\_\_.~~

19B-16.006 Change of Benefactor.

(1) ~~The ownership of a participation agreement may be transferred to another person at any time, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity. To complete a change of ownership, the benefactor must submit to the Board a notarized, written request to transfer the ownership of the participation agreement to a person who has achieved the age of majority together with an application executed by the person to whom the participation agreement is to be transferred. If the account was established on or after February 1, 2009, such request also must include the notarized signature of the contingent benefactor.~~

(2) ~~Upon the death of the benefactor, if the benefactor has named a contingent benefactor, the contingent benefactor shall become the benefactor if the Board receives a certified copy of the death certificate of the deceased benefactor and a completed application signed by the contingent benefactor.~~

(3) ~~A change in the benefactor of an account may also be effected by a court order or if no contingent benefactor has been designated by the notarized, written request from the personal representative of the benefactor's estate accompanied by a certified copy of the death certificate of the benefactor and letters of administration issued to the personal representative. In either case, the successor benefactor must submit to the Board a completed application signed by the successor benefactor.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 1-28-09, Repealed

19B-16.007 Change of Designated Beneficiary.

~~Except when a participation agreement is established by a benefactor functioning in a custodial capacity, the designated beneficiary may be changed to any member of the family of the then-current designated beneficiary, at any time, by submitting a written, notarized request signed by the benefactor directing the Board to change the designated beneficiary for the account. If the account was established on or after February 1, 2009, such request also must include the notarized signature of the contingent benefactor.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 1-28-09, Repealed

19B-16.008 Contingent Benefactor.

(1) ~~For accounts established prior to February 1, 2009:~~

(a) ~~The benefactor may designate a contingent benefactor on the application who will enjoy a right of survivorship in the event of the death of the benefactor and who will become the owner of the account automatically upon the death of the benefactor, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity.~~

(b) ~~Upon the death of the benefactor, the contingent benefactor shall become the benefactor if the Board receives a certified copy of the death certificate of the deceased benefactor and a completed application signed by the contingent benefactor.~~

(c) ~~Subject to any applicable limitations associated with the benefactor functioning in a custodial capacity, the benefactor may change the contingent benefactor at any time without the consent of the contingent benefactor by submitting a written request signed by the benefactor to the Board.~~

(d) ~~The benefactor may elect to change the rights of a contingent benefactor to be the same as those for accounts established on or after February 1, 2009, by submitting a written request to the Board. The request must contain the notarized signatures of the benefactor and the contingent benefactor. If the benefactor changes the rights enjoyed by the contingent benefactor to those for accounts established on or after February 1, 2009, the change in the contingent benefactor's rights is irrevocable, the provisions of paragraphs 19B-16.008(1)(a), (b) and (c), F.A.C., shall not apply to the account, the provisions of subsection 19B-16.008(2), F.A.C., shall apply to the account, and the account shall be deemed to have been established on or after February 1, 2009.~~

(2) ~~For accounts established on or after February 1, 2009:~~

(a) ~~The benefactor may designate a contingent benefactor on the application. When a contingent benefactor is designated, the benefactor and the co-benefactor each will enjoy a right of survivorship in the event of the death of the other and, if the~~

Board receives a certified copy of the death certificate of the deceased benefactor or contingent benefactor, the survivor of them will become the sole owner of the account automatically, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity.

(b) Changes to the benefactor, contingent benefactor and designated beneficiary for a participation agreement, requests for the voluntary termination for a participation agreement and requests for refunds associated with the termination of a participation agreement must be in writing and contain the notarized signatures of the benefactor and the contingent benefactor.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02, 1-28-09, Repealed \_\_\_\_\_.

#### 19B-16.009 Rollover Distributions.

Except when functioning in a custodial capacity, a benefactor may make a transfer of funds into an account in the Program or from an account in the Program to the extent permitted by s. 529 of the Internal Revenue Code by submitting a notarized, written request to the Board. For accounts established on or after February 1, 2009, such transfers from an account also must include the notarized signature of the contingent benefactor.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(3) FS. History—New 5-30-02, Amended 1-28-09, Repealed \_\_\_\_\_.

#### 19B-16.010 Termination and Withdrawal; Distributions.

(1)(a) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request to terminate the participation agreement to the Board and receive a refund. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Any written request for voluntary termination of a participation agreement shall be processed within thirty (30) days following receipt of the request by the Board. The amount of the refund will be the account balance. The refund shall be paid only to the benefactor.

(b) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request for a rollover distribution of the entire Account Balance. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Any written request for a rollover distribution of the entire Account Balance must indicate the qualified tuition program to which said rollover distribution is to be made and will be processed within thirty (30) days following receipt of the request by the Board.

(c) A participation agreement shall be deemed to have been voluntarily cancelled when the benefactor requests a distribution of all funds in the account so that the account balance is zero. However, the benefactor of an account that has been voluntarily cancelled may reactivate the account and the participation agreement at any time by making a contribution to the account.

(2) Involuntary termination of a participation agreement shall occur:

(a) Upon a determination by the Board that the benefactor has made a material misrepresentation in the application submitted to the Board by the benefactor or in any communication from the benefactor to the Board regarding the Florida College Savings Program. A material misrepresentation includes, but is not limited to, providing an invalid Social Security Number or Taxpayer Identification Number, falsely certifying that the benefactor is a citizen or resident alien of the United States, or providing a false certification that a person is a member of the family of a designated beneficiary.

(b) When a benefactor has failed to provide the Board with all information required to complete the benefactor's application for 120 days after the Board receives the application. The Board will notify the benefactor in writing of any information that is required to complete the application.

(c) When no contributions to or withdrawals from the account have been made for twenty-five (25) calendar years. The Board shall extend such period for ten calendar years if it receives a written request or requests by a benefactor. Any time spent by the designated beneficiary as an active duty member of the armed services of the United States tolls such time periods.

(3) The Board will terminate a benefactor's participation agreement if the balance in the account is less than two hundred fifty dollars (\$250.00) on the first day of any calendar month that is more than twenty-four (24) months following the date on which the Board received the benefactor's application and initial contribution to the Program, unless the Board receives a special petition seeking waiver of this rule pursuant to Rule 19B-12.001 and subsection 19B-12.003(3), F.A.C.

(4) Notwithstanding the provisions of subsection (3), accounts established prior to April 1, 2005, will not be terminated for failing to comply with the requirements of subsection 19B-16.004(4), F.A.C., until the first day of any calendar month that is more than twenty-seven months following the date on which the Board received the benefactor's application and initial contribution to the Program, unless the Board receives a special petition seeking waiver of this rule pursuant to Rule 19B-12.001 and subsection 19B-12.003(2), F.A.C.

(5) Upon involuntary termination of a participation agreement, the benefactor may obtain a refund of the account balance by submitting a written notarized request signed by the

~~benefactor to the Board. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Such refund shall be paid to the benefactor.~~

~~(6) A benefactor may request a distribution by submitting a written request to the Board. Distributions may be made from an account by any method allowed pursuant to s. 529 of the Internal Revenue Code.~~

~~Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(3) FS. History—New 5-30-02, Amended 11-27-02, 4-21-05, 1-28-09, Repealed \_\_\_\_\_.~~

19B-16.011 Unclaimed Refunds.

~~(1) The Board will mail written notice to the Account Owner benefactor of a terminated participation agreement when a refund of fifty dollars (\$50.00) or more for the Account will be escheated within one (1) year has been available for six (6) years. The notice shall indicate the procedure which must be followed to obtain a refund of the monies held by the Board for said Accounts and that, if a claim for a refund is not made within seven (7) years of the termination of the Account, that the funds will escheat to the Florida Prepaid College Trust Fund shall be subject to disposition as provided under Section 1009.981(2)(b)10., F.S. An alphabetical list of the names of the Account Owners of such Accounts shall be posted on the Board's website on the Internet ([www.MyFloridaPrepaid.com](http://www.MyFloridaPrepaid.com)). Any such refund for any account terminated pursuant to Rule 19B-16.010, F.A.C., which remains unclaimed after seven (7) years shall be subject to disposition pursuant to Section 1009.981(2)(b)10., F.S.~~

~~(2) The Board will attempt to identify contributors who have made inadvertent payments of fifty dollars (\$50.00) or more into the Program and who are owed a refund of such payments. The Board will mail a written notice to persons who made such payments informing them that they are entitled to a refund of the inadvertent payments when such refunds will be escheated within one (1) year. The notice will indicate the procedure which the person must follow to obtain a refund of the monies held by the Board and that, if a claim for a refund is not made within seven (7) years of the receipt of the inadvertent payment, the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names of the contributors shall be posted on the Board's website ([www.MyFloridaPrepaid.com](http://www.MyFloridaPrepaid.com)).~~

~~(3) When the Board determines one or more additional methods for locating and notifying Account Owners and contributors due an unclaimed refund or entitled to a refund of an inadvertent payment are available which are likely to increase the number and amounts of refunds provided to Account Owners and contributors, the Board will use such methods to locate and provide refunds to Account Owners and contributors.~~

~~(4)(2) The Board shall annually review and approve the list of unclaimed refunds and inadvertent payments which have remained unclaimed for the periods required under this rule and are subject to escheatment to the Florida Prepaid College Trust Fund disposition pursuant to Section 1009.981(2)(b)10., F.S.~~

~~Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.972(5), 1009.981(4) FS. History—New 5-30-02, Amended 1-1-07, 1-28-09, \_\_\_\_\_.~~

19B-16.012 Administration Fee Fee Schedule.

~~The following fee schedule will apply to all participation agreements, benefactors and designated beneficiaries:~~

~~(1) Application Fee~~

~~(a) A fifty dollar (\$50.00) nonrefundable application fee will be collected at the time an application is submitted.~~

~~(b) If a benefactor named on an application has a Florida Prepaid College Plan advance payment contract and the qualified beneficiary of that contract is the same as designated beneficiary named on the application for the Program, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.~~

~~(c) If an application for both the Florida Prepaid College Plan and the Program is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.~~

~~(2) Insufficient Funds—Benefactors will automatically be assessed a twenty dollar (\$20.00) fee for all payments returned for insufficient funds.~~

~~(3) Administration Fee. The Board will annually determine the amount of the administration fee that will apply to all accounts. The amount of the administration fee will be published annually in the Florida Administrative Weekly. The Board will determine the amount of the Administration Fee periodically and may consider factors including, but not limited to, based on the total amount invested in the Program by all benefactors Account Owners, the amounts of the fees that the Board must pay for investment management services, trustee services, records administration services, marketing services, and customer services and the annual budget of the Board, which has been approved by the State Board of Administration. The administration fee will be expressed as a basis point charge against the account balance (a percentage of the account balance). The administration fee will be deducted from each account automatically on a daily basis.~~

~~(4) Termination Fee—Benefactors will automatically be assessed a fifty dollar (\$50.00) fee for the termination of any account pursuant to paragraph 19B-16.010(1)(a) or (b) or (2)(a) or (c), F.A.C. The termination fee will not be collected when an account is terminated due to the death or disability of the designated beneficiary or the receipt by the designated beneficiary of a scholarship, provided the Board receives documentation of those circumstances.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4)(n), 1009.981 FS. History—New 11-27-02, Amended 4-21-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 1, 2013

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Energy**

RULE NOS.:	RULE TITLES:
50-2.001	Florida Renewable Energy Technologies Sales Tax Refund
50-2.002	Florida Renewable Energy Technologies Investment Tax Credit
50-2.003	Florida Renewable Energy Production Tax Credit

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. 54, March 19, 2013 issue of the Florida Administrative Register.

50-2.001 Florida Renewable Energy Technologies Sales Tax Refund.

(1) This rule applies to any taxpayer seeking a refund of Florida sales tax paid after July 1, 2012, on materials used in the distribution, including fueling infrastructure, transportation, and storage, of biodiesel (B10-B100), as defined in Rule 5F-2.001, F.A.C., ethanol (E10-E100), as defined in Rule 5F-2.001, F.A.C., and other renewable fuels. Pursuant to Section 212.08(7)(hhh), F.S., this sales tax refund is limited to \$1 million in Florida sales tax each state fiscal year for all taxpayers.

(2) A taxpayer seeking a Renewable Energy Technologies Sales Tax Refund must apply to the Department as follows:

(a) Applicants must submit a completed Florida Renewable Energy Technologies Sales Tax Refund Application, FDACS-01917, (Rev. 03/13 ~~12/12~~), by certified mail or hand delivery to the Florida Department of Agriculture

and Consumer Services, Office of Energy, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, no later than close of business on June 30, 2016.

(b) Applications must include the information required by the application form.

(c) Applications must include a project summary describing how the materials itemized in the application will be used in the distribution of biodiesel (B10-B100), ethanol (E10-E100), or other renewable fuels including the location and any other relevant information.

(d) Applications must include an itemized list of eligible items including:

1. A serial number or other permanent identification number;
2. Amount of Florida sales tax accrued and paid;
3. A description of each eligible item; and
4. Whether each eligible item was used for fueling infrastructure, transportation, or storage.

(e) Applications must include supporting documentation for all equipment, machinery, and other materials for which the applicant is seeking a Florida sales tax refund. Supporting documentation is the sales invoice or other proof of purchase showing the amount of Florida sales tax accrued and paid, the date of purchase, and the name and address of the dealer, as defined in Section 212.06, F.S., from whom the property was purchased. Legible copies of the documents, in place of originals, will be accepted. If the Florida Department of Agriculture and Consumer Services, Office of Energy, determines the application or supporting documentation is illegible, the application will be determined incomplete.

(f) Each applicant shall ~~complete~~ ~~certify, using the sworn statement, affidavit~~ included as part of the application form, ~~and swear that~~ the information contained in the application and supporting documentation is true and correct; ~~and that all equipment, machinery, and other materials for which the applicant is seeking a Florida sales tax refund have not previously received a Florida sales tax refund; and that the requirements of Section 212.08(7)(hhh), F.S., and this rule have been met.~~

(3) In addition, applicants must submit with the completed application a description of the project’s economic impact in Florida. Examples of such information include: ~~Such information may include, but not be limited to:~~

1. The total dollar value of additional investment made in the distribution of biodiesel, ethanol, and other renewable fuels as a result of the project that is eligible for the sales tax refund incentive;
2. The number of jobs created as a result of the project that is eligible for the sales tax refund incentive; and
3. The total dollar value of salaries and wages of jobs created as a result of the project that is eligible for the sales tax refund incentive.

(4) Applications will be reviewed on a first-come, first-served basis, based upon the date complete applications are received by the Florida Department of Agriculture and Consumer Services, Office of Energy. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line.

(5) Within 30 days of receipt of an application, the Florida Department of Agriculture and Consumer Services, Office of Energy, will evaluate the application to verify that the applicant has met the qualifying statutory and rule criteria. If the Department determines that the applicant is eligible for refund, the Department will return the original application with the certification of eligibility box completed as a written certification that the applicant is eligible for a refund. If the Department determines that the application is incomplete, the Department will issue a written certification that the applicant is eligible for a refund or will issue a written notification to the applicant that the application was determined to be incomplete and will include a description of the application's deficiencies. If the Department determines that an application is incomplete, the taxpayer will be allowed to submit a corrected application. The corrected application will be treated as a new application and reviewed in the order that it is received. Applications and supporting documentation will not be returned to applicants. The Florida Department of Agriculture and Consumer Services, Office of Energy, will provide the Florida Department of Revenue a copy of each certification issued upon approval of an application.

(6) The Florida Department of Agriculture and Consumer Services, Office of Energy, is responsible for ensuring that the total amount of certifications granted does not exceed the limits specified in Section 212.08(7)(hhh), F.S. The amount of Florida sales tax to be refunded in each certification granted will be applied to the fiscal year in which the application is approved by the Florida Department of Agriculture and Consumer Services, Office of Energy.

(7) The Florida Department of Agriculture and Consumer Services will not disburse any funds in connection with the Florida Renewable Energy Technologies Sales Tax Refund program. Each certified applicant is responsible for applying for the refund and forwarding the certified application ~~certification that the applicant is eligible~~ to the Florida Department of Revenue within 6 months after certification-by the Florida Department of Agriculture and Consumer Services, Office of Energy. Upon formal approval by the Florida Department of Revenue, a refund will be issued to the certified applicant within 30 days.

(8) Materials Incorporated by Reference. The Florida Renewable Energy Technologies Sales Tax Refund Application, Form FDACS-01917, (Rev. 03/13 42/42) is hereby adopted and incorporated by reference. The form may be obtained by contacting the Florida Department of

Agriculture and Consumer Services, Office of Energy, at 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or emailing Energy@FreshFromFlorida.com, and is available online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

Rulemaking Authority 212.08(7)(hhh)4.f. FS. Law Implemented 212.08(7)(hhh) FS. History--New\_\_\_\_\_.

5O-2.002 Florida Renewable Energy Technologies Investment Tax Credit.

(1) This rule allows an eligible taxpayer to seek a credit for corporate income taxes in an amount equal to eligible costs as defined in Section 220.192(1)(c), F.S. This rule does not apply to the tax return filing process regulated by the Florida Department of Revenue.

(2) Pursuant to Section 220.192(1)(c), F.S., the total amount of tax credits issued pursuant to this rule will not exceed \$1 million per state fiscal year for each taxpayer with a limit of \$10 million per state fiscal year for all taxpayers.

(3) A taxpayer seeking a Renewable Energy Technologies Investment Tax Credit must apply to the Department as follows:

(a) Applicants must submit a completed Florida Renewable Energy Technologies Investment Tax Credit Application, FDACS-01918 (Rev. 03/13 42/42), by certified mail or hand delivery to the Florida Department of Agriculture and Consumer Services, Office of Energy, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, no later than close of business on November 1 of each year. If November 1 falls on a weekend, then the deadline shall be close of business of the next business day.

(b) Applications must include the information required by the application form.

(c) Applications must include a summary describing how the materials are being used in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100), ethanol (E10-E100) or other renewable fuels in Florida, including the costs of constructing, installing, and equipping such technologies. The summary must also include location and any other relevant information.

(d) Applications must include an itemized list of eligible costs that includes:

1. The amount of the expenditure;
2. Date of expenditure;
3. Description of the cost;
4. If the cost was incurred under capital costs, operation and maintenance costs, or research and development costs; and
5. A subtotal for capital costs, operation and maintenance costs, and research and development costs.

(e) Applications must include supporting documentation for all capital costs, operation and maintenance costs, and research and development costs for which the applicant is seeking a Florida Renewable Energy Technologies Investment



Tax Credit. Supporting documentation is the sales invoice or other proof of payment for each eligible cost. Legible copies of the documents, in place of originals, will be accepted. If the Florida Department of Agriculture and Consumer Services, Office of Energy, determines the application or supporting documentation is illegible, the application will be determined incomplete.

(f) Each applicant shall ~~complete~~ certify, using the sworn statement, affidavit included as part of the application form, and swear that the information contained in the application and supporting documentation is true and correct and the requirements of Section 220.192, F.S., and this rule have been met.

(4) In addition, applicants must submit with the completed application a description of the project's economic impact in Florida. Examples of such information include: ~~Such information may include, but not be limited to:~~

1. The total dollar value of the additional investment in purchases of machinery and equipment made as a result of the project that is eligible for the tax credit incentive;
2. The total dollar value of the additional investment in construction of buildings made as a result of the project that is eligible for the tax credit incentive;
3. The total number of jobs created as a result of the project that is eligible for the tax credit incentive; and
4. The total dollar value of salaries and wages of jobs created as a result of the project that is eligible for the tax credit incentive.

(5) Each fiscal year of the program, a taxpayer is allowed to submit one Florida Renewable Energy Technologies Investment Tax Credit Application, FDACS-01918 (Rev. 03/13 ~~12/12~~) based on eligible costs incurred in a particular fiscal year.

(6) A taxpayer claiming a Florida Renewable Energy Production Tax Credit under Section 220.193, F.S., is ineligible to claim a credit under this program.

(7) Applications will be reviewed on a first-come, first-served basis, based upon the date complete applications are received by the Florida Department of Agriculture and Consumer Services, Office of Energy. Incomplete placeholder applications will not be accepted and will not secure a place in the first-come, first-served application line.

(8) On or before December 1 of each year, the Florida Department of Agriculture and Consumer Services, Office of Energy, will evaluate the application to verify that the applicant has met the qualifying statutory and rule criteria. If the Department determines that the applicant is eligible for refund, the Department will return the original application with the certification of eligibility box completed as a written certification that the applicant is eligible for a refund. If the Department determines that the application is incomplete, the Department will issue a written certification that the applicant is eligible for a tax credit or will issue a written

notification to the applicant that the application was determined incomplete and will include a description of the application's deficiencies. If the Department determines that an application is incomplete, the taxpayer must submit a corrected application on or before close of business December 31 of the same year. ~~Applications and~~ Supporting documentation will not be returned to applicants. The Florida Department of Agriculture and Consumer Services, Office of Energy, will provide the Florida Department of Revenue a copy of each certification issued upon approval of an application.

(9) If the annual tax credit authorization amount is exhausted within a particular state fiscal year, the Florida Department of Agriculture and Consumer Services, Office of Energy, will use unallocated credit amounts under the Florida Renewable Energy Production Tax Credit program within the same fiscal year to grant additional certifications.

(10) If an eligible applicant does not receive a tax credit allocation due to an exhaustion of the annual tax credit appropriation, its application shall remain in the first-come, first-served order in the next year's annual tax credit allocation, if any, based on the date and time of filing the original application.

(11) The Florida Department of Agriculture and Consumer Services will not disburse any funds in connection with the Florida Renewable Energy Technologies Investment Tax Credit program. Certificates granted will not result in the payment of refunds by the Florida Department of Revenue if the total credits exceed the amount of tax owed. Each certified applicant is responsible for attaching the certified application ~~certificate~~ to its annual tax return filed with the Florida Department of Revenue.

(12) Materials Incorporated by Reference. The Florida Renewable Energy Technologies Investment Tax Credit Application, FDACS-01918 (Rev. 03/13 ~~12/12~~) is hereby adopted and incorporated by reference. The form may be obtained by contacting the Florida Department of Agriculture and Consumer Services, Office of Energy, at 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or emailing [Energy@FreshFromFlorida.com](mailto:Energy@FreshFromFlorida.com), and is available online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

Rulemaking Authority 220.192(7) FS. Law Implemented 220.192 FS. History—New \_\_\_\_\_.

50-2.003 Florida Renewable Energy Production Credit.

(1) This rule applies to Florida corporate income taxpayers, as defined in Section 220.193(2)(g), F. S., that own an interest in a general partnership, limited partnership, limited liability company, trust or other artificial entity that owns a Florida renewable energy facility seeking a tax credit toward corporate income tax pursuant to Section 220.193, F.S. This rule does not apply to the tax return filing process regulated by the Florida Department of Revenue.

(2) Pursuant to Section 220.193, F.S., tax credits for the production and sale of electricity from a new or expanded Florida renewable energy facility will be granted for all taxpayers with a limit of \$5 million in state fiscal year 2012-2013 and \$10 million per state fiscal year in state fiscal years 2013-2014 through 2016-2017.

(3) A taxpayer seeking a Renewable Energy Production Tax Credit must apply to the Department as follows:

(a) Applicants must submit a completed Florida Renewable Energy Production Tax Credit Application, FDACS-01919, (Rev. ~~03/13~~ ~~42/42~~), by certified mail or hand delivery to the Florida Department of Agriculture and Consumer Services, Office of Energy, 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, no later than close of business on:

1. January 15, 2014 for the production period January 1, 2013 through December 31, 2013;
2. January 15, 2015 for the production period January 1, 2014 through December 31, 2014;
3. January 15, 2016 for the production period January 1, 2015 through December 31, 2015; and
4. December 1, 2016 for the production period January 1, 2016 through June 30, 2016.

(b) Applications must include the information required by the application form.

(c) Applications must provide the address of the Florida renewable energy facility that produces the electricity qualifying for this corporate income tax credit. The applicant must submit a separate application for each facility. A facility is a building or a group of buildings close to one another that work together to produce electricity from renewable sources.

(d) Applications must include:

1. A summary of the type of renewable energy produced and sold;
2. The kilowatt-hours of electricity produced and sold from renewable energy for each month of the production period for which the applicant is applying;
3. Whether the facility producing that energy is a new or expanded facility; and
4. The date the renewable energy facility was placed in operation on which the production began.

(e) Applicants must attach a schedule to the application that identifies all corporations that will receive the credit and the percentage of the credit to be received by each corporation. The credit allocated shall pass through to the owners in the same manner as items of income and expense pass through for federal income tax purposes.

(f) Each applicant shall certify, using the affidavit included as part of the application form, the increase in production and sales that form the basis of the application and that all other information contained in the application and supporting documentation is true and correct.

(4) In addition, applicants must submit with the completed application a description of the project's economic impact in Florida. Examples of such information include: ~~Such information may include, but not be limited to:~~

(a) The total dollar value of the additional investment in purchases of machinery and equipment made as a result of the project that is eligible for the tax credit incentive;

(b) The total dollar value of the additional investment in construction of buildings made as a result of the project that is eligible for the tax credit incentive;

(c) The type, amount, and dollar value of the renewable energy produced and sold or expected to be produced and sold as a result of the project that is eligible for the tax credit incentive;

(d) The number of jobs created as a result of the project that is eligible for the tax credit incentive; and

(e) The total dollar value of salaries and wages of jobs created as a result of the project that is eligible for the tax credit incentive.

(5) A taxpayer claiming a Florida Renewable Energy Investment Tax Credit under Section 220.192, F.S., is ineligible to claim a credit under this program.

(6) The Florida Department of Agriculture and Consumer Services, Office of Energy, will evaluate the application to verify that the applicant has met the qualifying statutory and rule criteria. The Department will issue a written certification that the applicant is eligible for a tax credit or will issue a written notification that the application was determined incomplete and will include a description of the application's deficiencies. If the Florida Department of Agriculture and Consumer Services, Office of Energy, determines the application is illegible, the application will be determined incomplete. If the Department determines that an application is incomplete, the taxpayer must submit a corrected application within five business days from notification of the application's deficiencies. The Florida Department of Agriculture and Consumer Services, Office of Energy, will provide the Florida Department of Revenue a copy of each certification issued upon approval of an application.

(7) If the annual tax credit authorization amount is exhausted within a particular state fiscal year, the Florida Department of Agriculture and Consumer Services, Office of Energy, will use unallocated credit amounts under the Florida Renewable Energy Investment Tax Credit program within the same fiscal year to grant additional certifications.

(8) If the annual tax credit authorization amount is exhausted within a particular state fiscal year, the Florida Department of Agriculture and Consumer Services, Office of Energy, will allocate credits to qualified applicants based on the priority outlined in Section 220.193(3)(c), F.S.

(9) The Florida Department of Agriculture and Consumer Services will not disburse any funds in connection with the Florida Renewable Energy Production Tax Credit program. Certificates granted will not result in the payment of refunds by

the Florida Department of Revenue if the total credits exceed the amount of tax owed. Each certified applicant is responsible for attaching the certificate to its annual tax return filed with the Florida Department of Revenue.

(10) Every taxpayer claiming a Florida Renewable Energy Production Credit must retain documentation that substantiates and supports the credit for a minimum of 3 years after the Florida Department of Agriculture and Consumer Services, Office of Energy, issues a written certification that the taxpayer is eligible for a tax credit. Documentation to substantiate and support the credit includes:

- (a) Production records or other evidence of the amount of electricity produced;
- (b) Evidence of the increase in production and sales of electricity over the 2011 calendar year by an expanded facility; and
- (c) Evidence establishing that the electricity was produced from renewable energy.

(11) Materials Incorporated by Reference. The Florida Renewable Energy Production Tax Credit Application, FDACS-01919, (Rev. ~~03/13~~ ~~12/12~~) is hereby adopted and incorporated by reference. The form may be obtained by contacting the Florida Department of Agriculture and Consumer Services, Office of Energy, at 600 South Calhoun Street, Suite 251, Tallahassee, Florida 32399-0001, or Energy@FreshFromFlorida.com, and is available online at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX>.

Rulemaking Authority 220.193(6) FS. Law Implemented 220.193 FS. History—New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.: 40B-2.301                      RULE TITLE: Conditions for Issuance of Permits  
 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. 37, No. 34, August 26, 2011 issue of the Florida Administrative Register.

40B-2.301 Conditions for Issuance of Permits.

(1) through (2)(k) No change.

(3) The standards and criteria set forth in the Water Use Permitting Guide, effective ~~DATE January 6, 2010~~, hereby incorporated by reference into this chapter, if met, will provide the reasonable assurances required in this section. This document is available at District headquarters and on the Florida Department of State's website at <https://www.flrules.org> and on the District's website at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com).

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.227, 373.228, 373.229, 373.232, 373.236, 373.239, 373.250 FS. History—New 10-1-82, Amended 5-1-83, 1-6-10, \_\_\_\_\_.

**WATER USE PERMITTING GUIDE LANGUAGE**

3.1.1.1. No change.

1)a through b No change.

2) If reclaimed water is available at the property boundary:

a) The peak, minimum and annual average daily quantity in million gallons per day ~~(or whatever measurement the WMD requires)~~ of reclaimed water supply available from the nearest potential connection point, as well as expected average monthly quantities. ~~(or the applicable WMD measurement).~~

2)b through c No change.

3)a through c No change.

4) through 5) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Water Supply and Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2011

**Section IV  
 Emergency Rules**

**NONE**

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 18, 2013, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Trafalgar Court. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3,

as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2013-090).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

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## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF TRANSPORTATION

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

DATE AND TIME: Wednesday, April 24, 2013; Open House: 6:00 p.m. – 7:30 p.m.

PLACE: Oasis Church, 85 South Tymber Creek Road, Ormond Beach, Florida 32174

GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Management No. 240837-1-32-01.

Project Description: State Road (SR) 40 Widening from West of State Road 11 to West of Cone Road, Volusia County, Florida.

The proposed improvements include widening to a four-lane, divided roadway and include a paved, multi-use trail on the south side of the road. The improvements also include the milling and resurfacing of the existing roadway. The project begins west of SR 11 and extends west of Cone Road, a distance of approximately 7.6 miles.

This meeting is an open house from 6:00 p.m. - 7:30 p.m. Information on the plan to widen State Road 40 from two lanes to four lanes will be available at the meeting. Representatives from the design team will be available during the meeting to discuss the project and answer questions. FDOT welcomes and appreciates everyone's participation in the project.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Andy DeWitt at (407)971-8850, adewitt@inwoodinc.com at least seven days prior to the meeting.

Public participation is solicited without regard to race, color, national origin, age, sex, disability or family status.

Persons who require translation services (free of charge) should contact Andy DeWitt at the phone number above. 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 Mr. Taleb Shams, PE, the FDOT Project Manager at (386)943-5231, Taleb.Shams@dot.state.fl.us, and/or Mr. Andy DeWitt at (407)971-8850, adewitt@inwoodinc.com.

Additional information on the project is also available at [www.cflroads.com](http://www.cflroads.com).

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#### REGIONAL PLANNING COUNCILS

##### East Central Florida Regional Planning Council

The Volusia County Department of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: April 8, 2013, 1:00 p.m.

PLACE: Daytona Beach City Island Library Auditorium, 105 East Magnolia Avenue, Daytona Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Volusia County Department of Emergency Management and its municipalities are soliciting public input and comment for the final draft Floodplain Management Plan. The public comment period will occur from April 3, 2013 through April 12, 2013. An open public meeting will also be held on April 8, 2013.

The draft Floodplain Management Plan will be available on April 3, 2013 at [www.ecfrpc.org](http://www.ecfrpc.org). To submit written comments by email, please send to Tara McCue at [tara@ecfrpc.org](mailto:tara@ecfrpc.org).

A copy of the agenda may be obtained by contacting: Tara McCue at (407)262-7772 or [tara@ecfrpc.org](mailto:tara@ecfrpc.org).

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#### WATER MANAGEMENT DISTRICTS

##### Southwest Florida Water Management District

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

DATE AND TIME: Tuesday, April 9, 2013, 1:00 p.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cooperative Funding Public Meeting: Governing Board members will discuss, evaluate and prioritize fiscal year 2014 requests for project funding in the northern counties of SWFWMD and discuss strategic plan priorities. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; (800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Bureau Chief at (800)423-1476 (FL only) or (352)796-7211, x4702; TDD (FL only) (800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (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: Lori.Manuel@watermatters.org; (800)423-1476 (FL only) or (352)796-7211, x4606 (Ad Order EXE0254).

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#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

DATE AND TIME: Wednesday, April 10, 2013, 10:00 a.m.

PLACE: SWFWMD Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL 34240

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cooperative Funding Public Meeting: Governing Board members will discuss, evaluate and prioritize fiscal year 2014 requests for project funding in the southern counties of SWFWMD and discuss strategic plan priorities. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; (800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Bureau Chief at (800)423-1476 (FL only) or (352)796-7211, x4702; TDD (FL only) (800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (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: Lori.Manuel@watermatters.org; (800)423-1476 (FL only) or (352)796-7211, x4606 (Ad Order EXE0255).

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#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

DATE AND TIME: Tuesday, April 16, 2013, 10:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cooperative Funding Public Meeting: Governing Board members will discuss, evaluate and prioritize fiscal year 2014 requests for project funding in Hillsborough, Pasco and Pinellas counties of SWFWMD and discuss strategic plan priorities. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; (800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Bureau Chief at (800)423-1476 (FL only) or (352)796-7211, x4702; TDD (FL only) (800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (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: Lori.Manuel@watermatters.org; (800)423-1476 (FL only) or (352)796-7211, x4606 (Ad Order EXE0256).

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#### WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

DATE AND TIME: Wednesday, April 17, 2013, 1:00 p.m.

PLACE: SWFWMD Bartow Service Office, 170 Century Boulevard, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cooperative Funding Public Meeting: Governing Board members will discuss, evaluate and prioritize fiscal year 2014 requests for project funding in Polk, Highlands and Hardee counties of SWFWMD and discuss strategic plan priorities. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; (800)423-1476 (FL only) or (352)796-7211.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Bureau Chief at (800)423-1476 (FL only) or (352)796-7211, x4702; TDD (FL only) (800)231-6103 or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (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: Lori.Manuel@watermatters.org; (800)423-1476 (FL only) or (352)796-7211, x4606 (Ad Order EXE0257).

DEPARTMENT OF MANAGEMENT SERVICES

Division of Communications

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

DATE AND TIME: Monday, April 8, 2013, 2:00 p.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way Room 152, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Memorandum of Understanding for the Joint Task Force Board.

A copy of the agenda may be obtained by contacting Debi Smith, (850)922-7435, 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 14 days before the workshop/meeting by

contacting Debi Smith, (850)922-7435, 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, (850)922-7435, debi.smith@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

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

DATE AND TIME: April 30, 2013, 10:00 a.m.

PLACE: (888)670-3525, participant code 8492079683#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement Committee.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, FL 32399-0773.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the board office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (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.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

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

DATE AND TIME: April 17, 2013, 9:00 a.m.

PLACE: Access phone: (888)670-3525, conference code 2966335023.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting, portions which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399; (850)717-1399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399; (850)717-1399. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, (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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399; (850)717-1399.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DATE AND TIME: Friday, April 19, 2013, 9:00 a.m. (only).

PLACE: Marjorie Stoneman Douglas Building, Conference Rooms A&B, 3900 Commonwealth Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The previously noticed meeting of the Acquisition and Restoration Council (ARC) for the purpose of conducting business will proceed as scheduled and public testimony will be heard on the above date. The public hearing for Thursday, April 18, 2013 has been cancelled.

A copy of the agenda may be obtained by contacting: Amanda Marsh, Office of Environmental Services at (850)245-2784 or on the web at [www.dep.state.fl.us/lands/arc\\_calendar.htm](http://www.dep.state.fl.us/lands/arc_calendar.htm).

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: Amanda Marsh, Office of Environmental Services at (850)245-2784 or [amanda.marsh@dep.state.fl.us](mailto:amanda.marsh@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: Amanda Marsh, Office of Environmental Services at (850)245-2784 or [amanda.marsh@dep.state.fl.us](mailto:amanda.marsh@dep.state.fl.us).

#### DEPARTMENT OF HEALTH

The Infant, Maternal, and Reproductive Health Unit announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, April 2, 2013, 3:00 p.m. Eastern Daylight Time.

PLACE: Call-in: toll-free number (US): (888)670-3525, attendee access code: 277 680 0919.

#### WEBEX:

<https://suncom.webex.com/suncom/j.php?ED=174503202&UID=492507417&RT=MiMxMQ%3D%3D>; meeting number: 645 846 358.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Healthy Start Redesign Implementation Steering Committee will meet to discuss the redesign of the Healthy Start Program.

A copy of the agenda may be obtained by contacting: Carol Scoggins, Bureau of Family Health Services, (850)245-4444, ext. 4103 or email: [Carol\\_Scoggins@doh.state.fl.us](mailto:Carol_Scoggins@doh.state.fl.us).

For more information, you may contact: Carol Scoggins, Bureau of Family Health Services, (850)245-4444, ext. 4103 or email: [Carol\\_Scoggins@doh.state.fl.us](mailto:Carol_Scoggins@doh.state.fl.us), or visit the Healthy Start website at: <http://www.doh.state.fl.us/family/mch/hs/hs.html>.

#### DEPARTMENT OF HEALTH

##### Board of Dentistry

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

DATE AND TIME: May 17, 2013, 7:30 a.m.

PLACE: Hyatt Regency Jacksonville, 225 E Coastline Drive, Jacksonville, FL 32202, (904)360-8656

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

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

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at (800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster at (850)245-4474.

#### FISH AND WILDLIFE CONSERVATION COMMISSION

##### Marine Fisheries

The Florida Fish and Wildlife Conservation Commission announces public meetings to which all persons are invited.

DATE AND TIME: April 1, 2013, 6:00 p.m. – 8:00 p.m. (EDT).

PLACE: Fish and Wildlife Research Institute, 100 Eighth Ave. S.E., Karen A. Steidinger Auditorium, St. Petersburg, FL 33701

DATE AND TIME: April 2, 2013, 6:00 p.m. – 8:00 p.m. (EDT).

PLACE: IGFA Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, FL 33004

DATE AND TIME: April 3, 2013, 6:00 p.m. – 8:00 p.m. (EDT).

PLACE: City of Key Colony Beach – City Hall Building, City Hall, Auditorium, Mile Marker 53.5, 600 W. Ocean Drive, Key Colony Beach, FL 33051

DATE AND TIME: April 8, 2013, 6:00 p.m. – 8:00 p.m. (EDT) (5:00 p.m. – 7:00 p.m. CDT).

PLACE: Statewide webinar and telephone conference call. Webinar: <http://fwc.adobeconnect.com/mfm/>. Voice-only access – contact Carly.Canion@MyFWC.com or (850)617-9627. More information about how to participate in the webinar or conference call will be available on FWC website prior to the webinar date: <http://www.myfwc.com/fishing/saltwater/rulemaking/workshops/>. People interested in participating may also contact Carly Canion at (850)617-9627 for more information.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these workshops is to solicit public input on possible changes to the Commission’s tarpon rules (Chapter 68B-32, F.A.C.) and bonefish rules (Chapter 68B-34, F.A.C.). Specifically, the Florida Fish and Wildlife Conservation Commission will be gathering public comments on a proposal to make tarpon and bonefish catch and release only throughout Florida’s state and federal waters. Possible provisions of the proposal include eliminating the allowance for a tarpon bag limit and replacing it with an allowance for harvest or possession of a single tarpon in conjunction with a tarpon tag only for the purpose of pursuing an International Game Fish Association (IGFA) record, limiting the fishing gears allowed for use when targeting tarpon to hook and line only, creating stricter reporting requirements for any tarpon tag purchased, extending existing and proposed tarpon regulations into federal waters, and eliminating the existing bonefish tournament exemption permit that allows registered tournament anglers to possess a bonefish for the purposes of transporting it to the tournament scale. The proposal also includes an allowance for temporary possession of both tarpon and bonefish for the purposes of photography, measurement, weighing, or collecting scientific samples.

A copy of the agenda may be obtained by contacting: Jessica McCawley, 620 S. Meridian, Tallahassee, FL 32399, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, (850)488-6411. 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: Jessica McCawley, 620 S. Meridian, Tallahassee, FL 32399, (850)487-0554.

RULE NO.: RULE TITLE:

69K-33.007: Requirements regarding handling and storing of human remains

The Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, Florida Statutes announces a public meeting to which all persons are invited.

DATE AND TIME: April 4, 2013, 12:00 Noon

PLACE: Suites Jacksonville-Baymeadows, 9300 Baymeadows Road, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a meeting of the Rules Committee of the Board of Funeral, Cemetery, and Consumer Services, to consider proposed rules or amendments to rules in rule Chapter 69K, including but not limited to a proposed rule to satisfy the mandatory rulemaking requirement of Section 497.386(4), F.S., relating to minimal standards of acceptable and prevailing practices for the handling and storing of dead human bodies. Prior notice of this meeting indicated that it would be limited to the mandatory rulemaking required under Section 497.386(4), FS, but by this notice the public is informed that other rules and proposed rules may come before the rules committee at this meeting, as will be specified in an agenda that will be available before the meeting.

A copy of the agenda may be obtained by contacting: LaTonya Bryant-Parker at (850)413-4957, LaTonya.Bryant-Parker@myfloridaCFO.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker at (850)413-4957, LaTonya.Bryant-Parker@myfloridaCFO.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: LaTonya Bryant-Parker at (850)413-4957, LaTonya.Bryant-Parker@myfloridaCFO.com.

COUNCIL OF COMMUNITY COLLEGE PRESIDENTS

The Florida College System Council of Presidents announces a public meeting to which all persons are invited.

DATE AND TIME: April 11, 2013, 6:00 p.m.

PLACE: Governors Club, 202 South Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues pertaining to the Florida College System.

A copy of the agenda may be obtained by contacting: Tina Ingramm-Ward, (850)222-3222.

DEPARTMENT OF FINANCIAL SERVICES  
Division of Funeral, Cemetery, and Consumer Services



For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

**COUNCIL OF COMMUNITY COLLEGE PRESIDENTS**  
 The Florida College System Council of Presidents announces a public meeting to which all persons are invited.  
**DATE AND TIME:** April 12, 2013, 8:00 a.m.  
**PLACE:** TCC Capitol Center, 300 West Pensacola Street, Tallahassee, FL 32301  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Issues pertaining to the Florida College System.  
 A copy of the agenda may be obtained by contacting: Tina Ingramm-Ward, (850)222-3222.  
 For more information, you may contact: Michael Brawer, 113 East College Avenue, Tallahassee, FL 32301.

**HHI DESIGN**  
 The LYNX announces a workshop to which all persons are invited.  
**DATE AND TIME:** Wednesday, March 27, 2013, 11:00 a.m. – 3:00 p.m.  
**PLACE:** Lynx Central Station, 455 N. Garland Avenue, Orlando, FL 32801  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** LYNX is conducting a Comprehensive Operational Analysis (COA) of its transit route network in Orange, Osceola and Seminole counties to develop a plan that meets the travel needs of the community. **LET US KNOW WHAT YOU THINK** – Purpose is to gather input from LYNX riders on their desired improvements to bus routes and schedules. Please come by our information booth to review information boards and fill out a short questionnaire. Your input is essential to identify LYNX service needs and opportunities.  
 A copy of the agenda may be obtained by contacting: Ginger Corless at (407)616-5500 or gcorless@tindaleoliver.com.  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Ginger Corless at (407)616-5500 or gcorless@tindaleoliver.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: Ginger Corless at (407)616-5500 or gcorless@tindaleoliver.com. Please forward any specific comments and/or questions to COA@golynx.com.

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

**NONE**

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

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

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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

**NONE**

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

**NONE**

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

Office of Energy

**RESEARCH & DEVELOPMENT BIOENERGY GRANT PROGRAM**

The Florida Department of Agriculture and Consumer Services (FDACS) is seeking grant applications from Florida colleges and universities for research and development projects in Florida relating to bioenergy technologies and innovative

technologies that significantly reduce fossil fuel consumption for transportation and/or electric generation. It is anticipated that approximately \$3.9 million will be available for the Research and Development (R&D) Bioenergy Grant Program. The Department may have the option to allocate additional funds to the Program, subject to availability. For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be 25% of the total project costs. In addition, matching funds must be expended in concurrence with grant funds.

Grant applications and instructions may be obtained on the internet at <http://www.freshfromflorida.com/offices/energy/>. Grant applications must be received by Friday, April 19, 2013, at 5:00 p.m. Eastern Standard Time in order to be considered.

FDACS reserves the right, at its sole discretion, to suspend or amend the provisions of this NOFA during the application period. If such an action occurs, FDCAS will post revisions to the NOFA on its website, <http://www.freshfromflorida.com/offices/energy/>.

DEPARTMENT OF EDUCATION

Florida State University

Notice to Professional Consultants

Florida State University, State of Florida, announces that professional services in the discipline of architecture will be required for the project listed below:

Project No. FS-259

Project and Location: Earth Ocean and Atmospheric Sciences (EOAS), Florida State University, Tallahassee, Florida.

The project consists of the design of approximately 189,000 gsf of new space for a newly formed department at FSU: Earth Ocean and Atmospheric Sciences (EOAS). The new facility which will house EOAS is intended to create a collaborative environment in which to teach, conduct research and promote public service in the environmental sciences. Spaces to be constructed include classroom/teaching lab, study, research lab, administrative and academic support functions. Specialty consultants should not be included in the submittal. If required, for acoustics, lighting, lab design, etc., they will be selected together with the university, after the architect has been selected. It is anticipated that the project will be implemented in phases. The selected firm will provide advanced programming, design, construction documents and administration for the referenced project which is budgeted at approximately \$50,000,000.00. Pending receipt of funding, construction is anticipated to begin 2014. As part of Phase 1, and in anticipation of subsequent phasing, the design professional may be asked to provide a site master plan which best utilizes the site and surrounding areas, including the northern campus entry at Woodward Avenue. The project delivery system will be construction management. Blanket professional liability insurance will be required for this project

in the amount of \$2,000,000, and will be provided as a part of Basic Services. Phase 2 may be awarded pending successful completion of Phase 1 services and available funding.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Florida State University "Professional Qualifications Supplement," dated December, 2004. Applications on any other form, or on versions dated prior to 12/04, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit (6) six hard copies of the above requested data bound in the order listed above and (1) one electronic PDF copy. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for Florida State University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, [www.facilities.fsu.edu/fdc](http://www.facilities.fsu.edu/fdc), or by contacting: Lynetta Mills, Facilities Design & Construction, 969 Learning Way, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, fax (850)644-8351.

For further information on the project, contact: Kim Ball, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m., local time, on Thursday, April 18, 2013. Facsimile (FAX) or electronically transmitted submittals are not acceptable and will not be considered.

Section XII  
Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Euro Motorsports of NWF, Inc. for the establishment of MOGU line-make

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Euro Motorsports of NWF, Inc., d/b/a Moto Guzzi Pensacola as a dealership for the sale of Moto Guzzi motorcycles manufactured by Piaggio Group Americas, Inc. (line-make MOGU) at 6258 North West Street, Pensacola, (Escambia County), Florida 32505, on or after April 19, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Euro Motorsports of NWF, Inc., d/b/a Moto Guzzi Pensacola are dealer operator(s): Courtney Pereira, 6258 North West Street, Pensacola, Florida 32505; principal investor(s): Courtney Pereira, 6258 North West Street, Pensacola, Florida 32505.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael J. Babich, Piaggio Group Americas, Inc., 257 Park Ave South, 4th Floor, New York, New York, 10018.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES

Division of Motor Vehicles

Gary's Bikes & Scooters, for the establishment of ZHNG line-make

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Road Rat Motors, LLC, intends to allow the establishment of Gary's Bikes & Scooters, as a dealership for

the sale of motorcycle manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (line-make ZHNG) at 3310 South Hopkins Avenue, Titusville, (Brevard County), Florida 32780, on or after April 19, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Gary's Bikes & Scooters are dealer operator(s): Gary D. Altman, 4304 London Town Road, #111, Titusville, Florida 32796; principal investor(s): Gary D. Altman, 4304 London Town Road, #111, Titusville, Florida 32796.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Justin Jackrel, Road Rat Motors, LLC, 7065 Northwest 22nd Street, Suite A, Gainesville, Florida 32653.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES

Division of Motor Vehicles

Grossman Acquisition, LLC, d/b/a Luxury Cars of Boca for the OREI line-make

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Oreion Motors, LLC, intends to allow the establishment of Grossman Acquisitions, LLC, d/b/a Luxury Cars of Boca as a dealership for the sale of low-speed vehicles manufactured by Oreion Motors, LLC (line-make OREI) at 127 Northwest 13th Street, Suite # 4, Boca Raton, (Palm Beach County), Florida 33432, on or after April 19, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Grossman Acquisitions, LLC, d/b/a Luxury Cars of Boca are dealer operator(s): Arthur Jay

Grossman, 600 Golden Harbor Drive, Boca Raton, Florida 33432; principal investor(s): Arthur Jay Grossman, 600 Golden Harbor Drive, Boca Raton, Florida 33432.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Roseanne Knox, Oreion Motors, LLC, 702 Carmony Lane Northeast, Albuquerque, New Mexico, 87107.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Mid Florida Golf Cars Distributors, Inc. for the establishment of OREI line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Oreion Motors, LLC, intends to allow the establishment of Mid Florida Golf Cars Distributors Inc., d/b/a Mid Florida Golf Cars as a dealership for the sale of low-speed vehicles manufactured by Oreion Motors LLC (line-make OREI) at 5864 Phillips Highway, Jacksonville, (Duval County), Florida 32216, on or after April 19, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Mid Florida Golf Cars Distributors Inc., d/b/a Mid Florida Golf Cars are dealer operator(s): Bobby Sanders, 750 North Highway 17-92, Longwood, Florida 32750; principal investor(s): Bobby Sanders, 750 North Highway 17-92, Longwood, Florida 32750.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Roseanne Knox, Oreion Motors, LLC, 702 Carmony Lane Northeast, Albuquerque, New Mexico 87107.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Mid Florida Golf Cars Distributors, Inc. for the establishment of OREI line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Oreion Motors, LLC, intends to allow the establishment of Mid Florida Golf Car Distributors, Inc., d/b/a Mid Florida Golf Cars as a dealership for the sale of low-speed vehicles manufactured by Oreion Motors, LLC (line-make OREI) at 1611 State Road 60 East, Valrico, (Hillsborough County), Florida 33594, on or after April 19, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Mid Florida Golf Car Distributors, Inc., d/b/a Mid Florida Golf Cars are dealer operator(s): Bobby Sanders, 750 North Highway 17-92, Longwood, Florida 32750; principal investor(s): Bobby Sanders, 750 North Highway 17-92, Longwood, Florida 32750.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Roseanne Knox, Oreion Motors, LLC, 702 Carmony Lane Northeast, Albuquerque, New Mexico 87107.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Oreion Motors of Volusia, LLC for the establishment of OREI line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Oreion Motors, LLC, intends to allow the establishment of Oreion Motors of Volusia, LLC, as a dealership for the sale of low-speed vehicles manufactured by Oreion Motors, LLC (line-make OREI) at 208 Magnolia Street, New Smyrna, (Volusia County), Florida 32168, on or after April 19, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Oreion Motors of Volusia, LLC, are dealer operator(s): Alan Goldstein, 5997 Seminole Woods Drive, Port Orange, Florida 32127; principal investor(s): Alan Goldstein, 5997 Seminole Woods Drive, Port Orange, Florida 32127.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Roseanne Knox, Oreion Motors, LLC, 702 Carmony Lane Northeast, Albuquerque, New Mexico 87107.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Palm City Corporation, Inc. for the establishment of MOGU line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Palm City Corporation, Inc., as a dealership for the sale of Moto Guzzi motorcycles manufactured by Piaggio Group Americas, Inc. (line-make MOGU) at 14540 South Tamiami Trail, Fort Myers, (Lee County), Florida 33912, on or after April 19, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Palm City Corporation, Inc., are dealer operator(s): James Wilson, 14540 South Tamiami Trail, Ft. Myers, Florida 33912; principal investor(s): James Wilson, 14540 South Tamiami Trail, Ft. Myers, Florida 33912 and Lucille Wilson, 14540 South Tamiami Trail, Ft. Myers, Florida 33912.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael J. Babich, Piaggio Group Americas, Inc., 257 Park Avenue South, 4th Floor, New York, New York 10018.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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DEPARTMENT OF ENVIRONMENTAL PROTECTION  
FY 2014 Section 319 Grant

The Florida Department of Environmental Protection announces the solicitation for the FY 2014 Section 319 grant and welcomes applicants for grant funds for nonpoint source management projects. Eligible grant recipients include state agencies, local governments, universities, non-profit organizations, public utilities, and water management districts.

Priority is given to recipients actively engaging in the Basin Management Action Plan process. The schedule for the FY 2014 grant cycle is as follows:

May 24, 2013 – Project proposals are due to the Department for review and ranking.

Summer 2013 - Projects will be evaluated for consideration.

September 30, 2013 – Selected projects will be sent to EPA for approval in a draft Work Plan and status letters will be mailed to all applicants.

Spring 2014 – EPA will provide comment and/or approval of the draft Work Plan.

Fall 2014 – Federal funding will be provided to the state and contracts will be initiated for projects included in the Final Work Plan.

Spring 2015 – Most contracts will be executed and in place. No costs may be reimbursed for work occurring outside the contract period.

Additional information and the application form can be found on the Department's website at <http://www.dep.state.fl.us/water/nonpoint/319h.htm>, or by contacting Lee Marchman at (850)245-8682, [Lee.Marchman@dep.state.fl.us](mailto:Lee.Marchman@dep.state.fl.us).

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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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