

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NOS.:	RULE TITLES:
5J-17.003	Applications for Licensure: Approved Schools and Colleges
5J-17.010	Grounds for Discipline
5J-17.011	Disciplinary Guidelines
5J-17.020	Applications for Licensure: Experience
5J-17.021	Applications for Licensure: Education
5J-17.022	Applications for Surveyor and Mapper Intern / Surveyor in Training
5J-17.025	Domestic Equivalency Education Program Criteria for Applicants Who Graduated from Non-ABET Accredited Surveying and Mapping Degree Programs
5J-17.028	Application for Retired Status
5J-17.032	Content of Examination
5J-17.040	Continuing Education Requirements for Reactivation of Inactive License
5J-17.041	Continuing Education Credit for Biennial Renewal
5J-17.042	Proof of Continuing Education Credit Earned
5J-17.043	Board Approval of Continuing Education Providers
5J-17.044	Obligations of Continuing Education Providers
5J-17.045	Evaluations of Continuing Education Providers
5J-17.046	Duration of Provider Status
5J-17.047	Approval of Continuing Education Courses
5J-17.048	Reinstatement of Null and Void License
5J-17.050	Definitions
5J-17.051	Standards of Practice: General Survey, Map, and Report Content Requirements
5J-17.052	Standards of Practice: Specific Survey, Map, and Report Requirements
5J-17.053	Standards of Practice - Professional Matters in Surveying and Mapping
5J-17.060	Seals Acceptable to the Board
5J-17.062	Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents
5J-17.070	Fees
5J-17.085	Survey Review

**PURPOSE AND EFFECT:** These changes are to amend and streamline the rules and forms that govern the profession of surveying and mapping in the state of Florida. Many of these

changes are necessary as there were corresponding changes to chapter 472, F.S., in the last legislative session. These changes also seek to remove obsolete language that no longer applies to the profession and remove outdated verbiage that applies to seals acceptable to the Board. In addition, these changes seek to provide clarity regarding continuing education credits.

**SUBJECT AREA TO BE ADDRESSED:** As stated above, the subject area of the proposed rules include: applications, licensure, discipline, definitions, fines, examinations, continuing education, standards of practice, seals, and survey review.

**RULEMAKING AUTHORITY:** 472.006, (6), 472.008, 472.0101, 472.011, 472.013, 472.013(2)(a), (4), 472.0131, 472.015, 472.018, 472.019, (2), 472.0202, 472.025, 472.027, 472.033, 472.0345, 472.0351, 472.0351(4)(b), 472.036 FS.

**LAW IMPLEMENTED:** 455.2179(1), 472.003(5)(d), 472.005, (13), 472.006, 472.007(2), 472.008, 472.0101, 472.011, (12), 472.013, (2), (3), (4), 472.0131, 472.015, 472.018, 472.019, (2), 472.0202, 472.021, 472.023, 472.025, (1), 472.027, 472.031, 472.033, 472.0345, 472.0351, (1)(f), (g), (h), (2), (2)(c), (4)(b), 472.036, 472.0365, 472.0366(2) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Jenna L. Harper, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3833.

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

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.:	RULE TITLE:
12D-9.020	Exchange of Evidence

**PURPOSE AND EFFECT:** The purpose of the amendment to Rule 12D-9.020, F.A.C., is to implement the Administrative Law Judge’s (ALJ) ruling in Rob Turner, Hillsborough County Property Appraiser vs. Department of Revenue. The effect of this rule amendment is to make the rule consistent with the ALJ’s ruling regarding the exchange of evidence in the value adjustment board (VAB) hearing process, as well as with Chapter 2016-128, s. 10, and Chapter 2013-109, s. 8, Laws of Florida.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is the exchange of evidence process in VAB proceedings. Rule text is on the Department’s website at <http://www.floridarevenue.com/rules>.

RULEMAKING AUTHORITY: 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 194.011, 194.015, 194.032, 194.034, 194.035, 195.022 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: November 14, 2017, 2:00 p.m.

PLACE: Conference Room 1220, Building 2, Capital Circle Office Complex, 2450 Shumard Oak Blvd., Tallahassee, Florida. The public can also participate in this workshop through our teleconference system using instructions that will be included with the agenda for this workshop. The Department will post the agenda and supporting information for the workshop on the Department's website at <http://www.floridarevenue.com/rules>.

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: Mike Cotton at (850)617-8870. 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: Mike Cotton, Property Tax Oversight Program, Department of Revenue, P.O. Box 3000, Tallahassee, Florida 32315-3000, at [Mike.Cotton@floridarevenue.com](mailto:Mike.Cotton@floridarevenue.com) or (850)617-8870.

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

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.: 12D-16.002  
 RULE TITLE: Index to Forms

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-16.002, F.A.C., is to add an information page to Forms DR-486 (Petition to the Value Adjustment Board – Request for Hearing) and DR-486PORT (Petition to the Value Adjustment Board – Transfer of Homestead Assessment Difference, Request for Hearing). The effect of this rule amendment will be that this information page will provide useful reference material to the taxpayer for the value adjustment board (VAB) hearing process.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the inclusion of page three, "Information for the Taxpayer," for the VAB proceedings to the petition forms. Rule

text is on the Department's website at <http://www.floridarevenue.com/rules>.

RULEMAKING AUTHORITY: 194.011(5), 194.034(1), 195.027(1), 213.06(1) F.S.

LAW IMPLEMENTED: 194.011, 194.015, 194.032, 194.034, 194.035, 195.022 F.S.

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: November 14, 2017, 2:00 p.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mike Cotton, Property Tax Oversight Program, Department of Revenue, P.O. Box 3000, Tallahassee, Florida 32315-3000, at [Mike.Cotton@floridarevenue.com](mailto:Mike.Cotton@floridarevenue.com) or (850)617-8870.

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

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-15.0081  
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

PURPOSE AND EFFECT: To provide the 2018 toll rate schedule adjusted for the Consumer Price Index in accordance with s. 338.165(2), F.S.

SUBJECT AREA TO BE ADDRESSED: Turnpike toll rates  
 RULEMAKING AUTHORITY: 334.044(2), 338.155(1), 338.231, FS.

LAW IMPLEMENTED: 334.044(16), 338.155, 338.165, 338.222, 338.2216, 338.231, FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399; susan.schwartz@dot.state.fl.us

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

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:      RULE TITLES:  
 14-40.003      Highway Landscape Projects  
 14-40.020      Grant Application Process  
 14-40.022      Florida Highway Beautification Council Grant Award Process  
 14-40.023      Funding, Construction, and Maintenance of Beautification Projects

PURPOSE AND EFFECT: To clarify requirements for highway landscape plans and update the grant process in accordance with section 9, Chapter 2017-42, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Roadside landscaping, conservation, and beautification.

RULEMAKING AUTHORITY: 334.044(2), 337.2505, 337.405, 339.2405, FS.

LAW IMPLEMENTED: 334.044(26), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Schwartz, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Tallahassee, Florida 32399; susan.schwartz@dot.state.fl.us

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

**DEPARTMENT OF TRANSPORTATION**

RULE NO.:      RULE TITLE:  
 14-100.003      Express Lane Tolling

PURPOSE AND EFFECT: To provide additional information on express lane variable tolling in accordance with chapter 2017-182, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Express lane tolling  
 RULEMAKING AUTHORITY: 334.044(2), 338.155(1), 338.166(4), FS.

LAW IMPLEMENTED: 316.1001, 316.640(1), 318.14(12), 334.044(16), 338.155(1), 338.165, 338.166(4), 338.2216, 338.231, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Schwartz, Assistant General Counsel, Florida Department of Transportation, 605 Suwannee Street, Tallahassee, Florida 32399; susan.schwartz@dot.state.fl.us

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

**DEPARTMENT OF CITRUS**

RULE NO.:      RULE TITLE:  
 20-69.002      Requirements for Use of Imported Products

PURPOSE AND EFFECT: Repeals rule requiring mandatory additive testing by USDA on imported citrus juices and requirement of a signed statement by the importing processor declaring the imported juice meets Florida fruit maturity standards making the currently mandatory USDA testing a voluntary process.

SUBJECT AREA TO BE ADDRESSED: Imports USDA required testing

RULEMAKING AUTHORITY: 601.10(1), (7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.155 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice Wiggins, Legal Assistant, Florida Department of Citrus, P O Box 9010, Bartow, FL 33831 or awiggins@citrus.myflorida.com

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

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

RULE NOS.: RULE TITLES:  
 40A-1.1002 Variances from Water Shortage Plan  
 40A-1.207 Complaints

PURPOSE AND EFFECT: The Northwest Florida Water Management District (NFWFMD) gives notice that it is developing rules to update rules for consistency with Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The rule development will repeal a rule and clarify a rule for consistency with Florida Statutes.

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113, FS.

LAW IMPLEMENTED: 120.54(5), 373.175, 373.219(2), 373.246, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Selina Potter, Bureau Chief, Northwest Florida Water Management District, Bureau of Performance and Compliance Improvement, 152 Water Management Drive, Havana, FL 32333, (850)539-5999, selina.potter@nfwwater.com

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

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

RULE NOS.: RULE TITLES:  
 40A-3.011 Policy and Purpose  
 40A-3.021 Definitions  
 40A-3.037 Water Well Contractor Licensing  
 40A-3.041 Permits Required  
 40A-3.051 Exemptions  
 40A-3.301 Conditions for Issuance of Permits  
 40A-3.341 Disapproval of Wells  
 40A-3.411 Completion Reports  
 40A-3.502 Construction Methods  
 40A-3.504 Location  
 40A-3.507 Casing and Liner Pipe Standards  
 40A-3.517 Grouting and Sealing  
 40A-3.901 Forms and Instructions

PURPOSE AND EFFECT: The Northwest Florida Water Management District (NFWFMD) gives notice that it is developing rules for updating existing rules to delete redundant and unnecessary rules, clarify rules, incorporate referenced material, and update rule references.

SUBJECT AREA TO BE ADDRESSED: The rule development will cover updating existing rules to delete redundant and unnecessary rules, clarify rules, incorporate referenced material, and update rule references.

RULEMAKING AUTHORITY: 373.026, 373.044, 373.103, 373.113, 373.171, 373.308, 373.309, 373.323, 373.326, 373.333, 373.337, FS., 62-532, F.A.C.

LAW IMPLEMENTED: 373.106, 373.109, 373.303, 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.319, 373.323, 373.323(2), 373.324, 373.326, 373.329, 373.333, 373.337, 373.342, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Selina Potter, Bureau Chief, Northwest Florida Water Management District, Bureau of Performance and Compliance Improvement, 152 Water Management Drive, Havana, FL 32333, (850)539-5999, selina.potter@nfwwater.com

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

**WATER MANAGEMENT DISTRICTS**

**Northwest Florida Water Management District**

RULE NOS.:      RULE TITLES:  
 40A-6.041      Permit Required  
 40A-6.201      Permit Processing Fee  
 40A-6.301      Conditions for Issuance of Permits  
 40A-6.451      Emergency Authorization

PURPOSE AND EFFECT: The Northwest Florida Water Management District (NFWFMD) gives notice that it is developing rules to update existing rules for consistency with Florida Statutes and deleting obsolete rules.

SUBJECT AREA TO BE ADDRESSED: The rule development will cover updating existing rules for consistency with Florida Statutes and deleting obsolete rules.

RULEMAKING AUTHORITY: 373.044, 373.103(4), 373.113, 373.171, 373.418, F.S.

LAW IMPLEMENTED: 373.084, 373.085, 373.085(1), 373.086, 373.103(4), 373.109, 373.119, 373.413, 373.416, 373.426, 373.439, F.S.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Selina Potter, Bureau Chief, Northwest Florida Water Management District, Bureau of Performance and Compliance Improvement, 152 Water Management Drive, Havana, FL 32333, (850)539-5999, selina.potter@nfwwater.com

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:      RULE TITLE:  
 59G-13.070      Developmental Disabilities Individual Budgeting Waiver Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.070, Florida Administrative Code (F.A.C.), is to update the Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, \_\_\_\_\_. The amendment adds Residential Habilitation (Enhanced Intensive Behavior) as a new service, adds adult family care homes as a licensed residential facility type, removes the Incident Reporting Form and updates the Qualifications for Trainers/Trainer Agreement Form.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Individual Budgeting Waiver Services.

RULEMAKING AUTHORITY: 393.501, 409.919 FS.

LAW IMPLEMENTED: 393.0662, 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: November 9, 2017, 10:00 a.m. to 10:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kimberly Quinn. 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: Kimberly Quinn, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4284, e-mail:

Kimberly.Quinn@ahca.myflorida.com

Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Official comments to be entered into the rule record will be received until 5:00 p.m. on November 10, 2017 and may be e-mailed to [MedicaidRuleComments@ahca.myflorida.com](mailto:MedicaidRuleComments@ahca.myflorida.com). For general inquiries and questions about the rule, please contact the person specified above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.070 Developmental Disabilities Individual Budgeting Waiver Services.

(1) This rule applies to all providers rendering Florida Medicaid Developmental Disabilities Individual Budgeting Waiver services to recipients.

(2) All providers must be in compliance with the provisions of the Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, \_\_\_\_\_ July 2017, incorporated by reference. The handbook is available on the Agency for Health Care Administration’s \_\_\_\_\_ website at <http://ahca.myflorida.com/Medicaid/review/index.shtml>, and at <http://www.flrules.org/Gateway/reference.asp?No=Ref-08242>.

(3) The following forms are included in the Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook,

July 2017, in the order they appear in the handbook, and are incorporated by reference.

(a) Medicaid Waiver Services Agreement, AHCA Form 5000-3553, September 2015.

~~(b) Incident Reporting Form, APD 10-002, April 1, 2014.~~

(b)(e) Functional Community Assessment Form, AHCA Form 5000-3556, September 2015.

~~(c)(d) Housing Suvey Form, AHCA Form 5000-3552, September 2015.~~

(d)(e) Financial Profile, AHCA Form 5000-3557, September 2015.

~~(e) Requirements and Qualifications for Trainers Form, AHCA Form \_\_\_\_\_, (f) Qualifications for Trainers/Trainer Agreement Form, AHCA Form 5000-3554, September 2015.~~

Rulemaking Authority 393.501, 409.919 FS. Law Implemented 393.0662, 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 9-3-15, Amended 7-10-17, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Air Resource Management**

RULE NOS.: RULE TITLES:

- 62-210.200 Definitions
- 62-210.300 Permits Required
- 62-210.310 Air General Permits
- 62-210.550 Stack Height Policy
- 62-210.700 Excess Emissions
- 62-210.900 Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed rule development (OGC No. 17-0890) is to amend Rules 62-210.200, 62-210.300, 62-210.310, 62-210.550, 62-210.700, and 62-210.900, F.A.C. The revisions will create an Air General Permits (AGP) for Asphalt Concrete Plants, amend the sunset date for provisions of Rule 62-210.700, and revise the Facility Relocation Notification form (DEP Form 62-210.900(6)). Clarifying and corrective revisions to existing rule language in Rules 62-210.200, 62-210.300, 62-210.310, and 62-210.550, F.A.C., will also be considered.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address Definitions, Permits Required, Air General Permits, Stack Height Policy, Excess Emissions, and Forms.

RULEMAKING AUTHORITY: 403.061, FS.

LAW IMPLEMENTED: 403.021, 403.031, 403.061, 403.087, 403.814, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF

THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Hastings Read, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone: (850)717-9017. E-mail: [hastings.read@dep.state.fl.us](mailto:hastings.read@dep.state.fl.us).

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Air Resource Management**

RULE NOS.: RULE TITLES:

- 62-213.202 Responsible Official
- 62-213.205 Annual Emissions Fee
- 62-213.300 Title V Air General Permits
- 62-213.400 Permits and Permit Revisions Required
- 62-213.405 Concurrent Processing of Permit Applications
- 62-213.410 Changes Without Permit Revision
- 62-213.412 Immediate Implementation Pending Revision Process
- 62-213.413 Fast-Track Revisions of Acid Rain Parts
- 62-213.415 Trading of Emissions Within a Source
- 62-213.420 Permit Applications
- 62-213.430 Permit Issuance, Renewal, and Revision
- 62-213.440 Permit Content
- 62-213.450 Permit Review by EPA and Affected States
- 62-213.460 Permit Shield

PURPOSE AND EFFECT: The purpose of this rule development (OGC No. 17-0891) is to update Chapter 62-213, to create a Title V General Permit for air curtain incinerators (ACIs), provide an improved process for minor permit amendments, and remove or clarify obsolete or outdated provisions. Rule 62-213.300, F.A.C., will be revised to create a Title V General Permit for air curtain incinerators subject to 40 C.F.R. Part 60, Subparts AAAA, BBBB, CCCC, DDDD, EEEE, or FFFF and remove obsolete language previously used to transition certain source types into Non-Title V General Permits. Rule 62-213.410, F.A.C., will be revised to provide an improved process for minor permit amendments. Rules 62-213.205, 62-213.405, 62-213.410, 62-213.412, 62-213.413, 62-213.415, 62-213.420, 62-213.430, 62-213.450, and 62-213.460, F.A.C., will be revised to clarify or delete obsolete or outdated provisions and incorporate-by-reference the appropriate DEP forms in the rules where they are used.

SUBJECT AREA TO BE ADDRESSED: The proposed rule developments will address Title V General Permits, minor permit processing and the removal and clarification of outdated provisions.

RULEMAKING AUTHORITY: 403.061, 403.087, 403, 0872, FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872, 403.814, FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Hastings Read, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida, 32399-2400. Telephone: (850)717-9017. E-mail: Hastings.Read@dep.state.fl.us.

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

## Section II Proposed Rules

### STATE BOARD OF ADMINISTRATION

RULE NO.: 19-7.002  
RULE TITLE: Investment Policy Guidelines

PURPOSE AND EFFECT: To adopt the most recent revised Investment Policy Statement approved by the Trustees approved and made effective by the Trustees on June 14, 2017 for the Local Government Surplus Funds Trust Fund (Non-Qualified).

SUMMARY: To adopt the most recent Investment Policy Statement for Florida PRIME, which became effective June 14, 2017. There are no other rules incorporating this rule. The proposed amendments do not have an impact on any other rules.

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

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

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

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

RULEMAKING AUTHORITY: 218.412, 218.421(1), 288.405(4) FS.

LAW IMPLEMENTED: 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) FS.

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

DATE AND TIME: Monday, November 20, 2017, 9:00 a.m. – 11:00 a.m.

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

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

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

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

##### 19-7.002 Investment Policy Statements.

The Local Government Surplus Funds Trust Fund (Non-Qualified) Investment Policy Statement, as approved and made effective by the Trustees of the State Board of Administration on June 14, 2017 ~~August 2, 2016~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08622> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07429>~~, is hereby adopted and incorporated by reference. The Investment Policy Statement may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308, Attn.: Florida PRIME Program, or by accessing the sbafla.com website, and clicking on the Florida PRIME heading under the Funds We Manage tab. The Investment Policy Statement for the Local Government Surplus Funds Trust Fund (Non-Qualified) can be accessed under the Risk Management and Oversight section.

Rulemaking Authority 218.412, 218.421(1), 288.405(4) FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) FS. History—New 12-13-09, Amended 4-11-12, 1-18-14, 11-20-14, 2-18-16, 2-9-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael McCauley  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2017

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-9.001  
RULE TITLE: Investment Policy Statement  
PURPOSE AND EFFECT: To adopt the revised Investment Policy Statement approved and made effective by the Trustees on June 14, 2017 for the Florida Retirement System Investment Plan.

SUMMARY: The most recently revised version of the Investment Policy Statement for the Florida Retirement System Investment Plan is being adopted. There are no other rules incorporating this amended rule. The proposed amendment does not have an impact on any other rules.

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

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

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

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

RULEMAKING AUTHORITY: 121.4501(8), 215.52 FS.  
LAW IMPLEMENTED: 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) FS.

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

DATE AND TIME: Monday, November 20, 2017, 9:00 a.m. - 11:00 a.m.

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

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

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

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

19-9.001 Investment Policy Statement.

The Florida Retirement System Investment Plan Investment Policy Statement, as approved by the Trustees of the State Board of Administration on ~~February 9, 2012~~ June 14, 2017, ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-08699~~ http://www.flrules.org/Gateway/reference.asp?No=Ref-01218 is hereby adopted and incorporated by reference. The Investment Policy Statement may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308; Attn.: Office of Defined Contribution Programs, or by accessing the MyFRS.com website, clicking on the Investment Funds link and then clicking on Fund Policies ~~sbafla.com website, clicking on the Risk Management and Oversight tab, and then clicking on FRS Investment Plan under the Investment Policy Statements section.~~

Rulemaking Authority 121.4501(8), 215.52 FS. Law Implemented 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13),

(14), (15) FS. History—New 7-29-01, Amended 7-23-02, 5-10-05, 5-19-09, 7-12-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Joan Haseman, Office of Defined Contribution Programs  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2017, Vol. 43/169

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-11.001	Definitions
19-11.002	Beneficiary Designations and Distributions for FRS Investment Plan
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.006	Enrollment Procedures for New Hires
19-11.007	Second Election Enrollment Procedures for the Florida Retirement System Retirement Programs
19-11.008	Forfeitures
19-11.009	Reemployment with an FRS-Participating Employer after Retirement
19-11.012	Rollovers or Plan to Plan Transfers to or from the FRS Investment Plan
19-11.013	FRS Investment Plan Self-Directed Brokerage Account
19-11.014	Benefits Payable for Investment Plan Disability and In-Line-Of-Duty Death Benefits

PURPOSE AND EFFECT: The rule amendments to Rule 19-11.001 serve to indicate that a “member” of the Investment Plan includes an individual who is deemed to be a renewed member pursuant to Section 121.122, Florida Statutes, which has been amended by Chapter 2017-88, Laws of Florida, to provide that certain retirees who are reemployed on or after July 1, 2017, may be renewed members of the Investment Plan. Rule 19-11.002 is being amended to indicate that an Investment Plan member who is killed in the line of duty shall have certain survivorship benefits paid; to indicate the dates that certain enrollment forms and second election enrollment forms have been amended; and update the name of the investment fund used to hold account funds where the beneficiary cannot be located. The amendments to Rule 19-11.003, F.A.C. adopt the latest version of the Employment Termination Form and to make a few minor editorial revisions. Rule 19-11.004, F.A.C. is being amended to adopt the revised Transfer Request Form-

Excessive Fund Trading Violators. Rule 19-11.006 is being amended to adopt the latest versions of the applicable enrollment forms; and to update and clarify information concerning specific enrollment procedures. Rule 19-11.007, F.A.C. is being amended to adopt the latest versions of the Second Election enrollment forms; and to indicate that an Investment Plan member that is eligible to be a renewed Investment Plan member on or after July 1, 2017 is not eligible to use the second election to transfer to the Pension Plan. Rule 19-11.008, F.A.C. is being amended to indicate the any unvested Investment Plan account balances will be transferred to a suspense account the funds of which will be invested in the FRS Intermediate Bond Fund. Rule 19-11.009, F.A.C. is being amended to indicate that, as provided by amendments to Section 121.122, Florida Statutes, a retiree of the Investment Plan, Senior Management Service Optional Annuity Program (SMSOAP), State University System Optional Retirement Program (SUSORP) and State Community College System Optional Retirement Program (SCCSORP) who is reemployed with a FRS-participating employer in a covered position on or after July 1, 2017 will be a mandatory renewed member of the Investment Plan, unless employed in a position eligible for participation in the SUSORP or SCCSORP. Such renewed member will be enrolled in the Regular Class, unless the position meets the requirements to enroll in the Special Risk Class, Elected Officers’ Class or Senior Management Service Class. Rule 19-11.012, F.A.C. is amended to adopt the latest version of the rollover forms. Rule 19-11.013, F.A.C. is amended to set forth how the Self-Directed Brokerage Account enrollment form can be obtained and to make a few clarifications. Rule 19-11.014 is being updated to indicate that the survivorship benefits paid to the surviving children of an Investment Plan member killed in the line-of-duty shall be paid as provided in Section 121.091(7)(d) and (i), Florida Statutes.

SUMMARY: To adopt updated forms; to set forth some clarifications; to recognize changes enacted by Chapter 2017-88, Laws of Florida, that provide that certain retirees who are reemployed on or after July 1, 2017, may be renewed members of the Investment Plan; to recognize that in-line-of-duty death benefits are available to the spouse and dependent children of any Investment Plan member and not just special risk members. There are no other rules incorporating the proposed amended rules. The proposed amendments will not have an effect on any other rules.

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

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within

one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on its analysis of the rule amendments and incorporated materials, as well as the fact that it is not a regulatory agency, the State Board of Administration has determined that the rules do not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs resulting from the proposed rule amendments. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

LAW IMPLEMENTED: 119.071, 120.569, 120.57, 120.573, 121.021, 121.051, 121.055, 121.091, 121.35, 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (19), 121.591, 121.5912; 121.71, 121.72, 121.74, 121.77, 121.78, 215.44(8), 732.802, 744.301, 1012.875(3) FS.

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

DATE AND TIME: Monday, November 20, 2017, 9:00 a.m. - 11:00 a.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 19-11.001 Definitions.

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

(1) through (36) No change.

(37) “Member,” “FRS Investment Plan Member,” or “Investment Plan Member” means an employee who elected to participate, defaulted, or is considered a renewed member pursuant to s. 121.122, F.S., and has an account established, in the Investment Plan as a result of current or previous employment with an FRS-covered employer; a person who has been designated as an alternate payee due to a qualified domestic relations order (“QDRO”); or a designated beneficiary when a member is deceased.

(38) through (49) No change.

Rulemaking Authority 121.78(3)(c), 121.4501(8) FS. Law Implemented 121.78, 121.4501 FS. History—New 12-8-02, Amended 3-9-06, 7-12-12, 12-16-12, 6-5-14, 8-18-14, 12-30-15, 4-12-17,

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

(1)(a) No change.

(b) An Investment Plan member ~~enrolled in the Special Risk Class~~ who dies in the line of duty shall have survivor benefits paid in accordance with Section 121.591(4), F.S., and Rule 19-11.014, F.A.C.

(c) Monthly survivor benefits for the spouse and child(ren) of members provided by Section 121.591(4), F.S., are payable in lieu of benefits otherwise payable under Section 121.591(1), F.S., or survivor benefits payable under Section 121.591(3), F.S., and shall supersede any other distribution that may have been provided by the member’s designation of beneficiary.

(2) through (3) No change.

(4)(a) If the member enrolls in the Investment Plan using the EZ Retirement Plan Enrollment Form for Regular, Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1-EZ, rev. 08-16, the General Retirement Plan Enrollment Form for Regular Special Risk and Special Risk Administrative Support Class Employees, Form ELE-1, rev. 07-17 ~~40-16~~, which are adopted and incorporated by reference in subsection 19-11.006(2), F.A.C., or the 2nd Election EZ Retirement Plan Enrollment Form, Form ELE-2-EZ, rev. 07-17 ~~08-16~~, or the 2nd Election Retirement Plan Enrollment Form, Form ELE-2, rev 07-17 ~~40-16~~, which are adopted and incorporated by reference in subsection 19-11.007(3), F.A.C., the member agrees to the beneficiary designation contained in Section 121.4501(20), F.S., unless the member submits a beneficiary designation as provided in subsection (2) herein.

(b) through (g) No change.

(5) through (6) No change.

(7) Per Florida Law Beneficiary Designation.

(a) through (c) No change.

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

(e) No change.

(8) through (13) No change.

(14)(a) through (b) No change.

(c) After one year from the date of the member’s death, if the beneficiary cannot be located, the account will be transferred to the Suspense Account. No later than calendar year-end, of each year following the transfer to the Suspense Account, the Investment Plan Administrator will attempt to locate and obtain the Social Security number or the Taxpayer Identification Number of the beneficiary. The transferred funds shall be invested in the ~~FRS Intermediate Bond Fund FIAM Intermediate Duration Pool Fund~~. The amount will be held in the FRS Investment Plan Suspense Account until (1) the beneficiary contacts the Investment Plan; or (2) another beneficiary requests consideration as the deceased’s proper beneficiary; or, (3) at the end of 10 years in the Suspense Account, the amount is transferred to the Investment Plan Forfeiture Account, and the Administrator will maintain a record of the name of the deceased member and the name of the beneficiary, if known.

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

(15)(a) Pursuant to Federal guidelines, if the deceased member’s account is to be paid to the member’s estate but no Estate Identification Number is provided, the account will not be paid to the Estate until the Estate Identification Number is received. In the event that no Estate Identification Number is provided within one year from the date of notification to the

Investment Plan Administrator of the member’s death, the Investment Plan Administrator will transfer the deceased member’s account to the Suspense Account indicating the name of the deceased member. If after 10 years after the date of death, the Investment Plan Administrator has not received an Estate Identification Number, the deceased member’s account will be transferred to the Investment Plan Forfeiture Account and the Administrator will maintain a record of the name of the deceased member. The transferred funds shall be invested in the ~~FRS Intermediate Bond Fund FIAM Intermediate Duration Pool Fund~~.

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

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

(d) Should the estate’s representative subsequently provide an Estate Identification Number, a check will be issued to the estate, with actual earnings while invested in the ~~FRS Intermediate Bond Fund FIAM Intermediate Duration Pool Fund~~, from the date of transfer from the member’s account to the Suspense Account and/or Forfeiture Account. Any applicable income tax withholding shall be paid to the appropriate tax authorities at the time of the benefit payment to the estate.

(16) through (17) No change.

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.091(5)(j), (8), 121.4501(20), 121.591(3), 732.802 FS. History—New 10-21-04, Amended 3-9-06, 11-26-07, 12-8-08, 1-7-10, 8-7-11, 7-12-12, 12-16-12, 10-15-13, 1-28-14, 12-30-15, 2-9-17,\_\_\_\_\_.

19-11.003 Distributions from FRS Investment Plan Accounts.

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

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

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

(b) If the member’s termination date has not been submitted by the employer via the monthly payroll file within three (3) calendar months, the employer can complete and return the “Employment Termination Form,” Form ETF-2, rev. 04/17 ~~05/13~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08687> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-05798>~~, which is hereby adopted and incorporated by this reference. The termination form can be obtained by accessing the MyFRS website at MyFRS.com, clicking on Resources, and then on Forms or by calling the MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 or, for members who are deaf, hard of hearing, or speech impaired, TRS 711. This form has instructions and a section for the employer to provide the member’s date of termination. Alternatively, the employer can log onto the employer page at MyFRS.com and go to Online Payroll and submit the termination date electronically.

(c) Upon the expiration of the three (3) calendar months after termination, the member may request a distribution from the Investment Plan Administrator, by calling the toll free MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 (TRS 711), or by logging on to the MyFRS.com website, accessing his or her personal account information, and then requesting the distribution through the online services.

(2)(d) through (11) No change.

Rulemaking Authority 121.4501(8) FS. Law implemented 119.07(4)(d), 121.021(29), (39), 121.091(5)(j), 121.4501(20), 121.591, 121.77, 732.802 FS. History-New 3-9-06, Amended 11-26-07, 5-19-09, 1-7-10, 8-7-11, 7-12-12, 12-16-12, 12-30-15, 4-12-17,

19-11.004 Excessive Trading in the FRS Investment Plan.

(1) No change.

(2) Limitations.

(a) No change.

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

1. through 3. No change.

4. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 3. above, will be sent another direction letter,

delivered by courier. The direction letter will advise the member that the member will only be permitted to conduct trades involving primary funds via paper trading forms for at least three full calendar months following the date of the direction letter. The form to be used by the member in conducting the trades is the “Transfer Request Form, Excessive Fund Trading Violators,” Form EFTPV-1, rev. 08-17 ~~06/10~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08700> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-01127>~~, which hereby is adopted and incorporated by this reference. The form will be sent to the member by the Plan Administrator with the direction letter. This form must be notarized and returned to the Office of Defined Contribution Programs, via U.S. mail, certified\return receipt requested. This form cannot be used to trade in, out or within the SDBA.

5. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 4. above, will be sent another direction letter, delivered by courier. The direction letter shall require that the member shall only be permitted to conduct trades involving primary funds via paper trading forms for at least twelve full calendar months following the date of the direction letter. The form to be used by the member in conducting the trades is the “Transfer Request Form, Excessive Fund Trading Violators,” Form EFTPV-1, rev. 08-17 ~~06/10~~. This form must be notarized and returned to the Office of Defined Contribution Programs, via US mail, certified\return receipt requested.

6. Members who engage in Market Timing Trades and who have previously received a direction letter as described in subparagraph 5. above, will be sent another direction letter, delivered by courier. The direction letter will advise the member that the member will only be permitted to conduct trades involving primary funds via paper trading forms for the remainder of any time that any balance exists in the member’s Investment Plan account following the date of the direction letter. The form to be used by the member in conducting the trades is the “Transfer Request Form, Excessive Fund Trading Violators,” Form EFTPV-1, rev. 08-17 ~~06/10~~. This form must be notarized and returned to the Office of Defined Contribution Programs, via U.S. mail, certified\return receipt requested.

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

Trading Policy. Deficiencies are corrected through the resubmission of a transfer request form that is deemed to be complete.

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

(3) through (4) No change.

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.4501(13), (14), (15) FS. History--New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 1-7-10, 7-12-12, 6-5-14, 8-18-14, 12-30-15, 4-12-17, \_\_\_\_\_.

19-11.006 Enrollment Procedures for New Hires.

(1) General Enrollment Procedures.

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

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

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

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

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

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

~~(f)(g)~~ Enrollment forms for eligible newly-hired employees enrolled in the Regular, Special Risk and Special Risk

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

(2) Specific Enrollment Procedures.

(a) All newly-hired employees enrolled in the Regular, Special Risk Administrative Support, EOC or SMSC classes may enroll in the Investment Plan no later than 4:00 p.m. (Eastern Time) the last business day of the 8th 5th month following the employee's month of hire or may elect to remain in the Pension Plan. Example: If an employee is hired on January 15, the employee must complete a plan choice no later than 4:00 p.m. (Eastern Time) the last business day of September June. If no plan choice is filed by 4:00 p.m. (Eastern Time) on the last business day of September June, the employee will default to the Investment Plan Pension Plan and will be considered the employee's initial plan choice. The amount of the employee and employer contributions paid through the date of default to the Investment Plan will be transferred to the Investment Plan and placed in an age appropriate retirement date fund. The investment option may be changed by the employee once the account is funded.

(b) All newly-hired employees enrolled in the Special Risk class may enroll in the Investment Plan no later than 4:00 p.m. (Eastern Time) the last business day of the 8th month following the employee's month of hire or may elect to remain in the Pension Plan. Example: If an employee is hired on January 15, the employee must complete a plan choice no later than 4:00 p.m. (Eastern Time) the last business day of September. If no plan choice is filed by 4:00 p.m. (Eastern Time) on the last business day of September, the employee will default to the Pension Plan and will be considered the employee's initial plan choice.

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

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

~~(e)(d)~~ The State Board of Administration (SBA) has designed the forms set forth below for ease of use for employees in the several membership classes of the FRS. As an alternative,

an employee not wishing to use the forms may provide the same information requested by the forms available for use for the appropriate membership class in a separate document. Employees may determine their membership class by contacting the agency's human resources office. The forms available are: an EZ Retirement Plan Enrollment Form, Form ELE-1-EZ, rev. 08/16, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07617>, which is only for regular, special risk, and special risk administrative support class employees; a General Retirement Plan Enrollment Form, Form ELE-1, rev. 07/17 ~~10/16~~,

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08688> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07618>~~ for regular, special risk, and special risk administrative support class employees; an Elected Officers' Class Retirement Plan Form, Form EOC-1, rev. 07/17 ~~10/16~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08689> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07621>~~; a State Community College System Optional Retirement Program (CCORP) Enrollment Form, Form OCC-1, rev. 07/17 ~~10/16~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08693> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07622>~~; a State Senior Management Service Employees Retirement Plan Enrollment Form, Form SMS-1, Rev. 10/16, <http://www.flrules.org/Gateway/reference.asp?No=Ref-07623>; and a Local Senior Management Service Employees Retirement Plan Enrollment Form, Form SMS-3, rev. 07/17 ~~10/16~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08694> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07624>~~. All of the preceding forms are hereby adopted and incorporated by reference.

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

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

(f)(e)1. The enrollment by form or electronic means shall be complete and the election shall be final if all the required information is clearly indicated and if the enrollment is received by the Plan Choice Administrator by 4:00 p.m. (Eastern Time)

on the last business day of the ~~8th~~ <sup>5th</sup> month following the date of hire. The form shall be transmitted via mail, courier, online or by fax, as provided on the form. It is the responsibility of the member to ensure that the enrollment form is received by the Plan Choice Administrator no later than 4:00 p.m. (Eastern Time) on the last business day that the member is earning salary and service credit, or the last business day of the ~~8th~~ <sup>5th</sup> month following the date of hire, whichever first occurs.

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

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

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

Division to inform the Division of the employee's retirement plan choice. The employer shall change its employee records to reflect the employee's plan choice, if applicable.

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

(3) Grace Period.

(a) If a member files an election with the Plan Choice Administrator and the member realizes that the election was made in error, or if the member has reconsidered the election made, the SBA will consider, on a case-by-case basis, whether the election will be voided, if the member notifies the SBA by calling the toll-free MyFRS Financial Guidance Line at 1(866)446-9377 or by sending written correspondence directly to the SBA, to the Plan Choice Administrator, or to the Division no later than 4:00 p.m. (Eastern Time) on the last business day of the election effective month. For example, if the member files an election on June 1, the effective month will be July. The member must request to void the election no later than 4:00 p.m. (Eastern Time) on the last business day in July. A default election cannot be voided.

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

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

1. The Division will revise its database to reflect the member's plan change. The member will have until his or her choice period deadline date to make a new election. If the member's choice period has ended, the member will have one calendar month to make a new election. Failure to make a new election will result in the member's defaulting into the Investment Plan or Pension Plan as provided in subparagraph 2(a) and (b) above Pension Plan, except for the situation described in subparagraph 3., below.

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

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

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

Rulemaking Authority 121.4501(3)(c)4., (8)(a) FS. Law Implemented 121.051, 121.055, 121.35, 121.4501(2), (3), (4), (5), (6), (8), (15), 121.73, 121.74, 121.78, 1012.875(3) FS. History--New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, 2-4-10, 7-12-12, 12-16-12, 1-28-14, 8-18-14, 12-30-15, 4-12-17, \_\_\_\_\_.

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

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

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

(a) The following are examples of scenarios that could result in an invalid 2nd election. They are only examples and are not inclusive of all possible situations. Members and employers are encouraged to contact the MyFRS Financial Guidance Line to discuss their particular situation.

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

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

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

(3) General Procedures.

(a) All members who wish to change their FRS retirement plan using their 2nd election must use a 2nd election enrollment form or, if moving from the Pension Plan to the Investment Plan or Investment Plan Hybrid Option, may do so online by accessing the Second Election Choice Service at MyFRS.com. There are two types of enrollment forms. The "2nd Election Retirement Plan Enrollment Form," Form ELE-2, rev. 07-17 40/16, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08686> <http://www.flrules.org/Gateway/reference.asp?No=Ref-07619>, which is hereby adopted and incorporated by reference. This form allows the member to select different investment fund options if the member is changing from the Pension Plan to either the Investment Plan or the Investment Plan Hybrid Option. Alternatively, the member can complete the "2nd Election EZ Retirement Plan Enrollment Form," Form ELE-2EZ, rev. 07-17 08/16, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08685> <http://www.flrules.org/Gateway/reference.asp?No=Ref-07620>, which is hereby adopted and incorporated by reference. By completing this form, the member is choosing to have the employer and employee contributions and any transfers from the Pension Plan invested in an age appropriate retirement date fund as provided under the Plan provisions. The member may change the investment selection at any time after the Investment Plan or the Investment Plan Hybrid Option account is activated. Activation occurs when contributions are deposited to the member's Investment Plan account.

(3)(b) through (i) No change.

(j) A member enrolled in the Investment Plan as a renewed member on or after July 1, 2017 is not eligible to use the second election specified in this rule or transfer to the Pension Plan.

(4) Grace Period.

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

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

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

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

(e) Nothing contained in this subsection will interfere with a member's right to file a complaint, as permitted by Section 121.4501(8)(g), F.S. and discussed in Rule 19-11.005, F.A.C. Rulemaking Authority 121.4501(8) FS. Law Implemented 121.4501(3), (4), (8), (15)(b), (20) FS. History—New 10-21-04, Amended 3-9-06, 10-25-07, 12-8-08, 5-19-09, 1-7-10, 7-12-12, 12-16-12, 12-28-14, 8-18-14, 12-30-15, 4-12-17, \_\_\_\_\_.

19-11.008 Forfeitures.

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

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

(b) If the member returns to work for an FRS-participating employer in an FRS-covered position within the five (5) years

from the date of termination, the member will be returned to the Investment Plan and the unvested account balance, reflecting any earnings or losses while invested in the FRS Intermediate Bond Fund ~~FIAM Intermediate Duration Pool Fund~~, will be returned to the member's account, together with the associated service credit. Any additional service credit earned will be applied towards vesting of the member's benefit.

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

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

(e) If the member does not take a self-initiated distribution of any vested Investment Plan benefit after terminating from all FRS-participating employers, the unvested Pension Plan benefit will be transferred six (6) months following termination to a suspense account. The suspense account is invested in the FRS Intermediate Bond Fund ~~FIAM Intermediate Duration Pool Fund~~, where it will accrue actual investment earnings or losses. If the member returns to FRS-covered employment within five (5) years from the date of termination, the member's benefit, reflecting any earnings or losses while invested in the FRS Intermediate Bond Fund ~~FIAM Intermediate Duration Pool Fund~~, will be returned to the member's account, together with the associated service credit. Any additional service credit earned will be applied towards the vesting of the member's benefit.

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

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

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

(2) Forfeitures of Investment Plan accounts Due to Criminal Activity.

(a) Any member who has been found guilty by a verdict of a jury or by the court trying the case without a jury, or who has entered a plea of guilty or a plea of nolo contendere to certain specified offenses committed prior to retirement; or any member whose employment is terminated because the member admitted committing, aiding, or abetting any such offenses; or any elected official who is convicted by the Senate of an impeachable offense, shall forfeit all rights and benefits under the FRS except for return of any accumulated employee contributions. Specified offenses are the committing, aiding, or abetting any embezzlement or theft from the member's employer; bribery in connection with employment; any other felony specified in Chapter 838, F.S., except for commercial bribery as provided in Section 838.15 or 838.16, F.S.; committing an impeachable offense; willfully committing any felony with intent to defraud the public or the public agency which employs the member or for which the member acts, of the right to receive the faithful performance of the member's duties while realizing or attempting to realize a profit, gain or advantage for the member or for someone else through the powers, rights, privileges and duties of the member's office or position; committing any felony described in Section 800.04, F.S., against a victim younger than 16 years of age, or any felony described in Chapter 794, F.S., against a victim younger than 18 years of age while using or attempting to use the power, rights, privileges, or duties of the member's office or employment position.

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

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

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

1. The time to request a hearing has passed and no request for a hearing is made, or

2. The conclusion of the hearing and any appeal of the final order issued after the conclusion of the hearing.

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

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

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

(3) through (4) No change.

Rulemaking Authority 121.4501(8) FS. Law implemented 112.3173, 121.021(29), (39), 121.091(5), 121.4501(6), (13), 121.591, 732.802 FS. History—New 11-26-07, Amended 12-8-08, 7-12-12, 8-18-14, 12-30-15, 4-12-17, \_\_\_\_\_.

19-11.009 Reemployment with an FRS-Participating Employer after Retirement.

(1) Reemployment.

~~(a)(1)~~ If reemployed prior to July 1, 2010, a member may return to work with an FRS-participating employer after being retired for six (6) calendar months. Six calendar months means six full calendar months following the month the member retired. For example, if a member retires in January, the six calendar months are February, March, April, May, June and July. The retiree may return to employment in August. The

retiree may return to employment in one of the excepted positions identified in Section 121.091(9)(b), F.S., and continue to take distributions from prior career benefits. If the retiree returns to work in a position that is not one of the exceptions allowed by law, the receipt of any remaining retirement benefits is suspended until either employment is terminated or the completion of 12 calendar months of retirement.

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

~~(c)(3)~~ To prevent hiring an ineligible retiree, the employer should obtain a written statement from each prospective employee as to the employee's retirement status. The written statement can be set forth on the "Certification Form," Form CERT, rev. ~~08-17 02-12~~

<http://www.flrules.org/Gateway/reference.asp?No=Ref-08695> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-04067>~~, which is hereby adopted and incorporated by reference. The form can be found on the MyFRS.com website. This form should be retained in the employee's personnel file.

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

(2) Renewed Membership.

(a) A retiree of the Investment Plan who is reemployed with an FRS-participating employer in a covered position on or after July 1, 2010 through June 30, 2017, is not eligible for renewed membership.

(b) A retiree of the Investment Plan, Senior Management Service Optional Annuity Program (SMSOAP), State University System Optional Retirement Program (SUSORP) and State Community College System Optional Retirement Program (SCCSORP) who is reemployed with a FRS-participating employer in a covered position on or after July 1, 2017 is a mandatory renewed member of the Investment Plan, unless employed in a position eligible for participation in the SUSORP or SCCSORP.

1. The renewed member will be enrolled in the Regular Class, unless the position meets the requirements to enroll in the Special Risk Class, Elected Officers' Class or Senior Management Service Class.

2. Employee and employer contributions will be deposited in an account for the member and invested in an age appropriate retirement date fund. The renewed member may move the funds once the account is activated.

3. The renewed member must satisfy the vesting requirements of the Investment Plan.

4. The renewed member or the employer may not pay any contributions for employment by the renewed member for the period of July 1, 2010 through June 30, 2017.

5. The renewed member is not eligible to enroll in the Pension Plan.

Rulemaking Authority 121.4501(8) FS. Law Implemented 121.021(29), (39), 121.091(9)(b), (c), 121.4501(2)(j), 121.591(1)(a)4. FS. History--New 11-26-07, Amended 12-8-08, 8-7-11, 7-12-12, 4-12-17,\_\_\_\_\_.

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

(1) through (5) No change.

(6)(a) The Investment Plan Administrator may accept rollovers from:

1. A current or former Investment Plan member. Such member shall use Form IPRO-1, as described in subsection (8), below.

2. Participants in the Deferred Retirement Option Program (DROP), after the conclusion of such DROP participation. Such member shall use Form IPDROP-AD-1, as described in subsection (8) below.

3. Former DROP members who had previously rolled over their DROP accumulation:

a. To the Investment Plan and subsequently rolled their DROP account balance out of the Investment Plan. Such member shall use Form IPDROP-RO-1, as described in subsection (8) below.

b. To another qualified retirement account and want to invest the DROP accumulation in the Investment Plan. Such member shall use Form IPDROP-RO-1, as described in subsection (8) below.

4. Members of the Teacher's Retirement System ~~and the State & County Officers & Employees Retirement System~~ with eligible DROP proceeds after their conclusion in the DROP. Such member shall use Form IPDROP-AD-1, as described in subsection (8) below.

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

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

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

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

3. Members of the Pension Plan.

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

(7) Payment to the Investment Plan must be in the form of a check made payable to the "FRS Investment Plan – FBO (the member's name)."

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

(b) Current members shall use Form IPRO-1, rev. ~~07-17 07/16~~, "Employee Rollover Deposit Instructions and Form," <http://www.flrules.org/Gateway/reference.asp?No=Ref-08698> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07625>~~, which is hereby adopted and incorporated by reference, to effect rollovers described in this rule.

(c) Current DROP members planning to roll over their DROP accumulation shall use Form IP-DROP-AD-1, "FRS Investment Plan DROP Accumulation Direct Rollover Form for Current DROP Members," rev. ~~07-17 07/16~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08696> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07626>~~, which hereby is adopted and incorporated by reference, to effect rollovers described in this rule.

(d) Former DROP members shall use Form IP-DROP-RO-1, "DROP Direct Rollover Form for Former DROP Members," rev. ~~07-17 07/16~~, <http://www.flrules.org/Gateway/reference.asp?No=Ref-08697> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-07627>~~, which hereby is adopted and incorporated by reference, to effect rollovers described in this rule.

(e) Current or former DROP members who roll money into the Investment Plan ~~and who~~ provide a personal email address or cell phone number, ~~has have~~ consented to electronic delivery of documents through the MyFRS.com website, including but not limited to prospectuses, quarterly account statements, account transaction confirmation statements, privacy notices, annual fee disclosure statement, and other documents. When one of these documents is available, an email notice will be sent to the email address or a text message to the cell phone number provided by the member notifying the member of the document's availability. The member will need to log in to the

MyFRS.com website to view and print any of these documents. Receipt of documents through MyFRS.com will continue until the member calls the MyFRS Financial Guidance Line at 1(866)446-9377, Option 4 and revokes the member's consent.

(9) through (13) No change.

Rulemaking Authority 121.4501(8), (5)(e) FS. Law Implemented 121.4501(4)(g)5., (5)(e), (21), 121.591 FS. History—New 7-12-12, Amended 12-16-12, 10-15-13, 1-28-14, 8-18-14, 12-30-15, 4-12-17, \_\_\_\_\_.

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

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

(a) No change.

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

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

2. By printing and completing a hard copy of the enrollment form, Member Service Agreement and Memorandum of Understanding. A hard copy of the enrollment form can be printed from the Open Brokerage Account link on MyFRS.com or can be obtained from the Investment Plan Administrator. The member must return the completed enrollment form to the service provider via fax or mail. The member must acknowledge the Member Service Agreement and Memorandum of Understanding were received and read.

~~(c)3-~~ The SDBA account will be established within two (2) days of receipt of either the online or hardcopy enrollment form. Once the account is established, the member will receive a package from the SDBA service provider containing information on how to access and use the SDBA.

~~(d)4-~~ The SDBA account will be automatically closed if there is a zero balance for 18 consecutive months. To participate in the SDBA in the future, the member will have to open a new SDBA account as set forth above.

~~(e)5-~~ The member is subject to the following fees, transaction changes, expenses:

1. An annual administrative fee of \$25.00 (\$6.25 quarterly) for participating in the SDBA. This fee will be deducted from the member's primary investment account for each quarter the member maintains a balance in the SDBA. This fee is in

addition to all applicable commissions, sales charges and transaction fees. This fee is deducted pro rata across the member's Investment Plan primary funds.

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

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

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

(b) The member agrees to fully indemnify and hold harmless the member's employer, the FRS, the SBA State Board of Administration (SBA), and any and all service providers to the FRS against any claims, damages, or other possible causes of actions resulting from the member's decision to participate in the SDBA or from the specific SDBA investment options selected by the member.

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

(d) through (g) No change.

(3) through (6) No change.

Rulemaking Authority 121.4501(8), (5)(e) FS. Law Implemented 121.4501(8), (9), (10), (11), (12), (13), (14), (15) FS. History—New 6-5-14, 12-30-15, 4-12-17, \_\_\_\_\_.

19-11.014 Benefits Payable for Investment Plan Disability and In-Line-Of-Duty Death Benefits.

(1) An Investment Plan member shall be eligible to apply for a disability benefit in accordance with Section 121.591(2), F.S., and in Rule 60S-4.007, F.A.C.

(a) Disability benefits are payable in lieu of benefits otherwise payable under Section 121.591(1), F.S.

(b) Upon approval for Investment Plan disability retirement, the member's entire Investment Plan account balance, consisting of vested and non-vested monies, plus earnings, shall be transferred to the Division of Retirement (Division) for deposit in the disability account of the Florida Retirement System (FRS) Trust Fund.

1. The Investment Plan member will become a member of the Pension Plan effective upon his or her disability retirement effective date. If the member has a second election remaining, this transfer shall not constitute a second election as provided in Section 121.4501(4)(g), F.S.

2. The member shall receive a monthly benefit that is payable on the last business day of the month for his or her lifetime and continued disability.

(c) An Investment Plan member approved for disability retirement may cancel the application by submitting a cancellation request to the Division before a disability warrant has been deposited, cashed or received by direct deposit.

1. Upon cancellation, the member shall be transferred back to the Investment Plan.

2. All monies transferred to the disability account of the FRS Trust Fund will be transferred back to the member's Investment Plan account.

3. The member may elect to receive benefits as provided under Section 121.591(1), F.S., in lieu of the disability benefits.

(d) If a member recovers sufficiently to return to employment from disability, the member shall be returned as an active member to the Investment Plan.

1. The member's total disability benefits paid shall be subtracted from the amount transferred in paragraph (1)(b), above. Any remaining account balance shall be transferred to the Investment Plan Administrator for deposit into the member's Investment Plan account. The monies will be deposited based on the member's last investment elections.

2. Vested and non-vested amounts shall be accounted for separately as provided in Section 121.4501(6), F.S.

3. If the member does not return to employment with an FRS-participating employer, he or she may elect to receive the remaining account balance as provided under Section 121.591(1), F.S. Any non-vested amounts will be forfeited.

4. If the member does not return to employment with an FRS-participating employer and elects not to receive benefits as provided in Section 121.591(1), F.S., any non-vested amount shall be transferred to the suspense account. Such amount shall be forfeited if the member does not returned to FRS-covered

employment within five (5) years of the termination date or request benefits as provided under Section 121.591(1), F.S.

(2) In Line of Duty death benefits ~~are only available for Special Risk Class members enrolled in the Investment Plan:~~

(a) In lieu of receiving the member's vested account balance as provided in Section 121.591(3), F.S., the spouse and/or unmarried child(ren) of Investment Plan members ~~in the Special Risk Class~~ killed in the line of duty on or after July 1, ~~2002~~ 2013, may receive monthly survivor benefits ~~equal to 100% of the member's monthly salary at the time of death,~~ if the Division determines that the member's death occurred in the line of duty, in accordance with Section 121.591(4), F.S.

(b) Monthly survivor benefits provided by this subsection shall supersede any other distribution or beneficiary that may have been provided by the member's designation of beneficiary.

(c) A hold will be placed on the member's Investment Plan account if notification is received that the member may have been killed in the line of duty or died due to a specified disease that occurred in the line of duty. If it is determined that the member's death was not in the line of duty, the hold will be removed.

(d) The SBA, Division or Investment Plan Administrator will send a letter to the surviving spouse or unmarried children. The letter will include the member's current Investment Plan account balance, estimated monthly salary at time of death, Florida Retirement System Pension Plan Application of Investment Plan Beneficiary for ~~Special Risk~~ In-Line-of-Duty Death Benefits, Form FST-11B-IP, incorporated by reference in Rule 60S-4.008, F.A.C., and items to submit with the completed application.

(e) The surviving spouse or unmarried children may cancel the application by submitting a notarized statement to the Division affirmatively declining the in line of duty death benefits. Once the statement is received, the hold placed pursuant to paragraph (2)(c) above, will be removed. The benefits will be distributed according to the member's beneficiary designation. If the member did not designate a beneficiary(ies), then the member's beneficiary(ies) will be those specified by Section 121.4501(20), F.S.

(f) Upon approval for in line of duty death benefits, the member's entire Investment Plan account balance, including the balance of monies that may have been transferred to an account in the name of the surviving spouse or child(ren), will be transferred to the Division for deposit in the survivor benefit account of the FRS Trust Fund before monthly benefits can begin.

1. The monthly benefit payment will be actuarially reduced if the surviving spouse or child(ren) has taken any payments from the Investment Plan as a beneficiary of the member.

2. Monthly benefits will be paid to the surviving spouse for his or her lifetime or upon his or her death, to the surviving children ~~who are under age 18 or age 25, if a full-time student and unmarried,~~ as provided in s. 121.091(7)(d) and (i).

Rulemaking Authority 121.4501(8), (5)(e), 121.5912 FS. Law Implemented 121.4501(8), (9), (10), (11), (12), (13), (14), (15), 121.591(4) FS. History—New 2-9-17, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Joan Haseman, Office of Defined Contribution Programs  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2017, Vol. 43/169

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-13.001	Roles and Responsibilities of the State Board of Administration of Florida
19-13.002	Roles and Responsibilities of Division of Retirement within the Department of Management Services

PURPOSE AND EFFECT: The rule amendments to Rule 19-13.001 serve to indicate that there no longer are just ten (10) target date funds that are available investment options to investment plan members. The total number of funds may continue to vary over time. Rule 19-13.002 is being amended to recognize that Chapter 2017-88, Laws of Florida, amended Section 121.591(4), Florida Statutes, to provide for special in line-of-duty death benefits for the spouse and child(ren) of any investment plan member, and not just special risk class members. Thus, the Division of Retirement will now administer in-line-of-duty death benefits for all members.

SUMMARY: To update and clarify information for the benefit of the public regarding target date funds and the entity in charge of administering in-line-of-duty death benefits for Investment Plan members. There are no other rules incorporating the proposed amended rules. The amendments will not have an effect on any other rules.

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

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the

statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on its analysis of the rule amendments and incorporated materials, as well as the fact that it is not a regulatory agency, the State Board of Administration has determined that the rule amendment does not meet the statutory threshold for ratification by the legislature. There will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness, and no increase in regulatory costs resulting from the proposed rule amendments.

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
DATE AND TIME: Monday, November 20, 2017, 9:00 a.m. – 11:00 a.m.

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

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

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

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

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

(1) The State Board of Administration of Florida (“SBA”) is responsible for establishing, implementing, and administering the defined contribution program, known as the “Florida Retirement System Investment Plan” or “Investment Plan,” in accordance with Section 121.4501(1), F.S. The SBA

is the Plan Sponsor. The plan documents consist of the Florida Statutes and Administrative Rules adopted thereunder and the Summary Plan Description (SPD). The SPD is a summary of the plan for the convenience of members and can be changed by the SBA at any time without prior notice to Florida Retirement System (FRS) members. The SBA’s primary responsibilities are set out in paragraphs (1)(a) through (1)(n), below. Each of these major responsibilities involves additional decisions which then in turn need to be implemented. Those decisions, to the extent they are not solely on a case-by-case basis, are adopted by rule. The SBA must ensure that all of the following individual responsibilities are carried out:

- (a) through (j) No change.
- (k) Choosing, monitoring, and terminating investment options in the Investment Plan; mapping account balances of members in the event of investment option termination; distributing all data regarding these investment options to member; and rebalancing and reconstituting multiple manager investment options and also the ~~ten (10)~~ Target Date Funds (“TDF”) options provided in the investment policy statement utilizing information from a registered investment advisor and fiduciary to the Florida Retirement System.

(l) through (n) No change.  
*Rulemaking Authority 121.4501(8) FS. Law Implemented 121.4501(1), (4), (8), (9), (10), (14), (15), (19) FS. History—New 10-21-04, Amended 7-12-12, 12-16-12, 12-30-15, 1-18-17, \_\_\_\_\_.*

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

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

- (a) through (f) No change.
- (g) Administer the disability and in line of duty death benefits for the FRS;
- ~~(h) Administer the in line of duty death benefits for Investment Plan members enrolled in the special risk service class;~~
- ~~(h)(i)~~ Administer the health insurance subsidy for the FRS;
- ~~(i)(j)~~ Determine employee vesting requirements in the FRS, as required by law; and,
- ~~(j)(k)~~ Notify the State Board of Administration (SBA) of any employees who may be subject to forfeiture of benefits, in accordance with Sections 112.3173 and 121.091(5), F.S.  
*Rulemaking Authority 121.4501(8) FS. Law Implemented 112.3173, 121.091(5), 121.4501(8), (10) FS. History—New 10-21-04, Amended 10-25-07, 7-12-12, 12-16-12, 1-18-17, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Joan Haseman, Office of Defined Contribution  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2017  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 30, 2017

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

**DEPARTMENT OF CHILDREN AND FAMILIES  
 Family Safety and Preservation Program**

RULE NOS.:      RULE TITLES:  
 65C-14.117      Standards for Contracted Emergency Shelters  
 65C-14.118      Standards for Runaway Shelters  
                           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. 43 No. 180, September 18, 2017 issue of the Florida Administrative Register.

65C-14.117 Standards for Contracted Emergency Shelters.

(1) ~~The director of~~ ~~An authorized representative from~~ each emergency shelter shall sign the “Civil Rights Certificate,” CF 707, October 2005, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>.

(2) through (6) No change.

(7) A contracted emergency shelter staff member shall discuss program goals, available services and rules governing conduct with each resident upon admission to the shelter. This discussion must be documented by the facility employee on a form developed by each facility. The employee and resident must sign the completed form. This requirement does not apply to resident contracted emergency shelters which serve infants or children who are not capable of understanding due to a disability or stage of cognitive development.

(8) No change.

(9) All contracted emergency shelters shall cooperate with the Department’s counselors who place clients in a contracted shelter program by enrolling the children in school or by providing an educational component in the shelter, ~~in accordance with federal, state, and local requirements and the local school system’s policies and procedures.~~

(10) All contracted emergency shelters shall have on the premises individual records which contain the placing counselor’s name, the child’s name and home address, the date

of the placement, the reason for placement, and any ~~significant~~ medical history.

65C-14.118 Standards for Runaway Shelters.

(1) ~~The director of An authorized representative from~~ each runaway shelter shall sign the "Civil Rights Certificate," CF 707, October 2005, incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXX>.

(2) through (8) No change.

Rulemaking Authority 409.175(5)(a), 409.441, F.S. Law Implemented 409.175, 409.441, F.S. History—New\_\_\_\_\_.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE NO.:        RULE TITLE:  
53ER17-70        MEGA MILLIONS®

SUMMARY: This emergency rule replaces Emergency Rule 53ER16-54 and sets forth the provisions for the conduct of MEGA MILLIONS®.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER17-70 MEGA MILLIONS®.

##### (1) Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

(a) *Advertised Jackpot Prize*- The estimated annuitized Jackpot Prize amount as determined by the Mega Millions Finance Committee prior to the Jackpot Prize drawing. The "Advertised Jackpot Prize" is not a guaranteed prize amount and the actual Jackpot Prize amount may vary from the advertised amount, except in circumstances where there is a guaranteed Jackpot Prize amount as described in paragraph (8)(e).

(b) *Drawing*- refers collectively to the formal draw event for randomly selecting the winning indicia that determine the number of winners for each prize level of the MEGA MILLIONS® game. Winning indicia include the Winning Numbers for the MEGA MILLIONS game.

(c) *Jackpot Prize*- The top prize in the MEGA MILLIONS game.

(d) *Just the Jackpot™ Plays ("JJ Plays")* shall refer to a purchased Play which includes two JJ Plays as part of the Just the Jackpot Promotion. Although the Florida Lottery is not

offering the Just the Jackpot Promotion, the term Just the Jackpot Plays is used in this rule as it relates to the Jackpot Prize payout.

(e) *Mega Millions Finance Committee*- A committee of the Mega Millions Lotteries that determines the Jackpot Prize amount (Cash Option and Annuity).

(f) *MEGA MILLIONS Just the Jackpot Promotion*. The MEGA MILLIONS Just the Jackpot Promotion is a limited extension of the MEGA MILLIONS game and is conducted in accordance with the MUSL MEGA MILLIONS Product Group rules. The Florida Lottery has elected not to offer the Just the Jackpot Promotion at this time. Just the Jackpot will impact the amount of the Jackpot Prize in the MEGA MILLIONS game, and participants in Just the Jackpot in other lottery jurisdictions may win the MEGA MILLIONS Jackpot prize.

(g) *Mega Millions Lottery or Lotteries*- Lotteries that have joined under the Mega Millions Lottery Agreement; the group of lotteries that has reached a Cross-Selling Agreement with the MUSL Product Group for the selling of the MEGA MILLIONS Game.

(h) *MEGA MILLIONS Plays ("MM Plays")* shall refer to Plays purchased as part of the MEGA MILLIONS game, but shall not include JJ Plays or Megaplier Plays.

(i) *Megaplier Plays* shall refer to Plays purchased as part of the Megaplier play feature, as further described in paragraph (9)(b).

(j) *MUSL*- The Multi-State Lottery Association.

(k) *MUSL Board*- The governing body of the MUSL.

(l) *Play*- The six numbers, the first five chosen from a field of seventy numbers and the last one chosen from a field of twenty-five numbers, that appear on a ticket as a single lettered selection to be played by a player in the MEGA MILLIONS game. Each Play is played separately in determining matches to winning numbers and prize amounts. As used in these rules, unless otherwise specifically indicated, "Play" includes both MM Plays and JJ Plays.

(m) *Product Group*- The group of lotteries that has joined together to offer the MEGA MILLIONS lottery game under the terms of its Cross-Selling Agreement with the Mega Millions Lotteries, the MUSL Agreement and the MUSL Mega Millions Product Group rules.

(n) *Selling or Participating Lotteries*- A state lottery that is participating in selling the MEGA MILLIONS game and that may be a member of either MUSL or the Mega Millions Lotteries.

(o) *Set Prize*- All prizes except the Jackpot Prize and, except as set forth in paragraph (9)(h) and (i), will be equal to the prize amount established by the Product Group for the prize level.

(p) *Winning Numbers*- The indicia randomly selected during a drawing event which shall be used to determine

winning Plays for the MEGA MILLIONS game contained on a ticket.

(2) How to Play MEGA MILLIONS.

(a) MEGA MILLIONS is a multi-state lottery Draw game (also known as an online lottery game) which is offered to players in Florida by the Florida Lottery via authorized Florida Lottery retailers. In MEGA MILLIONS, players select five numbers from a field of one through seventy and one number (the “Mega Ball”) from a separate field of one through twenty-five.

(b) Players may make their ticket selections by marking a play slip or by telling the retailer their desired selections. There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$2.00 per drawing. Players may mark their desired numbers on the play slip by selecting five numbers in the upper play area and one number in the lower play area from each panel played. Players may also mark the “QP” (Quick Pick) box located at the bottom of each play area for the terminal to randomly select one or more numbers from the applicable play area. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first five of the six numbers appearing in a single horizontal row on a ticket shall be the numbers selected from the upper play area of the play slip, and the last number shall be the number selected from the lower play area of the play slip.

(c) Play slips must be Florida Lottery approved and players must use only blue or black ink or pencil for making selections. The use of mechanical, electronic, computer generated or any other non-manual method of marking play slips is prohibited. Play slips may be processed through a Florida Lottery full service vending machine or processed by a retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(d) Advance Play. Players may play up to twenty-six consecutive drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of available drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. Advance play is not available with Jackpot Combo. In the event that a planned change in the MEGA MILLIONS game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery’s website.

(e) Jackpot Combo. Players may elect to play “Jackpot Combo” by marking the “Jackpot Combo \$6” box on the play slip or by telling the retailer. Players will receive three Quick

Pick tickets for the next available drawing consisting of one \$2.00 FLORIDA LOTTO® with XTRA ticket, one \$2.00 POWERBALL® ticket and one \$2.00 MEGA MILLIONS® ticket. Tickets in Jackpot Combo play cannot be player selected and cannot be canceled.

(f) For an additional \$1.00 per play, players may mark the Megaplier® box to multiply the second through ninth prizes. Megaplier will apply to all panels and advance play marked.

(3) Drawings.

(a) MEGA MILLIONS drawings shall be conducted by the Mega Millions Lotteries two times per week, on Tuesdays and Fridays, at approximately 11:00 p.m. Eastern Time (ET).

(b) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket must match the official MEGA MILLIONS Winning Numbers in any order for the drawing date for which the ticket was purchased, in one of the following combinations:

(a) Jackpot Prize: Five numbers selected from the first set of balls plus the number selected from the second set of balls.

(b) Second Prize: Five numbers selected from the first set of balls and not the number selected from the second set of balls.

(c) Third Prize: Four numbers selected from the first set of balls plus the number selected from the second set of balls.

(d) Fourth Prize: Four numbers selected from the first set of balls and not the number selected from the second set of balls.

(e) Fifth Prize: Three numbers selected from the first set of balls plus the number selected from the second set of balls.

(f) Sixth Prize: Three numbers selected from the first set of balls and not the number selected from the second set of balls.

(g) Seventh Prize: Two numbers selected from the first set of balls plus the number selected from the second set of balls.

(h) Eighth Prize: One number selected from the first set of balls plus the number selected from the second set of balls.

(i) Ninth Prize: No numbers selected from the first set of balls and the number selected from the second set of balls.

(5) Limited to Highest Prize Won. The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn, and shall be entitled only to the prize won by those numbers in the highest matching prize category. All liabilities for a MEGA MILLIONS prize are discharged upon payment of a prize claim.

(6) Odds of Winning.

(a) The odds of winning the prizes described in subsection (4) are as follows:

1. Jackpot Prize- 1:302,575,350

- 2. Second Prize- 1:12,607,306
- 3. Third Prize- 1:931,001
- 4. Fourth Prize- 1:38,792
- 5. Fifth Prize- 1:14,547
- 6. Sixth Prize- 1:606
- 7. Seventh Prize- 1:693
- 8. Eighth Prize- 1:89
- 9. Ninth Prize- 1:37

(b) The overall odds of winning a prize in a MEGA MILLIONS drawing are 1:24.

(7) MEGA MILLIONS Prize Pool.

(a) The MEGA MILLIONS Prize Pool for all prize categories shall consist of up to fifty-five percent of each drawing period's sales. The MEGA MILLIONS Prize Pool shall be funded in accordance with criteria set by the Product Group.

(b) Expected Prize Payout Percentages. The Jackpot Prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as set prizes with the following expected prize payout percentages, although the actual prize payout percentage per drawing will vary by drawing.

<u>Match Per MM Play</u>	<u>Prize Category</u>	<u>Prize Payment</u>	<u>Estimated Percentage of Prize Pool Allocated to Prize Category</u>
<u>Five first set numbers and the one number of the second set</u>	<u>Jackpot Prize</u>	<u>Jackpot Prize</u>	<u>75.3018%*</u>
<u>Five first set numbers and none of the second set</u>	<u>Second Prize</u>	<u>\$1,000,000</u>	<u>7.9319%</u>
<u>Four first set numbers and the one number of the second set</u>	<u>Third Prize</u>	<u>\$10,000</u>	<u>1.0742%</u>
<u>Four first set numbers and none of the second set</u>	<u>Fourth Prize</u>	<u>\$500</u>	<u>1.2889%</u>
<u>Three first set numbers and the one number of the second set</u>	<u>Fifth Prize</u>	<u>\$200</u>	<u>1.3749%</u>
<u>Three first set numbers and none of the second set</u>	<u>Sixth Prize</u>	<u>\$10</u>	<u>1.6498%</u>
<u>Two first set numbers and the one number of the second set</u>	<u>Seventh Prize</u>	<u>\$10</u>	<u>1.4436%</u>
<u>One first set number and the one number of the second set</u>	<u>Eighth Prize</u>	<u>\$4</u>	<u>4.4752%</u>
<u>None of the first set numbers and the one number of the second set</u>	<u>Ninth Prize</u>	<u>\$2</u>	<u>5.4597%</u>

\*The Jackpot Prize shall include the estimated MM Prize Pool percentage allocated to the Jackpot Prize combined with estimated JJ Prize Pool percentage allocated to the Jackpot Prize.

(c) Prize money allocated to the Jackpot Prize category will be divided equally by the number of MM Plays and JJ Plays determined to be winners of the Jackpot Prize.

(d) The number of Plays determined to be winners of the Second through Ninth Prize levels will be paid as Set Prizes, except as provided in paragraph (9)(h) below. If all or any portion of the set prize pool is not awarded in the current MEGA MILLIONS drawing, that portion of the set prize pool shall be carried forward to subsequent MEGA MILLIONS drawings.

(e) Any interest or earnings accrued on a MEGA MILLIONS Set Prize prior to prize payment shall accrue to MUSL and not to the winner.

(8) MEGA MILLIONS Jackpot Prize.

(a) The prize money available in the Jackpot Prize pool will be divided equally among all Jackpot prize winning MM Plays and JJ Plays in all Participating Lotteries. Neither MUSL, Mega Millions Lotteries nor the Florida Lottery shall be responsible or liable for the difference between the Advertised or estimated Jackpot Prize amount and the actual Jackpot Prize amount after the prize payment method is known to MUSL and Mega Millions Lotteries.

(b) Players can choose one of two payment options for receiving their portion of the MEGA MILLIONS Jackpot Prize. Payment options are "Cash Option" and "Annual Payment." Jackpot Prize winners have sixty days after the winning draw date to choose between the two payment options. Once the Jackpot Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed except as provided in subparagraph (8)(d) 4. below.

(c) Cash Option Payment.

The Cash Option amount offered shall be the Jackpot Prize annuity amount as determined by the Mega Millions Lotteries, divided by a rate established by the Mega Millions Finance Committee prior to each drawing, divided by the number of total Jackpot Prize winning MM Plays and JJ Plays. In order to select the Cash Option, the Jackpot Prize winner must submit his or her ticket for payment within sixty days after the winning draw date. If the Jackpot Prize winner does not elect the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in subparagraph (8)(d)2. below. A Jackpot Prize winner who chooses the Cash Option payment will be paid in a single cash payment, less applicable federal income tax withholding.

(d) Annual Payment Option.

1. The prize amount of a Jackpot Prize winner electing the Annual Payment option shall be the Annuitized Jackpot Prize amount, as determined by the Mega Millions Lotteries, divided by the number of total Jackpot Prize winning MM Plays and JJ Plays in all Participating Lotteries. If a Jackpot Prize winner elects the Annual Payment option, his or her share of the Jackpot Prize will be paid in thirty graduated annual installments, each less applicable withholding taxes. The Florida Lottery will make the initial and any subsequent payments of a prize upon receipt of funds for such prize from MUSL. The initial payment shall be paid upon completion of internal validation procedures. The subsequent twenty-nine payments shall be paid annually to coincide with the month of the Federal auction date at which the bonds were purchased to

fund the annuity. Payments shall escalate by a factor of five percent annually, and annual payments shall be rounded down to the nearest even one thousand dollar increment. All such payments shall be made within seven days of the anniversary of the annual auction date.

2. If individual winners' shares of the cash held to fund Annual Payments are less than \$250,000.00, the Product Group is authorized to pay the winners their share of the cash held in the Jackpot Prize pool.

3. Annuitized payment of the Jackpot Prize or a share of the Jackpot Prize will be rounded to facilitate the purchase of an appropriate funding mechanism. Rounding differences on an annuitized Jackpot Prize win shall be added to the first cash payment to the winner or winners. Prizes other than the Jackpot Prize, which under this rule may become single-payment, pari-mutuel prizes, will be rounded down so that prizes can be paid in multiples of whole dollars. Rounding differences resulting from rounding these prizes shall be carried forward to the MEGA MILLIONS Prize Pool for the next drawing.

4. In the event of the death during the annuity payment period of a MEGA MILLIONS winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may file a petition with the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate. Such petition will be forwarded by the Florida Lottery to MUSL for processing. MUSL will decide, in its sole discretion, whether or not to grant the payment, and if so, the form of such payment, whether in securities or cash.

(e) Guaranteed Minimum Jackpot Prize. The minimum guaranteed annuity MEGA MILLIONS Jackpot Prize amount is \$40 million and each successive Jackpot Prize in the same roll cycle will be at least \$5 million more than the previously established Jackpot.

(f) Jackpot prizes won, including guaranteed Jackpot prizes, shall be funded by the Selling Lotteries in accordance with the formula set by the Mega Millions Lotteries.

(g) If the Jackpot Prize is not won in a drawing, the prize money allocated for the Jackpot Prize shall roll over and be added to the Jackpot Prize pool for the next consecutive MEGA MILLIONS drawing.

(h) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(i) Any interest or earnings accrued on a MEGA MILLIONS Jackpot Prize prior to prize payment shall accrue to MUSL and not to the winner.

(9) MEGA MILLIONS Megaplier®.

(a) The Megaplier Prize Pool. The Megaplier® Prize Pool for Megaplier prize categories shall consist of up to fifty-five percent of each drawing period's sales. The Megaplier Prize

Pool shall be funded in accordance with criteria set by the Product Group. The actual prize payout percentage per drawing will vary by drawing. The Megaplier Prize Pool shall be carried forward to subsequent drawings if all or a portion of it is not needed to pay the Megaplier prizes awarded in the current drawing.

(b) The Megaplier option shall be available in association with the MEGA MILLIONS game. At the time of purchasing a ticket, a player may choose the Megaplier feature for an additional \$1.00 per MM Play for each MM Play on the MEGA MILLIONS ticket ("Megaplier Play") to increase the guaranteed prize amount for the second through ninth tier prizes. The MEGA MILLIONS Jackpot Prize is not eligible for increase under the Megaplier option or by means of the Just the Jackpot Promotion

(c) Megaplier Drawing. A separate random Megaplier drawing will occur before every MEGA MILLIONS drawing to determine one multiplier number for that drawing, which will be a 2, 3, 4, or 5. The multiplier number drawn will be used to multiply the value of the prizes for the second through ninth tiers. In the event the multiplier drawing does not occur prior to the MEGA MILLIONS drawing, the multiplier number will be a 5. The multiplier number may also be referred to as the Megaplier number.

(d) The following table sets forth the probability of the various multiplier numbers being drawn during a single Megaplier drawing.

Multiplier	Probability of Prize Increase
5X	1 in 15
4X	3 in 15
3X	6 in 15
2X	5 in 15
Multiplier numbers do not apply to the MEGA MILLIONS Jackpot Prize	

(e) Application of multiplier number.

1. Second through Ninth Prizes. The multiplier number selected is the number that is used to increase the prize amount for the Second through Ninth Prizes. A Second through Ninth Prize winner who purchases the Megaplier feature with his or her MEGA MILLIONS ticket shall be paid a prize in the amount of the set prize amount multiplied by the multiplier number for that drawing.

2. Jackpot Prize. The Megaplier feature does not apply to the Jackpot Prize.

(f) The Product Group is authorized to conduct sales promotions in which the multiplier features are changed.

(g) MEGA MILLIONS tickets that win the Second through Ninth Prizes with the Megaplier option will pay the amounts shown below:

Match	Prize	Without Megaplier	With Megaplier 2X	With Megaplier 3X	With Megaplier 4X	With Megaplier 5X
Match 5+0	Second	\$1,000,000	\$2,000,000	\$3,000,000	\$4,000,000	\$5,000,000
Match 4+1	Third	\$10,000	\$20,000	\$30,000	\$40,000	\$50,000

Match 4+0	Fourth	\$500	\$1,000	\$1,500	\$2,000	\$2,500
Match 3+1	Fifth	\$200	\$400	\$600	\$800	\$1,000
Match 3+0	Sixth	\$10	\$20	\$30	\$40	\$50
Match 2+1	Seventh	\$10	\$20	\$30	\$40	\$50
Match 1+1	Eighth	\$4	\$8	\$12	\$16	\$20
Match 0+1	Ninth	\$2	\$4	\$6	\$8	\$10

(h) If, with respect to a single MEGA MILLIONS drawing, the total of the MEGA MILLIONS Set Prizes and the Megaplier prizes awarded in a drawing exceeds the percentage of the prize pools allocated to the Set Prizes, and there are insufficient funds from all sources to pay the Set Prizes for a particular MEGA MILLIONS drawing (including Megaplier prize amounts), then the highest Set Prize (including the Megaplier prize amount) shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid on a pari-mutuel basis, drops to or below the next highest Set Prize and there are still not sufficient funds to pay the remaining Set Prizes, the next highest Set Prize, including the Megaplier prize amount, shall become a pari-mutuel prize. This procedure shall continue down through all Set Prize levels, if necessary, until all Set Prize levels become pari-mutuel. MEGA MILLIONS and Megaplier prizes will be reduced by the same percentage.

(i) MEGA MILLIONS set prizes that become pari-mutuel will be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next MEGA MILLIONS drawing.

(j) MEGA MILLIONS with Megaplier prizes shall be paid in single, lump-sum payment, less any applicable federal income tax withholding.

(10) MEGA MILLIONS Rules and Prohibitions.

(a) By purchasing a MEGA MILLIONS ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) Florida MEGA MILLIONS prizes shall be claimed only through a Florida Lottery retailer (for prizes less than \$600) or Lottery office beginning on the first business day following the drawing. The Florida Lottery is not authorized to accept claims or pay prizes for MEGA MILLIONS tickets purchased in other jurisdictions. MEGA MILLIONS prize payments shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. Notwithstanding the foregoing referenced rule of the Florida Lottery governing payment of prizes, under no circumstances will a claim be paid for either the Jackpot Prize or the Second Prize without an official MEGA MILLIONS ticket matching all game Play, transaction serial number and

other validation data residing in the Florida Lottery’s computer gaming system and such ticket shall be the only valid proof of the Play purchased and the only valid receipt for claiming or redeeming such prize.

(c) Subject to a retailer’s hours of operation and on-line system availability, MEGA MILLIONS lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, ET. Ticket sales for a specific MEGA MILLIONS drawing will close at 10:00 p.m., ET, on the night of the drawing. Any ticket sold after the close of game will be printed with the next MEGA MILLIONS drawing date.

(d) MEGA MILLIONS tickets cannot be canceled.

(11) The effective date of this emergency rule is October 28, 2017.

Rulemaking Authority 24.105(9)(a), (b), (c), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c), (e), (f), (h), 24.115(1), 24.124(1) FS. History—New 10-28-17, Replaces 53ER16-54.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: 10-28-17.

**DEPARTMENT OF THE LOTTERY**

RULE NO.:           RULE TITLE:

53ER17-71           FLORIDA LOTTO®

SUMMARY: This emergency rule sets forth the provisions for the conduct of FLORIDA LOTTO®. This emergency rule replaces Emergency Rule 53ER17-39.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-71 FLORIDA LOTTO®.

(1) How to Play FLORIDA LOTTO®.

(a) FLORIDA LOTTO is a Draw lottery game (also known as an online terminal lottery game) in which players select six (6) numbers from a field of one (1) to fifty-three (53).

(b) Players may make their FLORIDA LOTTO ticket selections by marking a play slip or by telling the retailer their desired selections. There are ten (10) panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers from each panel played, or may mark the “QP” box located at the bottom of each panel for the terminal to randomly select one (1) or more of the six (6) numbers. A “Void” box is also located at the bottom of each panel and should be marked

by the player if an error was made in his or her selections in a panel.

(c) Play slips must be Florida Lottery approved and players must use only blue or black ink or pencil for making selections. The use of mechanical, electronic, computer generated or any other non-manual method of marking play slips is prohibited. Play slips may be processed through a Florida Lottery vending machine or processed by a retailer to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player.

(d) Players may play up to fifty-two (52) consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel (A-J) played. Advance play is not available with Jackpot Combo. In the event that a planned change in the FLORIDA LOTTO game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery's website, flalottery.com.

(e) Players may elect to play "Jackpot Combo" to receive three (3) Quick Pick tickets for the next available drawing consisting of one (1) \$2.00 FLORIDA LOTTO® with XTRA ticket, one (1) \$2.00 POWERBALL® ticket and one (1) \$2.00 MEGA MILLIONS® ticket by marking the "Jackpot Combo \$6" box on the play slip or by telling the retailer. Tickets in Jackpot Combo play cannot be player selected and cannot be canceled.

#### (2) FLORIDA LOTTO Drawings.

(a) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday.

(b) The equipment shall be configured so that six (6) balls are drawn from one (1) set of balls numbered one (1) through fifty-three (53).

(c) Six (6) balls will be selected in the drawing. The numbers shown on the six (6) balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing.

(d) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

#### (3) FLORIDA LOTTO Prize Divisions.

(a) FLORIDA LOTTO is a pari-mutuel game. For each drawing, 50 percent (50%) of net sales (gross sales less cancels and free tickets) from the sale of FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period shall be allocated as the winning pool for the payment of prizes as provided below. The value of the FLORIDA LOTTO portion of a FLORIDA LOTTO with XTRA ticket awarded as a prize

or given for free in a promotion shall be deducted from FLORIDA LOTTO gross sales in all reports, and the value of the XTRA portion of a FLORIDA LOTTO with XTRA ticket awarded as a prize or given for free in a promotion shall be deducted from XTRA gross sales in all reports.

(b) The Jackpot prize pool shall consist of 63.5 percent (63.5%) of the Lotto pool for the drawing, plus any Jackpot money carried forward from the previous drawings. The Jackpot prize shall be divided equally among the players matching all six official winning numbers. If there is no Jackpot winner in a drawing, the Jackpot pool shall be carried over and added to the Jackpot pool of the next FLORIDA LOTTO drawing.

(c) The second prize pool shall consist of 12.3 percent (12.3%) of the Lotto pool for the drawing. The second prize pool shall be divided equally among the players matching five (5) of the six (6) official winning numbers. If there is no winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(d) The third prize pool shall consist of 10 percent (10%) of the Lotto pool for the drawing. The third prize pool shall be divided equally among the players matching four (4) of the six (6) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(e) The fourth prize pool shall consist of 14.2 percent (14.2%) of the Lotto pool for the drawing. The fourth prize pool shall be divided equally among the players matching three (3) of the six (6) official winning numbers. If there is no winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(f) The Jackpot prize will pay the guaranteed dollar amount. The second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$5.00. All rounding differences in the second, third and fourth prizes shall be used to fund future prizes in Lottery games or for special Lottery prize promotions. If the funds available for the payment of fourth prizes are insufficient to pay the minimum amount, the percentage described in paragraph (3)(a) above will be adjusted or funds available from any other funding source approved by the Legislature will be used to cover the prize liability.

#### (4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E, F, G, H, I, or J) must match the official winning FLORIDA LOTTO numbers in any order for the draw date for which the ticket was purchased. The prizes are set forth as follows:

- (a) Jackpot Prize(s): Six of six official winning numbers.
- (b) Second Prize: Five of six official winning numbers.
- (c) Third Prize: Four of six official winning numbers.
- (d) Fourth Prize: Three of six official winning numbers.
- (5) FLORIDA LOTTO Guaranteed Jackpot.

(a) For each drawing the Lottery will announce a guaranteed deferred payment value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any.

(b) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is insufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the Lottery shall add to the Jackpot pool funds available from any other funding source approved by the Legislature to render it sufficient to yield the announced guaranteed Jackpot.

(c) For prizes to be paid in annual installments, if the cash available in the Jackpot pool is more than sufficient at the time the ticket is claimed to yield the announced guaranteed Jackpot value over the designated deferred payment period, the excess funds will be used for future prizes in Lottery games or for special Lottery prize promotions.

(d) The guaranteed cash option value of the Jackpot will be the amount required on the day of the drawing or, if the drawing is held on a Saturday or holiday, the business day prior to the drawing, to purchase securities to fund the announced guaranteed deferred payment value of the Jackpot. This day shall be referred to as the “prize determination day.”

(e) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is less than the cash option value of the Jackpot determined on the prize determination day, the Lottery shall add to the Jackpot pool funds available from any other funding source approved by the Legislature sufficient to pay the cash option value of the Jackpot.

(f) For prizes to be paid in a single cash payment, if the cash available in the Jackpot pool is more than the cash option value of the Jackpot determined on the prize determination day, the excess funds will be used for future prizes in Lottery games or for special Lottery prize promotions.

(6) FLORIDA LOTTO with XTRA Option.

(a) The FLORIDA LOTTO with XTRA option shall be available in association with the FLORIDA LOTTO game. FLORIDA LOTTO tickets that contain the XTRA option and one or more plays eligible for FLORIDA LOTTO prizes shall be entitled to a total prize calculated by multiplying each FLORIDA LOTTO prize other than the Jackpot prize and the 2-of-6 prize described in paragraph (6)(d) below by the XTRA number for the applicable drawing. The FLORIDA LOTTO Jackpot and the 2-of-6 prize will not be eligible for multiplication under the XTRA option.

(b) At the time of purchasing a FLORIDA LOTTO ticket, a player may choose the XTRA option for an additional \$1 per play for each play on the FLORIDA LOTTO ticket. The XTRA option will apply to all panels and selections marked on the play slip. The prize pool for XTRA prizes shall be funded by LOTTO with XTRA ticket sales. If the funds available from XTRA ticket sales are insufficient to pay all XTRA prizes, the percentage described in paragraph (3)(a) above will be adjusted or funds available from any other funding source approved by the Legislature will be used to cover the prize liability.

(c) Prior to each FLORIDA LOTTO drawing, the Lottery shall conduct an XTRA drawing to select the XTRA number from among the following series of numbers: 2, 3, 4, and 5. The odds of a particular XTRA number being selected in an XTRA drawing are 1:4. During special promotions, the Lottery will announce XTRA numbers that are higher than the foregoing series of numbers.

(d) FLORIDA LOTTO with XTRA tickets that match 2 of 6 winning numbers shall entitle the holder to a prize of a free FLORIDA LOTTO with XTRA quick pick ticket for the next available FLORIDA LOTTO drawing. FLORIDA LOTTO with XTRA tickets generated as a prize cannot be canceled.

(e) All XTRA prizes shall be paid in single, lump-sum payments determined by multiplying the FLORIDA LOTTO prize by the number selected in the XTRA drawing as follows:

FLORIDA LOTTO		XTRA Estimated Prizes			
Match	Prize	X2 (Odds 1:4)	X3 (Odds 1:4)	X4 (Odds 1:4)	X5 (Odds 1:4)
6 of 6	Jackpot (Guaranteed)	—	—	—	—
5 of 6	\$5,000 (Estimated)	\$10,000	\$15,000	\$20,000	\$25,000
4 of 6	\$70 (Estimated)	\$140	\$210	\$280	\$350
3 of 6	\$5 (Guaranteed minimum)	\$25 (Guaranteed minimum)	\$25 (Guaranteed minimum)	\$25 (Guaranteed minimum)	\$25 (Guaranteed minimum)
2 of 6	N/A	Free Ticket	Free Ticket	Free Ticket	Free Ticket

(f) On occasion, the Florida Lottery will conduct promotions in which specified prize levels of FLORIDA LOTTO with XTRA tickets will be designated to have a higher multiplier number than the number drawn pursuant to paragraph (6)(c), above.

(7) FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in subsection (4) and paragraph (6)(d) are as follows:

- (a) Jackpot Prize – 1:22,957,480.
- (b) Second Prize – 1:81,409.50.
- (c) Third Prize – 1:1,415.82.
- (d) Fourth Prize – 1:70.79.
- (e) Fifth Prize for LOTTO EXTRA plays only – 1:8.58

(f) The overall odds of winning a prize in a FLORIDA LOTTO drawing with a LOTTO ticket without the XTRA feature are 1:67.36. The overall odds of winning a prize in a FLORIDA LOTTO drawing with a LOTTO with XTRA ticket are 1:7.61.

(8) FLORIDA LOTTO Payment Options.

(a) Players have a choice of two payment options for receiving their portion of a FLORIDA LOTTO Jackpot prize. Payment options are “Cash Option” and “Annual Payment.”

(b) Jackpot winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once a Jackpot winner files a claim and exercises the winner's chosen option, the election of that option shall be final. In order to select the Cash Option, the Jackpot winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in paragraph (8)(f) below.

(c) A Jackpot winner who chooses the Cash Option will receive one (1) lump sum cash payment of the amount required on the prize determination day to purchase securities to fund the Jackpot prize paid over thirty (30) years, less applicable withholding taxes. The amount of the Cash Option payment to multiple Jackpot winners will be the amount required on the prize determination day to purchase securities to fund their pro rata share of the Jackpot prize paid over thirty (30) years, less applicable withholding taxes.

(d) If a Jackpot prize winner elects the Annual Payment option, his or her portion of the Jackpot prize will be paid in thirty (30) annual installments, each less applicable withholding taxes.

(e) If the prize amount per winner in a FLORIDA LOTTO drawing cannot be paid in increments of \$1,000 in thirty (30) installments, the winner's share of the prize pool will be invested in U.S. Treasury securities that will yield the maximum amount possible over thirty (30) years as can be reached in increments of \$1,000. If the amount the investment will yield is less than the announced guaranteed Jackpot, the present value of the difference between the amount the investment will yield and the winner's guaranteed prize amount over thirty (30) years will be paid to the winner in the first payment.

(f) If the number of winners of a Jackpot prize would result in each person's prize being less than \$1,000,000 if paid over thirty (30) years, the Lottery shall pay the Jackpot winner or winners in a single cash payment of the amount required on the prize determination day to purchase securities to fund the winner's pro rata share of the Jackpot paid over thirty (30) years, less applicable withholding taxes.

(g) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made.

(h) Any interest or earnings accrued on a FLORIDA LOTTO Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment option, shall accrue to

the State of Florida and not to the winner.

(9) FLORIDA LOTTO Rules and Prohibitions.

(a) By purchasing a FLORIDA LOTTO ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and online system availability, FLORIDA LOTTO tickets are available for purchase daily between the hours of 6:00 a.m. and midnight Eastern Time (ET).

(d) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:15 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close at approximately 10:40 p.m., ET. Any ticket sold after the close of game will be printed with the next FLORIDA LOTTO draw date.

(e) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two (2) hours after printing, except that no FLORIDA LOTTO ticket shall be canceled after game close for the related drawing. The two (2) hour cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of online system availability, or the time of the related FLORIDA LOTTO close of game.

(f) It is the responsibility of the player to determine the accuracy of selected panels of numbers, wager amounts and draw date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the quick pick method of number selection.

(10) The effective date of this rule is October 28, 2017. Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105 (9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.124(1) FS. History— New 10-28-17, Replaces 53ER17-39.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: 10-28-17.

**DEPARTMENT OF THE LOTTERY**

RULE NO.: RULE TITLE:  
53ER17-72 POWERBALL®

SUMMARY: This emergency rule sets forth the provisions for the conduct of the lottery Draw game, POWERBALL®, and replaces rule 53ER16-55.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER17-72 POWERBALL®.

(1) Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

(a) Advertised Jackpot Prize- The estimated annuitized Jackpot Prize amount as determined by MUSL prior to the Jackpot Prize drawing. The “Advertised Jackpot Prize” is not a guaranteed prize amount and the actual Jackpot Prize amount may vary from the advertised amount, except in circumstances where there is a guaranteed Jackpot Prize amount as described in subparagraph (8)(e).

(b) Drawing- refers collectively to the formal draw event for randomly selecting the winning indicia that determine the number of winners for each prize level of the POWERBALL® game and the Power Play® multiplier. Winning indicia include the Winning Numbers for the POWERBALL game, and the Power Play multiplier.

(c) Jackpot Prize- The top prize in the POWERBALL game.

(d) MUSL- The Multi-State Lottery Association.

(e) MUSL Board- The governing body of the MUSL.

(f) Product Group (“Product Group”) - The group of lotteries that have joined together to offer the POWERBALL lottery game under the terms of the MUSL Agreement and MUSL Powerball Product Group rules.

(g) Play - The six numbers, the first five chosen from a field of sixty-nine numbers and the last one chosen from a field of twenty-six numbers, that appear on a ticket as a single lettered selection to be played by a player in the POWERBALL game.

(h) Set Prize- All prizes except the Jackpot Prize and, except as set forth in paragraph (10)(g) and (h), will be equal to the prize amount established by the Product Group for the prize level.

(i) “Winning Numbers” means the indicia randomly selected during a drawing which shall be used to determine winning Plays for the POWERBALL game contained on a ticket.

(2) How to Play POWERBALL.

(a) POWERBALL is a multi-state lottery Draw game (also known as an online lottery game) which is offered to players in Florida by the Florida Lottery via authorized Florida Lottery retailers. In POWERBALL, players select five numbers from a field of one through sixty-nine and one Powerball number from a separate field of one through twenty-six for each Play.

(b) Players may make their POWERBALL ticket selections by marking a play slip or by telling the retailer their desired selections. There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$2.00 per Play, per drawing. Players may mark their desired numbers on the play slip by selecting six numbers (five in the upper play area and one in the lower play area) from each panel played. Players may also mark the “QP” (Quick Pick) box located at the bottom of each play area for the terminal to randomly select any or all of the six numbers from either or both play areas. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first five of the six numbers appearing in a single horizontal row on a POWERBALL ticket shall be the numbers selected from the upper play area of the play slip, and the last number shall be the Powerball number selected from the lower play area of the play slip.

(c) Play slips must be Florida Lottery approved and players must use only blue or black ink or pencil for making selections. The use of mechanical, electronic, computer generated or any other non-manual method of marking play slips is prohibited. Play slips may be processed through a Florida Lottery full service vending machine or processed by a retailer to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(d) Advance Play. Players may play up to fifty-two consecutive POWERBALL drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. In the event that a planned change in the POWERBALL game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery’s website. Advance play is not available with Jackpot Combo.

(e) Jackpot Combo. Players may elect to play “Jackpot Combo” by marking the “Jackpot Combo \$6” box on the play slip or by telling the retailer. Players will receive three Quick Pick tickets for the next available drawing consisting of one \$2.00 FLORIDA LOTTO® with XTRA ticket, one \$2.00

POWERBALL® ticket and one \$2.00 MEGA MILLIONS® ticket. Tickets in Jackpot Combo play cannot be player selected and cannot be canceled.

(f) For an additional \$1.00 per Play, players may mark the Power Play box to increase the second through ninth prizes. Power Play will apply to all panels and advance play marked.

(3) POWERBALL Drawings.

(a) POWERBALL drawings to determine the Winning Numbers shall be conducted by MUSL two times per week, on Wednesday and Saturday, at approximately 10:59 p.m., ET.

(b) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official Winning Numbers.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket must match the official POWERBALL Winning Numbers in any order for the drawing date for which the ticket was purchased, in one of the following combinations:

(a) Jackpot Prize: Five numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(b) Second Prize: Five numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(c) Third Prize: Four numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(d) Fourth Prize: Four numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(e) Fifth Prize: Three numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(f) Sixth Prize: Three numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(g) Seventh Prize: Two numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(h) Eighth Prize: One number selected from the first set of balls plus the Powerball number selected from the second set of balls.

(i) Ninth Prize: No numbers selected from the first set of balls and the Powerball number selected from the second set of balls.

(5) Limited to Highest Prize Won. The holder of a winning ticket may win only one prize per Play in connection with the Winning Numbers drawn and shall be entitled only to the prize won by those numbers in the highest matching prize category. All liabilities for a POWERBALL prize are discharged upon payment of a prize claim.

(6) POWERBALL Odds of Winning.

(a) The odds of winning the prizes described in subsection (4) are as follows:

1. Jackpot Prize- 1:292,201,338.0000
2. Second Prize- 1:11,688,053.5200
3. Third Prize- 1:913,129.1813
4. Fourth Prize- 1:36,525.1673
5. Fifth Prize- 1:14,494.1140
6. Sixth Prize- 1:579.7646
7. Seventh Prize- 1:701.3281
8. Eighth Prize- 1:91.9775
9. Ninth Prize- 1:38.3239

(b) The overall odds of winning a prize in a POWERBALL drawing are 1:24.8671.

(7) POWERBALL Prize Pool.

(a) The POWERBALL Prize Pool for all prize categories shall consist of fifty percent of each drawing period's sales. The POWERBALL Prize Pool shall be funded in accordance with criteria set by the Product Group.

(b) Expected Prize Payout Percentages. The Jackpot Prize payout shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as Set Prizes with the following expected prize payout percentages, although the actual prize payout percentage per drawing will vary by drawing.

<u>Match Category</u>	<u>Prize Payment</u>	<u>Estimated Percentage of Prize Pool Allocated to Prize Category</u>
<u>Five first set numbers and the Powerball number</u>	<u>Jackpot Prize</u>	<u>Jackpot Prize 68.0131%</u>
<u>Five first set numbers</u>	<u>Second Prize</u>	<u>\$1,000,000 8.5558%</u>
<u>Four first set numbers and the Powerball number</u>	<u>Third Prize</u>	<u>\$50,000 5.4757%</u>
<u>Four first set numbers</u>	<u>Fourth Prize</u>	<u>\$100 0.2738%</u>
<u>Three first set numbers and the Powerball number</u>	<u>Fifth Prize</u>	<u>\$100 0.6899%</u>
<u>Three first set numbers</u>	<u>Sixth Prize</u>	<u>\$7 1.2074%</u>
<u>Two first set numbers and the Powerball number</u>	<u>Seventh Prize</u>	<u>\$7 0.9981%</u>
<u>One first set number and the Powerball number</u>	<u>Eighth Prize</u>	<u>\$4 4.3489%</u>
<u>The Powerball number</u>	<u>Ninth Prize</u>	<u>\$4 10.4373%</u>

(c) Prize money allocated to the Jackpot Prize category will be divided equally by the number of Plays determined to be winners of the Jackpot Prize.

(d) The number of Plays determined to be winners of the second through ninth prize categories will be paid as Set Prizes, except as provided in paragraph (10)(g) and (h) below. If all or any portion of the Set Prize pool is not awarded in the current POWERBALL drawing, that portion of the Set Prize pool shall be carried forward to subsequent POWERBALL drawings.

(e) Any interest or earnings accrued on a POWERBALL Set Prize prior to prize payment shall accrue to MUSL and not to the winner.

(8) POWERBALL Jackpot Prize Payment.

(a) Shares of the Jackpot Prize shall be determined by dividing the funds available in the Jackpot Prize pool equally among all winning plays of the Jackpot Prize. Neither MUSL nor the Florida Lottery shall be responsible or liable for the difference between the Advertised or estimated Jackpot Prize amount and the actual Jackpot Prize amount after the prize payment method is known to MUSL.

(b) Players can choose one of two payment options for receiving their portion of the POWERBALL Jackpot Prize. Payment options are "Cash Option" (which may be referred to as a "single lump sum payment") and "Annual Payment." Jackpot Prize winners have sixty days after the winning draw date to choose between the two payment options. Once the Jackpot Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed except as provided in subparagraph (8)(d)6., below.

(c) Cash Option Payment.

If the Jackpot Prize is not a guaranteed amount, the Cash Option amount offered shall be the cash amount available in the Jackpot Prize pool divided by the number of winners. If the Jackpot Prize is a guaranteed amount, the Cash Option amount offered shall be determined as set forth in subparagraphs (8)(e) 2. and 3., as applicable. In order to select the Cash Option, the Jackpot Prize winner must submit his or her ticket for payment within sixty days after the winning draw date. If the Jackpot Prize winner does not elect the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, except as provided in subparagraph (8)(d)4., below. A Jackpot Prize winner who chooses the Cash Option payment will receive his or her share in a single lump sum payment, less applicable federal income tax withholding.

(d) Annual Payment Option.

1. If a Jackpot Prize winner elects the Annual Payment option, his or her share of the Jackpot Prize will be paid in thirty graduated annual installments that will increase by a rate determined by the Product Group, less applicable federal income tax withholding.

2. The Florida Lottery will make the initial annual payment of a prize and all further annual payments upon receipt of funds from MUSL.

3. The amount of the annual prize payment shall be determined by multiplying the winner's share of the Jackpot Prize pool by a process as approved by the MUSL Board. MUSL shall purchase and hold the investments to fund the Jackpot Prize winner's annual prize payments.

4. If the winner's share of the Jackpot Prize is less than \$250,000, the Product Group is authorized to pay such winner their Grand Prize share in one lump sum payment, without

regard either to the winner's choice of prize payment method or to whether the winner claimed the Grand Prize share more than sixty days after the drawing.

5. Annuitized payment of the Jackpot prize or a share of the Jackpot prize will be rounded down to the nearest one thousand dollars (\$1,000) to facilitate the purchase of an appropriate funding mechanism. Rounding differences on an annuitized Jackpot prize win shall be added to the first payment to the winner or winners. Prizes other than the Jackpot prize, which become single-payment, pari-mutuel prizes, will be rounded down so that prizes can be paid in multiples of whole dollars. Rounding differences resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

6. In the event of the death during the annuity payment period of a POWERBALL winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may make a written request to the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate. Such request will be forwarded by the Florida Lottery to MUSL for processing. MUSL will decide, in its sole discretion, whether or not to grant the payment, and if so, the form of such payment, whether in securities or cash.

(e) Guaranteed Minimum Jackpot Prize. The minimum guaranteed annuity Jackpot Prize amount is \$40 million and each successive Jackpot Prize in the same roll cycle will be at least \$10 million more than the previously established jackpot. When the Jackpot Prize is won at the guaranteed minimum, the Jackpot Prize shares shall be determined as follows:

1. If there are multiple Jackpot Prize winners during a single drawing, each selecting the Annual Payment option, then a winner's share of the guaranteed Jackpot Prize shall be determined by dividing the guaranteed minimum Jackpot Prize by the number of winning plays.

2. If there are multiple Jackpot Prize winners during a single drawing and at least one of the Jackpot Prize winners has elected the Annual Payment option, then the MUSL Annuity Factor shall be utilized to determine the cash pool. The cost of the annuitized prize(s) will be determined at the time the annuity is purchased through a process as approved by the MUSL Board.

3. If no winner of the Jackpot Prize during a single drawing has elected the Annual Payment option, then the amount of cash in the Jackpot Prize pool shall be an amount equal to the guaranteed minimum amount divided by the MUSL Annuity Factor.

(f) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(g) Any interest or earnings accrued on a POWERBALL Jackpot Prize prior to prize payment shall accrue to MUSL and not to the winner.

(h) If the Jackpot Prize is not won in a drawing, the prize money allocated for the Jackpot Prize shall roll over and be added to the Jackpot Prize pool for the following drawing.

(9) Set Prize Payment. Set Prizes shall be paid in a single cash payment, less any applicable federal income tax withholding.

(10) Power Play®.

(a) Power Play Prize Pool. The Power Play Prize Pool for all Power Play prize categories shall consist of fifty percent of each drawing period's sales. The Power Play Prize Pool shall be funded in accordance with criteria set by the Product Group. The actual prize payout percentage per drawing will vary by drawing. The Power Play Prize Pool shall be carried forward to subsequent drawings if all or a portion of it is not needed to pay the Power Play prizes awarded in the current drawing.

(b) The Power Play option shall be available in association with the POWERBALL game. At the time of purchasing a POWERBALL ticket, a player may choose the Power Play option for an additional \$1.00 per play for each play on the POWERBALL ticket to increase the guaranteed prize amount for the second through ninth tier prizes. The POWERBALL Jackpot Prize will not be eligible for increase under the Power Play option.

(c) Power Play Drawing. A separate, random Power Play drawing will be conducted and the results announced during each of the regular POWERBALL drawings. In each Power Play drawing, the number 2, 3, 4, 5 or 10 shall be drawn (the Power Play number, sometimes called the multiplier number). When the initially Advertised Jackpot Prize for a drawing is \$150 million or less, the possible Power Play numbers included in the Power Play drawing will be 2, 3, 4, 5 and 10. When the initially Advertised Jackpot Prize for a drawing is greater than \$150 million, the possible Power Play numbers included in the Power Play drawing will be 2, 3, 4 and 5. The Power Play number drawn will increase the value of the prizes for the second tier as provided below. The Power Play number will be used to multiply the value of the prizes for the third through ninth tiers.

(d) The following table sets forth the probability of the various Power Play numbers being drawn during a single Power Play drawing.

When the 10X Power Play is available:		
Multiplier	Probability of Prize Increase	Chance of Occurrence
10X	1 in 43	2.3255%
5X	2 in 43	4.6512%
4X	3 in 43	6.9767%
3X	13 in 43	30.2326%
2X	24 in 43	55.8140%

When the 10X Power Play is not available:		
Multiplier	Probability of Prize Increase	Chance of Occurrence
10X	0 in 42	0.00%
5X	2 in 42	4.7619%
4X	3 in 42	7.1429%
3X	13 in 42	30.9523%
2X	24 in 42	57.1429%

(e) Application of Power Play Number.

1. Second Prize. The Power Play number selected increases the Second Prize for a winning POWERBALL with Power Play ticket to \$2,000,000.00, except as provided in (10)(g) and (h).

2. Third through Ninth Prizes. The Power Play number selected increases the prize amount for the Third through Ninth Prizes. A Third through Ninth Prize winner who purchased the Power Play feature with his or her POWERBALL ticket shall be paid a prize in the amount of the Set Prize amount multiplied by the Power Play number for that drawing.

3. Jackpot Prize. The Power Play feature does not apply to the Jackpot Prize.

(f) POWERBALL tickets that win the Second through Ninth Prizes with the Power Play option will pay the amounts shown below:

Match	Prize	Without Power Play	With Power Play 2X	With Power Play 3X	With Power Play 4X	With Power Play 5X	With Power Play 10X
Match 5+0	Second	\$1,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Match 4+1	Third	\$50,000	\$100,000	\$150,000	\$200,000	\$250,000	\$500,000
Match 4+0	Fourth	\$100	\$200	\$300	\$400	\$500	\$1,000
Match 3+1	Fifth	\$100	\$200	\$300	\$400	\$500	\$1,000
Match 3+0	Sixth	\$7	\$14	\$21	\$28	\$35	\$70
Match 2+1	Seventh	\$7	\$14	\$21	\$28	\$35	\$70
Match 1+1	Eighth	\$4	\$8	\$12	\$16	\$20	\$40
Match 0+1	Ninth	\$4	\$8	\$12	\$16	\$20	\$40

(g) If, with respect to a single POWERBALL drawing, the total of the POWERBALL Set Prizes and the Power Play prizes awarded in a drawing exceeds the percentage in the prize pools allocated to the Set Prizes and the Power Play prizes and there are insufficient funds from all sources to pay the Set Prizes for a particular POWERBALL drawing and the associated Power Play prizes, the highest Set Prize, including the Power Play prize amounts, shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid as a pari-mutuel prize, is less than or equal to the next highest Set Prize and there are still not sufficient funds to pay the remaining prizes, the next highest Set Prize, including the Power Play prize amounts, shall become a

pari-mutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding Set Prize level shall be converted to a pari-mutuel prize, in order, until all Set Prizes become pari-mutuel. In that instance, the money available from the funding sources shall be divided among the winning Plays in proportion to their respective prize percentages. POWERBALL and Power Play prizes will be reduced by the same percentage.

(h) When the POWERBALL Set Prizes become pari-mutuel, the POWERBALL Set Prize amounts will be less than the amount shown in paragraph (7)(b) above, and the Power Play prizes shall be changed to an amount announced after the drawing.

(i) Power Play Set Prizes which become pari-mutuel will be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next drawing.

(j) All Power Play prizes shall be paid in a single lump-sum payment, less any applicable federal income tax withholding.

(11) POWERBALL Rules and Prohibitions.

(a) By purchasing a POWERBALL ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) Florida POWERBALL prizes shall be claimed only through a Florida Lottery retailer (for prizes less than \$600) or Lottery office beginning on the first business day following the drawing. The Lottery is not authorized to accept claims or pay prizes for POWERBALL tickets purchased in other jurisdictions. POWERBALL prize payments shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and on-line system availability, POWERBALL lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, ET. Ticket sales for a specific POWERBALL drawing will close at 10:00 p.m., ET, on the night of the drawing. Any ticket sold after the close of game will be printed with the next POWERBALL drawing date.

(d) POWERBALL tickets cannot be canceled.

(12) The effective date of this rule is October 28, 2017.

Rulemaking Authority 24.105(9)(a), (b), (c), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c) (e), (f), (h), 24.115(1), 24.124(1) FS. History—New 10-28-17, Replaces 53ER16-55.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: 10-28-17.

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

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on October 26, 2017, the Florida Department of Law Enforcement received a petition for a permanent waiver of subsection 11B-27.002(4), F.A.C., from Benjamin Lenfant. Petitioner wishes to waive that portion of the Rule that states: (a) Within 4 years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer. (b) An individual who fails to comply with the requirements in paragraph (4)(a) of this rule section for the discipline in which the training was completed, within four years of the date of beginning such training, shall as a condition for obtaining employment comply with the following: 1. Successfully complete a Commission-approved Basic Recruit Training Program pursuant to Rule 11B-35.002, F.A.C., or qualify for an exemption from a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., to include demonstration of proficiency in the High-Liability Basic Recruit Training Courses pursuant to Rule 11B-35.0024, F.A.C.; and 2. Achieve a passing score on the State Officer Certification Examination. In justification of his petition for waiver, Petitioner asserts that he completed a commission-approved Equivalency of Training Course in May of 2017, that he completed the required proficiency demonstration in June of 2017, and that he subsequently passed the State Officer Certification Examination in August of 2017. Petitioner further asserts that he has applied for law enforcement officer positions with several Florida agencies, that he has passed or is scheduled to take written and physical tests with these agencies, and that certain agencies are now processing his application. Petitioner alleges that, should the waiver not be granted, Petitioner will suffer a substantial hardship as he would be unable to obtain employment as a certified law enforcement officer until he completes another basic recruit training academy and passes another State Officer Certification Examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Dana Kelly, Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302 or by telephone at (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:  
11B-27.002 Certification, Employment or Appointment,  
Reactivation, and Terminating Employment or Appointment of  
Officers  
The Florida Department of Law Enforcement hereby gives  
notice:  
On October 26, 2017, Benjamin Lenfant withdrew his petition  
for waiver of Rule 11B-27.002, F.A.C., filed on October 26,  
2017, and to be noticed on October 27, 2017, in Vol. 43, No.  
209, of the Florida Administrative Register.  
A copy of the Order or additional information may be obtained  
by contacting: Dana Kelly, Agency Clerk, by mail at Agency  
Clerk-Office of the General Counsel, Florida Department of  
Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, by  
email at AgencyClerk@fdle.state.fl.us or by telephone at  
(850)410-7676.

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AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
NOTICE IS HEREBY GIVEN that on October 24, 2017, the  
Agency for Health Care Administration, received a petition for  
Variance from Rule 59AER17-1, F.A.C., from Adventist Care  
Centers-Courtland, Inc. The Petition has been assigned Agency  
case number 2017012941. The Petition seeks a variance from  
Rule 59AER17-1 F.A.C. requesting a variance as to the time for  
the implementation of the emergency rule and specifically  
requesting an extension of time to implement the rule.  
Interested persons or other agencies may submit written  
comments on the petition for emergency variance within 5 days  
after publication of the notice by forwarding an email to  
Kimberly.Stewart@ahca.myflorida.com.  
A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Kimberly Stewart, Agency for Health Care  
Administration, Division of Health Quality Assurance, Bureau  
of Health Facility Regulation, 2727 Mahan Drive, Building 1,  
Mail Stop 28A, Tallahassee, Florida 32308 or by email to  
Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
NOTICE IS HEREBY GIVEN that on October 23, 2017, the  
Agency for Health Care Administration, received a petition for  
Variance from Rule 59AER17-1, F.A.C., from Avante at Ocala,  
Inc. The Petition has been assigned Agency case number  
2017012949. The Petition seeks a variance from Rule  
59AER17-1 F.A.C. requesting a variance as to the time for the  
implementation of the emergency rule and specifically  
requesting an extension of time to implement the rule.  
Interested persons or other agencies may submit written

comments on the petition for emergency variance within 5 days  
after publication of the notice by forwarding an email to  
Kimberly.Stewart@ahca.myflorida.com.  
A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Kimberly Stewart, Agency for Health Care  
Administration, Division of Health Quality Assurance, Bureau  
of Health Facility Regulation, 2727 Mahan Drive, Building 1,  
Mail Stop 28A, Tallahassee, Florida 32308 or by email to  
Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
NOTICE IS HEREBY GIVEN that on October 23, 2017, the  
Agency for Health Care Administration, received a petition for  
Variance from Rule 59AER17-1, F.A.C., from Avante at St.  
Cloud, Inc. The Petition has been assigned Agency case number  
2017012950. The Petition seeks a variance from Rule  
59AER17-1 F.A.C. requesting a variance as to the time for the  
implementation of the emergency rule and specifically  
requesting an extension of time to implement the rule.  
Interested persons or other agencies may submit written  
comments on the petition for emergency variance within 5 days  
after publication of the notice by forwarding an email to  
Kimberly.Stewart@ahca.myflorida.com.  
A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Kimberly Stewart, Agency for Health Care  
Administration, Division of Health Quality Assurance, Bureau  
of Health Facility Regulation, 2727 Mahan Drive, Building 1,  
Mail Stop 28A, Tallahassee, Florida 32308 or by email to  
Kimberly.Stewart@ahca.myflorida.com.

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AGENCY FOR HEALTH CARE ADMINISTRATION  
Health Facility and Agency Licensing  
NOTICE IS HEREBY GIVEN that on October 23, 2017, the  
Agency for Health Care Administration, received a petition for  
Variance from Rule 59AER17-1, F.A.C., from Avante at  
Leesburg, Inc. The Petition has been assigned Agency case  
number 2017012942. The Petition seeks a variance from Rule  
59AER17-1 F.A.C. requesting a variance as to the time for the  
implementation of the emergency rule and specifically  
requesting an extension of time to implement the rule.  
Interested persons or other agencies may submit written  
comments on the petition for emergency variance within 5 days  
after publication of the notice by forwarding an email to  
Kimberly.Stewart@ahca.myflorida.com.  
A copy of the Petition for Variance or Waiver may be obtained  
by contacting: Kimberly Stewart, Agency for Health Care  
Administration, Division of Health Quality Assurance, Bureau  
of Health Facility Regulation, 2727 Mahan Drive, Building 1,  
Mail Stop 28A, Tallahassee, Florida 32308 or by email to  
Kimberly.Stewart@ahca.myflorida.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 23, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Avante at Mt. Dora, Inc. The Petition has been assigned Agency case number 2017012943. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A, Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Westminster Pines, Inc. d/b/a Westminster St. Augustine. The Petition has been assigned Agency case number 2017012947. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Suncoast Manor Retirement Community, Inc. d/b/a Westminster Suncoast. The Petition has been assigned Agency case number 2017012946. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency

variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A, Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

Health Facility and Agency Licensing

NOTICE IS HEREBY GIVEN that on October 24, 2017, the Agency for Health Care Administration, received a petition for Variance from Rule 59AER17-1, F.A.C., from Sunbelt Health & Rehab Center-Apopka, Inc. The Petition has been assigned Agency case number 2017012945. The Petition seeks a variance from Rule 59AER17-1 F.A.C. requesting a variance as to the time for the implementation of the emergency rule and specifically requesting an extension of time to implement the rule. Interested persons or other agencies may submit written comments on the petition for emergency variance within 5 days after publication of the notice by forwarding an email to Kimberly.Stewart@ahca.myflorida.com.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kimberly Stewart, Agency for Health Care Administration, Division of Health Quality Assurance, Bureau of Health Facility Regulation, 2727 Mahan Drive, Building 1, Mail Stop 28A, Tallahassee, Florida 32308 or by email to Kimberly.Stewart@ahca.myflorida.com.

**Section VI**

**Notice of Meetings, Workshops and Public Hearings**

**DEPARTMENT OF LEGAL AFFAIRS**

The Department of Legal Affairs announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, November 17, 2017, 10:00 a.m. – 3:00 p.m.

PLACE: Office of the Attorney General, 110 Southeast Sixth Street, Tenth Floor, Fort Lauderdale, FL 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Motor Vehicle Arbitration Board, 2017 Board Member Training (Makeup Session).

A copy of the agenda may be obtained by contacting: Kairi Sisask at (850)414-3500.

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: Kairi Sisask at (850)414-3500. 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).

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#### DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation announces public meetings to which all persons are invited.

**DATES AND TIMES:** November 7, 2017, 1:00 p.m.; November 8, 2017, 8:30 a.m.

**PLACE:** Florida Department of Transportation Burns Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Bicycle and Pedestrian transportation issues and safety.

A copy of the agenda may be obtained by contacting: Melanie Weaver Carr, (850)414-4817.

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: Paula San Gregorio, (850)414-4811. 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).

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#### EXECUTIVE OFFICE OF THE GOVERNOR

Volunteer Florida announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Friday, November 3, 2017, 11:00 a.m. (ET) until all business is complete

**PLACE:** Telephone conference: 1(888)670-3525, participant code 3360784946#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business.

A copy of the agenda may be obtained by contacting: Savannah Kelly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Savannah Kelly, (850)414-7400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Savannah Kelly, (850)414-7400.

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#### WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

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

**DATE AND TIME:** Friday, November 3, 2017, 9:00 a.m.

**PLACE:** Lake County Administration Building, Second Floor, County Commission Meeting Room, 315 West Main Street, Tavares, FL 32778

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion, review and evaluation of various issues and topics having specific reference to the Harris Chain of Lakes in Lake County.

A copy of the agenda may be obtained by contacting: The St. Johns River Water Management District, Attn: Susan Davis, 4049 Reid Street, Palatka, FL32177, sdavis@sjrwm.com, (407)659-4838, or by visiting the Council's website at harrischainoflakescouncil.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: The District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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#### WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

**DATE AND TIME:** Monday, November 6, 2017, 12:00 Noon

**PLACE:** Jupiter Emergency Operations Center, 3133 Washington Street, Jupiter FL 33458

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Loxahatchee River Preservation Initiative Meeting. General Meeting.

A copy of the agenda may be obtained by contacting: Rod Braun, (561)682-2925, rbraun@sfwmd.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rosie Byrd at (561)682-6805. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Rod Braun at (561)682-2925 or rbraun@sfwmd.gov.

**DEPARTMENT OF MANAGEMENT SERVICES****E911 Board**

The Florida E911 Board announces a public meeting to which all persons are invited.

**DATES AND TIMES:** November 15-16, 2017, 9:00 a.m. to conclusion of business

**PLACE:** Park Station, 5851 Park Blvd, Room 202, Pinellas Park, FL 33781. Join the meeting using Cintix GoTo Meeting using your computer, tablet or smartphone: <http://global.gotomeeting.com/join/802085821>. Join by conference call: 1(888)670-3525, conference code: 2323004133.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Matters relating to the Florida E911 Board.

A copy of the agenda may be obtained by contacting: Leon Simmonds, (850)921-0041.

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: Leon Simmonds, (850)921-0041. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Leon Simmonds, (850)921-0041.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DATE AND TIME:** Wednesday, November 8, 2017, 2:00 p.m.

**PLACE:** Seminole County Extension Auditorium, 250 West County Home Road, Sanford, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a Wekiva River, Rock Springs Run, and Little Wekiva Canal Basin Management Action Plan (BMAP) public meeting to which the public is invited. This is a meeting of the Onsite Sewage Treatment and Disposal Systems (OSTDS) advisory committee associated with the Wekiva BMAP. Meeting items will include technical discussions on possible approaches for addressing nitrate loadings to the Wekiva basin.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Moira Homann at (850)245-8460. 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).

**FISH AND WILDLIFE CONSERVATION COMMISSION****Vessel Registration and Boating Safety**

The Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement, Boating Advisory Council, announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 28, 2017, 9:00 a.m.

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

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular meeting of the Boating Advisory Council to review and discuss boating-related topics and to take action, if needed. Such action may include discussion about non-motorized vessels and navigation regulations.

A copy of the agenda may be obtained by contacting the FWC, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, or by calling Precious Boatwright or Brenda Collins at (850)488-5600.

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

For more information, you may contact: Precious Boatwright at (850)488-5600.

**FOUNDATION FOR INDIGENT GUARDIANSHIP**

The Foundation For Indigent Guardianship, Inc. announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, November 8, 2017, 9:00 a.m., ET

**PLACE:** Telephone conference call dial: 1(888)670-3525, enter participant code: 7919129022#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** FIG Monthly Board of Directors meeting normally scheduled at 10:00 a.m. and previously published in Vol. 43, No.06, has changed the start time to 9:00 a.m., ET.

A copy of the agenda may be obtained by contacting: Vicki Simmons at [simmons.vickib@gmail.com](mailto:simmons.vickib@gmail.com).

**FLORIDA COMMISSION ON ACCESS TO CIVIL JUSTICE**  
 The Service Options Committee of the Florida Commission on Access to Civil Justice announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Monday, October 30, 2017, 12:00 Noon – 1:00 p.m.

**PLACE:** Conference call: 1(888)376-5050, participant code: 2311661132

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee will continue to discuss access to civil justice initiatives.

A copy of the agenda may be obtained by contacting Francisco-Javier Digon-Greer at 1(800)342-8060, ext. 5793, or email: flaccessjustice@flabar.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Francisco-Javier Digon-Greer at 1(800)342-8060, ext. 5793 or flaccessjustice@flabar.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Francisco-Javier Digon-Greer at 1(800)342-8060, ext. 5793 or flaccessjustice@flabar.org.

**COUNCIL OF COMMUNITY COLLEGE PRESIDENTS**

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

**DATE AND TIME:** November 2, 2017, 10:00 a.m.

**PLACE:** Innisbrook, Palm Harbor, Florida

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

A copy of the agenda may be obtained by contacting: Sharlee Whiddon, (850)222-3222.

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: Sharlee Whiddon, (850)222-3222. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Michael Brawer (850)222-3222.

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC**

The FWCJUA Producer Appeals Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** November 15, 2017, 11:00 a.m.

**PLACE:** Tampa Airport Marriott, Tampa International Airport, 4200 George J Bean Pkwy, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Committee shall hear appeals from Agencies and their Designated Producers in response to the revocation of their privileges to submit business to the FWCJUA.

A copy of the agenda may be obtained by contacting Kathy Coyne or from www.fwcjua.com.

**HANSON PROFESSIONAL SERVICES, INC.**

The Florida Department of Transportation (FDOT), District Four announces a hearing to which all persons are invited.

**DATE AND TIME:** Thursday, November 2, 2017, 5:00 p.m. – 7:00 p.m.

**PLACE:** Hawthorn Suites West Palm Beach located at 301 Lambertson Drive, West Palm Beach, FL 33401

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Florida Department of Transportation (FDOT), District Four, will conduct a Public Hearing for SR 9/I-95 from South of 45th Street to North of 45th Street in Palm Beach County, Florida. The hearing will begin as an open house with a formal presentation at 6 p.m., followed by a public comment period. Preliminary design plans and other pertinent project materials will be on display and staff will be available to discuss the project and answer questions.

The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being, or have been, carried out by the Florida Department of Transportation (FDOT) pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated December 14, 2016 and executed by the Federal Highway Administration and FDOT.

A copy of the agenda may be obtained by contacting: Robert Lopes, PE, Project Manager. Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, (954)777-4425, robert.lopes@dot.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Robert Lopes, PE at (954)777-4425 or toll free at 1(866)336-8435, ext. 4425 or by email at robert.lopes@dot.state.fl.us. Any persons who require translation services (free of charge) should also contact Mr. Robert Lopes, PE seven (7) days before the meeting. If you are

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

For more information, you may contact: Robert Lopes, PE, Florida Department of Transportation, District Four, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309, by telephone: (954)777-4425 or toll free at 1(866)336-8435, ext. 4425 or by email at robert.lopes@dot.state.fl.us. You may also visit the project website at www.95at45street.com.

**Section VII**

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

NONE

**Section VIII**

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

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

NONE

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

NONE

**Section IX**

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

NONE

**Section X**

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

NONE

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

NONE

**Section XII  
Miscellaneous**

DEPARTMENT OF STATE

Index of Administrative Rules Filed with the Secretary of State Pursuant to Section 120.55(1)(b)6. – 7., F.S., the below list of rules were filed in the Office of the Secretary of State between 8:00 a.m., Friday, October 20, 2017 and 3:00 p.m., Thursday, October 26, 2017. An improved electronic publication system is forthcoming on the Florida Administrative Rules website, FLRules.org, which will accommodate complete publication of rules filed for adoption in the previous 7 days, including rules awaiting legislative action.

<b>Rule No.</b>	<b>File Date</b>	<b>Effective Date</b>
5J-17.002	10/24/2017	11/13/2017
5J-17.003	10/24/2017	11/13/2017
5J-17.010	10/24/2017	11/13/2017
5J-17.011	10/24/2017	11/13/2017
5J-17.012	10/24/2017	11/13/2017
5J-17.015	10/24/2017	11/13/2017
5J-17.016	10/24/2017	11/13/2017
5J-17.020	10/24/2017	11/13/2017
5J-17.021	10/24/2017	11/13/2017
5J-17.022	10/24/2017	11/13/2017
5J-17.025	10/24/2017	11/13/2017
5J-17.026	10/24/2017	11/13/2017
5J-17.027	10/24/2017	11/13/2017
5J-17.028	10/24/2017	11/13/2017
5J-17.029	10/24/2017	11/13/2017
5J-17.031	10/24/2017	11/13/2017
5J-17.032	10/24/2017	11/13/2017

5J-17.034	10/24/2017	11/13/2017
5J-17.037	10/24/2017	11/13/2017
5J-17.039	10/24/2017	11/13/2017
5J-17.040	10/24/2017	11/13/2017
5J-17.041	10/24/2017	11/13/2017
5J-17.042	10/24/2017	11/13/2017
5J-17.043	10/24/2017	11/13/2017
5J-17.044	10/24/2017	11/13/2017
5J-17.050	10/24/2017	11/13/2017
5J-17.051	10/24/2017	11/13/2017
5J-17.052	10/24/2017	11/13/2017
5J-17.053	10/24/2017	11/13/2017
5J-17.061	10/24/2017	11/13/2017
5J-17.062	10/24/2017	11/13/2017
5J-17.063	10/24/2017	11/13/2017
5J-17.070	10/24/2017	11/13/2017
5J-17.080	10/24/2017	11/13/2017
5J-17.083	10/24/2017	11/13/2017
5J-17.084	10/24/2017	11/13/2017
5J-17.085	10/24/2017	11/13/2017
5J-17.086	10/24/2017	11/13/2017
5J-17.200	10/24/2017	11/13/2017
5J-17.400	10/24/2017	11/13/2017
33-302.116	10/23/2017	11/12/2017
42X-1.002	10/24/2017	11/13/2017
53ER17-70	10/26/2017	10/28/2017
53ER17-71	10/26/2017	10/28/2017
53ER17-72	10/26/2017	10/28/2017
59A-12.002	10/24/2017	11/13/2017
59A-12.012	10/24/2017	11/13/2017
59A-35.110	10/24/2017	11/13/2017
61G3-15.0215	10/20/2017	11/9/2017

61G5-20.002	10/20/2017	11/9/2017
61G5-24.010	10/24/2017	11/13/2017
64B5-14.001	10/24/2017	11/13/2017
64B5-14.002	10/24/2017	11/13/2017
64B5-14.003	10/24/2017	11/13/2017
64B5-14.0032	10/24/2017	11/13/2017
64B5-14.0034	10/24/2017	11/13/2017
64B5-14.004	10/24/2017	11/13/2017
64B5-14.005	10/24/2017	11/13/2017
64B5-14.006	10/24/2017	11/13/2017
64B5-14.007	10/24/2017	11/13/2017
64B5-14.009	10/24/2017	11/13/2017
64B5-14.010	10/24/2017	11/13/2017
64B8ER17-3	10/24/2017	10/24/2017
64B15ER17-3	10/24/2017	10/24/2017
64ER17-6	10/24/2017	10/24/2017
65C-30.016	10/23/2017	11/12/2017
69A-60.002	10/20/2017	12/31/2017
69A-60.003	10/20/2017	12/31/2017
69A-60.004	10/20/2017	12/31/2017
69A-60.005	10/20/2017	12/31/2017
69A-3.012	10/20/2017	12/31/2017
69T-1.001	10/20/2017	11/9/2017
<b>LIST OF RULES AWAITING LEGISLATIVE APPROVAL SECTIONS 120.541(3), 373.139(7) AND/OR 373.1391(6), FLORIDA STATUTES</b>		
Rule No.	File Date	Effective Date
40C-2.101	8/2/2017	**/**/****
60FF1-5.009	7/21/2016	**/**/****
64B8-10.003	12/9/2015	**/**/****
69L-7.100	12/19/2016	**/**/****
69L-7.501	12/19/2016	**/**/****

DEPARTMENT OF CITRUS

2017 Regulatory Plan

Notice of Publication of 2016 Regulatory Plan

NOTICE IS HEREBY GIVEN that on October 25, 2017, the Department of Citrus published its 2017-18 Regulatory Plan in accordance with Section 120.74(1), F.S., as amended by Ch. 2015-162, Laws of Florida. The Regulatory Plan is available on the Florida Department of Citrus website: www.fdocgrower.com, at https://fdocgrower.box.com/s/12rwpj47knjy07j6wjqtanxv3pri5i4q.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On October 25, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certification of Albert D. Guess, C.N.A., Certificate # CNA 75724. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2017). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On October 25, 2017, the State Surgeon General issued an Order of Emergency Suspension Order with regard to the certificate of Sandra Jean Olson, C.N.A., Certificate # CNA 23928. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2017). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

Quarterly Listing of Qualified Public Depositories

DEPARTMENT OF FINANCIAL SERVICES

DIVISION OF TREASURY

BUREAU OF COLLATERAL MANAGEMENT

PUBLIC DEPOSITS SECTION

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FOR PUBLIC DEPOSITORS TO RECEIVE THE PROTECTION FROM LOSS PROVIDED IN CHAPTER 280, FLORIDA STATUTES, THEY SHALL COMPLY WITH

THE FOLLOWING ON EACH PUBLIC DEPOSIT ACCOUNT IN ADDITION TO ANY OTHER REQUIREMENTS SPECIFIED IN CHAPTER 280: (1) EXECUTE THE PUBLIC DEPOSIT IDENTIFICATION AND ACKNOWLEDGMENT FORM DFS-J1-1295 WITH THE QUALIFIED PUBLIC DEPOSITORY (QPD), MAINTAIN IT AS A VALUABLE RECORD, AND CONFIRM THE ACCOUNT ANNUALLY; (2) EXECUTE A REPLACEMENT FORM DFS-J1-1295 WHEN THERE IS A MERGER, ACQUISITION, NAME CHANGE, OR OTHER EVENT WHICH CHANGES THE ACCOUNT NAME, ACCOUNT NUMBER, OR NAME OF THE QPD.

THE FOLLOWING QPDS ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THE CITIES AND STATES LISTED ARE THE HOME OFFICE LOCATIONS. QPDS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER. QPDS HAVING A DATE BESIDE THEIR NAME ARE IN THE PROCESS OF WITHDRAWING FROM THE PROGRAM AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE SHOWN. THEY MAY, HOWEVER, HAVE CERTAIN OBLIGATIONS TO THE PROGRAM AFTER THAT DATE WITH WHICH THEY MUST COMPLY BEFORE CONCLUDING THE WITHDRAWAL PROCESS.

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ALABAMA

ANDALUSIA  
CCB COMMUNITY BANK

ATMORE  
UNITED BANK

BIRMINGHAM  
CADENCE BANK, N.A.  
COMPASS BANK  
NATIONAL BANK OF COMMERCE  
REGIONS BANK  
SERVISFIRST BANK

ARKANSAS

CONWAY  
CENTENNIAL BANK

LITTLE ROCK  
BANK OF THE OZARKS 12/31/2016

DELAWARE

WILMINGTON  
PNC BANK, N.A.  
TD BANK, N.A.

FLORIDA

ARCADIA  
FIRST STATE BANK OF ARCADIA, THE

BELLE GLADE  
BANK OF BELLE GLADE

BOCA RATON  
LEGACY BANK OF FLORIDA  
PARADISE BANK

BRADENTON  
PREMIER COMMUNITY BANK OF FLORIDA

CHIEFLAND  
DRUMMOND COMMUNITY BANK

CHIPLEY  
ONE SOUTH BANK

CLEARWATER  
USAMERIBANK

CLEWISTON  
FIRST BANK

CORAL GABLES  
BAC FLORIDA BANK  
BANESCO USA  
GIBRALTAR PRIVATE BANK & TRUST COMPANY  
PROFESSIONAL BANK

DADE CITY  
FIRST NATIONAL BANK OF PASCO

DAVIE  
FLORIDIAN COMMUNITY BANK

DELAND  
MAINSTREET COMMUNITY BANK OF FLORIDA

DESTIN  
FIRST FLORIDA BANK

ENGLEWOOD  
ENGLEWOOD BANK & TRUST

FERNANDINA BEACH  
CBC NATIONAL BANK

FORT MYERS  
EDISON NATIONAL BANK  
FINEMARK NATIONAL BANK & TRUST  
PREFERRED COMMUNITY BANK

FORT PIERCE  
HARBOR COMMUNITY BANK

FORT WALTON BEACH  
FIRST CITY BANK OF FLORIDA \*  
FNBT BANK

FROSTPROOF  
CITIZENS BANK AND TRUST

GRACEVILLE  
PEOPLES BANK OF GRACEVILLE

INVERNESS  
BRANNEN BANK

JACKSONVILLE  
ATLANTIC COAST BANK  
FIRSTATLANTIC BANK  
TIAA, FSB DBA EVERBANK

KEY WEST  
FIRST STATE BANK OF THE FLORIDA KEYS

LAKE CITY  
COLUMBIA BANK  
FIRST FEDERAL BANK OF FLORIDA  
PEOPLES STATE BANK

LAKELAND  
BANK OF CENTRAL FLORIDA

MADISON  
MADISON COUNTY COMMUNITY BANK

MAITLAND  
AXIOM BANK

MAYO  
LAFAYETTE STATE BANK \*

MERRITT ISLAND  
COMMUNITY BANK OF THE SOUTH  
FIDELITY BANK OF FLORIDA, N.A.

MIAMI  
APOLLO BANK  
BRICKELL BANK  
CITY NATIONAL BANK OF FLORIDA  
CONTINENTAL NATIONAL BANK  
EASTERN NATIONAL BANK  
EXECUTIVE NATIONAL BANK  
GROVE BANK & TRUST  
OCEAN BANK  
PACIFIC NATIONAL BANK  
SUNSTATE BANK  
TOTALBANK

MIAMI LAKES  
BANKUNITED, N.A.

MONTICELLO  
FARMERS & MERCHANTS BANK

MOUNT DORA  
FIRST GREEN BANK  
FIRST NATIONAL BANK OF MOUNT DORA, THE

NAPLES  
ENCORE BANK  
FIRST FLORIDA INTEGRITY BANK

NICEVILLE  
PEOPLES NATIONAL BANK

OAKLAND PARK  
AMERICAN NATIONAL BANK

OCALA  
COMMUNITY BANK & TRUST OF FLORIDA

ORLANDO  
SEASIDE NATIONAL BANK & TRUST

OVIEDO  
CITIZENS BANK OF FLORIDA

PALM COAST  
INTRACOASTAL BANK

PANAMA CITY

FIRST NATIONAL BANK NORTHWEST FLORIDA  
SUMMIT BANK, N.A.

PENSACOLA  
BANK OF THE SOUTH

PERRY  
CITIZENS STATE BANK

PLANT CITY  
SUNSHINE BANK

PORT CHARLOTTE  
CHARLOTTE STATE BANK & TRUST

ST. PETERSBURG  
RAYMOND JAMES BANK, N.A.

SEBRING  
HEARTLAND NATIONAL BANK

SOUTH MIAMI  
FIRST NATIONAL BANK OF SOUTH MIAMI

STARKE  
COMMUNITY STATE BANK

STUART  
SEACOAST NATIONAL BANK

TALLAHASSEE  
CAPITAL CITY BANK  
PRIME MERIDIAN BANK

TAMPA  
BANK OF TAMPA, THE  
CENTRAL BANK

THE VILLAGES  
CITIZENS FIRST BANK

UMATILLA  
UNITED SOUTHERN BANK

VERO BEACH  
MARINE BANK & TRUST COMPANY  
OCULINA BANK, THE

WAUCHULA  
FIRST NATIONAL BANK OF WAUCHULA  
WAUCHULA STATE BANK

WESTON  
FLORIDA COMMUNITY BANK, N.A.

WEST PALM BEACH  
FIRST BANK OF THE PALM BEACHES  
FLAGLER BANK

WINTER HAVEN  
CENTERSTATE BANK, N.A.

GEORGIA

ATLANTA  
FIDELITY BANK  
SUNTRUST BANK

COLQUITT  
PEOPLESSOUTH BANK

COLUMBUS  
SYNOVUS BANK

DARIEN  
SOUTHEASTERN BANK

MOULTRIE  
AMERIS BANK

WESTPOINT  
CHARTERBANK

ILLINOIS

CHAMPAIGN  
BUSEY BANK

CHICAGO  
BMO HARRIS BANK, N.A.  
NORTHERN TRUST COMPANY, THE

IOWA

FORT DODGE  
FIRST AMERICAN BANK

KENTUCKY

LOUISVILLE  
REPUBLIC BANK & TRUST COMPANY

LOUISIANA

LAFAYETTE  
IBERIABANK

PLAQUEMINE  
ANTHEM BANK & TRUST

MASSACHUSETTS

BOSTON  
ONEUNITED BANK \*

MISSISSIPPI

BILOXI  
COMMUNITY BANK, COAST

GULFPORT  
WHITNEY BANK DBA HANCOCK BANK IN FLORIDA

HATTIESBURG  
THE FIRST, A NATIONAL BANKING ASSOCIATION

JACKSON  
TRUSTMARK NATIONAL BANK

TUPELO  
BANCORPSOUTH BANK  
RENASANT BANK

NEW JERSEY

PASSAIC  
VALLEY NATIONAL BANK

NEW YORK

NEW YORK CITY  
BANCO POPULAR NORTH AMERICA

NORTH CAROLINA

CHARLOTTE  
BANK OF AMERICA, N.A.

RALEIGH  
CAPITAL BANK CORPORATION

WINSTON-SALEM  
BRANCH BANKING AND TRUST COMPANY

OHIO

CINCINNATI  
FIFTH THIRD BANK  
U.S. BANK N.A.

COLUMBUS  
JPMORGAN CHASE BANK, N.A.

SOUTH DAKOTA

SIOUX FALLS  
CITIBANK, N.A.  
WELLS FARGO BANK, N.A.

TENNESSEE

PIGEON FORGE  
SMARTBANK

TEXAS

COLLEGE STATION  
AMERICAN MOMENTUM BANK

\*\*\*\*\*  
THE FOLLOWING IS A LIST OF INSTITUTIONS THAT  
HAD A CHANGE SINCE THE LAST PUBLICATION OF  
THIS REPORT.  
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CENTERSTATE BANK OF FLORIDA, N.A.  
CENTERSTATE BANK OF FLORIDA, N.A., A QPD WITH  
A HOME OFFICE LOCATED IN WINTER HAVEN,  
CHANGED ITS NAME TO CENTERSTATE BANK, N.A.  
EFFECTIVE JUNE 1, 2017.

ENCORE BANK, N.A.  
NAPLES  
ENCORE BANK, N.A., A QPD WITH A HOME OFFICE  
LOCATED IN NAPLES, FLORIDA CHANGED ITS NAME  
TO ENCORE BANK EFFECTIVE OCTOBER 5, 2016.WE  
WERE JUST MADE AWARE OF THIS CHANGE.

FLORIDA CAPITAL BANK, N.A.  
JACKSONVILLE  
THIS QPD WITHDREW FROM THE FLORIDA PUBLIC  
DEPOSITS PROGRAM AS OF OCTOBER 18, 2017.

JEFFERSON BANK OF FLORIDA

OLDSMAR  
JEFFERSON BANK OF FLORIDA, A QPD WITH A HOME  
OFFICE LOCATED IN OLDSMAR, FLORIDA WAS  
MERGED WITH AND INTO HARBOR COMMUNITY  
BANK, A QPD WITH A HOME OFFICE LOCATED IN  
FORT PIERCE, FLORIDA EFFECTIVE AFTER THE  
CLOSE OF BUSINESS ON JULY 28, 2017.

NORTHSTAR BANK  
TAMPA  
NORTHSTAR BANK, A QPD WITH A HOME OFFICE  
LOCATED IN TAMPA, FLORIDA WAS MERGED WITH  
AND INTO SEACOAST NATIONAL BANK, A QPD WITH  
A HOME OFFICE LOCATED IN STUART, FLORIDA  
EFFECTIVE AFTER THE CLOSE OF BUSINESS ON  
OCTOBER 20, 2017.

PATRIOT BANK  
TRINITY  
PATRIOT BANK, A QPD WITH A HOME OFFICE  
LOCATED IN TRINITY, FLORIDA WAS MERGED WITH  
AND INTO NATIONAL BANK OF COMMERCE, A QPD  
WITH A HOME OFFICE LOCATED IN BIRMINGHAM,  
ALABAMA EFFECTIVE AFTER THE CLOSE OF  
BUSINESS ON AUGUST 31, 2017.

SABADELL UNITED BANK, N.A.  
MIAMI  
SABADELL UNITED BANK, N.A., A QPD WITH A HOME  
OFFICE LOCATED IN MIAMI, FLORIDA WAS MERGED  
WITH AND INTO IBERIABANK, A QPD WITH A HOME  
OFFICE LOCATED IN LAFAYETTE, LOUISIANA  
EFFECTIVE AFTER THE CLOSE OF BUSINESS ON JULY  
31, 2017.

STONEGATE BANK  
POMPANO  
STONEGATE BANK, A QPD WITH A HOME OFFICE  
LOCATED IN POMPANO, FLORIDA WAS MERGED  
WITH AND INTO CENTENNIAL BANK, A QPD WITH A  
HOME OFFICE LOCATED IN CONWAY, ARKANSAS  
EFFECTIVE AT THE CLOSE OF BUSINESS ON  
SEPTEMBER 26, 2017.

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DEPARTMENT OF ECONOMIC OPPORTUNITY  
Division of Community Development  
Final Order No. DEO-17-149  
In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY MONROE COUNTY, FLORIDA,  
ORDINANCE NO. 017-2017

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FINAL ORDER

APPROVING MONROE COUNTY ORDINANCE NO. 017-2017

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to sections 380.05(6) and 380.0552(9), Florida Statutes, approving land development regulations adopted by Monroe County, Florida, Ordinance No. 017-2017 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by Section 380.0552, Florida Statutes, as an area of critical state concern. Monroe County is a local government within the Florida Keys Area.
2. The Ordinance was adopted by Monroe County on September 27, 2017, and rendered to the Department on October 6, 2017.
3. The Ordinance amends the Monroe County Land Development Code (“Code”) to create definitions pertaining to flood protection height exceptions; provide exceptions to the height limit for a structure to elevate above FEMA base flood elevation; and address height exceptions for non-habitable architectural decorative features within the Ocean Reef master planned community.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. Sections 380.05(6), and 380.0552(9), Florida Statutes.
5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. Section 380.031(8), Florida Statutes. The regulations adopted by the Ordinance are land development regulations.
6. The Ordinance is consistent with the Monroe County Comprehensive Plan generally, and specifically, Policies 101.5.30, 101.5.31, 101.5.32 and 101.5.33, as required by section 163.3177(1), Florida Statutes.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. Sections 380.05(6) and 380.0552(9), Florida Statutes. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in section 380.0552(7), Florida Statutes.
8. The Ordinance is consistent with the Principles for Guiding Development as a whole, and specifically complies with the following:
  - (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

WHEREFORE, IT IS ORDERED that the Department finds that Monroe County Ordinance No. 017-2017 is consistent with the Monroe County Comprehensive Plan and Principles for Guiding Development for the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

/s/ \_\_\_\_\_

James D. Stansbury, Chief  
 Bureau of Community Planning and Growth  
 Department of Economic Opportunity  
NOTICE OF ADMINISTRATIVE RIGHTS  
 ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES. FOR THE REQUIRED CONTENTS OF A PETITION CHALLENGING AGENCY ACTION, REFER TO RULES 28-106.104(2), 28-106.201(2), AND 28-106.301, FLORIDA ADMINISTRATIVE CODE.

DEPENDING ON WHETHER OR NOT MATERIAL FACTS ARE DISPUTED IN THE PETITION, A HEARING WILL BE CONDUCTED PURSUANT TO EITHER SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, OR SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES. ANY PETITION MUST BE FILED WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER. A PETITION IS FILED WHEN IT IS RECEIVED BY:

AGENCY CLERK  
 DEPARTMENT OF ECONOMIC OPPORTUNITY  
 OFFICE OF THE GENERAL COUNSEL  
 107 EAST MADISON ST., MSC 110  
 TALLAHASSEE, FLORIDA 32399-4128  
 FAX (850)921-3230

YOU WAIVE THE RIGHT TO ANY ADMINISTRATIVE PROCEEDING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 CALENDAR DAYS OF THE FINAL ORDER BEING PUBLISHED IN THE FLORIDA ADMINISTRATIVE REGISTER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency

Clerk, and that true and correct copies have been furnished to the following persons by the methods indicated this 26<sup>th</sup> day of October, 2017.

/s/

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Agency Clerk  
Department of Economic Opportunity  
107 East Madison Street, MSC 110  
Tallahassee, FL 32399-4128

By Certified U.S. Mail:

The Honorable George Neugent  
Mayor, Monroe County  
PO Box 1980  
Key West, Florida 33041

Kevin Madok, Clerk  
Monroe County  
Board of County Commissioners  
PO Box 1980  
Key West, Florida 33041

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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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