

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-210.101
RULE TITLE: Routine Mail
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarifying the amount of enclosures an inmate may receive and possess and to clarifying what types of packaging shall not be accepted by the Department.
SUBJECT AREA TO BE ADDRESSED: Routine Mail.
RULEMAKING AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 20.315, 944.09 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 IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.101 Routine Mail.

- (1) No change.
- (2) Inmates will be permitted to receive only the following types of materials through routine mail:
 - (a) through (c) No change.
 - (d) Up to ten ~~each of the following:~~ unused greeting cards (no larger than 8" x 10") with matching envelopes or up to ten sheets of stationery or other blank writing paper (lined or unlined) ~~with~~ or envelopes (stamped or unstamped). These items do not count toward the 15 page limitation for additional materials, but cannot exceed 10 greeting cards, sheets of stationery or sheets of blank writing paper and 10 envelopes each in number. Card stock, sketch paper, and other types of craft paper may not be included.
 - (e) No change.
 - (3) through (19) No change.
 - (20) No packaging other than standard envelopes shall be given to inmates. Incoming mail that includes the following types of packaging shall be rejected and returned to the sender unopened: any envelopes that include metal parts, boxes, padded envelopes, plastic bags, card stock type envelopes (i.e. US Mail Priority or US Mail Express card board type), any envelopes that include metal parts, multi-layer packaging, bubble wrap, packing peanuts, etc.
 - (21) through (22) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 11-19-81, 3-12-84, 10-15-84, Formerly 33-3.04, Amended 7-8-86, 9-4-88, 3-9-89, 9-1-93, 9-30-96, 5-25-97, 6-1-97, 10-7-97, 5-10-98, Formerly 33-3.004, Amended 12-20-99, Formerly 33-602.401, Amended 12-4-02, 8-5-03, 10-27-03, 9-20-04, 3-23-08, 7-2-09, 5-9-10, 12-5-12,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.601
RULE TITLE: Temporary Release of Inmates for Specific Purposes
PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to designate the Deputy Assistant Secretary of Institutions as the individual who approves the temporary transfer of custody of inmates.
SUBJECT AREA TO BE ADDRESSED: Temporary Release of Inmates.
RULEMAKING AUTHORITY: 20.315, 944.09 FS.
LAW IMPLEMENTED: 944.09 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 IS: Paul Vazquez, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.601 Temporary Release of Inmates for Specific Purposes.
 - (1) through (5) No change.
 - (6) The regional director will review the automated inmate record and the documentation provided by the warden to determine the inmate’s suitability for the temporary transfer of custody. An inmate under sentence of death, housed in a Correctional Mental Health Institution pursuant to court order of commitment, or in close management will not be eligible to attend a funeral or deathbed visit. If the following conditions exist, an inmate will not be eligible to attend a funeral or deathbed visit unless it is recommended the condition be waived by the regional director in writing and approved by the Deputy Assistant Secretary of Institutions ~~Deputy Assistant Secretary for Programs~~ or designee. Decisions will be made on a case by case basis.
 - (a) through (d) No change.
 - (7) through (14) No change.

Rulemaking Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-7.03, Amended 4-25-86, 2-12-97, 11-16-97, Formerly 33-7.003, Amended 5-26-05, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-3.001 RULE TITLE: Sanitation and Safety Requirements
 PURPOSE AND EFFECT: To amend the height requirements for balcony inspection qualification, adopt an updated form, and replace “resort condominiums” and “resort dwellings” with “vacation rental”.
 SUBJECT AREA TO BE ADDRESSED: Criteria for requiring balcony inspection, balcony inspection form, and public lodging classification references.
 RULEMAKING AUTHORITY: 509.032, 509.2112 FS.
 LAW IMPLEMENTED: 509.032, 509.211, 509.2112, 509.221 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399; (850)488-1133; Michelle.Comingore@dbpr.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
Proposed Rules**

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE NO.: 15-2.011 RULE TITLE: Maintenance of Records
 PURPOSE AND EFFECT: The purpose and effect of this proposed rulemaking is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.
 SUMMARY: These rules were identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.
 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 these proposed rules are not expected to require legislative ratification because they are being repealed to reduce unnecessary regulation.
 Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 RULEMAKING AUTHORITY: 120.533(1)(j) FS.
 LAW IMPLEMENTED: 119.041(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: January 4, 2013, 9:30 a.m.
 PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B130, Tallahassee, Florida 32399
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Brown, 2900 Apalachee Parkway, Room #A-432, Tallahassee, Florida 32399, (850)617-3101. 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: Richard Brown, 2900 Apalachee Parkway, Room A432, Tallahassee, Florida 32399, RichBrown@flhsmv.gov, (850) 617-2902
 THE FULL TEXT OF THE PROPOSED RULE IS:
 15-2.011 Maintenance of Records.
Rulemaking Specific Authority 120.533(1)(j) FS. Law Implemented 119.041(2) FS. History–New 3-8-93, Repealed _____.
 NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Brown, Assistant General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

RULE NO.: 15-3.001
 RULE TITLE: Standards of Disciplinary Actions

PURPOSE AND EFFECT: The purpose and effect of this proposed rulemaking is to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: This rule was identified during the comprehensive rule review as containing provisions that are no longer applicable, are antiquated, or are duplicative, and, thus, are appropriate for repeal.

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 this rule is not expected to require legislative ratification because it is being repealed to reduce unnecessary regulation.

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

RULEMAKING AUTHORITY: 110.201(2) FS.

LAW IMPLEMENTED: 110.201(2), 110.227 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: January 4, 2013, 9:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B130, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Brown, 2900 Apalachee Parkway, Room #A-432, Tallahassee, Florida 32399, (850)617-3101. 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: Richard Brown, 2900 Apalachee Parkway, Room A432, Tallahassee, Florida 32399, RichBrown@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULE IS:

15-3.001 Standards of Disciplinary Actions.

Rulemaking Specific Authority 110.201(2) FS. Law Implemented 110.201(2), 110.227 FS. History—New 11-5-80, Amended 1-1-81, 10-7-82, Formerly 15-3.01, Amended 12-12-91, 1-6-94, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Brown, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NO.: 15C-7.005
 RULE TITLE: Unauthorized Additional Motor Vehicle Dealerships – Unauthorized Supplemental Dealership Locations

PURPOSE AND EFFECT: The purpose and effect of this proposed rulemaking is to repeal a rule that has been deemed invalid.

SUMMARY: The rule attempts to implement penalties relating to motor vehicle dealers establishing additional or supplemental dealership locations. The rule was deemed invalid by the court in Department of Highway Safety and Motor Vehicles v. JM Auto, 977 So.2d 733 (1st DCA 2008).

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 because it is being repealed after being deemed invalid.

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: 320.011 FS.

LAW IMPLEMENTED: 320.27, 320.60-.70 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: January 4, 2013, 9:30 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B130, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Richard Brown, 2900 Apalachee Parkway, Room #A-432, Tallahassee, Florida 32399, (850)617-3101. 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: Richard Brown, 2900 Apalachee Parkway, Room A432, Tallahassee, Florida 32399, RichBrown@flhsmv.gov, (850)617-2902

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-7.005 Unauthorized Additional Motor Vehicle Dealerships – Unauthorized Supplemental Dealership Locations.

Rulemaking Specific Authority 320.011 FS. Law Implemented 320.27, 320.60-.70 FS. History–New 3-3-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Brown, Assistant General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

PUBLIC SERVICE COMMISSION

RULE NO.: 25-4.0051 RULE TITLE: Certificate Holder Information

PURPOSE AND EFFECT: To require current contact information from each telecommunications certificate holder. This centralizes the requirement in accord with the 2011 Regulatory Reform Act.

Docket 120238-TP

SUMMARY: The rule requires each company to file updated contact information with the Commission Clerk.

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 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 upon the information contained in the SERC.

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: 350.127(2), 427.704(8) FS.

LAW IMPLEMENTED: 364.183, 364.336 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0051 Current Certificate Holder Information.

Each company shall file updated information for the following items with the Office of Commission Clerk within 10 days after any changes to the following:

(1) The address of the certificate holder’s main corporate and Florida offices (if any) including street name and address and post office box, city, state and zip code; or

(2) Telephone number, name, and address of the individual who is to serve as primary liaison with the Commission in regard to the ongoing Florida operations of the certificated company.

Rulemaking Authority 350.127(2), 427.704(8) FS. Law implemented 364.016, 364.183, 364.336, 364.3375 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Beth Salak

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 35, August 31, 2012

PUBLIC SERVICE COMMISSION

RULE NOS.: 25-4.034, 25-4.0341 RULE TITLES: Tariffs, Filing of Service Schedules

PURPOSE AND EFFECT: Rule 25-4.034, F.A.C., would be amended and Rule 25-4.0341, F.A.C., would be added to comply with recent changes to Section 364.04(1), F.S. Rule 25-4.034, F.A.C., would require local exchange telecommunications companies to maintain tariffs on file with

the Commission setting forth all intrastate rates, terms and conditions for network access services pursuant to Section 364.163, F.S., and would otherwise simplify requirements when schedules or tariffs are published with the Commission. Rule 25-4.0341, F.A.C., would offer limited guidance to telecommunications companies choosing to file service schedules with the Commission.

Docket No. 120265-TP

SUMMARY: Rule 25-4.034, F.A.C., currently requires local exchange telecommunications companies to maintain tariffs on file with the Commission setting forth all rates and charges for customer service. Except with respect to network access services, for which tariffs are required to be filed pursuant to Section 364.163, F.S., Section 364.04(1), F.S., now permits telecommunications companies the option of filing published service schedules either with the Commission or through other reasonably publicly accessible means, including on a website, and provides that the Commission shall have no jurisdiction over the content or form or format of such published schedules. The proposed amendment of Rule 25-4.034, F.A.C., and adoption of Rule 25-4.0341, F.A.C., implement these statutory changes.

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 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 upon the information contained in the SERC.

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: 350.127(2), 364.01 FS.

LAW IMPLEMENTED: 364.01, 364.04, 364.163 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.034 Network Access Tariffs.

(1) ~~Pursuant to Section 364.163, F.S., Except to the extent otherwise permitted by Section 364.051(5)(a), F.S., each local exchange telecommunications company shall maintain on file with the Commission tariffs which shall set forth all intrastate rates, terms and conditions and charges for network access customer services, the classes and grades of service available to subscribers, the conditions and circumstances under which service will be furnished, and all general rules and regulations governing the relation of customer and company. The rates and charges for contract service arrangements for an individual customer need not be filed where the company's tariff provides a description of the circumstances under which such arrangements are offered for specified tariffed services.~~

(2) Filing shall mean received by the Office of Telecommunications ~~office of the Division of Regulatory Analysis~~ during normal business hours. Any tariff received by the Office of Telecommunications ~~Division of Regulatory Analysis~~ after 5:00 p.m. shall be considered filed on the next regular business day. All proposed changes to an existing tariff ~~shall either be filed that are submitted by hard copy with shall be directed to the Director of the Office of Telecommunications, Division of Regulatory Analysis, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 or shall be filed electronically pursuant to the instructions set forth in the "E-Tariff Filings User Notes," which are incorporated herein by reference and which are available at: [hyperlink]. These instructions can also be accessed from the Commission's website at <http://www.psc.state.fl.us/utilities/telecomm/etariffs/userinfo.aspx>. Hard copy filings and shall include an original and one (1) copy ~~two (2) copies~~ of each revised tariff sheet. A letter of transmittal shall accompany each tariff filing, which lists the included sheets; by sheet number and revision level as specified in paragraphs ~~(3)~~ 6(c)-(e), and gives a brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of transmittal shall be sent in duplicate with a request that the duplicate be returned and a postage paid envelope shall be provided for that purpose.~~

(3) Network access tariffs shall comply with the following conventions:

(a) Each sheet shall have a left-hand margin of at least 3/4". All sheets and copies must be clear and legible. Tariffs shall be in loose leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

(b) Each sheet shall bear the name of the company, as certificated with the Commission and the effective date of the sheet.

(c) Every sheet in the tariff shall be numbered.

(d) Each sheet in the tariff shall be marked "Original Sheet" in the upper right-hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right-hand corner and the number of the sheet it replaces. As an example: First Revised Sheet No. 4, Cancels Original Sheet No. 4.

(f) The network access tariffs shall contain at a minimum the following:

1. Table of Contents and Index. All network access tariffs shall have a table of contents identifying the page location of each section in the tariff.

2. Symbols Used in Tariff Filings. All symbols shall be defined in the network access tariff. Symbols used to indicate rate changes shall appear on the right hand side of each rate change sheet on the same line(s) in which any change has been made. If three or more consecutive lines of text are affected, one symbol shall be placed on the right hand margin on the first and last lines with a vertical line connecting the two symbols. Two or more symbols shall be placed next to each other on any line with multiple types of changes.

3. Technical Terms and Abbreviations. This section shall contain all company-specific technical and special terms and abbreviations used in the network access tariff. Each company shall file, as an integral part of its tariff, maps defining the exchange service areas. These maps shall delineate the boundaries in sufficient detail that they may be located in the field and shall embrace all territory included in the certificate of convenience and necessity.

(4) Each telecommunications company shall make available for public inspection upon request, either a printed copy or an electronic copy of its retail tariffs.

(5) Companies shall charge only the rates and credits contained in their tariff. If a company desires to deviate temporarily from its normal tariffed rates and credits, the company shall file a single tariff change reflecting the conditions of the temporary tariff change. Such tariff provision shall include the heading "Promotion," and shall state the name of the promotion, a specific description of the tariffed service(s) involved, including all applicable rates, benefits, terms, and conditions, and the beginning and ending dates of the promotion.

(6) Tariffs shall comply with the following conventions:

(a) Each sheet shall have a left hand margin of at least 3/4". All sheets and copies must be clear and legible. Tariffs submitted in hard copy form shall be in loose leaf form on 8 1/2" x 11" sheets, typewritten on white paper, using one side of the paper only.

(b) Each sheet shall bear the name of the company, as certified with the Commission, the name and title of the issuing officer, and the effective date of the sheet.

(c) Every sheet in the tariff shall be numbered.

(d) Each initially approved sheet in the tariff shall be marked "Original Sheet" in the upper right hand corner of the sheet. As an example: Original Sheet No. 4, or Original Sheet No. 5.2.

~~(e) Revised sheets in the tariff shall be marked with the number of the revision in the upper right hand corner and the number of the sheet it replaces. As an example:~~

~~First Revised Sheet No. 4~~

~~Cancels Original Sheet No. 4~~

~~(f) The tariffs shall contain at a minimum the following:~~

~~1. Table of Contents and Index. All tariffs shall have a table of contents identifying the page location of each section in the tariff. Each section shall also be individually indexed by subject.~~

~~2. Symbols Used in Tariff Filings. Symbols used in any proposed change to the existing tariff shall appear on the right hand side of each sheet on the same line(s) in which any change has been made. If three or more consecutive lines are affected, one symbol shall be placed on the first and last lines with a vertical line connecting the two symbols. Two or more symbols shall be placed next to each other on any line with multiple types of changes. The symbol page shall identify all symbols used in the tariff.~~

~~3. Technical Terms and Abbreviations. This section shall contain all technical and special terms and abbreviations used in the tariff.~~

~~(7) With each filing, the company shall provide a coded copy of each tariff sheet filed showing changes to the existing tariff sheet. Changes shall be indicated by inserting and underlining new words; words to be deleted shall be lined through with hyphens.~~

Rulemaking Authority 350.127(2), 364.01 FS. Law Implemented 364.01, 364.04, 364.163 FS. History—New 3-31-76, Amended 11-29-82, Formerly 25-4.34, Amended 9-13-88, 4-16-90, 3-10-96, 1-25-09, _____.

25-4.0341 Filing of Service Schedules.

(1) Telecommunications companies electing to file service schedules with the Florida Public Service Commission shall either file an original and one (1) hard copy of all new service schedules and proposed changes to existing service schedules with the Director of the Office of Telecommunications, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or shall file electronically pursuant to the instructions set forth in the "E-Tariff Filings User Notes," which are incorporated herein by reference and which are available at: [hyperlink]. These instructions can also be accessed from the Commission's website at <http://www.psc.state.fl.us/utilities/telecomm/etariffs/userinfo.aspx>. Any schedule received by the Office of Telecommunications after 5:00 p.m. shall be considered filed on the next regular business day. A letter of transmittal shall accompany each filing, which lists the included sheets by sheet number and revision level and gives a brief description of all changes. If acknowledgment of a hard copy filing is desired, the letter of

transmittal shall be sent in duplicate with a request that the duplicate be returned and a postage paid envelope shall be provided for that purpose.

(2) Each local telecommunications company that elects not to file service schedules with the Commission shall notify the Office of Telecommunications at the address listed in subsection (1) of the location where such service schedules are available to its customers.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.04 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Bates

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 59, October 26, 2012; Vol. 37, No. 45, November 10, 2011

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-4.083	Preferred Carrier Freeze
25-4.118	Local, Local Toll, or Toll Provider Selection

PURPOSE AND EFFECT: Rule 25-4.083, F.A.C., would be repealed and the substance of Rule 25-4.083, F.A.C., would be incorporated into Rule 25-4.118, F.A.C., Rule 25-4.118, F.A.C., would be amended to incorporate the substance of Rule 25-4.083, F.A.C., and to otherwise comply with recent changes to Section 364.16(5), F.S. The amendments to Rule 25-4.118, F.A.C., would apply to all providers of local telecommunications service, be consistent with the Telecommunications Act of 1996, provide for specific verification methods, provide for subscriber notification regarding a preferred carrier freeze at no charge, allow for a subscriber’s change to be considered valid if verification is performed consistent with Commission rules, and provide remedies for violations of the rule and allow for the imposition of other penalties available under Chapter 364, F.S.

Docket No. 120266-TP

SUMMARY: Rule 25-4.083, F.A.C., requires local providers to make a preferred carrier freeze available at no charge upon a subscriber’s request, prohibits local providers from requiring a preferred carrier freeze as a condition for obtaining service, and requires local providers to meet the requirements of Title 47, Code of Federal Regulations, Part 64, Section 64.1190, revised as of October 1, 2007. These provisions would be included in Rule 25-4.118, F.A.C., and the reference to the federal rule would be updated. In order to implement recent changes made to Chapter 364, F.S, Rule 25-4.118, F.A.C., would also be amended to remove the requirements concerning

carrier change requests from certified local providers or interexchange carriers, and concerning the maintenance of a toll-free number for accepting complaints regarding unauthorized provider changes.

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 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 upon the information contained in the SERC.

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: 350.127, 364.01, 364.16(5) FS.

LAW IMPLEMENTED: 364.01, 364.16(5), 364.285 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224, rgervasi@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.118 Changing of a Subscriber’s Telecommunications Service and Preferred Carrier Freeze. Local, Local Toll, or Toll Provider Selection.

(1) A telecommunications company shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Subpart K, Sections 64.1100 Definitions, as amended March 1, 2001, 64.1120 Verification of Orders for Telecommunications Service, as amended March 12, 2008, and 64.1130 Letter of Agency Form and Content, as amended March 12, 2008, which are hereby incorporated into this rule by reference. The provider of a customer shall not be changed without the customer’s authorization. The customer or other authorized person may change the residential service. For the purposes of this section, the term “other authorized person” shall mean a person 18 years of age or older within the same household. The person designated as the contact for the local telecommunications company, an officer of the company, or

the owner of the company is the person authorized to change business service. A LEC shall accept a provider change request by telephone call or letter directly from its customers; or

(2)(a) A telecommunications company shall not be deemed to have committed an unauthorized carrier change infraction if the company, including its agents and contractors, did the following: A LEC shall accept a change request from a certified LP or IXC acting on behalf of the customer. A certified LP or IXC shall submit a change request only if it has first certified to the LEC that at least one of the following actions has occurred:

(a) The provider has a letter of agency (LOA), as described in subsection (3), from the customer requesting the change;

1. Followed the procedures required under subsection (1) in good faith, with respect to the person requesting the change; and

2. Complied with the credit procedures of subsection (3).

(b) In cases where a company fails to meet the requirements of (2)(a), the Commission will determine whether penalties or other remedies are appropriate for an unauthorized carrier change infraction. In so doing, the Commission will consider the actions taken by the company to mitigate or undo the effects of the unauthorized change. These actions will include whether the company, including its agents and contractors: The provider has received a customer-initiated call, and beginning six months after the effective date of this rule has obtained the following:

1. Followed the procedures required under subsection (1) with respect to the person requesting the change in good faith. The information set forth in subparagraphs (3)(a)1. through 5.; and

2. Complied with the credit procedures of subsection (3). Verification data including at least one of the following:

- a. The customer's date of birth;
- b. The last four digits of the customer's social security number; or
- e. The customer's mother's maiden name.

3. Took prompt action in response to the unauthorized change;

4. Reported to the Commission any unusual circumstances that might have adversely affected customers such as system errors or inappropriate marketing practices that resulted in unauthorized changes and the remedial action taken;

5. Reported any unauthorized carrier changes concurrently affecting a large number of customers; and

6. Took other corrective action to remedy the unauthorized change appropriate under the circumstances.

(c) A firm that is independent and unaffiliated with the provider claiming the subscriber has verified the customer's requested change by obtaining the following:

1. The customer's consent to record the requested change or the customer has been notified that the call will be recorded; and

2. Beginning six months after the effective date of this rule an audio recording of the information stated in subparagraphs (3)(a)1. through 5.; or

(d)1. The provider has received a customer's change request, and has responded by mailing an informational package that shall include the following:

a. A notice that the information is being sent to confirm that a customer's request to change the customer's telecommunications provider was obtained;

b. A description of any terms, conditions, or charges that will be incurred;

e. The name, address, and telephone number of both the customer and the soliciting company;

d. A postcard which the customer can use to confirm a change request;

e. A clear statement that the customer's local, local toll, or toll provider will be changed to the soliciting company only if the customer signs and returns the postcard confirming the change; and

f. A notice that the customer may contact by writing the Commission's Division of Service, Safety and Consumer Assistance, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling, toll free (TDD & Voice) 1(800)342-3552, for consumer complaints.

2. The soliciting company shall submit the change request to the LP only if it has first received the postcard that must be signed by the customer.

(3)(a) Charges for unauthorized carrier changes billed on behalf of the unauthorized carrier for the first 30 days or first billing cycle, whichever is longer, shall be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. Upon notice from the customer of an unauthorized carrier change, the telecommunications company shall change the customer back, or to another company of the customer's choice. The LOA submitted to the company requesting a provider change shall include the following information (Each shall be separately stated):

1. Customer's billing name, address, and each telephone number to be changed;

2. Statement clearly identifying the certificated name of the provider and the service to which the customer wishes to subscribe, whether or not it uses the facilities of another company;

3. Statement that the person requesting the change is authorized to request the change;

4. Statement that the customer's change request will apply only to the number on the request and there must only be one presubscribed local, one presubscribed local toll, and one presubscribed toll provider for each number;

5. Statement that the LEC may charge a fee for each provider change;

6. Customer's signature and a statement that the customer's signature or endorsement on the document will result in a change of the customer's provider.

(b) The soliciting company's provider change fee statement, as described in subparagraph (a)5. above, shall be legible, printed in boldface at least as large as any other text on the page, and located directly above the signature line.

(c) The soliciting company's provider change statement, as described in subparagraph (a)6. above, shall be legible, printed in boldface at least as large as any other text on the page, and located directly below the signature line.

(4) A telecommunications company shall make available a preferred carrier freeze upon a subscriber's request and shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Subpart K, Section 64.1190, Preferred Carrier Freeze, as amended March 12, 2008, which is hereby incorporated into this rule by reference. The LOA shall not be combined with inducements of any kind on the same document. The document as a whole must not be misleading or deceptive. For purposes of this rule, the terms "misleading or deceptive" mean that, because of the style, format or content of the document or oral statements, it would not be readily apparent to the person signing the document or providing oral authorization that the purpose of the signature or the oral authorization was to authorize a provider change, or it would be unclear to the customer who the new provider would be; that the customer's selection would apply only to the number listed and there could only be one long distance service provider for that number; or that the customer's LP might charge a fee to switch service providers. If any part of the LOA is written in a language other than English, then it must contain all relevant information in each language. Notwithstanding the above, the LOA may be combined with checks that contain only the required LOA language as prescribed in subsection (3) of this section and the information necessary to make the check a negotiable instrument. The LOA check shall not contain any promotional language or material. The LOA check shall contain in easily readable, bold face type on the front of the check, a notice that the consumer is authorizing a primary carrier change by signing the check. The LOA language shall be placed near the signature line on the back of the check.

(5) A preferred carrier freeze shall not be required as a condition for obtaining service. A prospective provider must have received the signed LOA before initiating the change.

(6) A preferred carrier freeze shall be implemented or removed at no charge to the subscriber. Information obtained under paragraphs (2)(a) through (d) shall be maintained by the provider for a period of one year.

(7) A telecommunications company shall provide notification to subscribers with the customer's first bill, by letter or by electronic communication, and annually thereafter, that a preferred carrier freeze is available at no charge. Existing customers shall be notified annually that a preferred carrier freeze is available at no charge. Any of the foregoing notifications may be provided by a standard sized message on a customer's bill. Customer requests for other services, such as travel card service, do not constitute a provider change.

(8) ~~Charges for unauthorized provider changes and all 1+ charges billed on behalf of the unauthorized provider for the first 30 days or first billing cycle, whichever is longer, shall be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. After the first 30 days up to 12 months, all 1+ charges over the rates of the preferred company will be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. Upon notice from the customer of an unauthorized provider change, the LEC shall change the customer back, or to another company of the customer's choice. The change must be made within 24 hours excepting Saturday, Sunday, and holidays, in which case the change shall be made by the end of the next business day. The provisions of this subsection apply whether or not the change is deemed to be an authorized carrier change infraction under subsection (13).~~

(9) The company shall provide the following disclosures when soliciting a change in service from a customer:

- (a) Identification of the company;
- (b) That the purpose of the visit or call is to solicit a change of the provider of the customer;
- (c) That the provider shall not be changed unless the customer authorizes the change;
- (d) Upon a customer's request, the following information will be provided verbally or in writing:
 1. Any nonrecurring charge;
 2. Any monthly service charge or minimum usage charge;
 3. Company deposit practices;
 4. Any charge applicable to call attempts not answered;
 5. A statement of when charging for a call begins and ends; and
 6. A statement of billing adjustment practices for wrong numbers or incorrect bills.

(10) ~~During telemarketing and verification, no misleading or deceptive references shall be made while soliciting for subscribers.~~

(11) ~~A provider must provide the customer a copy of the authorization it relies upon in submitting the change request within 15 calendar days of request.~~

~~(12) Each provider shall maintain a toll-free number for accepting complaints regarding unauthorized provider changes, which may be separate from its other customer service numbers, and must be answered 24 hours a day, seven days a week. If the number is a separate toll free number, beginning six months after the effective date of this rule new customers must be notified of the number in the information package provided to new customers or on their first bill. The number shall provide a live operator or shall record end user complaints made to the customer service number to answer incoming calls. A combination of live operators and recorders may be used. If a recorder is used, the company shall attempt to contact each complainant no later than the next business day following the date of recording and for three subsequent days unless the customer is reached. If the customer is not reached, the company shall send a letter to the customer's billing address informing the customer as to the best time the customer should call or provide an address to which correspondence should be sent to the company. Beginning six months after the effective date of this rule, a minimum of 95 percent of all call attempts shall be transferred by the system to a live attendant or recording device prepared to give immediate assistance within 60 seconds after the last digit of the telephone number listed as the customer service number for unauthorized provider change complaints was dialed; provided that if the call is completed within 15 seconds to an interactive, menu-driven, voice response unit, the 60-second answer time shall be measured from the point at which the customer selects a menu option to be connected to a live attendant. Station busies will not be counted as completed calls. The term "answer" as used in this subsection means more than an acknowledgment that the customer is waiting on the line. It shall mean the provider is ready to render assistance or accept the information necessary to process the call.~~

~~(13)(a) A company shall not be deemed to have committed an unauthorized carrier change infraction if the company, including its agents and contractors, did the following:~~

- ~~1. Followed the procedures required under subsection (2) with respect to the person requesting the change;~~
- ~~2. Followed these procedures in good faith; and~~
- ~~3. Complied with the credit procedures of subsection (8).~~

~~(b) In determining whether fines or other remedies are appropriate for an unauthorized carrier change infraction, the Commission shall consider the actions taken by the company to mitigate or undo the effects of the unauthorized change. These actions include but are not limited to whether the company, including its agents and contractors:~~

- ~~1. Followed the procedures required under subsection (2) with respect to the person requesting the change in good faith;~~
- ~~2. Complied with the credit procedures of subsection (8);~~
- ~~3. Took prompt action in response to the unauthorized change;~~

~~4. Reported to the Commission any unusual circumstances that might have adversely affected customers such as system errors or inappropriate marketing practices that resulted in unauthorized changes and the remedial action taken;~~

~~5. Reported any unauthorized provider changes concurrently affecting a large number of customers; or~~

~~6. Took other corrective action to remedy the unauthorized change appropriate under the circumstances.~~

~~Rulemaking Authority 350.127(2), 364.01, 364.16(5) FS. Law Implemented 364.01, 364.16(5), 364.19, 364.285, 364.603 FS. History—New 3-4-92, Amended 5-31-95, 12-28-98, 5-8-05, _____.~~

~~25-4.083 Preferred Carrier Freeze.~~

~~(1) A local provider shall make available a PC Freeze upon a subscriber's request.~~

~~(2) A PC Freeze shall not be required as a condition for obtaining service.~~

~~(3) A PC Freeze shall be implemented or removed at no charge to the subscriber.~~

~~(4) In addition to the requirements listed in subsections (1) through (3) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred Carrier Freeze, revised as of October 1, 2007, which is hereby incorporated into this rule by reference.~~

~~Rulemaking Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS. History—New 9-9-04, Amended 10-21-09, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Bates

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 59, October 26, 2012; Vol. 37, No. 45, November 10, 2011

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-6.050	Location of Meters
25-6.100	Customer Billings

PURPOSE AND EFFECT: The rules are amended in order to clarify existing practices regarding circumstances when a customer requests the electric meter to be placed in a different location and when customers want information about their electric bills.

Docket No: 120252-EI

SUMMARY: Rule 25-6.050, F.A.C., is amended to address circumstances when a customer requests a different location for the meter. Rule 25-6.100, F.A.C., is amended to delete

references to utility’s local offices for bill payments. Instead, the utility must provide a toll-free number for information about locations where customers may pay their utility bills.

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 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 upon the information contained in the SERC.

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: 366.05(1), 366.04(2) FS.

LAW IMPLEMENTED: 366.05(1), 366.04(2), 366.03, 366.041(1), 366.051, 366.06(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-6.050 Location of Meters.

The utility shall designate to an applicant or its customers the location for meter placement. Locations of meters ~~shall~~ should be easily accessible for reading, testing, and making necessary adjustments and repairs. If an applicant requests a different location for meter placement from that designated by the utility on initial application for service and the utility agrees that the different meter location is acceptable to the utility, the applicant shall pay the incremental cost of installing the meter at the different location. If an existing customer requests relocation of an existing installed meter and the utility agrees that the different meter location is acceptable to the utility, the existing customer shall pay the incremental cost of relocating the meter at the different location.

Rulemaking Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History–New 7-29-69, Formerly 25-6.50, Amended _____.

25-6.100 Customer Billings.

(1) No change.

(2) By January 1, 1983, each customer’s bill shall show at least the following information:

(a) through (i) No change.

(j) The name and address of the utility plus the toll-free number(s) where customers can receive information about their bill as well as locations where the customers can pay their utility bill. Such information must identify those locations where no surcharge is incurred address and telephone number of the local office where the bill can be paid and any questions about the bill can be answered.

(3) through (7)(d) No change.

Rulemaking Specific Authority 366.05(1), 366.04(2) FS. Law Implemented 366.03, 366.04(2), 366.041(1), 366.051, 366.06(1) FS. History–New 2-25-76, Amended 4-13-80, 12-29-81, 6-28-82, 5-16-83, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill McNulty

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 10, March 9, 2012

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:

25-7.0851 Backbilling
25-7.0852 Unauthorized Use of Gas

PURPOSE AND EFFECT: Rule 25-7.0851, F.A.C., is amended to include overbilling by the gas utilities. New Rule 25-7.0852, F.A.C., is proposed to address unauthorized usage, where service has been obtained fraudulently.

Docket No. 120258-GU

SUMMARY: Rule 25-7.0851, F.A.C., is amended to address both overbillings and underbillings by gas utilities. Rule 25-7.0852 addresses unauthorized use of gas service.

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 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 upon the information contained in the SERC.

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: 367.121 FS.

LAW IMPLEMENTED: 367.121 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.0851 Underbillings and Overbillings Backbilling.

(1) A utility may not backbill customers for any period greater than 12 months for any undercharge in billing which is the result of the utility's mistake. The utility shall allow the customer to pay for the unbilled service over the same time period as the time period during which the underbilling occurred or some other mutually agreeable time period. The utility shall not recover in a ratemaking proceeding any lost revenues which inure to the utility's detriment on account of this provision.

(2) In the event of overbillings, the utility shall refund the overcharge to the customer for the period during which the overcharge occurred, based on available records. If commencement of the overcharging cannot be fixed, then an estimate of the overcharge shall be made, based on past consumption, and refunded to the customer. The amount and period of the adjustment shall be based on the available records. The refund shall not include any part of a minimum charge.

(3) In the event of an overbilling, the customer may elect to receive the refund as a credit to future billings or as a one-time credit.

Rulemaking Specific Authority 367.121 FS. Law Implemented 367.121 FS. History--New 5-8-91, Amended _____.

25-7.0852 Unauthorized Use.

In the event of unauthorized or fraudulent use or meter tampering, the utility shall bill the customer on an estimate of the gas used, based on the customer's past consumption.

Rulemaking Authority 367.121 FS. Law Implemented 367.121 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elizabeth Draper

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 10, March 9, 2012

PUBLIC SERVICE COMMISSION

RULE NOS.:	RULE TITLES:
25-24.510	Certificate of Public Convenience and Necessity Required
25-24.511	Application for Certificate
25-24.512	Application for Approval of Sale, Assignment or Transfer of Certificate
25-24.514	Cancellation of a Certificate
25-24.515	Pay Telephone Service

PURPOSE AND EFFECT: To reduce requirements on pay telephone service providers in accordance with the Regulatory Reform Act of 2011.

Docket No. 120262-TC

SUMMARY: Rule 25-24-510, F.A.C., is repealed. Rule 25-24.512, F.A.C., is amended to refer to certificates of authority instead of certificates of convenience. Rule 25-24.511, F.A.C., is amended to list both the Office of Telecommunications and the Department of State website for obtaining an application form to provide pay telephone service. Rule 25-24.514, F.A.C., is amended to simplify the provisions and delete a requirement for the provider to state reasons for the cancellation of a certificate. Rule 25-24.515, F.A.C., is amended to delete certain requirements on pay telephones which are no longer authorized by statute and to require each pay telephone station to permit free access to 911.

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 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 upon the information contained in the SERC.

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: 350.127(2), 365.171 FS.

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.3375, 365.171 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.510 Certificate of Public Convenience and Necessity Required.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 1-5-87, Amended 5-15-89, Repealed.

25-24.511 Application for Certificate.

(1) No change.

(2) An applicant shall submit an application on Form PSC/TELRA-D 32 ~~(xx/xx)~~(5/08), entitled “Application Form for Authority to Provide Pay Telephone Service Within the State of Florida,” which is incorporated into this rule by reference and may be obtained from the Commission’s website at www.floridapsc.com/utilities/telecomm/ or from the Office of Telecommunications. ~~Division of Regulatory Analysis~~. Such form may also be accessed at the Department of State website at _____. A non-refundable application fee of \$250.00 must accompany the filing of all applications.

(3) through(4) No change .

Rulemaking Authority 350.127(2) FS Law Implemented 364.32, 364.33, 364.335, ~~364.337~~, 364.3375, ~~364.345~~ FS. History–New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, 1-5-06, 5-29-08, Amended.

25-24.512 Application for Approval of Sale, ~~Assignment~~ or Transfer Certificate.

(1) Certificates of authority or public convenience and necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate ~~from a~~ of sale, ~~assignment~~ or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/ TEL RA-D 32 ~~(07/12)~~ (05/08), entitled “Application Form for Authority to Provide Pay Telephone Service Within the State of Florida.”. The application form may be obtained from the Commission’s website at www.floridapsc.com/utilities/telecomm/ or from the Office of Telecommunications ~~Division of Regulatory Analysis~~. Such form may also be accessed at the Department of State website at _____. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing

costs. The Commission’s acceptance of the application fee does not imply that the application for sale, ~~assignment~~ or transfer of a certificate will be granted.

(3) An original and one copy of the application shall be filed with the Office of Commission Clerk.

(4) An application for sale, ~~assignment~~ or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(5) A certificate may be sold, ~~assigned~~, or transferred only as a whole.

Rulemaking Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.337, 364.3375, 364.345 FS. History–New 1-5-87, Amended 5-15-89, 1-5-06, 5-29-08, _____.

25-24.514 Cancellation of a Certificate.

(1) The Commission’s cancellation of a certificate shall be based on one or more of the following reasons: ~~The Commission may cancel a company’s certificate for any of the following reasons:~~

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rules or orders;
- (c) Violation of Florida Statutes; or
- (d) Failure to provide service for a period of six (6) months.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide a statement of intent and date to pay Regulatory Assessment Fees ~~the following~~ with its request.

~~(a) Statement of intent and date to pay Regulatory Assessment Fee.~~

~~(b) Statement of why the certificate is proposed to be cancelled.~~

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Rulemaking Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), ~~364.03~~, 364.285, ~~364.337~~, ~~364.345~~ FS. History–New 1-5-87, Amended.

25-24.515 Pay Telephone Service.

~~(1) For the purposes of this section, the term “direct free” shall mean without requiring the use of a coin, paper money, credit card, or any other form of payment, even if the payment will be returned.~~

~~(2) Pay telephone stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.~~

~~(3) Each pay telephone station shall return any deposited amount if the call is not completed, except messages to a Feature Group A access number.~~

~~(4) Each pay telephone station shall permit direct free access to the universal telephone number "911" where operable.~~

~~(5) Each pay telephone station shall permit direct free access to dialtone.~~

~~(6) Each pay telephone station shall permit direct free access to toll free numbers (e.g., 800, 877, and 888).~~

~~(7) Each pay telephone station shall complete calls to local and long distance directory assistance.~~

~~(8) Each pay telephone station shall complete calls to the responsible party for repairs or refunds by direct free access.~~

~~(1)(9) Each pay telephone station shall be equipped with a legible sign, card, or plate of reasonable permanence which shall identify the following:~~

~~(a) The telephone number and location address of the pay telephone station,~~

~~(b) The name and certificate number of the certificate holder,~~

~~(c) The party responsible for repairs and refunds, address of responsible party, free phone number of responsible party,~~

~~(d) Clear dialing instructions (including notice of the lack of availability of local and toll services),~~

~~(e) The local coin rate.~~

~~(2) Pay telephone stations shall be lighted during the hours of darkness when light from other sources is not adequate to read instructions and use the instrument.~~

~~(b) For those pay telephone stations that will terminate conversation after a minimum elapsed time, notice shall be included on the sign card as well as an audible announcement 30 seconds prior to termination of the phone call.~~

~~(3)(10) Each pay telephone station that provides access to any interexchange company shall provide coin free access, except for Feature Group A access, to all locally available interexchange companies. The pay telephone station shall provide such access through the forms of access purchased by locally available long distance carriers such as 10XXX+0, 10XXXX+0, 101XXXX+0, 950, toll free (e.g., 800, 877, and 888) access.~~

~~(4) Each pay telephone station shall permit free access to the universal telephone number "911".~~

~~(11) No sales solicitation shall be allowed during the interval between the last digit dialed by the end user and connection with the interexchange carrier.~~

~~(12) All 0-calls shall be routed to a telecommunications company that is authorized by the Commission to handle 0-calls. All other calls, including operator service calls, may be routed to the pay telephone provider's carrier of choice, unless the end user dials the appropriate access code for their carrier of choice, i.e., 950, 10XXX, 10XXXX, 101XXXX, and toll free access (e.g., 800, 877, and 888).~~

~~(13)(a) Each pay telephone station shall allow incoming calls to be received at all times, with the exception of those located at hospitals, schools, and locations specifically exempted by the Commission. There shall be no charge for receiving incoming calls.~~

~~(b) A pay telephone provider may petition the Commission for an exemption from the incoming call requirement for a period that shall not exceed two years from the effective date of the Order granting the exemption. Requests for exemption from the requirement that each pay telephone station shall allow incoming calls shall be accompanied by a completed Form PSC/RAD-2 (02-99), entitled "Request to Block Incoming Calls," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Regulatory Analysis. The form requires an attestation from the owner of the pay telephone, the owner of the pay telephone location, and the chief of the responsible law enforcement agency that the request is sought in order to deter criminal activity facilitated incoming calls being received at the specified pay telephone. A separate form shall be filed for each telephone number for which an exemption is sought. The provider of the pay telephone may request subsequent two-year exemptions by filing another Form PSC/RAD-2 (02-99). Where incoming calls are not received, central office based intercept shall be provided at no charge to the end user and a written notice shall be prominently displayed on the instrument directly above or below the telephone number which states: "Incoming calls blocked at request of law enforcement."~~

~~(14) Each pay telephone station must be connected to an individual access line.~~

~~(15)(a) Each pay telephone service company shall permit outgoing calls to be placed from its pay telephone stations at all times.~~

~~(b) Each pay telephone service company shall make all reasonable efforts to minimize the extent and duration of interruptions of service. Service repair programs should have as their objective the restoration of service on the same day that the interruption is reported to the company. (Sundays and holidays excepted.)~~

~~(16)(a) Where there is a single pay telephone station, a directory shall be maintained at each station. Where there are two or more pay telephone stations located in a group, a directory for the entire local calling area shall be maintained at every other station. However, where telephone pay stations are fully enclosed, a directory shall be maintained at each pay telephone station. For purposes of this rule, the term "directory" shall mean both a current white page directory for the local calling area and a reasonably current yellow page directory that is appropriate for the calling area of the pay telephone station.~~

~~(b) Pay telephone stations that provide local directory assistance at no charge are exempt from the provisions in paragraph (16)(a). A notice must appear on the placard if local directory assistance at no charge is being provided.~~

~~(17) Normal maintenance and coin collection activity shall include a review of the cleanliness of each pay telephone station.~~

~~(18)(a) Except as provided in paragraph (18)(b) below, each pay telephone station shall conform to sections 4.1.3(17), 4.2.4, 4.2.5, 4.2.6, 4.5.1, 4.31.2, 4.31.3, and 4.31.5 of the ADA Accessibility Guidelines for Buildings and Facilities, Appendix A to 28 CFR Part 36, (July 1, 2003 Edition), which sections are incorporated by reference into this rule. This rule does not apply to public text telephone and closed circuit telephones.~~

~~(b) Pay telephones shall not be installed where the required "clear floor or ground space" provided for in ADA Accessibility Guidelines for Buildings and Facilities sections 4.2.4.1, 4.2.4.2, and 4.31.2 would be reduced by a vehicle parked in a designated parking space.~~

~~(19) Each pay telephone station shall permit end users to input unlimited digits for the duration of the call.~~

~~(20) Toll Fraud Liability~~

~~(a) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges billed to a line for calls that originated from that line through the use of access codes such as 10XXX, 10XXXX, 101XXXX, 950, and toll free (e.g., 800, 877, 888) access codes, or when the call originating from that line otherwise reached an operator position, if the originating line is subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.~~

~~(b) A company providing interexchange telecommunications services or local exchange telecommunications services shall not collect from a pay telephone provider for charges for collect or third number billed calls, if the line to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the incoming call screening order.~~

~~(c) Any calls billed through the provider of local exchange telecommunications services or directly by an interexchange company, or through a billing agent, which have been identified as not collectible as described in paragraphs (20)(a) and (b) above, must be removed from any pay telephone provider's bill after the pay telephone provider gives notice of the fraudulent charges to the billing party. Pay telephone providers shall give such notice to the provider of the local exchange telecommunications services and the interexchange company in writing no later than the due date of the bill.~~

~~(d) The provider of local exchange telecommunications services is responsible for charges described in paragraph (20)(e) that are associated with the failure of the provider of local exchange telecommunications services' screening services.~~

~~(e) The interexchange company is responsible for charges described in paragraph (20)(e) that are associated with the failure to properly validate calls via the appropriate provider of local exchange telecommunications services' data base.~~

~~(f) Definitions: For purposes of subsection (20) the term "Effective Date" shall mean the date after the call screening order was placed and associated charges apply.~~

~~(g) Any charges accrued to a line when the subscriber has subscribed to the provider of local exchange telecommunications services to screen calls described in paragraphs (20)(a) and (b) above shall not be the basis for discontinuance of local and intrastate service.~~

~~(21) Providers serving confinement facilities shall provide for completion of all inmate calls allowed by the confinement facility.~~

~~(22) Pay telephone stations located in confinement facilities shall be exempt from the requirements of subsections (2), (4), (6), (7), (8), (10), (12), (13), (15), (16), and (19) of this rule. Such pay telephone stations shall be exempt from the requirements of subsection (9), except that outgoing local and long distance calls may not be terminated until after a minimum elapsed time of ten minutes. Audible and written disconnect notifications shall apply, and one access line shall not be connected to more than three pay telephone stations.~~

~~(23) Pay telephone facilities shall be designed, constructed, installed, maintained and operated in accordance with provisions of the National Electrical Safety Code (IEEE C2-2007) and the National Electrical Code (NEPA 70-2005), which are incorporated by reference.~~

Rulemaking Authority 350.127(2), 365.171.(8) FS. Law Implemented 364.3375, 365.171 FS. History—New 1-5-87, Amended 4-14-92, 2-3-93, 10-10-94, 12-27-94, 9-5-95, 2-1-99, 12-23-02, 4-5-05, 12-29-05, 9-5-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Salak

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 38, September 21, 2012

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:
25-24.585 Rules Incorporated
25-24.835 Rules Incorporated
PURPOSE AND EFFECT: To repeal the rules because under the Regulatory Reform Act of 2011, the Commission no longer has authority to treat shared tenant service providers and competitive local exchange carriers differently.
Docket No. 120238-TP

SUMMARY: Rule 25-24.585, F.A.C., sets out rules that apply to shared tenant service companies. Rule 25-24.835, F.A.C., sets out rules which apply to competitive local exchange companies. Both rules are being repealed.

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 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 upon the information contained in the SERC.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.18(1), 364.335 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Miller, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.585 Rules Incorporated.

Rulemaking Authority 350.127(2), 427.704(8) FS. Law Implemented 350.113, 364.016, 364.17, 364.18, 364.183, 364.185, 364.339 FS. History—New 1-28-91, Amended 12-29-91, 11-13-95, 7-29-97, 4-8-98, 12-23-02, 11-16-0, Repealed.

25-24.835 Rules Incorporated.

Rulemaking Authority 350.127(2), 364.337(2), 427.704(8) FS. Law Implemented 364.016, 364.183, 364.336, 364.337(2) FS. History—New 12-27-95, Amended 4-8-98, 6-24-99, 8-25-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Beth Salak
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 35, August 31, 2012

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-24.825 Price List

PURPOSE AND EFFECT: Rule 25-24.825, F.A.C., would be repealed to comply with recent changes to Section 364.04(1), F.S., which permits telecommunications companies the option of filing published service schedules either with the Commission or through other reasonably publicly accessible means, including on a website, and which provides that the Commission shall have no jurisdiction over the content or form or format of such published schedules.

Docket No.120265-TP

SUMMARY: Rule 25-24.825, F.A.C., currently requires competitive local exchange telecommunications companies to maintain with the Commission a current price list setting forth the terms and conditions for the provision of basic local telecommunications service. Pursuant to Section 364.04(1), F.S., such price lists are no longer required to be filed.

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 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 upon the information contained in the SERC.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.04, 364.337(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.825 Price List.

~~(1) Prior to providing service, each company subject to these rules shall file and maintain with the Commission a current price list which clearly sets forth the following information for the provision of residential dial tone, single-line business dial tone, and dial tone with any combination of the services included as part of basic local telecommunications services, as defined in Section 364.02(2), F.S. If residential dial tone, single-line business dial tone, or dial tone with any combination of the services included as part of basic local telecommunications service is offered on a package basis, the following information must be provided for each package:~~

- ~~(a) Current prices;~~
- ~~(b) Customer connection charges;~~
- ~~(c) Billing and payment arrangements; and~~
- ~~(d) Levels of service quality which the company holds itself out to provide for each service.~~

~~(2) At the company's option, price list information in subsection (1) above and other information concerning the terms and conditions of service may be filed for services other than basic local telecommunication services.~~

~~(3) A price list revision must be physically received by the Commission's Division of Regulatory Analysis at least one day prior to its effective date.~~

~~(4) Price lists must be on 8 1/2 by 11 inch paper in loose leaf form and must utilize an ongoing page identification system which will allow for the identification of inserted and removed pages. The color of paper on which price lists are filed must be amenable to being clearly photocopied on standard photocopy equipment.~~

~~(5) Complete information concerning a company's service offerings, rates and charges, conditions of service, service quality, terms and conditions, service area, and subscribership information identified by local exchange company exchange must be made available to Commission staff upon request.~~

Rulemaking Authority 350.127(2) FS. Law Implemented 364.04, 364.337(5) FS. History—New 12-27-95, Amended 4-8-98, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Bates
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 37, No. 45, November 10, 2011

PUBLIC SERVICE COMMISSION

RULE NO.: 25-24.845
RULE TITLE: Customer Relations

PURPOSE AND EFFECT: Rule 25-24.845, F.A.C., would be repealed as obsolete due to statutory changes to Chapter 364, FS, made by the Regulatory Reform Act of 2011.

Docket No. 120266-TP

SUMMARY: Rule 25-24.845, F.A.C., currently applies to competitive local exchange companies. The rule is obsolete by its terms, and would be repealed.

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 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 upon the information contained in the SERC.

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: 350.127(2), 364.337(2), 364.604(5) FS.

LAW IMPLEMENTED: 364.16, 364.337(2), 364.602, 364.603, 364.604 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.845 Customer Relations.

~~The following rules apply to CLECs. In the following rules, the acronym "LEC" should be omitted or interpreted as "CLEC".~~

Section	Title	Portions Applicable
25-4.082	Number Portability	All
25-4.083	Preferred Carrier Freeze	All
25-4.110	Customer Billing	Subsections (11), (12), (14), (15), (16), (17);

(18), and (20)-

~~24-4.118 Local, Local Toll, or Toll
Provider Selection All~~

Rulemaking Authority 350.127(2), 364.337(2), 364.604(5) FS. Law Implemented 364.16, 364.337(2), 364.602, 364.603, 364.604 FS. History--New 12-28-98, Amended 7-5-00, 11-16-03, 9-9-04, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Bates

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Vol. 38, No. 28, July 13, 2012

REGIONAL PLANNING COUNCILS

South Florida Regional Planning Council

- | | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 29J-2.001 | General |
| 29J-2.002 | Meetings, Hearings and Workshops |
| 29J-2.003 | Developments of Regional Impact (DRI) |
| 29J-2.004 | Intergovernmental Coordination and Review Procedures |

PURPOSE AND EFFECT: The purpose rule is to repeal Rule 29J-2.001, F.A.C., regarding General Matters; Rule 29J-2.002, F.A.C., regarding Meetings, Hearings, and Workshops; Rule 29J-2.003, F.A.C., regarding Developments of Regional Impact; and Rule 29J-2.004, F.A.C., regarding Intergovernmental Coordination and Review Procedures. The effect will be to eliminate these rules.

SUMMARY: Repeal of Rule 29J-2.001, F.A.C., relating to General Matters; Rule 29J-2.002, F.A.C., relating to Meetings, Hearing, and Workshops; Rule 29J-2.003, F.A.C., relating to Developments of Regional Impact; and Rule 29J-2.004, F.A.C., relating to Intergovernmental Coordination and Review Procedures.

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 determination by the Agency staff that the proposed rule's potential economic impact did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 186.505(1) FS.

LAW IMPLEMENTED: 186.505(1) FS.

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

DATE AND TIME: February 4, 2013, 11:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. James F. Murley, Executive Director South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, email jmurley@sfrpc.com

THE FULL TEXT OF THE PROPOSED RULE IS:

29J-2.001 General.

Rulemaking Specific Authority 120.54, 163.01, 186.501 FS. Law Implemented 120.54, 163.01(5)(h), 186.505 FS. History--New 8-6-75, Formerly 29J-2.01, Amended 3-9-99, Repealed.

29J-2.002 Meetings, Hearings and Workshops.

Rulemaking Specific Authority 120.54, 163.01, 186.501 FS. Law Implemented 120.54, 163.01(5)(h), 186.505 FS. History--New 8-6-75, Formerly 29J-2.02, Repealed.

29J-2.003 Developments of Regional Impact (DRI).

Rulemaking Specific Authority 120.54, 186.505 FS. Law Implemented 120.54, 186.505 FS. History--New 8-6-75, Amended 7-6-81, 9-1-81, Formerly 29J-2.03, Amended 6-2-86, 11-9-86, 5-3-87, 11-30-87, 12-26-88, 3-9-99, Repealed.

29J-2.004 Intergovernmental Coordination and Review Procedures

Rulemaking Specific Authority 120.54, 163.01, 186.505 FS. Law Implemented 120.54, 163.01, 186.505 FS. History--New 8-6-75, Formerly 29J-2.04, Amended 3-9-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. James F. Murley, Executive Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: South Florida Regional Planning Council

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

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NO.: 60W-2.002 RULE TITLE: Statements of Policy

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to delete obsolete language.

SUMMARY: Deletes subsection (5) of Rule 60W-2.002, F.A.C., as Section 121.40, F.S., provides no such limitation that would prohibit a retiree of the IFAS who is reemployed with a participating FRS employer from being enrolled into a state administered retirement plan unless the participant previously retired from a state administered retirement plan.

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: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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: 121.40(13) FS.

LAW IMPLEMENTED: 121.40 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: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director’s Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-2.002 Statements of Policy.

(1) through (4) No change.

~~(5) A participant who has retired under the Institute’s Supplemental Benefit Program and who is reemployed by an employer who participates in the Florida Retirement System shall not be eligible to receive retirement credit for service performed during any period of reemployment after his supplemental benefit commences, as provided in paragraph 60W-4.009(2)(a), F.A.C.~~

Rulemaking Authority 121.40(13)(14) FS. Law Implemented 121.40 FS. History—New 2-4-86, Formerly 22Q-2.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, Director, Division of Retirement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2012, Vol. 38/42

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NOS.:	RULE TITLES:
60W-3.003	Contributions for Participants
60W-3.004	Contributions for Reemployed Participants Receiving Supplemental Benefits
60W-3.005	Payment of Contributions

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session and deleting obsolete language.

SUMMARY: Updates contributions rates in accordance with statute; updates the day contributions are due to the division in accordance with Section 121.78, F.S., due to the consolidation of IFAS into the FRS as provided in Section 121.047, F.S.; Deletes references to the payment of Social Security contributions as such payments are now remitted directly to the IRS instead of the Division as provided in Chapter 650, F.S.

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: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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

RULEMAKING AUTHORITY: 112.363(7), 121.40(13) FS.

LAW IMPLEMENTED: 112.363, 121.122, 121.40, 121.40(11), (12) 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: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director's Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-3.003 Contributions for Participants.

Supplemental retirement contributions for participants are as provided in Section 121.40 (12), F.S. follows:

Dates of Rate Changes	Participants	Employer
July 1, 1985 through December 31, 1988	0%	6.68%
January 1, 1989 through December 31, 1993	0%	6.35%
January 1, 1994, through December 1, 1994	0%	6.69%
January 1, 1995, through June 30, 1996	0%	6.82%
July 1, 1996, through June 30, 1998	0%	5.64%
Effective July 1, 1998	0%	7.17%

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40 FS. History--New 2-4-86, Amended 2-7-89, Formerly 22Q-3.003, Amended 8-4-94, 12-12-96, 2-24-99, _____.

60W-3.004 Contributions for Reemployed Participants Receiving Supplemental Benefits.

(1) Contributions for any retired participant who is receiving supplemental benefits and who is reemployed in a regularly established position by any employer who participates in the Florida Retirement System as provided in subsection 60W-4.009(2), F.A.C., except for a retired participant who is elected or appointed to a position eligible for the Elected ~~State and County~~ Officers' Class, shall be as follows:

(a) No change.

(b) Effective July 1, 1991, such retiree shall be enrolled as a ~~renewed~~ member in the Regular Class of the Florida Retirement System as provided in ~~Section 121.122, F.S.~~, and the contributions required shall be equal to the total contributions required for Regular Class members under the Florida Retirement System, as provided in subsections 60S-3.003(1) and (7), F.A.C. Effective July 1, 1997, such retiree employed in a position included in the Senior Management Service Class shall be enrolled as a member in the Senior Management Service Class and the contributions shall be equal to the total contributions required for Senior Management Service Class members under the Florida Retirement System. Effective July 1, 2010, if such retiree previously retired from a state administered retirement system, he or she shall not be eligible for renewed membership in the Florida Retirement System as provided in Section 121.122, F.S., and the employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members of the Florida Retirement System as provided in Section 121.71(5), F.S., in addition to the contributions required by Section 121.76, F.S.

(2) Social Security contributions for certain reemployed retired participants as provided in subsection 60W-4.009(5), F.A.C., shall be required of each such retired participant and shall be withheld from his or her salary each payroll period in the amount required for Social Security coverage by the federal Social Security Act. The employer shall contribute an equal amount each payroll period.

Rulemaking Specific Authority 112.363(7), 121.40(13)(14) FS. Law Implemented 121.40(11), (12), 112.363, 121.122 FS. History--New 2-4-86, Amended 5-18-88, 2-7-89, 11-14-91, Formerly 22Q-3.004, Amended.

60W-3.005 Payment of Contributions.

(1) All contributions for participants for current employment and all contributions for reemployed retired participants shall be paid to the Division. Such contributions for each payroll period are due and payable each month no later than the 5 20th working day of the month following the month in which covered wages are paid; ~~however, if the due date falls on a weekend or holiday, the due date shall be the next succeeding workday.~~

~~(2) Social Security contributions for certain reemployed retired participants shall be paid to the Division and are due and payable as follows:~~

~~(a) Contributions on wages paid at any time from the 1st day through the 15th day of the month are due on the 20th day of that same month.~~

~~(b) Contributions on wages paid at any time from the 16th day through the last day of the month are due on the 5th day of the following month.~~

~~(c) If the due date falls on a weekend or holiday, the due date shall be the preceding workday.~~

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40(11), (12) FS. History--New 2-4-86, Formerly 22Q-3.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, Director, Division of Retirement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2012, Vol. 38/42

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NOS.:	RULE TITLES:
60W-4.002	Statements of Policy
60W-4.007	Optional Supplemental Benefits
60W-4.008	Designation of Beneficiary

60W-4.009	Reemployment of Participants Receiving Supplemental Benefits
60W-4.010	Cost-of-Living Adjustments
60W-4.011	Deductions from Monthly Benefits

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session and deleting obsolete language.

SUMMARY: Incorporate by reference six division forms; update rule references though out the rule; update forfeiture provisions in accordance with Section 121.091(5)(f)-(k), F.S.; update cost-of-living adjustments in accordance with the provisions of Section 121.101, F.S.; update deductions from benefits in accordance with Section 121.091(14), F.S.; and make gender specific changes throughout rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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: 121.40(13) FS.

LAW IMPLEMENTED: 112.3173, 121.091, 121.40, 121.40(7), (9), (10), (11) 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: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director's Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division

of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-4.002 Statements of Policy.

(1) No change.

(2) It shall be the responsibility of the participant or his or her surviving joint annuitant to make proper application for supplemental benefits to the Division through the Institute on Form IF-11 (Rev 07/06), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01852>, Florida Retirement System Application for Institute of Food and Agricultural Sciences (IFAS) Supplemental Retirement, herein adopted by reference, which may be obtained by calling the Division's Bureau of Retirement Calculations toll free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771, and on such ~~Such~~ application shall give notice of the date on which he or she will be eligible to begin receiving a supplemental benefit as provided in subsection 60W-4.002(4), F.A.C. The Institute shall forward to the Division the participant's application and other required documents when completed but no earlier than 6 months prior to the date the participant or joint annuitant becomes eligible to receive a supplemental benefit.

(3) The supplemental benefit shall be based only on service by a participant as a Florida Cooperative Extension Service employee of the Institute after December 1, 1970.

(4) The supplemental benefit shall commence on the later of:

(a) through (c) No change.

(d) If the participant or his or her surviving joint annuitant fails to make application for the supplemental benefit within 30 calendar days of becoming eligible for the supplement, the supplemental benefit shall commence on the first day of the month following receipt of the application by the Division of Retirement.

(5) through (6) No change.

(7) A participant shall not be entitled to receive the following:

(a) Disability benefits if he or she becomes totally and permanently disabled; or

(b) No change

(c) Early retirement benefits if he or she retires from the Institute and the federal Civil Service Retirement System prior to attaining age 62 as provided by paragraph 60W-4.003(2), F.A.C. Such a participant shall become eligible to receive a supplemental benefit upon attaining age 62 as provided in subsection 60W-4.006(3), F.A.C.

(8) Immediately upon reducing, suspending or terminating a benefit or, if possible, prior to taking such action, the Division may give notice in writing to each person known by the Division to be substantially affected by the action. The notice shall:

(a) No change.

(b) State that a person who does not agree with the action may, within 21 days of receipt of the notice, request a hearing on the decision by filing a petition prepared in accordance with ~~Rule 28-106.201 Model Rule 28-5.201~~, F.A.C.

(c) State that a person who does not file a petition within 21 days of receipt of the notice shall have waived his or her right to request a hearing on the decision.

(d) Contain a reference to this rule and enclose a copy of ~~Rule 28-106.201 Model Rule 28-5.201~~, F.A.C.

~~(9) Benefits under the Institute's Supplemental Benefit Program are subject to the same forfeiture provisions applicable to regular members of the Florida Retirement System as provided in Section 121.091(5)(f)-(k), F.S. Any participant who is convicted of a specified offense committed prior to retirement, or whose employment is terminated by reason of his admitted commitment, aiding, or abetting of a specified offense, shall forfeit all rights and benefits under the Institute's Supplemental Benefit Program. Specified offenses shall include the committing, aiding or abetting of an embezzlement of public funds or any theft by a participant from his employer; bribery in connection with the employment of a public officer or employer; the committing of an impeachable offense; any felony specified in Chapter 838, F.S.; or any felony by an employee who willfully and with intent to defraud the public or his employer of the right to receive the faithful performance of his duty as a public employee, obtains, or attempts to obtain a profit or advantage for himself or some other person through the use or attempted use of the power, rights, or position of his employment. If such participant is subsequently reemployed, he shall be eligible for benefits based on creditable service earned subsequent to his reemployment, but shall not be eligible to claim as creditable service any period prior to his reemployment for which he was required to forfeit all rights and benefits.~~

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 112.3173, 121.40 FS. History--New 2-4-86, Amended 9-5-90, Formerly 22Q-4.002, Amended 8-4-94, _____.

60W-4.007 Optional Supplemental Benefits.

(1) A participant who is eligible for a supplemental benefit computed in accordance with Rule 60W-4.004, F.A.C., shall select prior to the receipt of his or her first monthly supplemental benefit payment, one of the four optional forms of payment of such benefit as provided in paragraphs (a), (b), (c) or (d) on Form FRS-11o (IFAS) (Rev. 07/10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01851>, Florida Retirement System Pension Plan Option Selection for Institute of Food and Agricultural Sciences, herein incorporated by reference, which also requires such participant to attest to his or her marital status on Form SA-1 (Rev. 01/10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01855>, Florida Retirement System Pension Plan Spousal Acknowledgment Form, as adopted in Rule 60S-4.010, F.A.C., herein incorporated by reference. A married participant who selects option 1 under paragraph (a) or option 2 under paragraph (b) shall also be required to have his or her spouse complete the spousal acknowledgement section of Form SA-1. Such forms shall be submitted to the Division and may be obtained by calling the Division's Bureau of Retirement Calculations toll free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. The supplemental benefit payment options are as follows elect in the manner prescribed by the Division, prior to the receipt of his first monthly supplemental benefit payment, to receive the supplemental benefits for which he is eligible in accordance with one of the following options:

(a) Option 1. The maximum supplemental benefit payable to the participant during his or her lifetime.

(b) Option 2. A supplemental benefit payable during his or her lifetime and, in the event of death within a period of 10 years after his or her retirement, the same monthly amount to be payable to his or her beneficiary for the balance of such 10-year period.

(c) Option 3. A supplemental benefit which shall be payable during the joint lifetime of both the participant and his or her joint annuitant and which shall continue after death of either during the lifetime of the survivor in the same amount.

(d) Option 4. A supplemental benefit payable during the joint lifetime of the participant and his or her joint annuitant, and which shall continue after death of either, during the lifetime of the survivor in an amount equal to $66 \frac{2}{3}$ percent of the amount which was payable during the joint lifetime of the participant and his or her joint annuitant.

(2) through (5) No change.

(6) The election of an option shall be null and void if either the participant, designated beneficiary, or designated joint annuitant should die before the first day of the month during which supplemental benefits commence, as provided in subsection 60W-4.002(4), F.A.C. If a participant should die

prior to such date, his or her employment will be considered to have been terminated by death (even if the death occurred after his or her last day of employment), and supplemental benefits shall be payable in accordance with the provisions of Rule 60W-4.005, F.A.C. If the participant should die after such date, his or her employment will be considered to have been terminated by retirement, and supplemental benefits shall be payable in accordance with the supplemental benefit option selected as provided by this section, except when death occurs prior to the cashing or depositing of the first supplemental benefit warrant by the participant, and the surviving spouse or other dependent is the designated beneficiary or designated joint annuitant, in which case supplemental benefits shall be payable in accordance with the provisions of Rule 60W-4.005, F.A.C.

(7)(a) A participant who elects Option 3 or 4 shall, ~~on a form provided for that purpose,~~ designate his or her spouse or other joint annuitant dependent to receive the benefits which continue to be payable upon his or her death on the application for supplemental benefits, Form IF-11, as adopted by reference in subsection 60W-4.002(2), F.A.C. If, after benefits have commenced under Option 3 or 4, the retired participant desires to change his or her designation of a joint annuitant, he or she may do so twice during his or her retired life. A retired participant desiring to change his or her designation shall file with the Division a notarized Form JA-1 (Rev. 12/02), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01853>, Florida Retirement System Pension Plan Change of Joint Annuitant Form (Retired members only), as adopted in Rule 60S-4.010, F.A.C., herein incorporated by reference, and proof of birth for the new joint annuitant, a copy of the marriage certificate if the new joint annuitant is a spouse and a copy of the death certificate if the previously designated joint annuitant is deceased. The JA-1 form may be obtained by calling the Division's Survivor Benefits Section toll free at (877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. The participant is also required to notify "Change of Joint Annuitant" form and notify, in writing, his or her former joint annuitant, if living, of such change in writing. Upon the Division's receipt of ~~the a completed Form JA-1, "Change of Joint Annuitant" form,~~ the Division shall adjust the retired participant's monthly benefit by application of actuarial tables and calculations developed to ensure that the benefit paid is the actuarial equivalent of the present value of the participant's monthly benefit at the time of the joint annuitant change. The consent of a retired participant's first designated joint annuitant to any such change shall not be required. The effective date of the change will be the first day of the month following receipt of the JA-1 "Change of Joint Annuitant" form by the Division.

(b) In the event of the dissolution of marriage of a retired member and his or her designated joint annuitant, such member may, on or after June 17, 1998, elect to nullify the joint annuitant designation of the former spouse, unless there is an existing qualified domestic relations order preventing such action. The member must file with the Division a notarized statement of nullification on Form JA-NUL (Rev. 07/99), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01854>, Florida Retirement System Pension Plan Joint Annuitant Nullification Form, as adopted in Rule 60S-4.010, F.A.C., herein adopted by reference and a copy of the divorce decree. Form JA-NUL may be obtained by calling the Division's Survivor Benefits Section toll free at (877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. The nullification shall be effective on the first day of the next month following receipt by the Division of the properly completed form and a copy of the divorce decree. Benefits due the member shall be adjusted, if appropriate, and shall be paid as if the former spouse predeceased the member. A member who makes such an election may not reverse the nullification. Such nullification shall not count as a change of joint annuitant unless the member chooses to designate a new joint annuitant in accordance with paragraph (a), in which case the member's monthly benefit will be adjusted as though the member's nullified joint annuitant is not living.

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40(7) FS. History--New 2-4-86, Formerly 22Q-4.007, Amended _____.

60W-4.008 Designation of Beneficiary.

(1) A participant, prior to applying for supplemental benefits, may designate ~~on a form provided by the Division~~, a beneficiary to receive the benefits which may be payable in the event of the participant's death pursuant to these rules on Form BEN-001 (Rev. 06/04), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01848>, Florida Retirement System Pension Plan Beneficiary Designation Form Active Members Only, as adopted in Rule 60S-4.011, F.A.C., herein incorporated by reference. This form may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.

(2) A participant may designate multiple beneficiaries, sequentially or jointly, on the BEN-001 form provided by the Division.

(3) A participant may change his or her designation of a beneficiary at any time prior to applying for supplemental benefits by submitting a new BEN-001 form to ~~on the form provided by the Division.~~

(4) Upon application for the supplemental benefit, a participant shall be required to complete a new designation of beneficiary on the application form as provided by the Division.

(5) through (6) No change.

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40(9) FS. History--New 2-4-86, Formerly 22Q-4.008, Amended _____.

60W-4.009 Reemployment of Participants Receiving Supplemental Benefits.

(1) Any retired participant who is receiving a supplemental benefit under this chapter and is reemployed at the institute in a position as a cooperative extension employee of the institute, shall forfeit all rights to supplemental retirement benefits as provided in Section 121.40 (11), F.S.

~~(2)(1)~~ Any retired participant who is receiving a supplemental benefit under this chapter may be employed by a private employer or a public employer, including one who participates ~~does not participate~~ in the Florida Retirement System, without affecting his or her supplemental benefits.

~~(3)(2)~~ Any retired participant who is receiving a supplemental benefit under this chapter may be reemployed by an employer who participates in the Florida Retirement System in either a regularly established position or a temporary position, subject to the following:

(a) ~~He shall not be eligible for membership in the Florida Retirement System.~~

(b) ~~He shall not concurrently receive supplemental benefits and compensation from employment with a Florida Retirement System employer for 12 months immediately after the date his supplemental benefit commences.~~

1. ~~Notify the Division in writing of such employment and have his supplemental benefits suspended effective the first day of the first month of reemployment. This suspension shall remain in effect for the balance of the 12 month limitation period or for every month of the 12-month limitation period in which he is employed;~~(c) ~~If he is reemployed by a Florida Retirement System employer prior to completion of the 12-month limitation period stated in paragraph 60W 4.009(2)(b), F.A.C., he shall:~~

2. ~~Notify the employer in writing that he is receiving supplemental benefits from the Institute's Supplemental Benefit Program;~~

3. ~~Upon completion of the 12-month limitation period or upon termination of employment prior to completion of the 12-month limitation period, notify the Division in writing that his 12-month limitation period has been completed or that he is no longer employed and desires to have his supplemental~~

benefits reinstated. Upon verification by his employer, his supplemental benefits will then be reinstated effective the first day of the month following termination of employment or completion of the 12-month limitation period;

4. If he returns to work again during the 12-month limitation period, notify the Division to suspend his supplemental benefits again for any month in which he is employed.

(d) If he is reemployed by a Florida Retirement System employer and fails to have his supplemental benefits suspended during the 12-month limitation period he shall:

1. Have his supplemental benefits suspended;

2. Repay to the Division any supplemental benefits received while reemployed during the 12-month limitation period. Such suspension shall continue until full payment has been made to the trust fund for all supplemental benefits received during the 12-month limitation period stated in paragraph 60W-4.009(2)(b), F.A.C. Supplemental benefits suspended beyond the 12-month reemployment limitation shall apply toward repayment of supplemental benefits received in violation of the reemployment limitation.

(4)(3) Any retired participant who is reemployed under the provisions of subsection 60W-4.009(2), F.A.C., shall not have his average final compensation or years of creditable service adjusted because of such employment.

(5)(4) Any employer who participates in the Florida Retirement System and who employs a retired participant of the Institute who is receiving a supplemental benefit, in a regularly established position, shall pay the required contributions in accordance with Rule 60W-3.004, F.A.C.:

(a) Submit a Personal History Record, Form FRS-M10, for each employee, and

(b) Pay the required contributions in accordance with Rule 60W-3.004, F.A.C.

(6)(5) A retired participant who is reemployed by an employer who participates in the Florida Retirement System may or may not have to make Social Security contributions, depending on the following:

(a) If the retired participant fills a regularly established position, the retired participant shall make Social Security contributions on all compensation received from such employment unless the position filled is a part-time position established and designated exclusively for the employment of retirees and the position does not require more than 500 hours of work per calendar year.

(b) If the retired participant fills a temporary position (as defined in paragraphs 60S-1.004(5)(a) and (b), (b) and (c), F.A.C.), the retired participant shall not make Social Security contributions during such temporary reemployment except as provided in paragraph 60W-4.009(5)(c), F.A.C.

(c) If the employer has absolute Social Security coverage, the retired participant who is reemployed must make Social Security contributions irrespective of the type position he or she is filling beginning with his or her first day of reemployment.

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40(11) FS. History-New 2-4-86, Formerly 22Q-4.009, Amended _____.

60W-4.010 Cost-of-Living Adjustments.

(1) Effective July 1, 1986, and each July 1 thereafter, a cost-of-living adjustment shall be made to the supplemental benefits of all recipients of such benefits as provided in Section 121.101, F.S.

(2) The amount of such adjustment, which shall be added to the July supplemental benefit, shall be computed as follows:

(a) For previously adjusted supplemental benefits—The supplemental benefit effective immediately preceding the adjustment shall be multiplied by 3 percent. This sum shall be added to the supplemental benefit.

(b) For supplemental benefits not previously adjusted—The adjustment shall be prorated by multiplying the initial supplemental benefit by a percentage equal to three times the number of months the participant has received a supplemental benefit divided by twelve. This sum shall be added to the supplemental benefit.

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40(10) FS. History-New 2-4-86, Amended 2-7-89, Formerly 22Q-4.010, Amended _____.

60W-4.011 Deductions from Monthly Benefits.

A Subject to approval by the Division, a participant receiving supplemental benefits under this chapter may have federal income tax and health insurance premiums deducted from his monthly supplemental benefit, provided:

(1) Have federal income tax withheld from his or her monthly supplemental benefit in accordance with federal law unless the payee elects otherwise as provided in Section 121.091(14)(a), F.S. A request for federal income tax deductions is submitted on a form provided by the Division.

(2) Have certain other payments as provided in and in accordance with Section 121.091(14)(b), F.S., deducted from his or her monthly supplemental benefit. The deductions for health insurance premiums are authorized in writing by the participant and by the insurance company prior to the date his supplemental benefit commences.

Rulemaking Specific Authority 121.40 FS. Law Implemented 121.40, 121.091 FS. History-New 2-4-86, Formerly 22Q-4.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarabeth Snuggs, Director, Division of Retirement
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Craig J. Nichols, Secretary, Department
of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2012, Vol. 38/42

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NO.: RULE TITLE:

60W-6.001 Definitions

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session.

SUMMARY: Updates the definition of Administrator and Trust Fund in rule to coincide with such definitions in section 121, F.S.

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: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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: 121.40(13) FS.

LAW IMPLEMENTED: 121.047, 121.40(3) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Operations and Management Consultant Manager, Department of

Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-6.001 Definitions.

Whenever used in these rules, unless otherwise expressly stated, or unless the context or subject matter requires a different meaning, the following words and phrases shall have the respective meanings indicated below. The definitions provided in Chapter 60S-6, F.A.C., shall not apply to this chapter except when specifically cited.

(1) ADMINISTRATOR – means the Secretary of the Department of Management Services ~~Director of the Division of Retirement.~~

(2) through (6) No change.

(7) TRUST FUND – means the Florida Retirement System Institute of Food and Agricultural Sciences Supplemental Retirement Trust Fund.

~~Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.047, 121.40(3) FS. History--New 2-4-86, Formerly 22Q-6.001, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, Director, Division of Retirement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2012, Vol. 38/42

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE NO.: RULE TITLE:

60W-8.001 Approved Forms

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session.

SUMMARY: Amends this rule to be a listing of all forms incorporated by reference in rule Chapter 60W, F.A.C., as opposed to the rule where all forms were previously incorporated by reference and updates information on how to obtain these forms.

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: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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: 121.40(13) FS.

LAW IMPLEMENTED: 121.40 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: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director’s Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at

(850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60W-8.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the participants in the Institute of Food and Agricultural Sciences Supplemental Benefit Program which are incorporated by reference throughout this rule chapter hereby incorporated by reference into these rules. This list includes the form number, form title and form description as well as instruction on how to obtain a copy of each form. ~~A copy of these forms may be obtained from the Division’s website (<http://frs.myflorida.com>) or by writing to the Division of Retirement, P.O. Box 9000, Tallahassee, Florida 32315-9000. You may also call the Division to request a copy of these forms by dialing (850)488-5706. If calling from outside the Tallahassee calling area, you may call the Division toll-free at (877)377-1737.~~

FORM NO./REVISION DATE	TITLE/DESCRIPTION/HOW TO OBTAIN
IF-11 (Rev. 7/06)	<u>Florida Retirement System FRS Application for Institute of Food and Agricultural Sciences (IFAS) Supplemental Retirement – a two page form consisting of one page of instruction and a one-page form, which may be obtained by calling the Division’s Bureau of Retirement Calculations toll free at (888)738-2252, or (850)488-6491 in the Tallahassee local calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
FRS-11o (IFAS) (Rev. 7/06)	<u>Florida Retirement System Option Selection for Institute of Food and Agricultural Sciences – a one-page form, which may be obtained by calling the Division’s Bureau of Retirement Calculations toll free at (888)738-2252 or (850)488-6491 in the Tallahassee local calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.</u>
SA-1	<u>Florida Retirement System Pension Plan Spousal Acknowledgment Form – a one page form, which may be obtained from the Forms page of the Division’s website (www.frs.Myflorida.com) or by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee local calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>

- JA-1 Florida Retirement System Pension Plan Change of Joint Annuitant Form (Retired members only) – a one page form, which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee local calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- JA-NUL Florida Retirement System Pension Plan Joint Annuitant Nullification Form – a one-page form, which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee local calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- BEN-001 Florida Retirement System Pension Plan Beneficiary Designation Form Active Members Only – a one page form, which may be obtained from the Forms page of the Division’s website (www.frs.Myflorida.com) or by calling the Division’s Bureau of Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee local calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40 FS. History–New 2-4-86, Formerly 22Q-8.001, Amended 1-4-93, 9-18-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, Director, Division of Retirement
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary, Department of Management Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2012, Vol. 38/42

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-213.205
 RULE TITLE: Annual Emissions Fee
 PURPOSE AND EFFECT: The proposed rule change (OGC 12-1035) will amend subsections in Chapter 62-213.205, F.A.C., in order to delete those sections that repeat statutory language and also amend the subsection pertaining to annual emissions fees to lower the amount of dollars per ton that a Title V source will have to pay for its calendar year 2013 emissions.

SUMMARY: Revisions are needed to Chapter 62-213, F.A.C., pursuant to Executive Order 11-01 (and subsequent Executive Orders 11-72 and 11-211) in order to remove duplicative statutory language repeated in this rule in subsections (1), (2), and (3). In addition to removing the duplicative language in these subsections, this rulemaking will also lower the annual emissions fee that Title V facilities must pay in calendar year 2013.

OTHER RULES INCORPORATING THIS RULE: Rule 62-213.205, F.A.C., is referenced in Rules 62-213.415 and 62-213.420, F.A.C.

EFFECT ON THOSE RULES: The amendments to Rule 62-213.205, F.A.C., would have no impact in the referencing rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this will not have an 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: Because the rulemaking will reduce the amount of Title V permitting fees for regulated entities, it will not result in increased costs.

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

RULEMAKING AUTHORITY: 403.0872 FS.

LAW IMPLEMENTED: 403.0872 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marnie Brynes, Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blairstone Road, MS 5500, Tallahassee, Florida 32399, telephone (850)717-9029, email: marnie.brynes@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-213.205 Annual Emissions Fee.

Each Title V source permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice as provided in the Title V permit, an annual emissions fee in an amount determined as set forth in subsection 62-213.205(1), F.A.C.

(1) Emissions Fee Calculation and Payment. Each Title V source must calculate the annual fee, based upon the source's previous year's emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per hour by specific condition of the source's most recent certification, construction permit or operation permit, times the annual hours of operation allowed by specific condition. The emissions fee factor is \$30. ~~Provided, however, that:~~

(a) ~~For emissions occurring in prior to calendar year 2013 2008, the emissions fee factor is \$27 \$25. For emissions occurring in calendar year 2008 and thereafter, the emissions fee factor is \$30. The emissions fee factor may be increased beyond \$25 only if the Secretary of the Department affirmatively finds that a shortage of revenue for support of the Title V source operation permit program will occur in the absence of a fee factor adjustment. The annual emissions fee factor may never exceed \$35 without legislative approval.~~

(b) through (k) No change.

(2) ~~Adequacy of Emissions Fees. Annual emissions fees collected by the Department must be sufficient to cover all reasonable direct and indirect costs required to develop and administer the Title V source operation permit program, which shall consist of the following elements to the extent that they are reasonably related to the regulation of Title V sources:~~

(a) ~~Reviewing and acting upon any application for such a permit.~~

(b) ~~Implementing and enforcing the terms and conditions of any such permit, excluding court costs or other costs associated with any enforcement action.~~

(c) ~~Emissions monitoring and ambient monitoring only to the extent site specific ambient monitoring is necessary for the issuance of any Title V permit, as documented in the permit.~~

(d) ~~Preparing generally applicable regulations or guidance.~~

(e) ~~Modeling, analyses, and demonstrations.~~

(f) ~~Preparing inventories and tracking emissions.~~

(g) ~~Implementing the Small Business Stationary Source Technical and Environmental Compliance Assistance Program.~~

(h) ~~Conducting any audits required under subsection 62-213.205(3), F.A.C.~~

(3) ~~Audits. An audit of the Title V source operation permit program and an audit of each local program which accepts funds from the Department as reimbursement in the implementation of the Title V source operation permit program shall be conducted two years after the EPA has given full approval to the program to ascertain whether the annual emissions fees collected by the Department are used solely to support any reasonable direct and indirect costs as listed in subsection 62-213.205(2), F.A.C., above. A program audit must be performed biennially after the first audit.~~

(2)(4) No change.

Rulemaking Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History—New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 1-3-01, 4-16-01, 6-2-02, 1-9-08, 3-16-08, 3-11-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Brian Accardo, Director, Division of Air Resource Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Herschel T. Vinyard Jr., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2012

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
69I-52.001	Applicability and Purpose
69I-52.002	Definitions
69I-52.003	Department Address for Document Delivery
69I-52.004	Collection of Statutory Share
69I-52.005	Final Judgments Awarding Punitive Damages
69I-52.006	Settlements by the Parties
69I-52.007	Payments to the Department

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is the repeal of Rule Chapter 69I-52, F.A.C.

SUMMARY: This rule chapter repeal is part of the comprehensive review of existing rules. The rule chapter implemented Section 768.73(5), F.S. This subsection was repealed by 97-94, Section 16, Laws of Florida fifteen years ago. This rule chapter is no longer necessary or justified.

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 rule is not being used. Therefore, its repeal will not impose any costs.

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

RULEMAKING AUTHORITY: 17.29 FS.

LAW IMPLEMENTED: 17.04, 17.0415, 17.20, 768.73 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: Tuesday, January 29, 2013, 9:30 a.m.

PLACE: 143 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Stanton Beazley @ (850)413-4610 or Stanton.Beazley@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stanton Beazley, Financial Administrator, Policy-Special Projects Section, Division of Accounting and Auditing, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0355, (850)413-4610 or Stanton.Beazley@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-52.001 Applicability and Purpose.

Rulemaking Specific Authority 17.29 FS. Law Implemented 768.73 FS. History–New 10-11-93, Formerly 3A-52.001, Repealed.

69I-52.002 Definitions.

Rulemaking Specific Authority 17.29 FS. Law Implemented 768.73 FS. History–New 10-11-93, Formerly 3A-52.002, Repealed.

69I-52.003 Department Address for Document Delivery.

Rulemaking Specific Authority 17.29 FS. Law Implemented 768.73 FS. History–New 10-11-93, Formerly 3A-52.003, Repealed.

69I-52.004 Collection of Statutory Share.

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.04, 17.0415, 17.20, 768.73 FS. History–New 10-11-93, Formerly 3A-52.004, Repealed.

69I-52.005 Final Judgments Awarding Punitive Damages.

Rulemaking Specific Authority 17.29 FS. Law Implemented 768.73 FS. History–New 10-11-93, Formerly 3A-52.005, Repealed.

69I-52.006 Settlements by the Parties.

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.04, 768.73 FS. History–New 10-11-93, Formerly 3A-52.006, Repealed.

69I-52.007 Payments to the Department.

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.04, 768.73 FS. History–New 10-11-93, Formerly 3A-52.007, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stanton Beazley, Financial Administrator, Policy-Special Projects Section, Division of Accounting and Auditing, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.:	RULE TITLE:
61G15-20.007	Educational Requirements for Applicants Without EAC/ABET Accredited Engineering Degrees

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 80, November 29, 2012 issue of the Florida Administrative Register.

The correction is in response to a clerical error in the contact information.

“THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:” shall read as: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303-5268

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303-5268

Section IV Emergency Rules

NONE

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 6, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Crest Manor. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, 3.3.2, 2.7.4 and ASME A17.1, section 8.6.5.8, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters' emergency operations, platform guards, restricted door openings and safety bulkhead which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-390).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 6, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Ocala Meadows. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.4, 2.18.5 and 8.11.2.1.3(cc)(1) & (3) as adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes of a minimum diameter of 9.5 mm which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-392).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 7, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Vista Del Mar I & II. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-393).

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

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pesticide Registration Evaluation Committee announces a public meeting to which all persons are invited.

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

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida, 32399-1650, (850)617-7940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: The Pesticide Registration Section, (850)617-7940 or online at the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section; 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650; (850)617-7940.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 Mental Health Program
 RULE NO.: RULE TITLE:
 65E-14.001: Applicability
 65E-14.002: Retention and Access Requirements for Records
 65E-14.003: Audits of Contractors Participating in the Substance Abuse and Mental Health Programs
 65E-14.004: Program Income
 65E-14.005: Matching
 65E-14.006: Valuation of Donated and Volunteer Services
 65E-14.007: Appraisal of Real Property
 65E-14.010: Property
 65E-14.012: Contract Closeout, Suspension, and Termination
 65E-14.014: Contractor's Financial Management Responsibilities
 65E-14.016: Transactions Resulting in Additional Cost to the Program
 65E-14.017: Cost Principles
 65E-14.018: Sliding Fee Scale
 65E-14.019: Methods of Paying for Services
 65E-14.020: Cost Reimbursement Method of Payment
 65E-14.021: Unit Cost Method of Payment
 65E-14.022: Data Requirements
 65E-14.023: Managing Entity Standards
 The Department of Children and Families, SAMH Program, Northwest Circuits 2 & 14 announces a workshop to which all persons are invited.
 DATE AND TIME: January 16, 2013, 1:00 p.m.
 PLACE: 1317 Winewood Blvd., Building 4, Tallahassee, FL 32399
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Amendments to the Community Substance Abuse and Mental Health Services Financial Rules. Additional information regarding this rulemaking is available on the Department's website at www.dcf.state.fl.us/programs/samh/pubs_reports.shtml.
 A copy of the agenda may be obtained by contacting: Ellen Fitzgibbon, 2383 Phillips Road, Tallahassee, FL 32308 850-488-2419 X 1066 or Ellen_fitzgibbon@dcf.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 24 hours before the workshop/meeting by contacting: Ellen Fitzgibbon, 2383 Phillips Road, Tallahassee, FL 32308 (850)488-2419, x1066 or Ellen_fitzgibbon@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 For more information, you may contact: Jimmers Micallef, Department of Children and Families, 1317 Winewood Blvd., Building 6, Room 292, Tallahassee, FL 32399; (850)717-4294, jimmers_micallef@dcf.state.fl.us.

FLORIDA HOUSING FINANCE CORPORATION
 The Florida Housing Finance Corporation announces a public meeting to which all persons are invited.
 DATE AND TIME: January 3, 2013, 10:00 a.m. (Tallahassee local time)
 PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to provide additional financing for the acquisition, construction or rehabilitation of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:
 Sunrise Place Apartments, a 99-unit multifamily residential rental development located on or about 2525 Texas Street., Tallahassee, Leon County, Florida. The owner and operator of the development is SP Sunrise LP, 2430 Estancia Blvd., Suite 114, Clearwater, FL 33756 or such successor in interest in which SP Sunrise LP., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Cambridge Management, Inc., 2430 Estancia Blvd., Suite 114, Clearwater, FL 33756. The tax-exempt bond amount is not to exceed \$4,500,000.
 All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), January 2, 2013, and should

be addressed to the attention of Wayne Conner, Director of Multifamily Bonds. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting: Wayne Conner, Director of Multifamily Bonds. Any persons desiring to present oral comments should appear at the hearing.

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: Wayne Conner, Director of Multifamily Bonds. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800) 955-8770 (voice).

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

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

NOTICE IS HEREBY GIVEN that the Department of Financial Services has received the petition for declaratory statement from Lisa O'Connor. The petition seeks the agency's opinion as to the applicability of Section 717.1341(4), F.S., as it applies to the petitioner.

The petition for a declaratory statement was received on December 7, 2012.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4247, (850)413-3010.

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

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

NONE

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

NONE

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

NONE

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

NONE

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

DEPARTMENT OF MILITARY AFFAIRS

211083 W Palm Beach Babcock NG Armory Renovation

PUBLIC ANNOUNCEMENT

INVITATION TO BID

The State of Florida, Department of Military Affairs (DMA), Construction & Facility Management Office (CFMO) requests bids from State of Florida registered licensed General Building

Contractors (GC) for the following project located at MAJ Elliott C. Babcock National Guard Armory, West Palm Beach, Florida.

PROJECT 211083 – MAJ Elliott C. Babcock National Guard Armory Renovations

FOR COMPLETE INFORMATION, & SUBMISSION REQUIREMENTS YOU MUST GO TO THE MYFLORIDA.COM VENDOR BID SYSTEM ON OR AFTER December 14, 2012 AT http://vbs.dms.state.fl.us/vbs/main_menu.

FUNDING: The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

MANDATORY SITE VISIT: As stated on the Vendor Bid System

BID OPENING: As stated on the Vendor Bid System

STATEMENT OF WORK:

This project includes additions and renovation of existing facility, including but not limited to: Compliance with current Florida Building Code, Florida Energy Code, ADA compliance, and LEED Silver Certified. Detailed work will include sitework, concrete, masonry, steel framing and decking, cabinetry and finish carpentry, men and women's restrooms and kitchen additions, window replacement, new doors, new finishes, new roofing, new mechanical systems, new electrical systems, and new plumbing systems.

The Department reserves the right to either reject any and all submissions or accept minor irregularities in the best interest of the DMA.

POINT OF CONTACT: Department of Military Affairs, Construction & Facility Management Office, Contracting Branch (904)823-0255, 823-0256 or 827-8544 or e-mail cfmocontracting@ng.army.mil.

Faxed or e-mailed bids are not acceptable and will not be considered. All instructions must be complied with and requested data must be included in order for your firm to be considered for this project. All information received will be maintained with the Department and will not be returned.

Request for private meetings by individual firms will not be granted. No individual verbal communication shall take place between any applicants and the Owners or Owner's representatives. Request for any additional information, clarifications, or technical questions must be requested in writing.

Be sure to visit the above web site to view the entire advertisement.

VOTUM CONSTRUCTION, LLC
FLORIDA A&M UNIVERSITY PARKING STRUCTURE REPAIRS

We request your Lump Sum Proposal for all labor, material, equipment, insurances and taxes necessary to perform your trade work as required in connection with the repairs to the Florida A&M University Parking Garage located at 1546 Wahnish Way, Tallahassee, FL 32307.

Project: Wahnish Way Parking Garage Repairs
1546 Wahnish Way
Tallahassee, FL 32307

Owner: Florida A&M University Board of Trustees and Florida A&M University
2400 Wahnish Way, Suite 100
Tallahassee, FL 32307
Attn: Elston Peets
(850) 599-3197
Elston.peets@famu.edu

Architect / Engineer: Hoy + Stark Architects
1350 Mark Street, Suite 209
Tallahassee, FL 32312
Attn: Patrick E Hoy, AIA
(850) 893-5971 Phone

(850) 893-3419 Fax
 pat@hoystark.com
 Construction Votum Construction, LLC
 Manager: 711 West Amelia Street, Suite 1
 Orlando, FL 32805
 Attn: Teska Dillard
 (407) 704-1743 Phone
 (407) 704-2854 Fax
 tdillard@votumllc.com

Blueprints and specifications can be obtained from ARC 503 Brookhaven Drive, Orlando, FL 32803, Phone (407)898-3881 or download at no charge from the following links below.

<https://www.dropbox.com/s/j3z8615rvr7v7dc/12.130%20Drawings%20Final%20CDs.pdf>

<https://dl.dropbox.com/u/53629125/12.130%20Specifications%20>

[Project%20Manual.pdf](#)

In preparation of your proposal, the following instructions should be noted:

1. Proposals Due Friday, December 14, 2012 by 2:00 p.m.
2. The Pre-Bid Meeting and tour will take place at the Parking Garage (Main Entrance) on Wednesday, December 12, 2012 at 2:00 PM. The Pre-Bid Meeting is not mandatory.
3. PROJECT SCHEDULE: Construction starts immediately December 19, 2012 with Substantial Completion by February 26, 2013.
4. Subcontractors will be required to provide evidence of its financial capability to perform the work.
5. Subcontractor may be required to furnish separate performance and payment bonds in the full amount of the contract price, the form and contents of such bonds and the surety or sureties thereon are to be satisfactory to Votum. Bonds may be required for all subcontracts with a value greater than \$100,000. The cost to supply these bonds shall be included as an add to the base proposal.
6. The Owner may elect to utilize their tax exempt status for certain material. Subcontractors will be required to participate in an Owner Direct Purchase program on all

purchases over \$10,000 from a single vendor. Sales tax shall be included in your proposal amount. The anticipated sales tax savings is to be identified on the on the Proposal form.

7. Subcontractors are strongly encouraged to submit voluntary cost saving suggestions to reduce the cost of the work without compromising service. Cost saving suggestions must be accompanied by a complete description.

8. Subcontractors are strongly encouraged to utilize MBE/WBE participation on the project in accordance with Votum's goals to purchase goods and employ the services of MBE/WBE organizations. The project goal is to achieve 20% MBE/WBE participation.

9. Subcontractors shall guarantee their offer for ninety (90) calendar days from the proposal date.

10. All questions regarding this solicitation shall be written and faxed to the attention of Teska Dillard fax # (407)704-2854 or emailed at tdillard@votumllc.com.

Votum reserves the right to reject any or all bids any parts therein and reserves the right to award the Work to the most responsive bidder, at the sole discretion of Votum.

Section XII Miscellaneous

DEPARTMENT OF STATE

Division of Library and Information Services

GUIDELINES AVAILABLE FOR LSTA

GRANT PROGRAM

Grant guidelines are available for the Library Services and Technology Act (LSTA) Grant program administered by the Florida Department of State's Division of Library and Information Services. The guidelines are available on the Division of Library and Information Services' webpage at <http://info.florida.gov/bld/grants/forms/LSTAforms.html>.

Guidelines may also be requested by mail from Dorothy Frank, Division of Library and Information Services, R.A. Gray Building, 500 S. Bronough St., Tallahassee, Florida 32399-0250; by email at Dorothy.Frank@dos.myflorida.com; by phone at (850)245-6631; or by fax at (850)245-6643.

Applications must be submitted online using the Florida Libraries and Grants system. The address for the Florida Libraries and Grants online system is www.fllibraries.org. The deadline for application submission is midnight, March 15, 2013.

HALIFAX HOSPITAL MEDICAL CENTER

NOTICE PURSUANT TO SECTION 155.40(5)(E)1.,
FLORIDA STATUTES

On November 5, 2012, Halifax Hospital Medical Center Board of Commissioners held a public hearing to evaluate the possible benefits to the community from the sale or lease of the hospital facilities to a not-for-profit or for-profit entity. Kauffman Hall, a firm that has substantial expertise in the valuation of hospitals, presented a comparison of the hospital to other similarly situated hospitals, including other district, not-for-profit and for-profit, which have a similar service mix, in order to determine whether there is a difference in the cost of operation using publicly available data. Kauffman Hall also rendered an independent valuation of the hospital's fair market value. The Board of Commissioners solicited public input at the hearing.

The presentation showed there is no significant difference in the cost and quality profile of Halifax Hospital Medical Center compared to similar organizations in the district, not-for-profit and for-profit ownership groups. Halifax Hospital Medical Center has managed a competitive cost and quality position while reducing its tax burden year over year since 2007. Additionally, Halifax Hospital Medical Center has expanded service levels and continues to provide significant community benefit to uninsured and underinsured populations.

In compliance with Florida Statute §155.40, the Halifax Hospital Medical Center Board of Commissioners determined it was in the best interest of the community to continue to own and operate Halifax Hospital Medical Center as a public not-for profit entity, rather than sell or lease the hospital's facilities.

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
