



Mike Prendergast
Executive Director

State of Florida
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Rick Scott
Governor
Pam Bondi
Attorney General
Jeff Atwater
Chief Financial Officer
Adam Putnam
Commissioner of Agriculture

January 21, 2014

MEMORANDUM

TO: Honorable Rick Scott
Honorable Pam Bondi
Honorable Jeff Atwater
Honorable Adam Putnam

FROM: Florida Department of Veterans' Affairs
Mike Prendergast, Executive Director

SUBJECT: Agenda – Cabinet Meeting of January 22, 2014

The next public meeting of the Governor and Cabinet to transact the business of the Department of Veterans' Affairs will be at 9:00 a.m. (EST), January 22, 2014 in Kissimmee, Florida.

The Agenda and all required back-up materials are attached for your review.

If you have any questions, please call my Director of Legislative and Cabinet Affairs, Bobby Carbonell, at (850) 487-1533 x7705.

cc: Michael Sevi, Director of Cabinet Affairs
Executive Office of the Governor

Attachments

AGENDA
FLORIDA DEPARTMENT OF VETERANS' AFFAIRS
Meeting materials for the following items are available on the web at:
http://floridavets.org/?page_id=974

MEMBERS

Governor Rick Scott
Attorney General Pam Bondi
Chief Financial Officer Jeff Atwater
Commissioner Adam Putnam

January 22, 2014
9:00 A.M. (EST)
Kissimmee, Florida

Contact: Bobby Carbonell, Director, Legislative & Cabinet Affairs
(850) 487-1533 x7705

ITEM	SUBJECT	RECOMMENDATION
1.	Respectfully request approval of the minutes of the September 24, 2013 meeting. (ATTACHMENT 1)	RECOMMEND APPROVAL
2.	Respectfully submit Agency Annual Report for Fiscal Year 2012-2013. (ATTACHMENT 2)	RECOMMEND APPROVAL
3.	Notice of Proposed Rule Development: 55-11.010 Residents' Deposit of Money (ATTACHMENT 3)	RECOMMEND APPROVAL

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STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR AND
CABINET

_____ /

CABINET MEMBERS: GOVERNOR RICK SCOTT
ATTORNEY GENERAL PAM BONDI
CHIEF FINANCIAL OFFICER
JEFF ATWATER
COMMISSIONER OF AGRICULTURE
ADAM PUTNAM

DATE: TUESDAY, SEPTEMBER 24, 2013

TIME: COMMENCED AT: 9:00 A.M.
CONCLUDED AT: 1:00 P.M.

LOCATION: CABINET MEETING ROOM
LOWER LEVEL, THE CAPITOL
TALLAHASSEE, FLORIDA

REPORTED BY: NANCY S. METZKE, RPR, FPR
COURT REPORTER

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* * * *

1 The exchange is almost equal in value,
2 1,048,000 for the Board's property and 1,045,000
3 for the Booster property. So the Boosters will pay
4 three grand to the Board of Trustees.

5 We do have Dennis Bailey here with
6 Florida State University to explain the deal.

7 GOVERNOR SCOTT: Does anyone need an
8 explanation? Has everybody had the opportunity to
9 read it?

10 CFO ATWATER: We're good.

11 GOVERNOR SCOTT: I think we're fine.

12 Is there a motion to approve?

13 CFO ATWATER: So move.

14 ATTORNEY GENERAL BONDI: So move.

15 GOVERNOR SCOTT: Is there a second?

16 ATTORNEY GENERAL BONDI: Second.

17 GOVERNOR SCOTT: Any comments or objections?

18 (NO RESPONSE).

19 GOVERNOR SCOTT: Hearing none, the motion
20 carries.

21 Thank you, Herschel.

22 SECRETARY VINYARD: Thank you.

23 GOVERNOR SCOTT: All right. Now I'd like to
24 recognize Executive Director Mike Prendergast with
25 the Department of Veterans Affairs.

1 Good morning.

2 DIRECTOR PRENDERGAST: Good morning,
3 Governor Scott, Members of the Cabinet.

4 Before we begin our presentation, I'd like to
5 thank you again today for honoring the Gold Star
6 families, and especially those Gold Star mothers.
7 They were deeply touched, and I know they
8 appreciate all the extra effort that goes into
9 honoring them and, more importantly, their fallen
10 family members for their service.

11 The Department of Veterans Affairs has six
12 agenda items for your consideration today.
13 Agenda Item 1 consists of the minutes from the
14 Cabinet meeting of May 18th. We respectfully
15 request approval of these minutes.

16 GOVERNOR SCOTT: Is there a motion to approve?

17 ATTORNEY GENERAL BONDI: So move.

18 GOVERNOR SCOTT: Is there a second?

19 CFO ATWATER: Second.

20 GOVERNOR SCOTT: Any comments or objections?

21 (NO RESPONSE).

22 GOVERNOR SCOTT: Hearing none, the motion
23 carries.

24 DIRECTOR PRENDERGAST: Agenda Item 2 is the
25 recognition of our Executive Director's award

1 winner for 2012. We'd like to take this time to
2 recognize this year's recipient, Command Master
3 Chief Mike Howard, United States Navy Retired, our
4 Chief of the Claims Bureau.

5 GOVERNOR SCOTT: Go Navy.

6 DIRECTOR PRENDERGAST: Go Navy? We'll be
7 playing football in December, Governor.

8 Mike is the most highly regarded veterans'
9 advocate in the VA regional office in
10 St. Petersburg, which is the busiest VA regional
11 office in the nation. On a daily basis, it's not
12 unusual for Mike to field tough questions from the
13 Governor's office, members of our Legislature,
14 members of the U.S. Congress, and Federal VA
15 colleagues who know that Mike has the expertise
16 required to get the job done.

17 Simultaneously, he deftly advocates with a
18 purpose and passion for our veterans, always
19 willing to go the extra mile for our veterans.
20 In fact, he takes special pride in serving our
21 veterans of the World War II generation and the
22 Korean War generation.

23 I recently had the pleasure of escorting a
24 gentleman from the Clearwater area down to see Mike
25 one on one, and Mike did a great job of taking care

1 of him.

2 Mike's contributions to the Department of
3 Veterans Affairs and to the State of Florida and,
4 most importantly, to our veterans' community are
5 priceless. And, Governor, if we could do a photo
6 with Mike --

7 GOVERNOR SCOTT: Absolutely.

8 EXECUTIVE DIRECTOR PRENDERGAST: -- we'd be
9 honored to be able to do that this morning.

10 Mike, would you please stand?

11 (APPLAUSE).

12 (BRIEF PAUSE FOR PHOTOGRAPHS).

13 GOVERNOR SCOTT: You did great.
14 Congratulations.

15 DIRECTOR PRENDERGAST: Agenda Item 3 is the
16 presentation of the nominees for the Florida
17 Veterans Hall of Fame Class of 2013. This year you
18 will select the inaugural class of the Florida
19 Veterans Hall of Fame.

20 The six outstanding finalists submitted for
21 your consideration were nominated by the Florida
22 Veterans Hall of Fame Council, out of a total of 42
23 great nominees submitted from across the State.
24 There will be an induction ceremony for these
25 individuals on November 12th in this very room.

1 On behalf of the Hall of Fame Council, we
2 respectfully request approval of the Council's list
3 of nominees so that we may complete the final
4 preparations for this ceremony and the awards
5 preparations and presentation in early November.

6 GOVERNOR SCOTT: Is there a motion to approve?

7 CFO ATWATER: So move.

8 GOVERNOR SCOTT: Is there a second?

9 COMMISSIONER PUTNAM: Second.

10 GOVERNOR SCOTT: Any comments or objections?

11 (NO RESPONSE).

12 GOVERNOR SCOTT: Hearing none, the motion
13 carries.

14 DIRECTOR PRENDERGAST: Thank you.

15 Agenda Item 4 is the Agency's fourth quarter
16 report for fiscal year 2012/2013. Each of your
17 offices has received a copy of this report as part
18 of our Cabinet material, and we would be pleased to
19 review them with you in further detail in the
20 coming days or weeks if you have any questions.
21 Our performance measures continue to be met or
22 exceeded, but I would like to point out a couple of
23 items for you.

24 GOVERNOR SCOTT: Mike, can you go back for a
25 second? Representative Harrell, did you want to

1 speak about the Hall of Fame?

2 REPRESENTATIVE HARRELL: Yes, I did.

3 GOVERNOR SCOTT: I'm sorry. And thank you for
4 sponsoring it, by the way.

5 REPRESENTATIVE HARRELL: Thank you,
6 Mr. Governor. It's a delight to be here in front
7 of the Cabinet. And I do want to thank
8 Chief Financial Officer Jeff Atwater for appointing
9 my husband, Doctor Harrell, to the Council. And I
10 just wanted to make a few comments about the
11 Veterans Hall of Fame.

12 This is a significant endeavor that the State
13 has gone into. And House Bill 465, that actually
14 passed in 2011, establishes the Veterans Hall of
15 Fame. And we're one of the few states that has
16 this. I think we're about the sixth or seventh
17 state to do it.

18 And to really say to our veterans that their
19 service, through the military, but also their
20 service following their military service, to the
21 State of Florida, is so significant; and your award
22 today of the six nominees -- and although the
23 Council can nominate 20, it's not necessary that
24 every year we want to have 20. You may want to at
25 some point have a conversation as to how many per

1 year you want to give this very significant honor.

2 So I want to thank you for being part of the
3 process, and I want to thank our veterans so much
4 for what they are doing to really protect us during
5 their military service, but then to come back to
6 Florida and continue their service to the State of
7 Florida. And this is a step in the right direction
8 to tell our veterans how much we appreciate all
9 their service. And thank you for being part of
10 this endeavor.

11 ATTORNEY GENERAL BONDI: Thank you.

12 GOVERNOR SCOTT: Thank you for sponsoring it,
13 and thanks for your work with the veterans, by the
14 way.

15 ATTORNEY GENERAL BONDI: Can I just -- how is
16 your husband?

17 REPRESENTATIVE HARRELL: He is doing very
18 well. Thank you.

19 ATTORNEY GENERAL BONDI: We pray for him.

20 REPRESENTATIVE HARRELL: Yes. Thank you.

21 GOVERNOR SCOTT: Thank you. Thanks for your
22 hard work. Representative Harrell is all over the
23 State. As I travel the State, she seems to be at
24 every event.

25 ATTORNEY GENERAL BONDI: And her husband

1 stands right by her. They're a great couple.

2 DIRECTOR PRENDERGAST: Thank you,
3 Representative Harrell.

4 Returning to Agenda Item 4, the Agency's
5 fourth quarter report for fiscal year 2012/2013.
6 As I mentioned, each of your offices has received a
7 copy of this report. And one item I'd like to
8 point out is that we had a calculating error that
9 our folks in our fiscal office caught. Our actual
10 return on investment for the fourth quarter was
11 \$141 to the dollar, and we'll be making the
12 correction when we submit our next report into the
13 system.

14 I'd also like to point out with a great deal
15 of pride that our branding campaign, not only is it
16 paying off huge dividends in reaching out to those
17 veterans and getting additional veterans and family
18 members to come in and see us for benefits
19 counseling and get to meet with folks like
20 Mike Howard and his boss, Ms. Elaine Charter, our
21 director of the Benefits and Assistance Division --

22 GOVERNOR SCOTT: Your office does a great job
23 with veterans. I hear it all over the State.

24 DIRECTOR PRENDERGAST: They do a fantastic job
25 across the State, and we're very appreciative of

1 the additional claims examiners that we'll be able
2 to put out in the field to help us get more
3 veterans to come in for access to those benefits.

4 As we re-branded the Agency and launched some
5 of the tools of the modern era to better reach some
6 of our audiences, we were nominated for several
7 prestigious awards by the Florida Public Relations
8 Association; and most recently, through our
9 Communications Director's Office, we received the
10 Dick Pope Award for the All Florida Golden Image
11 Award for the first quarter of this year. And that
12 will be appearing in an upcoming report whenever we
13 bring in the first quarter's report.

14 As the fourth quarter data confirms, we still
15 maintain a 99% occupancy rate in our State
16 veterans' nursing homes, which is far above the
17 statewide average in the private sector of 85%.
18 And as I've discussed with my colleagues from
19 across the country, we are far eclipsing all of the
20 other states across the nation when it comes to
21 occupancy rates and the returns that we're able to
22 produce for our veterans and their family members.

23 We respectfully request approval of our
24 quarterly report for the fourth quarter, Governor.

25 GOVERNOR SCOTT: Is there a motion to accept

1 the report?

2 CFO ATWATER: So move.

3 GOVERNOR SCOTT: Is there a second?

4 ATTORNEY GENERAL BONDI: Second.

5 GOVERNOR SCOTT: Any comments or objections?

6 Any questions?

7 (NO RESPONSE).

8 GOVERNOR SCOTT: Hearing none, the motion
9 carries.

10 DIRECTOR PRENDERGAST: Thank you.

11 Agenda Item 5 consists of our legislative
12 policy proposals for fiscal year '14 and '15. The
13 goal of these proposals is to help transitioning
14 veterans attend college, find employment, offer
15 greater access to our world-class nursing
16 facilities, and create a Veterans Walk of Honor and
17 Memorial Gardens here in the Tallahassee Capitol
18 complex.

19 The proposals for your review and
20 consideration, of course, are being staffed with
21 your staffs in the offices in the Attorney General;
22 the CFO; the Ag Commissioner; and, of course, the
23 Governor.

24 We respectfully recommend approval of the
25 Agency's legislative policy proposals for the 2014

1 session of the legislature.

2 GOVERNOR SCOTT: Is there a motion to accept
3 the legislative proposals?

4 COMMISSIONER PUTNAM: Governor, I have just
5 one comment. I think that by and large the
6 proposals are good ones. I would just note on the
7 Veterans Walk, which I think is a fantastic idea
8 and an appropriate recognition of service, but as
9 we -- it almost seems like we need sort of a
10 Capitol grounds plan to have a grand scheme for
11 law enforcement, firefighters, veterans, so that
12 there's -- so that we're putting each of those that
13 we're trying to honor in the best possible light
14 and as part of a coordinated space that Floridians
15 can be proud of.

16 GOVERNOR SCOTT: That's a good idea.

17 ATTORNEY GENERAL BONDI: I think it's -- may I
18 speak, Governor? I think that's a great idea. Do
19 we have a location for it in mind?

20 COMMISSIONER PUTNAM: I think they're talking
21 about replacing the courtyard bricks.

22 ATTORNEY GENERAL BONDI: Right in the
23 courtyard?

24 DIRECTOR PRENDERGAST: In the courtyard
25 between the old Capitol and the new Capitol,

1 General Bondi.

2 ATTORNEY GENERAL BONDI: I think that's a
3 fabulous idea.

4 GOVERNOR SCOTT: I think on the Commission's
5 stuff that makes sense, so I'll come back on that.

6 DIRECTOR PRENDERGAST: Thank you.

7 GOVERNOR SCOTT: All right. So is there --
8 there was a second?

9 ATTORNEY GENERAL BONDI: Second.

10 GOVERNOR SCOTT: Okay. Florida law requires
11 the Governor to independently review legislation
12 upon passage. Accordingly, I'm abstaining from the
13 vote on this item. The record should reflect my
14 abstention.

15 But hearing none, the motion is approved with
16 one abstention; is that right?

17 (AFFIRMATIVE INDICATIONS).

18 GOVERNOR SCOTT: Okay.

19 DIRECTOR PRENDERGAST: Thank you.

20 Agenda Item 6 consists of the Department's
21 legislative budget proposals for fiscal year
22 '14/'15. Again, we've had the opportunity to brief
23 your offices on our Department's budget request for
24 this upcoming fiscal year and stand ready to
25 discuss further as needed.

1 We have requested ten items in our legislative
2 budget request, the majority of which are for the
3 continued operation and maintenance of our state
4 veterans nursing homes. As you know, the
5 Department provides world class care for our
6 residents in our nursing homes, and we do it
7 without a single dollar of general revenue.

8 The purpose of our general revenue requests
9 are to better reach the approximately 60% of
10 Florida's veterans who are not yet enrolled with
11 the Department of Veterans Affairs to receive
12 health care benefits and other services, and also
13 for those who may not be aware of the many benefits
14 they've earned through their service.

15 I won't go through all of the details. We've
16 provided that to the staff separately, but what I
17 would like to point out on the final chart here is
18 that, as indicated on this chart, 97% of our
19 request for funds this year comes from the Agency's
20 trust funds that we manage and we garner through
21 our services to our veterans in the nursing homes.

22 We respectfully recommend approval of our
23 legislative budget request.

24 GOVERNOR SCOTT: Is there a motion to accept
25 the legislative budget request?

1 ATTORNEY GENERAL BONDI: So moved.

2 GOVERNOR SCOTT: Is there a second?

3 CFO ATWATER: Second.

4 GOVERNOR SCOTT: Florida requires the Governor
5 to independently submit budget proposals.

6 Accordingly, I'm going to abstain from the vote.

7 The record should reflect my abstention.

8 If there are no objections, the motion is
9 approved with one abstention.

10 Thank you, Mike.

11 DIRECTOR PRENDERGAST: Thank you, Governor.

12 Thank you, General Bondi, CFO Atwater, and

13 Commissioner Putnam.

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FLORIDA DEPARTMENT OF VETERANS' AFFAIRS

Honoring those who served U.S.

FDVA's Annual Report 2012-13 is available at
the following website:

<http://floridavets.org/wp-content/uploads/2013/12/Annual-Report-2012-13-Final.pdf>



Mike Prendergast
Executive Director

State of Florida
DEPARTMENT OF VETERANS' AFFAIRS

Office of the Executive Director

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www.FloridaVets.org

Rick Scott
Governor
Pam Bondi
Attorney General
Jeff Atwater
Chief Financial Officer
Adam Putnam
Commissioner of Agriculture

MEMORANDUM

TO: Mike Prendergast, Executive Director

THROUGH: Al Carter, Deputy Executive Director

FROM: David R. Herman, General Counsel 

SUBJECT: Notice of Proposed Rule Development (Amendments)
Rule 55-11.010 Residents' Deposits of Money

DATE: November 25, 2013

CC: Bobby Carbonell, Legislative and Cabinet Affairs Director
Dan Davis, Director, Homes Program

55-11.010 Residents' Deposit of Money

Currently, Section (2)(a) of this rule conflicts with Section 296.12(2), Florida Statutes and needs to be removed.

Rule 55-11.010(2)(a) provides that all interest earned on a resident's trust account at the State Veterans' Domiciliary Home of Florida shall be deposited in the Grants and Donations Trust Fund to be expended for the common benefit of the residents, such as improved facilities, recreational equipment and recreational supplies. This rule directly contradicts Section 296.12(2), Florida Statutes, which provides that moneys the interest earned may be withdrawn at the will of the resident who deposits money into the trust account.

During the history of its operations, Florida Department of Veterans' Affairs (FDVA) has always followed the statute, not the rule. Interest earned on resident trust accounts remains in the Residents' Deposit Trust Fund, and is not deposited into the Grants and Donations Trust Fund. Furthermore, residents at the Domiciliary Home may withdraw interest earned on their trust account at will.

To eliminate this conflict, I recommend that FDVA initiate the rule development process in compliance with Section 120.74(1), Florida Statutes.

55A-11.010 Residents' Deposit of Money

REASONS FOR RULE AMENDMENT:

The proposed rule amendment eliminates rule language that conflicts with statute, clarifying that interest earned on resident trust accounts may be withdrawn at will by the resident who deposited the money.

EXTERNAL INTEREST:

None.

SIGNIFICANT POLICY ISSUES:

None.

ACTION REQUESTED:

We request that the Notice of Proposed Rule Development be presented to the Cabinet aides and Governor and Cabinet with a request to approve publication in the *Florida Administrative Weekly*.

NOTICE OF PROPOSED RULE DEVELOPMENT
DEPARTMENT OF VETERANS' AFFAIRS

COUNTY AND CITY VETERAN SERVICE OFFICERS

RULE NO: RULE TITLE:
55-11.010 Residents' Deposits of Money

PURPOSE AND EFFECT: The proposed amendment will remove the language that interest earned on resident deposits shall be deposited to the Grants and Donations Trust Fund to be expended for the common benefit of the residents of the home. This will remove a conflict with Section 296.12(2), Florida Statutes which provides that the interest earned on resident accounts may be withdrawn by the resident at will.

SUBJECT AREA TO BE ADDRESSED: The current rule regarding handling the interest earned on resident trust accounts conflicts with statute.

SPECIFIC AUTHORITY: 292.05(3) FS.

LAW IMPLEMENTED: 296.12 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Darryl Griffin, FDVA, The Capitol, Suite 2105, 400 South Monroe Street, Tallahassee, Florida 32399-0001, (850) 487-1533 x7713

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

55-11.010 Residents' Deposits of Money.

(1) The Veterans' Domiciliary Home of Florida Residents' Deposit Trust Fund is established at Lake City, Florida, in a financial institution that is insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Association (NCUA). The Residents' Deposit Trust Fund is a local fund which is not part of the State Treasury.

(2) A resident may voluntarily deposit moneys with the home at no charge to be made of the resident by the home.

~~(a) All interest earned on the residents' deposits shall be deposited to the Grants and Donations Trust Fund to be~~

~~expended for the common benefit of the residents of the home, such as improved facilities, recreational equipment and recreational supplies subject to the requirements of Chapter 216, F.S.~~

(b) Each resident desiring to make a deposit of funds to the Residents' Deposit Trust Fund shall be informed of the above provision.

(3) Such moneys as a resident may have on deposit with the Residents' Deposit Trust Fund may be withdrawn, in whole or in part, at the request of the resident. A resident who requests a withdrawal between 9:00 a.m. and 11:00 a.m. on any weekday, excluding holidays observed by state employees, will, by 2:00 p.m. of the day of the request is made, receive a check payable to the resident drawn on the Trust Fund. Except in an emergency, requests made after 11:00 a.m. will be handled on the next regular weekday.

(4) Upon a resident leaving the home, if such moneys are not withdrawn by the resident at the time of departure, they shall be held in the Trust Fund for a period of 3 years, unless withdrawn by the resident or demanded by a legal representative or heir of the resident in the event of the death of the resident.

(a) Upon the death of a resident who died intestate, the Administrator is empowered to:

1. Disburse funds of the deceased resident for payment of the resident's funeral expenses.
2. Upon proof determined by the Administrator to be proper to adequately identify the heirs of the deceased resident without probate proceedings, the Administrator shall pay to the heirs any balance of moneys held by the home.

(5) If after 3 years the resident does not demand the funds that were not withdrawn at the time of departure, or, if after the death of a resident or former resident who still has funds on deposit, no heirs who are entitled to the whole of such funds are discovered within 1 year after the death of the resident, then such remaining funds shall be paid to the state as provided in Chapter 717, F.S.

Florida Department of Veterans' Affairs
OFFICE OF THE GENERAL COUNSEL

Proposed Rule: Is a SERC Required

Division (choose from drop-down list): Homes Program

Rule (number & description): 55A-11.010

Please remember to analyze the impact of the rule, NOT the statute, when completing this form.

I. Adverse Impact Determination

a. Economic? (Check all that apply.)

- Increased fees to be paid by licensee, applicant, registrant, etc.
 Increased costs of doing business (equipment, software, etc.)
 Increased personnel costs (additional employees, insurance, overtime, training, etc.)
 Decreased opportunity for profit (limits on fees, scope of business/practice, ability to partner with others, etc.)

b. Non-economic? (Check all that apply.)

- Increased time and effort to comply (forms, tests, etc.)
 Increased need for specialized knowledge (legal, technical, etc.)

If any of the above boxes are checked, answer "Yes," then continue to the next section. If no boxes are checked, answer "No," and skip to Section III below Yes No

II. Small Business Determination

a. Are any of the affected entities a "small business?" (Check all that apply.)

- 200 or less permanent full-time employees;
 Net worth less than \$5 million (including value of affiliates);
 Independently owned and operated (NOT a subsidiary of another entity); AND,
 Engaged in a commercial enterprise?

If ALL of the preceding boxes are checked, answer "Yes," and skip to Section III below.

If you did not check ALL of the above boxes, check "No," then continue to the next qualification.

Yes No

b. Small Business Certification

- Does any affected entity have Small Business Administration 8(a) certification?
 Yes (see, www.ccr.gov) No

If the answers to I and II are "Yes," the agency must prepare a SERC.

III. Regulatory Cost Increase Determination

Direct:

- a. Increased Regulatory Cost: 0
b. Number of Entities Impacted: 0
c. Multiply a. times b.: 0
d. Is c. greater than \$200,000? Yes No

Indirect:

- e. Any ascertainable indirect costs? Yes No
f. Amount of Indirect Cost: 0
g. Number of Entities Impacted: 0
h. Multiply g. times f.: 0
i. Is h. greater than \$200,000? Yes No
j. Is h. plus c. greater than \$200,000? Yes No

If the answer to d., i., or j. is "Yes," the agency must prepare a SERC.

Prepared By (type name): David Herman

Date (type date): December 17, 2013

To be certified by the agency head, if the agency is within the purview of the Governor; otherwise, certified by the agency's legal counsel or other appropriate person.

Is a SERC required? Yes No

Name: David Herman
(Print Name)


(Signature)

Title: General Counsel, FDVA

Date: 17 December 2013

Phone: 850-488-4183

Office of Fiscal Accountability and Regulatory Reform
Rulemaking Notification

To: Patricia Nelson, Deputy Director

Submitted By: David Herman, General Counsel
Florida Department of Veterans' Affairs
850-488-4183

Re: Rulemaking Notification for:

Rule Number	Rule Title
55A-11.010	Residents' Deposit of Money

Date: December 17, 2013

Does this rule qualify for Rules Ombudsman review in accordance with section 120.54(3)(b), F.S.? _____
Yes ___ No ___ No

Please complete this form when submitting rulemaking notification to the Office of Fiscal Accountability and Regulatory Reform (OFARR) pursuant to Executive Order 11-211. **If any information or documents are missing, the notification will be returned without review. OFARR will indicate what is missing, and the completed notification must be resubmitted.**

1. Proposed Rulemaking Activity:

Notice of Development of Rulemaking – Attach the proposed Notice. If no text is available, give a detailed explanation of the rulemaking, including why it is necessary.

_____ Notice of Proposed Rule – Attach the proposed Notice, "Is a SERC Required" Checklist, and SERC (if required), all materials incorporated by reference, and all forms referenced or required by the rule.

_____ Notice of Emergency Rule – Attach the proposed Notice. Explain fully why emergency rulemaking is appropriate.

_____ Notice of Change – Attach the proposed Notice. Be sure the text is coded correctly according to Rule 1B-30.003(5)(f), F.A.C. Explain why a change is required. Attach any correspondence from JAPC or the public. If no documents exist, summarize any public comment the agency has received or public hearings/workshops the agency has held.

_____ Notice of Withdrawal – Attach the proposed Notice. Explain why it is necessary to withdraw the rulemaking. Include any JAPC correspondence.

_____ Other – Attach the proposed Notice. Include detailed information about the rulemaking.

2. Is this rulemaking prompted by the Executive Order comprehensive rule review? ___ No ___ If yes, explain how the change or repeal is reducing the regulatory burden on Florida citizens or businesses.

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3. Is this rulemaking included in the agency's Annual Regulatory Plan (ARP)? No

If no, provide a detailed explanation about the necessity for rulemaking and why it is not reflected in the ARP. The purpose for this rule amendment is to remove rule language that conflicts with statute. This rule amendment is made at the request of JAPC.

4. For each rule, explain in detail either how it alleviates unnecessary, disproportionate, or adverse affects to business or, alternatively, why it is necessary. You should address all relevant considerations, including: restriction on entry into a profession; affect on availability of services to public; affect on job retention; restriction on employment seekers; imposition of burdensome costs; cost-effectiveness vs. economic impact of rule.

Rule Number	Detailed Explanation
55A-11.010	The rule language conflicts with statute.

5. Has the agency received any public comment about this rulemaking? No If yes, please summarize the comment and attach any documents (If this is a Notice of Change, just reference the answer and attachments for Question 1 above).

6. Has the agency received any lower cost regulatory alternatives (LCRA)? No If yes, describe in detail what action the agency took in response to the LCRA.

7. Has the agency received any comment from JAPC about this rulemaking? Yes If yes, please summarize the comment and attach any documents (If this is a Notice of Change, just reference the answer and attachments for Question 1 above).

 JAPC has requested this rule change.