

SPECIFIC AUTHORITY: 465.005, 465.022 FS.  
LAW IMPLEMENTED: 465.022, 465.003(7), 465.019(2) FS.  
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.120 All Permits – Storage of Legend Drugs; Prepackaging.

(1) All medicinal drugs or drug preparations as defined by Section 465.003(8), F.S., shall be stored:

(a) Within the confines of the prescription department of a community pharmacy permittee as defined in Section 465.018, F.S.

(b) In a Class II Institutional pharmacy as defined by Section 465.019(2)(b), (c), F.S., within the confines of the pharmacy provided, however, that those medicinal drugs established by the consultant pharmacist as supportive to treatment procedures such as medical drugs, surgical, obstetrical, diagnostic, etc., may be permitted to be stored in those areas where such treatment is conducted consistent with proper control procedures as provided by the policy and procedure manual of the pharmacy.

(2) All medicinal drugs or drug preparations as defined in Section 465.003(8), F.S., within Class I Institutional permittees as defined in Section 465.019(2)(a), F.S., and Special ALF Permit Rule 64B16-28.870, F.A.C., shall:

(a) Be administered from individual prescription containers to the individual patient; and

(b) Be prohibited within the confines of Class I Institutional pharmacies unless obtained upon a proper prescription and properly labeled in accordance with Chapter 499, F.S., and the rules and regulations contained in Chapter 59A-4, F.A.C., incorporated by reference and effective August 1, 2006, pertaining to the licensure of nursing homes and related facilities.

(3) Prepackaging of medication, whether a part of a unit dose system or a part of a multiple dose drug distribution system in an extended care facility or hospital holding a valid Class II Institutional pharmacy permit, must be done in accordance with procedures set up by the consultant pharmacist in the policy and procedure manual; and in the case of a pharmacy holding a valid community pharmacy permit must be done in accordance with procedures set up by the prescription department manager.

(4) Medicinal drugs and proprietary preparations as identified above that are stored in treatment areas must be accessible only to licensed staff (pharmacists, nurses, physicians, Advanced Registered Nurse Practitioner’s, physician assistants, respiratory and physical therapists, radiology technicians and pharmacy technicians, etc.) in accordance with their license and or practice act.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.003(7), 465.019(2) FS. History–New 9-18-84, Formerly 21S-1.44, 21S-1.044, Amended 7-31-91, Formerly 21S-28.120, 61F10-28.120, 59X-28.120, Amended 2-8-07, \_\_\_\_\_.

## Section II Proposed Rules

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

### DEPARTMENT OF CITRUS

RULE NO.: 20-3.002  
RULE TITLE: Processed Citrus Product Report  
PURPOSE AND EFFECT: Amendments clarifying the categories of citrus fruit dealers required to report and clarifying the information required to be reported.  
SUMMARY: Clarifying the categories of citrus fruit dealers required to report and clarifying the information required to be reported.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 601.10(1), (8), 601.15(2), (4), (10), 601.69, 601.701 FS.

LAW IMPLEMENTED: 601.10(8), 601.15(4), 601.69 FS.  
A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 18, 2007, 10:30 a.m.  
PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

**MONTHLY REPORTS BY CITRUS FRUIT DEALERS**

20-3.002 Processed Citrus Product Report.

The purpose of this rule is to outline information that is to be included on reports regarding processed citrus fruit and processed citrus products within the state of Florida.

(1) Except as otherwise provided in subsection (6), all All licensed citrus fruit dealers engaged in the processing and bulk storage, toll pack processing, or bulk storage of processed citrus products licensed to operate a processing plant shall provide to the Department of Citrus or its designated agent the following information:

(a) The quantity and variety of all raw citrus fruit received that was not produced in Florida. The geographic origin (by country or state if from the United States) of such product shall be indicated.

(b) The quantity and type of processed citrus ~~fruit~~ product manufactured by the dealer from raw citrus fruit from production areas outside the state of Florida. The geographic origin (by country or state if from the United States) of such product shall be indicated.

(c) The amount of raw citrus fruit processed, reported on both a box basis and on a pounds solids basis. These quantities shall be reported in a way to show the proportion of such juice that is manufactured into single strength or concentrated forms.

(d) The type and amount of finished juice and juice product for further manufacturing manufactured by the dealer during the reporting period.

(e) The amount of each type of processed citrus fruit juice product actually shipped and/or received during the preceding reporting week to and/or from a customer, or to and/or from another party.

(f) Summaries of the quantities and average purchase prices for raw fruit delivered to any the dealer engaged in the processing and bulk storage, or toll pack processing, of processed citrus products during the reporting period, reported by type and pricing category (e.g., final priced, intermediate priced, non-priced) variety on a "spot" price and contract price basis.

(g) The amount and type of processed citrus fruit juice product physically held or stored by the licensed citrus fruit dealer at the end of the weekly reporting period.

(2) All information shall be reported by noon Thursday of each week except on designated holidays when said information shall be provided by the close of business on the first subsequent work day of the Department of Citrus. Information shall be submitted on forms provided by the Department of Citrus and incorporated by reference into Rule 20-100.004, F.A.C., and shall be delivered by electronic transfer to the location designated on the aforementioned forms. The burden of proof of delivery of the requisite information rests with the licensed citrus fruit dealer.

(a) The Department will review and compile submitted information weekly and publish the Processor's Statistical Report electronically.

(b) Four times during the citrus season, on or about January, March, May, July, the Department shall compile and publish any Fruit Pricing Report for which statistics collection has occurred under this Rule.

(3) In addition to the weekly reports, and except as otherwise provided in subsection (6), licensed citrus fruit dealers engaged in the processing and bulk storage, toll pack processing, or bulk storage of processed citrus products licensed to operate a processing plant shall file, twice a year, an inventory verification report with one such report being filed in April and at mid-season the other report being filed in October a CPA's report to be filed within sixty days of close of dealer's fiscal year. Inventory verification reports shall be submitted on forms provided by the Department of Citrus and incorporated by reference into Rule 20-100.004, F.A.C., and shall be delivered by mail to the location designated on the aforementioned forms.

(4) In addition to the weekly reports, licensed citrus fruit dealers engaged in the processing and bulk storage of processed citrus products, or delivery of fruit for toll pack processing, shall file a fruit pricing verification report. Such report shall be filed in September. Fruit pricing verification reports shall be submitted on forms provided by the Department of Citrus and incorporated by reference into Rule 20-100.004, F.A.C., and shall be delivered by mail to the location designated on the aforementioned forms.

(5)(4) The following licensed citrus fruit dealers are exempt from the reporting requirements of this section:

(a) All gift fruit shippers.

(b) Retail processors and dairies.

(c) Processors engaged exclusively in the production of fresh squeezed unpasteurized juice.

(6) For the purposes of this section, terms shall have the meanings prescribed by Section 601.03, F.S., and the term:

(a) "Bulk storage" is defined as storage, or storage capacities, of total quantities of processed citrus juice products in excess of fifty thousand (50,000) gallons stored in drums, bins, totes, or tankfarms.

(b) "Dairies" means milk plant operators, as that term is defined in Section 502.012, F.S.

(c) "Retail processors" means processors who exclusively engage in direct sales of packaged citrus juice to ultimate consumers under the processor's own name, and do not place packaged citrus juice into the stream of commerce in wholesale form.

(d) "Toll pack processing" is the act of processing fruit by a processing facility where ownership or title of such fruit never passes to the processor. The ownership of such fruit rests at all times during processing and packaging with the licensed citrus fruit dealer who has made delivery of fruit.

~~(7)(5)~~ Individual plant information reported pursuant to this rule shall be held confidential and shall constitute trade secrets as defined in Section 812.081, F.S., and are exempt from the provisions of Section 119.07(1), F.S.

(8) Reports as required under this rule are subject to the inspection of records provision of Section 601.70, F.S.

Specific Authority 601.10(1), (8), 601.15(2),(4),(10), 601.69, 601.701 FS. Law Implemented 601.10(8), 601.15(4), 601.69 FS. History--New 6-19-00, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

**DEPARTMENT OF CITRUS**

RULE NO.: 20-100.004  
RULE TITLE: Official Forms Used by Agency  
PURPOSE AND EFFECT: Amendments updating official forms used by the Florida Department of Citrus.

SUMMARY: Updating official forms used by Florida Department of Citrus.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 601.10(1),(15) FS.

LAW IMPLEMENTED: 601.10(15) FS.

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

DATE AND TIME: July 18, 2007, 10:30 a.m.

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-100.004 Official Forms Used by Agency.

In its licensing, regulatory, taxation, marketing and other operational functions the Florida Department of Citrus requires use of the forms listed below. All of these forms are available for inspection by any interested party during regular business hours at the headquarters office located at 1115 East Memorial

Boulevard, Lakeland, Florida or may be received upon request by writing the Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or by telephone (863)499-2500.

(1) Application for License as Citrus Fruit Dealer – CIT/LIC/01 REV. ~~4-30-07~~ 12-31-98

(2) Supplement to Application for License as Citrus Fruit Dealer for Bond Exempt Status – CIT/LIC/02 REV. ~~6-22-04~~ 3-01-99.

(3) Affidavit to Request Increase in Bond Exemption – CIT/LIC/03 REV. ~~3-23-00~~ 3-01-99.

(4) Application for Special Transportation Permit – CIT/LIC/04 REV. ~~8-29-06~~ 3-01-99.

(5) Special Transportation Permit – CIT/LIC/05 REV. ~~9-19-06~~ 3-01-99.

(6) Application for Permits for Shipment by Gift Fruit Shippers of Fresh Citrus Fruit Not for Resale – CIT/LIC/06 REV. ~~11-15-06~~ 3-01-99.

(7) Permit for Gift Package Shipment – CIT/LIC/07 REV. ~~8-10-05~~ 3-01-99.

(8) Application for Permit for Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes – CIT/LIC/08 REV. ~~12-4-06~~ 3-01-99.

(9) Permit for Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes – CIT/LIC/09 REV. ~~12-4-06~~ 3-01-99.

(10) Affidavit Relating to Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes – CIT/LIC/10 REV. ~~11-9-00~~ 3-01-99.

(11) Application for Permit to Make Test Shipments of Experimental Containers for Fresh Citrus Fruit – CIT/LIC/11 REV. ~~3-5-04~~ 03-01-99.

(12) Application for Permit to Make Test Shipments of Experimental Containers for Fresh Citrus Fruit with Lab Test – CIT/LIC/12 REV. ~~3-5-04~~ 9-23-96.

(13) Permit to Make Test Shipments of Experimental Containers for Fresh Citrus Fruit – CIT/LIC/13 REV. ~~11-9-00~~ 9-30-99.

~~(14) Application for Permit to Export Citrus Fruit with Solids, Ratio and Juice Content Within A Tolerance Not Exceeding Five Percent of Standards Established by Law to Foreign Countries Other Than Canada and Mexico – CIT/LIC/14 REV. 8-1-95.~~

~~(15) Permit to Export Citrus Fruit With Solids, Ratio and Juice Content Within A Tolerance Not Exceeding Five Percent of Standards Established by Law to Foreign Countries Other Than Canada and Mexico – CIT/LIC/15 REV. 8-1-95.~~

~~(16) Request for Fresh Fruit Brand or Trademark Registration – CIT/LIC/16 REV. 8-1-95.~~

~~(17) Request for Label, Brand or Trademark Registration for Use on Processed Products – CIT/LIC/17 REV. 8-1-95.~~

~~(18) Application for Designation as an Organic Gift Fruit Shipper – CIT/LIC/18 REV. 8-1-95.~~

~~(19) Application for Permit for Shipment and Sale of An Experimental Pack of Florida Concentrated Orange Juice Other Than Frozen or Canned – CIT/LIC/19 REV. 8-1-95.~~

~~(20) Permit for Shipment and Sale of An Experimental Pack of Florida Frozen Concentrated Orange Juice – CIT/LIC/20 REV. 8-1-95.~~

~~(21) Application for Permit for Interstate Shipment of Fresh Citrus Fruit to a Packinghouse, Canning or Concentrating Plant – CIT/LIC/21 REV. 8-1-95.~~

~~(22) Permit for Interstate Shipment of Fresh Citrus Fruit to a Packinghouse, Canning or Concentrating Plant – CIT/LIC/22 REV. 8-1-95.~~

~~(23) Florida Sunshine Tree License Application Form – CIT/LEG/01 REV. 12-9-99.~~

~~(24) Florida Sunshine Tree License Application Supplement A – CIT/LEG/02 REV. 8-1-95.~~

~~(25) Florida Sunshine Tree Supplier Statement Form – CIT/LEG/04 REV. 7-7-98.~~

~~(26) License for Florida Sunshine Tree Registered Certification Mark – CIT/LEG/05 REV. 8-1-95.~~

~~(14)(27) Application for Use of Florida's Seal of Approval – CIT/LEG/06 REV. 12-9-99.~~

~~(15)(28) Application for Use of Florida's Seal of Approval Supplement A – CIT/LEG/07 REV. 8-1-95.~~

~~(16)(29) Florida's Seal of Approval Supplier Statement Form – CIT/LEG/08 REV. 7-7-98.~~

~~(17)(30) License Certificate for Florida's Seal of Approval Registered Certification Mark – CIT/LEG/09 REV. 8-1-95.~~

~~(18)(31) Florida with Sunburst "O" License Application Form – CIT/LEG/10 REV. 8-1-95.~~

~~(19)(32) Florida with Sunburst "O" Supplier Statement Form – CIT/LEG/11 REV. 8-1-95.~~

~~(20)(33) License Certificate for Florida with Sunburst "O" Registered Mark – CIT/LEG/12 REV. 8-1-95.~~

~~(34) Fresh From the Florida Sunshine Tree License Application Form – CIT/LEG/13 REV. 8-1-95.~~

~~(35) License Certificate for Fresh From the Florida Sunshine Tree Registered Certification Mark – CIT/LEG/14 REV. 8-1-95.~~

~~(21)(36) Application for Use of Florida Citrus Growers' Symbol – CIT/LEG/15 EFF. 4-5-00 12-9-99.~~

~~(22)(37) Application for Use of Florida Citrus Growers' Symbol Supplement A – CIT/LEG/16 EFF. 1-1-98.~~

~~(23)(38) Florida Citrus Growers' Symbol Supplier Statement Form – CIT/LEG/17 REV. 1-1-98.~~

~~(24)(39) Florida Citrus Growers' Symbol License Certificate – CIT/LEG/18 EFF. 1-15-98.~~

~~(25)(40) Application for Use of Made With Florida Citrus Mark – CIT/LEG/19 EFF. 5-1-98.~~

~~(26)(41) Made With Florida Citrus Supplier Statement Form – CIT/LEG/20 EFF. 5-1-98.~~

~~(27)(42) Made With Florida Citrus Florida Processor's Agreement – CIT/LEG/21 EFF. 1-1-98~~

~~(28)(43) Made With Florida Citrus Symbol License Certificate – CIT/LEG/22 EFF. 5-1-98.~~

~~(44) Application for Use of "Florida Premium Ripe" Mark – CIT/LEG/122 EFF. 10-16-97.~~

~~(45) Florida Premium Ripe Symbol License Certificate – CIT/LEG/123 EFF. 10-16-97.~~

~~(29)(46) Fresh From Florida Citrus Growers' Symbol Application – CIT/LEG/23 EFF. 12-6-98.~~

~~(30) Fresh From Florida Citrus Growers' Symbol License Certificate – CIT/LEG/24 REV. 12-6-98.~~

~~(31)(47) Fresh Fruit Florida Advertising Tax Return (Packinghouse & Gift Fruit Packers) – CIT/REV/01R REV. 8-1-06 8-1-99.~~

~~(32)(48) Bond of Citrus Fruit Dealer to Guarantee Payment of Citrus Excise Taxes – CIT/REV/02 REV. 8-1-99.~~

~~(33)(49) Processed Citrus Products Florida Advertising Tax Return – CIT/REV/03R REV. 8-1-06 8-1-99.~~

~~(34)(50) Equalization Advertising Tax Return – CIT/REV/04R REV. 8-1-06 8-1-99.~~

~~(35) Fresh Equalization Advertising Tax Return – CIT/REV/04R FRESH REV. 8-1-06.~~

~~(36)(51) Cash Bond of Citrus Fruit Dealer to Guarantee Payment of Citrus Excise Taxes – CIT/REV/05 REV. 2-1-85 8-1-95.~~

~~(37)(52) Fresh Fruit & Fresh Squeezed Florida Advertising Tax Return (Gift Fruit Shippers or Roadside Stand Operators) – CIT/REV/06R REV. 10-16-06 10-8-99.~~

~~(38)(53) Certificate of Deposit Assignment – CIT/REV/07 REV. 8-1-06 8-1-99.~~

~~(39) Florida Department of Citrus Tax Surety Calculation – CIT/REV/100 REV. 7-19-06.~~

~~(54) Grapefruit Juice for Beverage Base Product Certification – CIT/REV/08R REV. 9-1-98.~~

~~(40)(55) Florida Citrus Solids Strategy Program – CIT/REV/09R EFF. 12-1-99.~~

~~(41) Import Tax Election (Opt-out form) – CIT/REV/10 REV. 7-1-06.~~

~~(42) Request for Periodic Citrus Advertising Tax Payments (Gift Fruit Shippers and Roadside Stand Operators) CIT/REV/11 REV. 8/1/06.~~

~~(43)(56) Value-Added Promotion Program Agreement/Invoice – CIT/MKTG/VAP1 REV. 10-4-04 8-1-95.~~

~~(57) International Value Added Promotions Program Agreement and Invoice – CIT/INT/VAP2 REV. 8-31-99.~~

~~(58) Florida Department of Citrus Participation Agreement International New Market Development Program – CIT/INT/01 REV. 9/09/99.~~

~~(59) Targeted Value Added Promotion Program Agreement – CIT/MKTG/149 REV. 12/3/99.~~

- ~~(60) Targeted Value Added Promotion Program Agreement (Club Store) - CIT/MKTG/149A REV. 12/3/99.~~
- ~~(61) Targeted VAP Sign Up Form - CIT/MKTG/150 EFF. 8/1/99.~~
- ~~(62) Targeted VAP Delegation Form - CIT/MKTG/151 EFF. 8/1/99.~~
- ~~(63) Targeted VAP Agreement Form - CIT/MKTG/152 EFF. 8/1/99.~~
- ~~(64) Targeted VAP Agreement Form (Club Store) - CIT/MKTG/152A EFF. 12/1/99.~~
- ~~(65) Targeted VAP Agreement Form (Media/Demo Promotion) - CIT/MKTG/153 EFF. 10/20/99.~~
- ~~(66) Targeted Value Added Promotion Program Evaluation - CIT/MKTG/154 EFF. 10/20/99.~~
- ~~(67) Oranges Used in Frozen Concentrated Orange Juice Supplementary Weekly Report - CIT/FB 1 EFF. 5/15/2000.~~
- ~~(68) Grapefruit Used in FCGJ Supplementary Weekly Report - CIT/FB 2 EFF. 5/15/2000.~~
- ~~(69) Weekly Pack of Frozen Concentrate - CIT/CI EFF. 5/15/2000.~~
- ~~(70) FCOJ Report of Goods on Hand - CIT/C 1A EFF. 5/15/2000.~~
- ~~(71) Breakdown of FCOJ Bulk Gallons Disappearance - CIT/FC 3 EFF. 5/15/2000.~~
- ~~(72) FCOJ Futures - CIT/FC 3A EFF. 5/15/2000.~~
- ~~(73) Frozen Grapefruit Concentrate Report of Goods on Hand - CIT/C 2 EFF. 5/15/2000.~~
- ~~(74) Frozen Concentrated Tangerine Juice (Bulk Gallons 42EBrix) Weekly Report of Goods on Hand and Movement - CIT/TJ 1 EFF. 5/15/2000.~~
- ~~(75) Weekly Chilled Juice Report - CIT/CJ 1 EFF. 5/15/2000.~~
- ~~(76) Orange Plant Recovery Weekly Report - CIT/PR 1 EFF. 5/15/2000.~~
- ~~(77) Grapefruit Plant Recovery Weekly Report - CIT/PR 2 EFF. 5/15/2000.~~
- ~~(78) Movement of Frozen Concentrates, Canned Products and Chilled Orange Juice - CIT/M 1 EFF. 5/15/2000.~~
- ~~(79) By Products Report - CIT/BP EFF. 5/15/2000.~~
- ~~(80) By Products Report - CIT/BPT EFF. 5/15/2000.~~
- ~~(81) Fuel Used in Feed Mill - CIT/BP 1 EFF. 5/15/2000.~~
- (44) Orange Field Boxes and Frozen Concentrated Orange Juice - INPUT CIT/FB/FCOJ/1 Electronic Form Rev. 6-07.
- (45) Grapefruit Field Boxes, Frozen Concentrated Grapefruit Juice & Frozen Concentrated Tangerine Juice - INPUT CIT/FB/FCGJ & FCTJ/2 Electronic Form Rev. 6-07.
- (46) Single Strength Juices - INPUT CIT/SSJ/3 Electronic Form Rev. 6-07.
- (47) Monthly By-Products Report - INPUT CIT/BP/4 Electronic Form Rev. 6-07.
- (48) Fruit Paid For/Processed - INPUT CIT/FPP/5 Electronic Form Rev. 6-07.

- (49) Semi-Annual Inventory Verification CIT/IV/6 Electronic Form Rev. 6-07.
- (50) Annual Fruit Pricing Verification INPUT AFPV Rev. 6-07.
- (51) Processor Statistics Reporting Manual CIT/PSR/7 Electronic Form Rev. 6-07.
- (52) Dealer Statement and Affidavit CIT/DSA/8 Rev. 6-07.

Specific Authority 601.10(1), (15) FS. Law Implemented 601.10(15) FS. History-New 1-1-75, Amended 8-31-83, 2-26-84, Formerly 20-102.05, Amended 12-20-95, Formerly 20-102.005, Amended and Transferred 12-6-98, Amended 5-28-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth O. Keck, General Counsel  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

**PUBLIC SERVICE COMMISSION**

RULE NO.: 25-30.4325  
 RULE TITLE: Water Treatment and Storage Used and Useful Calculations

PURPOSE AND EFFECT: Docket No. 070183-WS - The purpose of this rule is to provide uniform standards for the calculation of the used and useful calculation for water treatment systems and storage facilities.

SUMMARY: The rule will formalize the Commission's practice in calculating used and useful percentages for water treatment plants and storage facilities in rate proceedings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The SERC concluded that there should be no negative impact on other state and local government entities and no impact on small businesses. It also found that the rule will benefit water utilities and customers.

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.

SPECIFIC AUTHORITY: 350.127(2), 367.121(1)(f) FS.

LAW IMPLEMENTED: 367.081(2), (3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Manuel Arisso, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6028

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.4325 Water Treatment and Storage Used and Useful Calculations.(1) Definitions.

(a) A water treatment system includes all facilities, such as wells and treatment facilities, excluding storage, necessary to produce, treat, and deliver potable water to a transmission and distribution system.

(b) Storage facilities include ground or elevated storage tanks and high service pumps.

(c) Peak demand for a water treatment system includes the utility's maximum hour or day demand, excluding excessive unaccounted for water, plus a growth allowance based on the requirements of Rule 25-30.431, Florida Administrative Code, and, where fire flow is provided, a minimum of either the fire flow required by the local governmental authority or 2 hours at 500 gallons per minute.

(d) Peak demand for storage includes the utility's maximum day demand, excluding excessive unaccounted for water, plus a growth allowance based on the requirements of Rule 25-30.431, Florida Administrative Code, and, where provided, a minimum of either the fire flow required by the local governmental authority or 2 hours at 500 gallons per minute.

(e) Excessive unaccounted for water (EUW) is finished potable water produced in excess of 110 percent of the accounted for usage, including water sold; other water used, such as for flushing or fire fighting; and water lost through line breaks.

(2) The Commission's used and useful evaluation of water treatment system and storage facilities shall include a determination as to the prudence of the investment and consideration of economies of scale.

(3) Separate used and useful calculations shall be made for the water treatment system and storage facilities. However, if the utility believes an alternative calculation is appropriate, such calculation may also be provided, along with supporting documentation.

(4) A water treatment system is considered 100 percent used and useful if:

(a) The system is the minimum size necessary to adequately serve existing customers plus an allowance for growth and fire flow; or

(b) The service territory the system is designed to serve is mature or built out and there is no potential for expansion of the service territory; or

(c) The system is served by a single well.

(5) The used and useful calculation of a water treatment system is made by dividing the peak demand by the firm reliable capacity of the water treatment system.

(6) The firm reliable capacity of a water treatment system is equivalent to the pumping capacity of the wells, excluding the largest well for those systems with more than one well. However, if the pumping capacity is restricted by a limiting

factor such as the treatment capacity or draw down limitations, then the firm reliable capacity is the capacity of the limiting component or restriction of the water treatment system. In a system with multiple wells, if a utility believes there is justification to consider more than one well out of service in determining firm reliable capacity, such circumstance will be considered. The utility must provide support for its position, in addition to the analysis excluding only the largest well.

(a) Firm reliable capacity is expressed in gallons per minute for systems with no storage capacity.

(b) Firm reliable capacity is expressed in gallons per day, based on 12 hours of pumping, for systems with storage capacity.

(7) Peak demand is based on a peak hour for a water treatment system with no storage capacity and a peak day for a water treatment system with storage capacity.

(a) Peak hour demand, expressed in gallons per minute, shall be calculated as follows:

1. The single maximum day (SMD) in the test year unless there is an unusual occurrence on that day, such as a fire or line break, less excessive unaccounted for water, divided by 1440 minutes in a day, times 2 [(SMD-EUW)/1,440] x 2], or

2. The average of the 5 highest days (AFD) within a 30-day period in the test year, excluding any day with an unusual occurrence, less excessive unaccounted for water, divided by 1440 minutes in a day, times 2 [(AFD-EUW)/1,440] x 2], or

3. If the actual maximum day flow data is not available, 1.1 gallons per minute per equivalent residential connection (1.1 x ERC).

(b) Peak day demand, expressed in gallons per day, shall be calculated as follows:

1. The single maximum day in the test year, if there is no unusual occurrence on that day, such as a fire or line break, less excessive unaccounted for water (SMD-EUW), or

2. The average of the 5 highest days within a 30-day period in the test year, excluding any day with an unusual occurrence, less excessive unaccounted for water (AFD-EUW), or

3. If the actual maximum day flow data is not available, 787.5 gallons per day per equivalent residential connection (787.5 x ERC).

(8) The used and useful calculation of storage is made by dividing the peak demand by the usable storage of the storage tank. Usable storage capacity less than or equal to the peak day demand shall be considered 100 percent used and useful. A hydropneumatic tank is not considered usable storage.

(9) Usable storage determination shall be as follows:

(a) An elevated storage tank shall be considered 100 percent usable.

(b) A ground storage tank shall be considered 90 percent usable if the bottom of the tank is below the centerline of the pumping unit.

(c) A ground storage tank constructed with a bottom drain shall be considered 100 percent usable, unless there is a limiting factor, in which case the limiting factor will be taken into consideration.

(10) To determine whether an adjustment to plant and operating expenses for excessive unaccounted for water will be included in the used and useful calculation, the Commission will consider all relevant factors, including whether the reason for excessive unaccounted for water during the test period has been identified, whether a solution to correct the problem has been implemented, or whether a proposed solution is economically feasible.

(11) In its used and useful evaluation, the Commission will consider other relevant factors, such as whether flows have decreased due to conservation or a reduction in the number of customers.

Specific Authority 350.127(2), 367.121(1)(f) FS. Law Implemented 367.081(2), (3) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Troy Rendell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 22, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 25, June 23, 2006

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NOS.:                      RULE TITLES:  
40D-2.091                      Publications Incorporated by Reference

40D-2.331                      Modification of Permits

PURPOSE AND EFFECT: To amend rules to extend permit durations upon modification of a water use permit where the review of the application for modification is equivalent to a renewal application review.

SUMMARY: Under current District rules, permits that are modified during their permit term retain the existing expiration date as the majority of modifications involve only portions of the permitted activity and the entire activity is not reevaluated. However, in some cases, the modification is of such a magnitude that it essentially results in a total reevaluation of the permitted activity. When these types of modifications are limited to the existing permit term, this results in the staff and applicant performing another total reevaluation within only a few years time. In these cases, it is more efficient for both the District and the applicant to handle the modification as a full renewal, thereby extending the permit by a full permit term. A

renewal permit fee will be assessed rather than a modification fee, and such a renewal is predicated upon a request by the applicant.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Part B, "Basis of Review for Water Use Permit Applications" (\_\_\_\_\_) (~~1/07~~) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area populations in the Southern Water Use Caution Area (\_\_\_\_\_), of the Water Use Permitting Manual;

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, \_\_\_\_\_.

40D-2.331 Modification of Permits.

(1) A permittee may seek modification of any of the terms and conditions of an unexpired permit except when the sole purpose is to modify the expiration date. However, upon request and documentation by the permittee, modification applications that are deemed by the District to be substantial, as described in Basis of Review Section 1.12 shall be processed as a renewal application with modification. A request for modification shall be reviewed in accordance with the rules in effect at the time the modification is filed.

(2) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.294 FS. Law Implemented 373.171, 373.239 FS. History—Readopted 10-5-74, Formerly 16J02.14(1), Amended 10-1-89, 2-10-93, 7-29-93, 1-1-07, \_\_\_\_\_.

**BASIS OF REVIEW AMENDMENTS:**

**1.9 PERMIT DURATION**

The District typically issues permits in accordance with the following guidelines:

1. through 3. No change.

4. Permits that are modified prior to renewal will maintain the original expiration date unless the modification is deemed by the District to be substantial as described in the Basis of Review Section 1.12, and if requested by the applicant, shall be processed as a renewal application with modification extended as a result of the modification.

5. through 6. No change.

Revised \_\_\_\_\_

**1.11 RENEWAL OF PERMITS**

1. Applications for permit renewal may be made at any time within 1 year prior to permit expiration, except as provided in Basis of Review Section 1.12. Permittees are encouraged to apply for renewal at least 90 days prior to the expiration date. Permits for which renewal applications have been submitted that are under evaluation by the District shall remain in force past the expiration date until final action is taken by the District.

2. through 3. No change.

Revised \_\_\_\_\_

**1.12 MODIFICATION OF PERMITS**

1. Formal Modification.

a. The terms and conditions of a permit may be modified at any time during the term of a permit. Any proposed change in the terms or conditions of a permit (e.g., a change in a crop or acreage or the quantities needed) requires submittal of an application for modification. Ordinarily, only the modified aspects of the permit will be addressed in the evaluation of the application for modification. Therefore, in most cases the original expiration date will remain on a modified permit. However, if the modification is deemed to be substantial by the District, as described in the paragraph below, the applicant may request that it be addressed as a renewal application with modification. Applicants who wish to change a portion of their current permit may submit an application for modification or the District may require modification of a permit to address a problem with the existing permit.

b. An application to modify a permit shall be deemed by the District to be substantial if the amount of effort, time and materials required to be submitted to complete the application and the amount of effort, time and documentation required of District staff to evaluate the submission are similar to that required for a renewal application for the same permit. Upon

request by the applicant, the District shall process the application for modification as a renewal application with modification notwithstanding that it is submitted prior to one year before the permit expiration date.

2. No change.

(For related rules on this issue, see Chapter 40D-2.331, F.A.C.) Amended 1-1-07, Revised \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Southwest Florida Water Management District Governing Board

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** February 27, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** March 23, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

**RULE NO.:** 59C-1.002  
**RULE TITLE:** Definitions

**PURPOSE AND EFFECT:** The agency is proposing to amend the rule that defines terms used in Chapter 59C-1, F.A.C. due to recent statutory changes.

**SUMMARY:** The proposed rule is amended to reflect statutory changes to terms currently defined in Rule 59C-1.002, F.A.C.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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.

**SPECIFIC AUTHORITY:** 408.034(6), 408.15(8) FS.

**LAW IMPLEMENTED:** 408.033(1)(a), 408.036(1)-(3), 408.037(1), 408.039 (1), (2), 651.118 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:** July 13, 2007, 2:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Calvin J. Vice., Sr., PhD, Certificate of Need, 2727 Mahan Drive, Building 1, Tallahassee, Florida 32308

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



## 59C-1.002 Definitions.

(1) "Acute care bed" means a patient accommodation or space licensed by the agency pursuant to Chapter 395, Part I, F.S., and regulated under Rule 59C-1.038, F.A.C. Acute care beds exclude neonatal intensive care beds, comprehensive medical rehabilitation beds, beds used to provide mental health services as defined under subsection (29) of this section, hospital inpatient psychiatric beds, hospital inpatient substance abuse beds, beds in distinct part skilled nursing units, and beds in long-term care hospitals licensed pursuant to Chapter 395, Part I, F.S.

(2) "Applicant" means any individual, partnership, corporation, or governmental entity which has filed an application for a Certificate of Need or Certificate of Need Exemption with the agency.

(3) "Application" means the forms supplied by the agency to an applicant which are to be completed in order to be eligible to be considered for a Certificate of Need in the case of comparative and expedited Certificate of Need reviews pursuant to Section 408.036(1) or (2), F.S. or a written communication requesting exemption from Certificate of Need review pursuant to Section 408.036(3), F.S. and Rule 59C-1.005, F.A.C.

(4) No change.

(5) "Batching cycle" means the grouping for comparative review of Certificate of Need applications submitted for beds, services or programs having a like Certificate of Need methodology or licensing category in the same planning horizon and the same applicable service planning area, district, service area, or subdistrict.

(6) through (11) No change.

(12) "~~Comprehensive medical rehabilitation inpatient beds~~" means beds designated for the exclusive use for comprehensive medical rehabilitation inpatient services regulated under Rule 59C-1.005 and 59C-1.039, F.A.C.

(13) "Conversion from one type of health care facility to another" means the reclassification of one licensed facility type to another licensed facility type, including reclassification from a ~~general acute care hospital to a long-term care hospital or specialty hospital, or from a long-term care hospital or specialty hospital to a general acute care hospital, or from a general acute care hospital to a long-term care hospital or specialty hospital provided the specialty hospital is not subject to Section 395.003(9), F.S.~~

(14) "Conversion of beds" means the reclassification of licensed beds from one category to another, for facilities licensed under Chapter 395, F.S., including conversion to or from acute care beds, neonatal intensive care beds, beds that provide hospital mental health services inpatient psychiatric beds, comprehensive medical rehabilitation beds, ~~hospital inpatient substance abuse beds,~~ distinct part skilled nursing

facility beds, or beds in a long-term care hospital; and, for facilities licensed under Chapter 400, Part I, F.S., conversion to or from sheltered beds and community beds.

(15) No change.

(16) "Established program" means a program for the provision of a Certificate of Need regulated institutional health service which has a valid Certificate of Need or Certificate of Need Exemption for the program or existed prior to the requirement for a Certificate of Need or Certificate of Need Exemption and has been continuously in operation, and has performed at least one institutional health service.

(17) "Exemption" means the Certificate of Need review process by which a proposal that would otherwise require a batched or expedited review ~~certificate of need review~~ may proceed without such a review certificate of need.

(18) through (21) No change.

(22) "Hospital inpatient psychiatric beds" means beds designated for the exclusive use of hospital inpatient psychiatric services regulated under Rule 59C-1.005 and Rule 59C-1.040, F.A.C.

(23) "Hospital inpatient substance abuse beds" means beds designated for the exclusive use of hospital inpatient substance abuse services regulated under Rule 59C-1.005 and Rule 59C-1.041, F.A.C.

(24) through (27) No change.

(28) "Long-term care hospital" means a hospital licensed under Chapter 395, ~~Part I, F.S.,~~ which meets the requirements of 42 (C.F.R.) Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations (1994), and seeks exclusion from the acute care Medicare prospective payment system for inpatient hospital services.

(29) through (31) No change.

(32) "Nursing home" means a health care facility licensed under Chapter 400, Part II, F.S.

(33) through (35) No change.

(36) "Sheltered nursing home beds" mean nursing home beds configured into a nursing home facility licensed pursuant to Chapter 400, Part II, F.S., which are located within a continuing care retirement community certified under Chapter 651, F.S., for which a certificate of need has been issued as sheltered beds, and which are regulated under Rule 59C-1.037, F.A.C.

(37) "State Agency Action Report" means the single written document prepared by the agency after reviewing a Certificate of Need comparative or expedited application, or applications where more than one Certificate of Need application is accepted by the agency in the same batching cycle, which sets forth the evaluation of the agency with respect to the application or applications.

(38) No change.

(39) "Substantial change in health services" means:

(a) The offering by a health care facility, through conversion of beds or other means, of a new institutional health service or a health service which has not been offered on a continuing basis by or on behalf of the health care facility within the 12-month period prior to the time such service would be offered, excluding obstetrical services; or

~~(b) The designation of acute care beds in a health care facility as beds regulated under Rule 59C 1.036, F.A.C., or the redesignation of such beds back to acute care beds; or~~

~~(b)(e)~~ The conversion of a general acute care or specialty hospital licensed under Chapter 395, ~~Part I~~, F.S., to a long-term care hospital.

(40) "Termination of an inpatient health service" means the cessation of a health service which currently requires a Certificate of Need or Certificate of Need Exemption. It does not include the temporary cessation of a service lasting 6 months or less.

(41) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost effectiveness of such service. Examples of such service include, but are not limited to, pediatric cardiac catheterization, pediatric open heart surgery, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The types of tertiary services to be regulated under the Certificate of Need Program in addition to those listed in Florida Statutes include:

- (a) Heart transplantation;
- (b) Kidney transplantation;
- (c) Liver transplantation;
- (d) Bone marrow transplantation;
- (e) Lung transplantation;
- (f) Pancreas and islet cells transplantation;
- (g) Heart/lung transplantation;
- (h) Adult open heart surgery; and
- (i) Long-term care hospitals, Neonatal and pediatric cardiac and vascular surgery; and
- ~~(j) Pediatric oncology and hematology.~~

~~In order to determine whether services should be added or deleted, the listing shall be reviewed annually by the agency.~~

(42) through (43) No change.

Specific Authority 408.034(6)(5), 408.15(8) FS. Law Implemented 408.033(1)(a), 408.036(1), (2), (3) FS. 408.037(1), 408.039(1), (2), 651.118 FS. History—New 1-1-77, Joint Administrative Procedures Committee Objection Filed See F.A.W. Vol. 3, No. 10 – March 11, 1977, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 7-29-82, 12-23-82, Formerly 10-5.02, Amended 11-17-87, 12-5-90, 1-31-91, 1-1-92, Formerly 10-5.002, Amended 12-14-92, 2-27-94, 6-23-94, 10-18-95, 10-8-97, 12-12-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Calvin J Vice, Sr., PhD, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Health Services and Facilities Consultant Supervisor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE CHAPTER NO.: 60S-9  
 RULE CHAPTER TITLE: Approved Forms

RULE NO.: 60S-9.001  
 RULE TITLE: Approved Forms

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is the adoption of one new Division form, 25 revised Division forms, one deletion of a duplicate form listing in rule, 26 corrections to conform to the titles as listed in rule, three corrections to conform to the descriptions as listed in rule and to update the revision dates of the five State Board of Administration forms adopted by reference.

SUMMARY: The new Division Form is a Bureau of Enrollment and Contributions form:

Form FRS-410 was created for members employed by a law enforcement agency or medical examiner's office in recognized forensic disciplines who meet certain criteria to make application for Special Risk membership in the Florida Retirement System as provided in Section 121.0515(2)(h), F.S. The 25 revised Division Forms are:

Revised Bureau of Enrollment and Contribution form:  
 Form ERQ-1 – This form has been extensively revised. Changes made that are common to each page of the form include the addition of pagination and rule referencing at the bottom left of each page of the form as well as the addition of fields designated for member's name and SSN also at the bottom of the form. On the first page of form, the redundant rule reference at the top left of the form has been deleted and the Division's address was updated in the header and the Division's direct and toll-free telephone numbers were added. The first two paragraphs were consolidated into one with some minor rewording to facilitate reader comprehension and the Division's telephone numbers and email address were added

for ease of member/agency contact. In the fields following; but prior to Question 1, Agency Federal Identification Number field was deleted as such is not necessary. Inverted the order of the first two lines of fields and slightly re-titled the fields requesting Worker's name and SSN to ensure proper form completion. On line three of the fields, added section for user to indicate who is completing the form and added titles to the date fields for proper form completion.

Question 1 – technical correction changed ex. to e.g.

Question 2 through 5, 7 through 16 and 20 through 23 – were put in present tense and minor rewording changes were made to facilitate reader comprehension. Question 2 – segregated existing paragraph (a) into a second paragraph to facilitate reader comprehension and proper form completion and expanded line of questioning to include a fourth paragraph. Question 3 added a parenthetical instructional statement to paragraph (a) to facilitate proper form completion. Question 4 expanded line of questioning from 4 paragraphs to 9. Question 5. deletes paragraph (b) and expounded upon line of questioning to include paragraph (e). Question 7 – Segregated paragraphs (a) as well as (b) into 2 paragraphs each therein expanding the number of paragraphs to 5 for purposes of proper form completion. Question 9 – Deleted paragraph (c). Question 10 – Added paragraph (b). Question 13 – Deleted follow up explanation if response was affirmative. Question 14- Deleted the option box “unknown”. Question 15 - Deleted the option box “unknown” and re-titled remaining option boxes to facilitate proper form completion. Question 17 – Deleted paragraph (b). Question 19 – Added the option box, “own name” and re-titled the remaining option boxes to facilitate proper form completion. The “Remarks” section of the form was deleted. Minor rewording of the “certification statement” was made to facilitate user understanding and a field for signature, email and fax were added.

10 Revised Bureau of Retirement Calculation Forms:

Form FR-11 – Deleted redundant rule reference at top left of each page of document, deleted obsolete SUNCOM telephone number from header of the instructional page and replaced it with the Division's new toll free telephone number. Division's direct and toll-free numbers were added to the header of the form page. Changes specific to the Instructional page follow:

In requirement number 1: Deleted the text “both jobs” from end of last sentence and replaced it with the text “from all positions” to match wording in statute as provided in Section 121.021(39), F.S.

In requirement number 3: Replaced the word next with attached and added the title of the attachment, “What Retirement Option Should You Choose.” to facilitate reader's understanding.

In requirement number 4: As provided in Internal Revenue Code, added the following clarifying statement:

“You may rollover funds from a qualified plan (IRA, deferred compensation, etc.) to pay the amount due. Form PRO-1, Pretax Direct Rollover must be received with the payment. Rollovers cannot be made for upgraded service.”

In requirement number 5: Technical correction made wherein comma and parentheses was removed from second sentence and parentheses was placed around the text, “except for g.”

On the form page of the FR-11, deleted the redundant word “additional” from the second sentence in the paragraph just above member signature line and reformatted Notary Block.

Form MF-1 – Deleted redundant rule reference from the upper-left of form. The Division's direct and toll-free telephone numbers were added to the header of each page. Form changes were made as follows:

1. In the first sentence, deleted the text “back of this form” and replaced it with the text “next page.” This was a technical correction as the back of the form is not utilized for print.

2. Deleted redundant sentence just below Member Name and Member SSN, as it reiterates the sentence referenced in change 1 above. Deleted sentence read:

Prior to completing, please read the back of this form for the requirements for claiming military service under the Florida Retirement System.

3. Inverted order of Signature line and the “Check One” option line and moved and reworded the statement in parentheses between these two lines to just above them. The statement read:

(If member is deceased, beneficiary signature and beneficiary SSN. Sign in the presence of a notary.)

To facilitate reader comprehension, the parentheses were removed and the statement was amended to read:

This section must be signed in the presence of a notary. Beneficiary signature and beneficiary SSN is needed if member is deceased

4. Reformatted the Notary Block.

Instructional page changes:

1. Deleted the references to the Mexican War and World War I due to the length of time that has passed since these events took place.

2. Added a sentence to the paragraph following section 4 of the instructional page, to advise members of the federal website to obtain the form to request military papers.

3. Changed the classification of pagination from an Instructional page to an Informational page.

Form MF-2 – Deleted the text, “of Section 121.1115, F.S.,” from title of form for simplification of form title and for consistency in titling with other Division forms (statutory reference remains in text). The redundant rule reference in the upper left corner of form was deleted. In the first sentence of form, a technical correction was made wherein the parentheses were removed following “1.” and “2.” In statement 1, the last word of the sentence was changed from “system” to “plan” to

facilitate reader comprehension. In sections 1 and 2, inverted the order of the “Signature” line and the “Check One” option line to ensure proper form completion and moved and reworded the statement in parentheses between these two lines to just above them to facilitate reader comprehension. The statement read:

(If member is deceased, beneficiary signature and beneficiary SSN. Sign in the presence of a notary.)

To facilitate reader comprehension, the parentheses were removed and the statement was amended to read:

This section must be signed in the presence of a notary. Beneficiary signature and beneficiary SSN is needed if member is deceased

The Notary Block was reformatted.

Form FRS-11o – Redundant rule reference was deleted from the upper-left of form. The Division’s direct and toll-free telephone numbers were added to the header. In the second sentence of the Option 2 section, replaced “120 monthly payments” following retirement references with “10-year period” to reflect references in Section 121.091(6)(a)2., F.S., and to facilitate reader comprehension. This change resulted in minor rewording of text. To facilitate proper form completion in the Spousal Acknowledgement block, reworded the sentence, “If yes, your spouse must complete the Spousal Acknowledgement.” to read “If yes, your spouse must sign below”. To facilitate reader comprehension in the second sentence of both the Option 3 and 4 explanations, the following text was added in parentheses following joint annuitant, “spouse or financial dependent.” In the paragraph preceding the Member Signature line, deleted the word “additional” following the word “add” as it was redundant.

Form FST-11o – Redundant rule reference was deleted from the upper-left of form. Division’s direct and toll-free telephone numbers were added to the header. Following the first sentence on the form, added the following sentence to facilitate proper form completion:

“Please read the option explanations below before completing your selection.”

In the paragraph preceding the Member Signature line, deleted the word “additional” following the word “add” because it was redundant.

Form DP-ELE – Redundant rule reference was deleted from the upper-left of form. Division’s direct and toll-free telephone numbers were added to the header and the Notary Block was reformatted. In the 2nd paragraph of text (in the section titled Resignation From Employment to Participate in the DROP) deleted the redundant word “additional”. Added the phrase “or elect the Investment Plan,” as is provided in Section 121.4501(2), F.S. Added “/01/” to the DROP begin date day format to ensure proper form completion as provided in Section 121.091(13)(c)3., F.S.

Form DP-11 – Redundant rule reference was deleted from the upper-left of form. Division’s direct and toll-free telephone numbers were added to the header and the Notary Block was reformatted. In the 2nd paragraph of form, added the text “Chapter 121, Florida Statutes” for user clarification and deleted the word “additional” because it was redundant. Added “or elect the Investment Plan,” to the list of restrictions a member cannot do after retiring to participate in the DROP as provided in Section 121.091(13)(c), F.S. In the Beneficiary Designation section of the form, added a second sentence instructing use of the Form FST-12 when designating more than one primary beneficiary to facilitate proper form usage.

Form DT-11 – Redundant rule reference was deleted from the upper-left of pages and the Division’s direct and toll-free telephone numbers were added to the header.

Changes to the Instructional page:

Item # 3 – Reworded 2nd sentence to facilitate reader comprehension.

Item # 4 – As member may use a direct rollover or trustee to trustee transfer of funds to the Florida Retirement System Pension Plan for the purchase of prior service pursuant to the provisions of Section 112.215 (13), F.S., after enabling federal legislation in the “Economic Growth and Tax Reconciliation Act of 2001” became effective January 1, 2002, the following three sentences were added to facilitate reader comprehension.

You may roll over funds from a qualified plan (IRS, deferred compensation, etc.) to pay the amount due. Form PRO-1, Pretax Direct Rollover, must be received with the payment. Rollovers cannot be made for upgraded service.

Item #5 – Technical correction made to the last sentence. Deleted comma after the word “following” and moved the opening parenthesis before the word “except.”

Item #7 – Added clarifying statement, “...; otherwise complete the Beneficiary Designation section of Form DT-11. Changes to the form page:

In the Beneficiary Designation section, deleted the word “additional” following the “add” because it was redundant. Added “or elect the Investment Plan”, to the list of restrictions since this is one of the things a member cannot do after retiring to participate in the DROP as provided in stipulated in Section 121.091(13)(c), F.S. In the Beneficiary Designation section of form, added a second sentence instructing the use of the Form FST-12 when designating more than one primary beneficiary to facilitate proper form usage. Notary Block was reformatted. In the For educational agencies only section changed statutory reference from Section 228.041(9)(a)-(d) to Section 1012.01(2), F.S., as a result of Chapter 2002-387 of Florida Laws and as provided in Section 121.091(13), F.S.

Form DS-11 – Each page of document was paginated along with rule reference in the lower left of form. Redundant rule reference was deleted from the upper-left of pages and the Division’s direct and toll-free telephone numbers were added to the header.

Changes to instruction page:

Item #3 – Changed reference to option explanation location from “back of this page” to “attached page.”

Item #4 – Since a member may use a direct rollover or trustee to trustee transfer of funds to the Florida Retirement System Pension Plan for the purchase of prior service pursuant to the provisions of Section 112.215(13), F.S., after enabling federal legislation in the “Economic Growth and Tax Reconciliation Act of 2001” became effective January 1, 2002, the following three sentences were added for user clarification:

You may roll over funds from a qualified plan (IRS, deferred compensation, etc.) to pay the amount due. Form PRO-1, Pretax Direct Rollover, must be received with the payment. Rollovers cannot be made for upgraded service.

Item #5 – Technical correction made to the last sentence. Deleted comma after the word “following” and moved the opening parenthesis before the word “except.”

Item #7 – changed text to read “...of Form DS-11” instead of “...of this form” for user clarification.

Changes to the form page:

In the Beneficiary Designation section, deleted the word “additional” following the “add” as it was redundant. Added “or elect the Investment Plan,” to the list of restrictions because this is one of the things a member cannot do after retiring to participate in the DROP as provided in stipulated in Section 121.091(13)(c), F.S. In the Beneficiary Designation section of the form, added a second sentence instructing the use of the Form FST-12 when designating more than one primary beneficiary. Notary Block was reformatted.

Form PRO-1 – Removed redundant rule reference from the upper-left of form and deleted Division’s obsolete SUNCOM telephone number from the header and replaced it with the Division’s toll-free number. Added an instructional paragraph (preceding section I) to ensure proper completion of form by the user. In section III, added 401k as an account type per change in Internal Revenue Code making such account type a qualified plan.

The 14 Revised Bureau of Benefit Payment Forms:

Form FR-13 – Deleted telephone numbers in text of page 1 of instructions and added Division’s direct and toll-free telephone numbers to header. Updated email address in page 1 of instructions, removed redundant rule reference in the upper-left of form, added form title to 2nd page of instruction. Deleted text “or your immediate supervisor” from the end of the sentence beginning with “Form FR-13a...” in page 1 of instructions. Notary Block reformatted on page 2 of form.

Form FR-13a – Added Division’s direct and toll-free telephone numbers and updated Division address in header, paginated form and added rule reference in lower left of form in accordance with Section 120.55(1)(a)4., F.S., and removed redundant rule reference from the upper-left corner of form.

Form title added to second page of form. In the lower quadrant of the 2nd page of form, deleted “Employer Signature” and replaced with “Authorized Signature.”

Form FR-13b – Added Division’s direct and toll-free telephone numbers and updated Division address in header, paginated form and added rule reference in lower left of form in accordance with the Section 120.55(1)(a)4., F.S., and removed redundant rule reference from the upper-left corner of form. Form title added to second page of form. Adds the following sentence to the Physician’s Statement section of page 1 “However, office notes CANNOT be submitted in lieu of properly completing page two of this form.”

Form FR-13e – Added Division’s direct and toll-free telephone numbers and updated Division address in header, paginated form and added rule reference in the lower left of form in accordance with the Section 120.55(1)(a)4., F.S., and removed redundant rule reference from the upper-left corner of form. Form title added to second page of form and corrects outdated statute reference in Section A of page 1 from Section 121.091(4)(e)1. to 121.091(4)(h)1. of the Florida Statutes.

Form FR-13f – Added Division’s direct and toll-free telephone numbers and updated Division address in header, paginated form and added rule reference in the lower left of form in accordance with the Section 120.55(1)(a)4., F.S., and removed redundant rule reference from the upper-left corner of form. Form title added to second page of form. Title of section 2, “Physical Impairment,” amended to read “Physical and/or Mental Impairment.”

Form HIS-1 – Added Toll-free telephone number to header and bottom right of form, updated email address, removed redundant rule reference from the upper left of form, replaced the word “section” in the second sentence of the form with the word “box” to clarify proper form completion. In Section A of form, expanded title of section to more accurately describe who should complete the section, expanded text of certifying statement by adding the word “required” to the first sentence and adding the word “former” to the last sentence and differentiated contacts for local and state agencies necessary with the introduction of PeopleFirst . Section B title amended to reflect to more accurately describe who should complete the section as was necessary with the introduction of PeopleFirst. Section C, title amended to reflect to more accurately describe who should complete the section. Section D, title amended to reflect to more accurately describe who should complete the section. On instruction page, deleted title of information page and replaced with form title in header to correspond with form page, added Florida State Community College System Optional Retirement Programs to the list of those not eligible for the Health Insurance Subsidy as provided in Section 112.363 and 121.051(2)(c), F.S., and added the word “completed” to the first sentence of the section titled “Retroactive HIS Payments:” to facilitate reader comprehension.

Form DIS-1 – Added Division’s direct and toll-free telephone numbers to the header, removed redundant rule reference from the upper-left of form, updated statutory reference in text of form from Section 689.21 to Chapter 739, F.S., and reformatted Notary Block. On Instruction page of document, added the text “of the Disclaimer” to the second sentence of the first paragraph for clarification and in the last paragraph in the first sentence made a technical correction and changed “that” Florida to “than” Florida.

Form DP-Term – Added toll-free telephone number to header, paginated form and added rule reference in the lower left of form in accordance with the Section 120.55(1)(a)4., F.S., and removed redundant rule reference from the upper-left corner of form, adds the phrase, “This is to acknowledge that” preceding existing sentence, “I will terminate or have...,” and added the sentence, “This further acknowledges that I have read and understand the above statements.” Notary Block reformatted.

Form DP-PAYT – Added toll-free telephone number to header, paginated form and added rule reference in the lower left of form in accordance with the Section 120.55(1)(a)4., F.S., and removed redundant rule reference from the upper-left corner of form, Notary Block reformatted and the acknowledgement statement, “This is to acknowledge that I have made a selection above and that I have received a copy of Special Notice Regarding Plan Payments” has been added to the Notary Block just above payee signature, and added 401(k) as an account type to be selected in the section of the form completed by the custodian of the eligible retirement plan as provided in Internal Revenue Code.

Form DP-12 – Deleted telephone number from text of form and added direct and toll-free telephone numbers to the header of the form. Deleted the words “of Retirement at,” which preceded the deleted telephone number in text. Removed redundant rule reference from upper-left of form, deleted the third paragraph commencing with “Any benefits due after the month of death...,” as this was never intended to be included on the form. Notary Block was reformatted.

Form DIS-2 – Added toll-free telephone number to header, deleted redundant rule reference from the upper-left of form, updated Florida Statute reference from Section 689.21 to Chapter 739, F.S., reformatted Notary Block. On instruction page of document, added the text “of the Disclaimer” to the second sentence of the first paragraph for clarification and in the last paragraph in the first sentence made a technical correction and changed “that” Florida to “than” Florida.

Form DIS-3 – Added toll-free telephone number to header, deleted redundant rule reference from the upper-left of form, updated Florida Statute reference from Section 689.21 to Chapter 739, F.S., reformatted Notary Block. On Instruction page of document, added the text “of the Disclaimer” to the

second sentence of the first paragraph for clarification and in the last paragraph in the first sentence made a technical correction and changed “that” Florida to “than” Florida.

Form SRA-1 – Added Division’s direct and toll-free telephone numbers and updated Division address in header, paginated form and added rule reference in the lower left of form in accordance with the Section 120.55(1)(a)4., F.S., and removed redundant rule reference from the upper-left corner of form. Adds additional clarification statement to be acknowledged by signer which reads, “I further understand that if the State Retirement Commission or the Court does not approve my disability retirement claim, my decision to receive service retirement cannot be revoked, and my retirement option selected cannot be changed.” Inverted order of applicant name and address and reformatted Notary Block.

Form PR-13 – Deleted telephone numbers in text of page 1 of instructions and added Division’s direct and toll-free telephone numbers to header. Updated email address on page 1 of instructions, removed redundant rule reference in the upper-left of form, added form title to 2nd page of instruction, deleted “or your immediate supervisor” from the end of the sentence beginning with “Form FR-13a,...” on page 1 of instructions. Notary Block reformatted on page 2 of form.

The deleted duplicate form listing in Rule:

Form DP-EXT is correctly listed as a Bureau of Calculations form in paragraph 60S-9.001(2)(v), F.A.C. The erroneous duplicate listing in paragraph 60S-9.001(3)(rr), F.A.C., as a Bureau of Benefit Payments form has been deleted.

The 26 corrections to Form Titles in Rule are:

1 Bureau of Enrollment and Contributions form

Form BLE-1 – corrected rule to include Pension Plan in title of form as is reflected in the title of the form.

1 Bureau of Retirement Calculations form

Form SR-11 – Replaced the acronym SCOERS in title of the form in rule with the full name of the retirement system as is reflected in the title of the form itself.

24 Bureau of Benefit Payment forms

Forms TR-13, TR-13a, TR-13b, TR-13e and TR-13f – Replaced the acronym TRS in title of the form in rule with the full name of the retirement system as is reflected in the title of the form itself.

Forms SR-13, SR-13a SR-13b, SR-13e and SR-13f – Replaced the acronym SCOERS in title of the form in rule with the full name of the retirement system as is reflected in the title of the form itself.

Forms FRS-M-81, AAPS, SRF-2, SRF-3, SVF-1, SVF-2, JA-NUL, FR-30b, DP-Joint, Rollover, SB-13b, FST-11so2, and DP-TEOC all added Pension Plan to title of form in rule to match the title of promulgated form.

Form DROLL – corrected form title in rule to read Florida Retirement System Pension Plan Beneficiary Direct Rollover Election Form to match the title of promulgated form.

The 3 corrections to form descriptions in rule are:

1 Bureau of Enrollment form

Form SMSD-1 – Changed form description in rule to match form. Description listed an information page in error. It should have been listed as a page of instruction.

1 Bureau of Retirement Calculations form

Form FR-28 – Changed form description in rule to coincide with that of form. Description listed an instruction page in error. It should have been listed as an information page.

1 Bureau of Benefit Payments form

Form TR-11c – Changed form description in rule to match that of form. Description listed an instruction page in error. It should have been listed as an information page.

The 5 State Board of Administration forms with updated revision dates are:

- Form OCC-1 – Revised 10/06
- Form OCC-2 – Revised 10/06
- Form SMS-1 – Revised 10/06
- Form SMS-3 – Revised 10/06
- Form EOC-1 – Revised 10/06

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No State of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 121.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.1115, 121.1122, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 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: June 28, 2007, 10:00 a.m. EST

PLACE: Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Conference Room 208, Tallahassee FL 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Richard Clifford at (850)488-5706, or Toll Free 877-1737. If you are hearing or speech impaired, please contact the agency by calling (800)877-1113.

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:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are hereby incorporated by reference into these rules. 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 or by calling (850)488-5706 488-5540. If calling from outside the Tallahassee calling area, you may call the Division toll-free at (877)377-1737.

(1)(a) Bureau of Enrollment and Contributions.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
1. BEN-001 (Rev. 6/04)	Florida Retirement System Pension Plan Beneficiary Designation Form Active Members Only – a one-page form.
2. FRS-400 (Rev. 4/00)	Florida Retirement System Application for Special Risk Membership Law Enforcement/Correctional Officers – a one-page form.
3. FRS-401 (Rev. 7/99)	Florida Retirement System Special Risk Credit for Past Service – a one-page form.
4. FRS-402 (Rev. 10/01)	Florida Retirement System Application for Special Risk Equivalent Credit – a one-page form.
5. FRS-404 (Rev. 11/02)	Florida Retirement System Application for Special Risk Administrative Support Class – a one-page form.
6. FRS-405 (Rev. 10/03)	Florida Retirement System Application for Special Risk Membership Firefighters/Paramedics/EMTs – a one-page form.

7. ERQ-1 (Rev. 8/06) (Rev. 8/99)	<u>Florida Retirement System Pension Plan Employment Relationship Questionnaire for Retirees Within the 2nd – 12th Months – a five-page form.</u> <del>Florida Retirement System Ballot for Member of an Existing Retirement System – a three-page form.</del>	(c) SR-11 (Rev. 5/87)	<u>State and County Officers’ and Employees’ Retirement System SCOERS Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.</u>
8. BLE-1 (8/99)	Florida Retirement System <u>Pension Plan</u> Ballot for Member of an Existing Retirement System – a one-page form.	(d) TR-11 (Rev. 7/99)	Teachers’ Retirement System Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.
9. SMSD-1 (Rev. 8/00)	Florida Retirement System Senior Management Service Class Designated Position Form – a two-page document consisting of one page of <del>instruction information</del> and a one-page form.	(e) FR-28 (Rev. 6/04)	Division of Retirement Pension Plan Application to Purchase Retirement Credit for a Pension Plan Leave of Absence – a two-page document consisting of one page of <del>information instruction</del> and a one-page form.
10. FRS-410 (08/05)	<u>Florida Retirement System Application for Special Risk Class Membership Forensic Discipline – a one-page form.</u>	(f) MF-1 (Rev. 7/06) (Rev. 7/04)	Florida Retirement System Pension Plan Statement of Military Eligibility – a two-page document consisting of one page of <del>information instruction</del> and a one-page form.
(b) State Board of Administration – Enrollment and Election forms.		(g) TR-4 (Rev. 4/99)	Florida Retirement System Verification of Out-Of-State Teaching Service – a two-page document consisting of one page of instruction and a one-page form.
FORM NO./ REVISION DATE	TITLE/DESCRIPTION		
1. OCC-1 (Rev. 10-06) (07/04)	Community College Optional Retirement Program (CCORP) Retirement Plan Choice Form for Eligible Employees.	(h) OSE-1 (Rev. 7/99)	Florida Retirement System Eligibility for In-State or Out-Of-State Service – a one-page form.
2. OCC-2 (Rev. 10-06) (11/04)	Retirement Plan Conversion Form for Community College Optional Retirement Program (CCORP) Members.		Florida Retirement System Certification of Workers’ Compensation – a one-page form.
3. SMS-1 (Rev. 10-06) (Rev. 07/04)	State Senior Management Service Employees Retirement Plan Enrollment Form.	(i) WC-1 (Rev. 7/99)	Florida Retirement System Pension Plan Salary Certification – a two-page document consisting of one page of instruction and a one-page form.
4. SMS-3 (Rev. 10-06) (Rev. 07/04)	Local Senior Management Service Employees Retirement Plan Enrollment Form.	(j) FC-1 (Rev. 7/04)	Florida Retirement System Pension Plan Statement of Military Eligibility to Purchase Military Service Under the Out-of-State Provisions of <del>Section 121.1115, F.S.</del> – <u>a two-page document consisting of one-page of information and a one-page form</u> <del>a one-page form.</del>
5. EOC-1 (Rev. 10-06) (Rev. 07/04)	Elected Officers’ Class Employees Retirement Plan Enrollment Form.	(k) MF-2 (Rev. 7/06) (Rev. 7/04)	Florida Retirement System Pension Plan Notification of Reemployment or Suspension of Retirement Benefits – a one-page form.
(2) Bureau of Retirement Calculations.		(l) FR-23 (Rev. 5/05)	
FORM NO./ REVISION DATE	TITLE/DESCRIPTION		
(a) FR-9 (Rev. 6/04)	Florida Retirement System Pension Plan Information Request – a one-page Form.		
(b) FR-11 (Rev. 7/06) (Rev. 6/04)	Florida Retirement System Pension Plan Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.		



<p>(m) FR-23a (Rev. 5/05)</p>	<p>Florida Retirement System Pension Plan Application to Reactivate Retirement Benefits – a one-page form.</p>	<p>(v) DP-EXT (5/05)</p>	<p>Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel – a one-page form.</p>
<p>(n) FR-30 (Rev. 7/04)</p>	<p>Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit – a three-page document consisting of one page of instruction and a two-page form.</p>	<p>(w) PRO-1 <u>(Rev. 7/06)</u> <del>(12/02)</del></p>	<p>Florida Retirement System Pension Plan (401(a) Plan) Pretax Direct Rollover/Transfer Form – a one-page form.</p>
<p>(o) FR-30a (Rev. 7/04)</p>	<p>Florida Retirement System Pension Plan Out-of-State Employer Request – a one-page form</p>	<p>(x) HIS-IP (7/04)</p>	<p>Florida Retirement System (FRS) Application for Health Insurance Subsidy for Investment Plan Members – a two-page document consisting of one page of instruction and a one-page form.</p>
<p>(p) FRS-11o <u>(Rev. 7/06)</u> <del>(Rev. 7/04)</del></p>	<p>Florida Retirement System Pension Plan Option Selection for FRS Members – a one-page form.</p>	<p>(y) HIS IP-2 (7/04)</p>	<p>Florida Retirement System Health Insurance Subsidy Certification for Investment Plan Members – a one-page form.</p>
<p>(q) FST-11o <u>(Rev. 7/06)</u> <del>(Rev. 7/04)</del></p>	<p>Florida Retirement System Pension Plan Option Selection for TRS and SCOERS Members – a one-page form.</p>	<p>(z) SA-1 (5/00)</p>	<p>Division of Retirement Spousal Acknowledgement – a one-page form.</p>
<p>(r) DP-ELE <u>(Rev. 7/06)</u> <del>(Rev. 7/04)</del></p>	<p>Florida Retirement System Pension Plan Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment – a two-page document with one page of <del>information instruction</del> and a one-page form.</p>	<p>(3) Bureau of Benefit Payments.</p>	
<p>FORM NO./ REVISION DATE</p>			
<p>(s) DP-11 <u>(Rev. 7/06)</u> <del>(Rev. 7/04)</del></p>	<p>Florida Retirement System Pension Plan Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a <del>two three</del>-page form consisting of <del>one page two pages</del> of instruction and a one-page form.</p>	<p>(a) FR-13 <u>(Rev. 7/06)</u> <del>(Rev. 2/04)</del></p>	<p>Florida Retirement System Pension Plan Application for Disability Retirement – a four-page document consisting of two pages of instruction and a two-page form.</p>
<p>(t) DT-11 <u>(Rev. 7/06)</u> <del>(Rev. 9/01)</del></p>	<p>Teachers' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a two-page <del>three page</del> document consisting of <del>one page two pages</del> of <del>instruction information</del> and a one-page form.</p>	<p>(b) FR-13a <u>(Rev. 7/06)</u> <del>(Rev. 7/99)</del></p> <p>(c) FR-13b <u>(Rev. 6/06)</u> <del>(Rev. 7/99)</del></p> <p>(d) TR-13 (Rev. 10/86)</p>	<p>Florida Retirement System Statement of Disability by Employer – a two-page form.</p> <p>Florida Retirement System Physician's Report of Disability a two-page form.</p> <p><u>Teachers' Retirement System of Florida TRS</u> Application for Disability Retirement – a one-page form.</p>
<p>(u) DS-11 <u>(Rev. 7/06)</u> <del>(Rev. 7/99)</del></p>	<p>State and County Officers' and Employees' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a <del>two-page three page</del> document consisting of <del>one page two pages</del> of <del>instruction information</del> and a one-page form.</p>	<p>(e) TR-13a (Rev. 10/86)</p> <p>(f) TR-13b (Rev. 10/86)</p> <p>(g) SR-13 (Rev. 9/71)</p>	<p><u>Teachers' Retirement System of Florida</u> Member's Statement of Disability – a one-page form.</p> <p><u>Teachers' Retirement System of Florida</u> Physician's Report of Disability – a one-page form.</p> <p><u>State and County Officers' and Employees' Retirement System SCOERS</u> Application for Disability Retirement – a one-page form.</p>

(h) SR-13a (Rev. 9/71)	<u>State and County Officers' and Employees' Retirement System</u> <del>SCOERS</del> Member's Statement of Disability – a one-page form.	(w) TR-11c (Rev. 12/02)	Teachers Retirement System Application for Survivor Benefits – a two-page document consisting of one page of <u>information instruction</u> and a one-page form.
(i) SR-13b (Rev. 9/71)	<u>State and County Officers' and Employees' Retirement System</u> <del>SCOERS</del> Physician's Report of Disability – a one-page form.	(x) SRF-2 (Rev. 7/99)	<u>Florida Retirement System Pension Plan</u> Student Report Form – a one-page form.
(j) FR-13e <u>(Rev. 7/06)</u> <del>(Rev. 7/99)</del>	<u>Florida Retirement System FRS</u> Retiree's Report of Continuing Disability – a two-page form.	(y) SRF-3 (Rev. 7/99)	<u>Florida Retirement System Pension Plan</u> Authorization for Release of Information – a one-page form.
(k) FR-13f <u>(Rev. 7/06)</u> <del>(Rev. 7/99)</del>	<u>Florida Retirement System FRS</u> Physician's Report of Reexamination – a two-page form.	(z) SVF-1 (Rev. 7/99)	<u>Florida Retirement System Pension Plan</u> Student Verification of Enrollment by Institution – a one-page form.
(l) TR-13e (Rev. 2/88)	<u>Teachers' Retirement System TRS</u> Retiree's Report of Continuing Disability – a four page form.	(aa) SVF-2 (Rev. 7/99)	<u>Florida Retirement System Pension Plan</u> Affidavit Attesting to Eligibility – a one-page form.
(m) TR-13f (Rev. 7/81)	<u>Teachers' Retirement System TRS</u> Physician's Report of Reexamination – a four-page form.	(bb) DIS-1 <u>(Rev. 4/06)</u> <del>(Rev. 12/02)</del>	<u>Florida Retirement System Pension Plan</u> Disclaimer of Benefits – a two-page document consisting of one page of instruction and a one-page form.
(n) SR-13e (10/86)	<u>State and County Officers' and Employees' Retirement System</u> <del>SCOERS</del> Retiree's Report of Continuing Disability – a four-page form.	(cc) JA-NUL (Rev. 7/99)	<u>Florida Retirement System Pension Plan</u> Joint Annuitant Nullification Form – a one-page form.
(o) SR-13f (Rev. 7/81)	<u>State and County Officers' and Employees' Retirement System</u> <del>SCOERS</del> Physician's Report of Reexamination – a four-page form.	(dd) FR-30b (Rev. 7/99)	<u>Florida Retirement System Pension Plan</u> Verification for In-State or Out-of-State Service Credit – a two-page form.
(p) FRS-M81 (Rev. 7/01)	<u>Florida Retirement System Pension Plan</u> Request for Refund – a one-page form.	(ee) DP-TERM <u>(Rev. 6/06)</u> <del>(Rev. 8/01)</del>	<u>Florida Retirement System Pension Plan</u> Deferred Retirement Option Program (DROP) Termination Notification – a one-page form.
(q) HIS-1 <u>(Rev. 7/05)</u> <del>(Rev. 7/02)</del>	<u>Florida Retirement System Pension Plan</u> Health Insurance Subsidy Certification Form – a two-page document consisting of one page of instruction and a one-page form.	(ff) DP-PAYT <u>(Rev. 3/03)</u> <del>(Rev. 10/01)</del>	<u>Florida Retirement System Pension Plan</u> Deferred Retirement Option Program (DROP) Selected Payout Method – a one-page form.
(r) FST-12 (Rev. 12/02)	<u>Florida Retirement System Pension Plan</u> Beneficiary Designation Form (Retired Members Only) – a one-page form.	(gg) DP-JOINT (Rev. 9/99)	<u>Florida Retirement System Pension Plan</u> Deferred Retirement Option Program (DROP) Joint Annuitant Verification – a one-page form.
(s) JA-1 (Rev. 12/02)	<u>Florida Retirement System Pension Plan</u> Change of Joint Annuitant Form (Retired Members Only) – a one-page form.	(hh) Rollover (Rev. 7/01)	<u>Florida Retirement System Pension Plan</u> Direct Rollover Election Form – a one-page form.
(t) AAPS (Rev. 8/00)	<u>Florida Retirement System Pension Plan</u> Affidavit Attesting to Payee Status <del>Military Eligibility</del> – a one-page form.	(ii) DP-12 <u>(Rev. 2/06)</u> <del>(Rev. 9/02)</del>	<u>Florida Retirement System Pension Plan</u> Beneficiary Designation Form for the Alternate Payee of a DROP Participant – a one-page form.
(u) FST-11b (Rev. 12/02)	<u>Florida Retirement System Pension Plan</u> Application of Beneficiary for Monthly Retirement Benefits – a one-page form.	(jj) SB-13b (Rev. 3/01)	<u>Florida Retirement System Pension Plan</u> <del>SCOERS</del> Physician's Report – a two-page form.
(v) FST-11g (Rev. 12/02)	<u>Florida Retirement System Pension Plan</u> Application of Beneficiary for Benefit Payment – a one-page form.	(kk) FST-11so2 (Rev. 12/02)	<u>Florida Retirement System Pension Plan</u> Application for Survivor Benefits – a one-page form.

- (ll) DP-TEOC (9/01) Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officers' Termination Notification – a one-page form.
- (mm) DROLL (1/02) Florida Retirement System Pension Plan Beneficiary Direct Rollover Election Form – a one-page form.
- (nn) DIS-2 (Rev. 4/06) (~~8/03~~) Florida Retirement System Pension Plan Disclaimer of Benefits – a two-page document consisting of one page of instruction and a one-page form.
- (oo) DIS-3 (Rev. 4/06) (~~8/03~~) Florida Retirement System Pension Plan Disclaimer of Benefits – a two-page document consisting of one page of instruction and a one-page form.
- (pp) DP-VOID (4/03) Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Void Form – a one-page form.
- (qq) SRA-1 (Rev. 12/04) (~~Rev. 7/04~~) (~~rr~~) DP-EXT (5/05) (~~see-60S-9.001(2)(v.)~~) Florida Retirement System Pension Plan Service Retirement Agreement – a one-page form.
- (~~rr~~)(~~ss~~) PR-13 (Rev. 7/06) (~~7/04~~) Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel – a one-page form.
- (~~ss~~)(~~tt~~) PR-11o (7/04) Florida Retirement System Investment Plan Application for Disability Retirement – a four-page form consisting of two pages of instruction and a two-page form.
- (~~ss~~)(~~tt~~) PR-11o (7/04) Florida Retirement System Investment Plan Option Selection for FRS Members – a one-page form.

(4) Administration.

FORM NO./ REVISION DATE	TITLE
(a) SAPS (Rev. 10/02)	Florida Retirement System Statement Attesting to Payee Status – a one-page form.

Specific Authority 121.031 FS. Law Implemented 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 122.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.115, 121.1122, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 FS. History–New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99, 1-24-00, 12-19-00, 2-6-01, 3-18-02, 10-23-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: 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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarabeth Snuggs, Division Director, Department of Management Service, Division of Retirement, 1317 Winewood Blvd., Bldg 8, Tallahassee FL 32399-1560, (850)488-5706

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement – Optional Retirement Program**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60U-1 Optional Retirement Program Participation

RULE NO.: RULE TITLE:  
60U-1.006 Approved Forms

PURPOSE AND EFFECT: This rule amendment deletes two Division forms, adopts two new Division forms and adopts by reference a State Board of Administration form.

SUMMARY:

The two deleted Division Forms:

ORP-1 became obsolete as a result of Chapter 99-252 of the Laws of Florida that expanded SUSORP eligibility to include all administrative and professional positions that are exempt from career service.

ORP-16 is no longer an agency maintained form. Responsibility for this form is now maintained by the State Board of Administration as provided in Section 121.4501, F.S.

The two new Division Forms:

ORP-16a was created to replace the part of the ORP 16 (now a State Board of Administration maintained form as noted above), which allows the SUSORP participants to make changes to the distribution of employer and employee contributions as well as the companies they have selected to receive them distributions. The amendment solicits the information necessary for the Division to direct such contributions as provided in Section 121.35(4)(a), F.S.

ORP-ETF was created as a supplementary statement for distributions, creating a Division record of termination and ensuring participant meets the definition of termination as provided in Section 121.021(39), F.S.

The SBA Form adopted by reference:

ORP-16, the State Board of Administration Enrollment and Election Form for the Florida Retirement System, as described in Section 121.4501, F.S., is adopted by reference within this Rule Chapter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 121.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.1115, 121.1122, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 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: June 28, 2007, 10:00 a.m. EST

PLACE: Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Conference Room 208, Tallahassee, FL 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Richard Clifford at (850)488-5706, or Toll Free 877-1737. If you are hearing or speech impaired, please contact the agency by calling (800)877-1113

THE FULL TEXT OF THE PROPOSED RULE IS:

60U-1.006 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public in administering the State University System Optional Retirement Program, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained through the Board of Governors Regents and State University System Personnel Offices or by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, FL 32315-9000. These forms may also be printed or downloaded from the Division's website (<http://frs.myflorida.com>) or from the cooperative website of the Division and the State Board of Administration ([www.myfrs.com](http://www.myfrs.com)). A copy of these forms may also be obtained by calling the Division at (850)488-5706. If calling from outside the Tallahassee calling area, you may call the Division toll-free at (877) 377-1737. Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560.

(1)(a) Division Forms.

FORM NO./REVISION DATE	TITLE
(1) ORP-1 (Rev. 7/99)	Optional Retirement Program Employer Application for Administrative and Professional Positions
(2) ORP-16 (Rev. 7/00)	State University System Optional Retirement Program (SUSORP)/ (FRS) Ballot
1. ORP-16A (Rev 12/02)	Florida Retirement System State University Optional Retirement Program (SUSORP) Change Form – a one-page form
2. ORP-ETF (11/05)	Florida Retirement System State University System Optional Retirement Program Supplemental Statement for Distributions – a one page form.
<u>(b) State Board of Administration Forms.</u>	
1. ORP-16 (Rev. 10/06)	State University System ORP – Eligible Employees Retirement Plan Enrollment Form – a four-page form.

Specific Authority 121.031 FS. Law Implemented 121.051(1)(a), 121.35 FS. History–New 2-28-84, Amended 9-5-84, Formerly 22U-1.06 Amended 12-5-90, Formerly 22U-1.006, Amended 1-4-93, 10-20-93, 1-10-95, 5-14-95, 9-18-96, 10-14-98, 1-24-00, 12-19-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: 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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarabeth Snuggs, Division Director, Department of Management Service, Division of Retirement, 1317 Winewood Blvd., Bldg 8, Tallahassee, FL 32399-1560, (850)488-5706

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**DEPARTMENT OF MANAGEMENT SERVICES**

**Senior Management Service Optional Annuity Program**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60V-1 Participation

RULE NO.: RULE TITLE:

60V-1.007 Approved Forms

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is the deletion of one Division form, the adoption of one new Division form and the adoption by reference of two State Board of Administration forms.

SUMMARY: The deleted Division Form:

SMS-1 is no longer an agency maintained form. Responsibility for this form is now maintained by the State Board of Administration as provided in Section 121.4501, F.S.

The new Division Form:

OAP-ETF was created as a supplementary statement for distributions, creating a Division record of termination and ensuring participant meets the definition of termination as provided in Section 121.021(39), F.S.

The Two State Board of Administration Forms Adopted by Reference:

SMS-1 was previously a Division maintained form and was deleted as a Division form and herein is incorporated by reference within this Rule Chapter as State Board of Administration Enrollment and Election Forms for the Florida Retirement System as described in Section 121.4501, F.S.

SMS-4 is a Board of Administration Enrollment and Election Forms for the Florida Retirement System as described in Section 121.4501, F.S., for the purposes of implementing Chapter 2005-205 of the Laws of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 121.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.1115, 121.1122, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 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: June 28, 2007, 10:00 a.m. EST

PLACE: Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Conference Room 208, Tallahassee, FL 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Richard Clifford at (850)488-5706, or Toll Free 877-1737. If you are hearing or speech impaired, please contact the agency by calling (800)877-1113.

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:

60V-1.007 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the participants in the Senior Management Service Optional Annuity Program, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by calling the Division at (850)488-5706~~2784~~. If calling from outside the Tallahassee calling area, you may call the Division toll-free at 877/377-1737 or by writing to the Division of Retirement at, P.O. Box 9000, Tallahassee, FL 32315-9000, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560. These forms may also be printed or downloaded from the Division's website (<http://frs.myflorida.com>) or from the cooperative website of the Division and the State Board of Administration ([www.myfrs.com](http://www.myfrs.com)).

(1)(a) Division Forms.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
<del>(1) SMS-1 (Rev. 7/00)</del>	<del>Senior Management Service Employees Retirement Plan Enrollment Form Optional Annuity Program (SMSOAP)/FRS Ballot</del>
1. OAP-ETF (11/05)	Florida Retirement System Senior Management Service Class (SMSC) Supplemental Statement for Distributions – a one-page form

(b) State Board of Administration Forms.

FORM NO./REVISION DATE	TITLE
1. SMS-1 (Rev. 07/06)	State Senior Management Service Employees Retirement Plan Enrollment Form

2. Form SMS-4 (11/05)

Retirement Plan Conversion  
Form for Local Employer  
Senior Management Service  
Class (SMSC) Members

Specific Authority 121.031 FS. Law Implemented 121.055 FS. History--New 1-4-93, Amended 1-10-95, 5-14-95, 9-18-96, 10-14-90, 1-24-00,12-19-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarabeth Snuggs, Division Director, Department of Management Service, Division of Retirement, 1317 Winewood Blvd., Bldg 8, Tallahassee, FL 32399-1560, (850)488-5706

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**DEPARTMENT OF MANAGEMENT SERVICES**

**IFAS Supplemental Benefit Program**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60W-8 Approved Forms

RULE NO.: RULE TITLE:

60W-8.001 Approved Forms

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is the adoption of one new Division form and one revised Division form.

SUMMARY: The new Division Form:

FRS-11o (IFAS) was created to remove the existing retirement option election (FRS-11o (IFAS)) incorporated on the reverse of the IF-11 form and establishes it as a form unto itself. The notary block was reformatted.

The revised Division Form:

The IF-11 was revised by removing the retirement option election from the form, adding the rule reference and pagination to the bottom left of each page. The Division's address was updated, the Division's toll free number was added and the Suncom number was deleted from the header of the instructional page of the document and the amended header was added to the form page. The acronym, I.F.A.S. in the header, was expanded.

On the instructional page of the IF-11 a new paragraph 2., was inserted which references the completion of the FRS-11o (IFAS) as a requirement for retirement and deletes paragraph 4., which referenced the completion of the option selection on the application. Existing paragraphs 2. and 3., were renumbered 3. and 4. Renumbered paragraph 3's second sentence added "legible photocopies of" for clarification and a

new subparagraph f. was added to include "Certificate of Naturalization" as an acceptable form of birth date verification and the existing paragraph f. was renumbered as g. Subparagraph (1) of paragraph g., replaces word "giving" with "showing," and adds in parenthetical the words "limit one" for clarification. Subparagraph (4) of paragraph g., adds "is required" to the first sentence for clarification. Paragraphs 5. and 6 were added for clarification. Paragraph 5. references the completion of the FST-12 form when designating more than one primary beneficiary and paragraph 6. references the application for direct deposit.

On the *Form page* of the IF-11, the document was reformatted to coincide with the format on the FR-11. The statement regarding Electronic Funds Transfer was deleted as this was incorporated on the instructional page of the document. The Notary Block was reformatted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 121.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.1115, 121.1122, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 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: June 28, 2007, 10:00 a.m. EST

PLACE: Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Conference Room 208, Tallahassee, FL 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least five (5) business days before the workshop/hearing/meeting by contacting Richard Clifford at (850)488-5706, or Toll Free 877-1737. If you are hearing or speech impaired, please contact the agency by calling (800)877-1113.

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 hereby incorporated by reference into these rules. 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, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560. 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
IF-11 (Rev. 7/06) (Rev. 5/92)	FRS Application for IFAS Supplemental Retirement – a two-page form consisting of one page of instruction and a one-page form.
FRS-11o (IFAS) (Rev. 7/06)	Florida Retirement System Option Selection for Institute of Food and Agricultural Sciences – a one-page form.

Specific Authority 121.40(14) FS. Law Implemented 121.40 FS. History–New 2-4-86, Formerly 22Q-8.001, Amended 1-4-93, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: 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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarabeth Snuggs, Division Director, Department of Management Service, Division of Retirement, 1317 Winewood Blvd., Bldg 8, Tallahassee, FL 32399-1560, (850)488-5706

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: 61G1-22.003  
 RULE TITLE: Education Requirements for Interior Designers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove the National Association of the Schools of Art and Design (NASAD) as a Board-approved accrediting agency.

SUMMARY: The National Association of the Schools of Art and Design (NASAD) as a Board-approved accrediting agency, will be removed from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 481.203(8), 481.209(2), 481.2055 FS.

LAW IMPLEMENTED: 481.203(8), 481.209(2), 481.2055 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-22.003 Education Requirements for Interior Designers.

In order for schools to have time to implement curricula for Board approval under Section 481.209(2), F.S., the Board hereby sets forth the criteria of an acceptable curricula:

- (1) Evaluation of curriculum and standards of board approved degree programs required in Section 481.209(2), F.S., shall be based upon an overview of programs in interior design within the United States including those accredited by the Foundation for Interior Design Education Research (FIDER) and ~~or the National Association of the Schools of Art and Design (NASAD)~~ an evaluation of such programs, schools, and colleges in light of the definition of interior design found in Section 481.203(8), F.S.

(2) through (5) No change.

Specific Authority 481.203(8), 481.209(2), 481.2055 FS. Law Implemented 481.203(8), 481.209(2), 481.2055 FS. History–New 12-4-90, Amended 7-14-93, Formerly 21B-22.003, Amended 8-9-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Architecture and Interior Design  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Architecture and Interior  
Design  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 16, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 30, 2007

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-505.200	Definitions
62-505.300	General Program Information
62-505.350	Grant Funding
62-505.600	Priority List Information

**PURPOSE AND EFFECT:** The Department has developed amendments to clarify and update grant rules for financially disadvantaged small communities.

**SUMMARY:** The Small Community Wastewater Facilities Grants Program provides financial assistance in the form of grants to municipalities for planning, design, construction, and technical services associated with construction of point source water pollution control projects. Rule development will address minor changes to priority scoring, grant percentage determination and rule clarifications.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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

**SPECIFIC AUTHORITY:** 403.1835, 403.1838, 403.1838(3)(a), (b) FS.

**LAW IMPLEMENTED:** 403.1838 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.**

Pursuant to Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 5 days before the hearing by calling Robert Holmden at (850)245-8394. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert Holmden, Bureau of Water Facilities Funding, MS #3505, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8358; or e-mail robert.holmden@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

**SMALL COMMUNITY WASTEWATER FACILITIES GRANTS PROGRAM**

62-505.200 Definitions.

For the purposes of this rule:

(1) through (14) No change.

(15) "Project costs" means construction costs plus planning, design, special studies, contingency, legal and technical services, land acquisition; and State Revolving Fund loan service fee, allowance, and interest.

(16) through (19) No change.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History--New 11-30-98, Amended 7-22-99, 1-25-07,\_\_\_\_\_.

62-505.300 General Program Information.

(1) through (3) No change.

(a) No change.

1. No change.

2. Additional information shall be requested by the Department when the data provided by the project sponsor are incomplete or unclear. Requests for inclusion remaining incomplete or unclear after the first day of the month preceding the month of the hearing ~~September 1~~ shall result in a minimum priority score for the project.

(b) through (f) No change.

(4) through (5) No change.

(a) through (e) No change.

(f) Site acquisition of sewer rights-of-way, sewage treatment plant sites, and sanitary landfills, ~~and residuals disposal areas.~~

(g) through (i) No change.

(6) through (8) No change.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented ~~403.804~~, 403.1835, 403.1838 FS. History--New 11-30-98, Amended 7-22-99, 1-25-07,\_\_\_\_\_.

62-505.350 Grant Funding.

(1) No change.

(2) If program funding from sources other than grant allocation assessments becomes available, it

(a) shall first be used to pay shortages in the annual grant allocation allotment.



(b) Then it shall be used to pay down grant obligations for costs incurred by project sponsors by disbursing these funds directly into the State Revolving Fund. The maximum annual grant amount limitation shall not apply to these funds. This shall apply to all existing grants and to new grants with SRF loan components ~~the grant portion of projects.~~

(3) Preconstruction grants. Preconstruction grants shall be limited to: (25.00 – Natural Logarithm of construction costs) times the construction costs divided by 1,000 plus 50% of the costs of Department-approved special studies that are needed to determine project planning parameters.

(a) For projects with a SRF loan component, the grant shall be a subsidy to the loan repayments.

(b) For projects without a SRF loan component, up to 50% of the preconstruction grant shall be available for disbursement after a grant agreement is signed. After all planning documentation is accepted by the Department, the remainder of the preconstruction grant shall be available for disbursement. Construction costs shall be limited to a maximum of \$10,000,000 in calculating the preconstruction grant amount. All ~~disbursement requests~~ ~~costs~~ shall be for eligible invoiced expenditures.

(4) Construction grants. The amount of funds available to a project sponsor shall be determined by multiplying the construction grant percentage as determined in subsection (5) below, by the project costs. Funds shall be limited to no more than \$500,000 annually and shall be limited to a maximum ~~grant project cost~~ amount of \$10,000,000.

(a) No change.

(b) For projects without a State Revolving Fund loan component, reimbursement of costs shall be as follows:

Table 1.

Project Category	Base% Factor (BF)	Base Priority Score (BPS)
Eliminate certified and documented public health hazards	1.00	500
DEP-ordered upgrade/rehab of existing treatment plant that is out of compliance with permit (excludes additional capacity)	1.00	500
Eliminate excessive infiltration/inflow	1.00	500
Eliminate failing individual onsite sewerage disposal systems where greater than or equal to 10.0% failed in last three years (excludes failures due to lack of maintenance)	0.75	400
Compliance with laws requiring elimination of discharges to specific water bodies	0.75	400
Upgrade and rehab wastewater facilities	0.50	300
Additional treatment/ <del>disposal</del> necessary to meet new regulatory requirements	0.50	300
Eliminate failing individual onsite sewerage disposal systems where less than 10.0% failed in last three years (excludes failures due to lack of maintenance)	0.50	300
Reclaimed water projects that do not eliminate a discharge that is in violation of permit requirements	0.50	300
Additional capacity for average daily flow greater than 70% of design capacity	0.25	200
Residuals management	0.25	100
Projects not otherwise categorized	0.25	100

(6) No change.

1. When the grant percentage times the total eligible as-bid project costs is less than \$10,000,000, disbursements shall be the grant percentage times the eligible invoiced project expenditures ~~costs~~.

2. When the grant percentage times the total eligible as-bid project costs is greater than \$10,000,000, disbursements shall be \$10,000,000 divided by the total eligible as-bid costs times the eligible invoiced project ~~expenditures~~ ~~costs~~.

3. Reimbursement for planning, special studies and engineering costs shall be based on invoiced ~~expenditures~~ ~~costs~~. Up to seventy percent of these costs shall be available after a construction grant agreement is signed. The remainder of the ~~expended~~ ~~invoiced~~ costs may be requested after all procurement contracts are executed and the allowable amount is adjusted to reflect as-bid costs. Design-build projects shall be limited to 30% of these costs.

4. No change.

(5) Construction grant percentage. The grant percentage shall initially be based on the estimated project costs. The final grant percentage shall be based on as-bid eligible construction costs. Construction grant percentage (CGP) shall be determined using the formula:

CGP = 0.67(200-Affordability Index) times the weighted average of the Base Factors (BF) shown in Table 1, below, as determined by the following formula where CC means "construction costs":

$$BF = \frac{BF_1 \times CC_1 + \dots + BF_n \times CC_n}{\text{Total CC}}$$

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History—New 11-30-98, Amended 1-25-07,\_\_\_\_\_.

62-505.600 Priority List Information.

(1) No change.

(a) A priority list of grant fundable projects shall be developed by the Department after the first day of the month preceding the month of the priority list hearing ~~September 1 for the fiscal year for which the list will be in effect.~~ Construction projects shall be given priority over preconstruction projects for non-reserved funds.

(b) through (f) No change.

(g) When a project sponsor has completed the requirements of subsections ~~Rules~~ 62-505.700(1) and (2) ~~and -750~~, F.A.C., the project shall be eligible to compete for construction grant funding.

(2) Priority score determination. Eligible projects shall be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. The final priority score, calculated to the nearest one hundredth (0.01) ~~one tenth (0.1)~~, for each project shall be the weighted average as defined in paragraph (a), below, of the applicable base priority scores shown in Table 1, multiplied by 1.2 if the pollution control is directly related to an impaired water body on the state's adopted verified list of impaired waters, multiplied by a cost-to-benefit index as defined in paragraph (b), below, and then increased for severe economic hardship as defined in paragraph (c), below, if applicable.

(a) No change.

(b) Cost-to-benefit index. The relative costs of achieving public health and water quality benefits shall be reflected in the priority score. The ratio of the total construction cost for each project to the weighted average base score (benefit) for that project shall be computed. The construction cost data used shall be expressed in units of one thousand dollars (e.g., \$1,000,000 shall become \$1,000 for purposes of determining the cost-to-benefit index). The benefit ratio shall be indexed at not less than 1.0000 nor greater than 1.2000. The cost-to-benefit index (multiplier) for a specific project shall be established to the nearest 0.0001 value as follows:

1.20 – 0.021 x Natural Logarithm of (Construction Project Cost to Benefit Ratio).

(c) No change.

(3) No change.

(a) through (d) No change.

1. No change.

2. For a construction project, documentation required under subsections 62-505.700(1) and (2), ~~Rules 62-505.700 and -750~~ F.A.C., shall be complete by the above date or that project shall not be considered for funding.

(e) No change.

(4) through (5) No change.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838, ~~403.804~~ FS. History—New 11-30-98, Amended 1-25-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Coram, Deputy Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary of Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

**DEPARTMENT OF JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63E-7.001	Purpose and Scope
63E-7.002	Definitions
63E-7.003	Youth Admission
63E-7.004	Youth Intake
63E-7.005	Youth Orientation

PURPOSE AND EFFECT: The rule establishes the requirements for the administration and operation of state operated and contracted residential commitment programs for juvenile offenders, with the exception of serious habitual offender programs, sex offender programs, intensive residential treatment programs, sheriff's training and respect programs, and expedition programs, all of which are specifically addressed elsewhere.

SUMMARY: The rule sections address the process by which youths are assessed and admitted to a residential commitment facility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 985.64, 985.601, 20.316 FS.

LAW IMPLEMENTED: 985.601, 985.03(44), 985.441 FS.

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

DATE AND TIME: Thursday, July 5, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., Ste. 312, General Counsel's Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

## THE FULL TEXT OF THE PROPOSED RULES IS:

63E-7.001 Purpose and Scope.

This rule establishes the requirements for the department's administration and operation of residential commitment programs for juvenile offenders, with the exception of serious habitual offender programs, intensive residential treatment programs, sex offender programs, sheriff's training and respect programs, and expedition programs specifically addressed in Chapters 63E-3, 63E-4, 63E-5, 63E-6, and 63E-8, F.A.C., respectively.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History--New \_\_\_\_\_.

63E-7.002 Definitions.

For the purpose of this chapter of this rule, the following words shall have the meanings indicated.

(1) Admission – The admitting of a youth, committed by the court, into a specific residential commitment facility.

(2) Alert System – A method of alerting staff that a youth has physical health, mental health, or security issues that may require individual attention or closer supervision. An alert system is a tool for staff to use in making treatment, security and safety decisions as they relate to youth behavior, but does not provide detailed information about the conditions that resulted in the youth being identified for inclusion in the alert system.

(3) Apology letter – A youth's letter to the victim of his or her crime, or the next of kin in cases of homicide, or the parent or legal guardian in cases involving minor victims, in which the youth acknowledges personal accountability for the harm he or she caused the victim, as well as sincerely expresses remorse.

(4) Assessment – An evaluation of the youth to determine treatment needs. A residential commitment program's assessment process is a gender-specific, comprehensive assessment of a youth that is based on the systematic review of all existing information and updated information secured through interviews and assessment tools. The assessment process identifies risk factors and protective factors, including the youth's strengths, and culminates in prioritization of the youth's criminogenic needs.

(5) Authority for Evaluation and Treatment (AET) or Authority for Evaluation and Treatment For Youth Over 18 Years of Age – The document that, when signed by a parent or guardian if the youth is 18 years or younger or signed by the youth if he or she is over 18 years of age, gives the department the authority to assume responsibility for the provision of necessary and appropriate physical and mental health care to a youth in the department's physical custody. The Authority for Evaluation and Treatment (HS 002, May 2007) and the Authority for Evaluation and Treatment For Youth Over 18

Years of Age (HS 003, May 2007) are incorporated into this rule and are accessible electronically at [http://www.djj.state.fl.us/forms/health\\_services\\_forms\\_index.html](http://www.djj.state.fl.us/forms/health_services_forms_index.html).

(6) Balanced Approach to Restorative Justice (BARJ) – A blueprint for putting the restorative justice philosophy into practice that involves active participation of victims, the community, and youthful offenders. The BARJ approach focuses on accountability to victims and the community, competency development, and community safety.

(a) Accountability – Refers to a youth taking personal responsibility for his or her actions and harm caused to others, making amends or restoring loss to those harmed, and changing behavior to reduce future harm and victimization.

(b) Competency Development – Refers to opportunities for youth to obtain and practice social, vocational, employability, academic, and other life skills so he or she is more capable of living responsibly and productively in the community upon release from a residential commitment program.

(c) Community Safety – Refers to a physically and emotionally safe environment or condition that exists when a community manages behavior so that its members live in peace and mutual respect, with minimal threat of victimization and harm. A residential commitment program promotes community safety by:

1. Implementing strategies that focus on the short-term external control of youth to reduce immediate or imminent risk of harm; and

2. Developing youths' capacity to manage their behavior to deter future victimization.

(7) Case Management Process – Refers to the process a residential commitment program uses to assess a youth, develop goals to address the youth's criminogenic risks and needs, review and report the youth's progress, and plan for the youth's transition to the community upon release. This process is implemented within the context of BARJ that focuses on accountability, competency development and community safety.

(8) Central Communications Center (CCC) – A 24-hour 7-day per week system to which incidents occurring at department or contract operated facilities or programs are reported.

(9) Classification and Placement Administration – The Department's unit responsible for providing statewide direction and oversight responsibilities to regional placement supervisors and their commitment staff.

(10) Commitment Manager – A department employee responsible for coordinating the placement of youth in residential commitment programs with the department's Classification and Placement Administration and the programs.

(11) Commitment/Transfer Packet – A compilation of legal, medical, mental health, substance abuse, and social history documents provided to a residential commitment program for each youth admitted to the program.

(12) Commitment/Transfer Packet Checklist – A checklist to ensure that documents needed for an admission, including a transfer, to a residential commitment program are included in the Commitment/Transfer Packet. The Commitment/Transfer Packet Checklist (JJ/IS Form 20, September 2006) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(13) Community Service – A structured public service activity wherein youth contribute to the community and make amends, while developing community awareness and skill competencies.

(14) Comprehensive Physical Assessment – A comprehensive physical assessment (exam) performed by a physician (MD), osteopathic physician (DO), physician’s assistant (PA), or advanced registered nurse practitioner (ARNP). The purpose of this assessment is the establishment of a data point which is used to facilitate the following:

(a) Identification and treatment of acute, chronic, and functional medical and dental problems;

(b) Promotion of growth and development;

(c) Prevention of communicable diseases; and

(d) Provision of health education.

(15) Conflict Resolution – A dialogue process wherein all parties involved in a conflict feel safe and have a chance to be heard while working out differences and reaching a reasonable and fair agreement.

(16) Continuity of Operations Plan (COOP) – For purposes of this rule, a plan that provides for the continuity of mission-essential functions of a residential commitment program in the event an emergency prevents occupancy of its primary physical plant or facility.

(17) Contracted Provider – An entity contractually providing juvenile services to the department.

(18) Controlled Observation – An immediate, short-term strategy, not intended as punishment or discipline, wherein a youth in a residential commitment program is placed in a safe and secure room in response to a sudden or unforeseen onset of behavior that substantially threatens the physical safety of others, creating a volatile situation that requires staff to quickly regain control to avert serious injuries, security breaches, or major property destruction.

(a) The Controlled Observation Report (RS 001, September 2006), that documents the approval, use and administrative review of each use of controlled observation, is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(b) The Controlled Observation Safety Checks form (RS 002, September 2006), that documents monitoring of youth and their behavior while placed in controlled observation, is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(19) Criminogenic – Refers to the factors or characteristics found in empirical research studies to be predictors of delinquency and recidivism.

(20) Designated Health Authority – The individual who is responsible for the provision of necessary and appropriate health care to youth in a residential commitment program. Individual Designated Health Authorities must be a physician (MD) or osteopathic physician (DO) who holds a clear and active license pursuant to Chapter 458 or Chapter 459, F.S., respectively, and meets all requirements to practice independently in the State of Florida.

(21) Designated Mental Health Authority – A licensed mental health professional who is a psychiatrist licensed pursuant to Chapter 458 or 459, F.S., psychologist licensed pursuant to Chapter 490, F.S., mental health counselor, clinical social worker, or marriage and family therapist licensed pursuant to Chapter 491, F.S., or psychiatric nurse as defined in Section 394.455(23), F.S., who, through employment or contract, is designated as accountable to the facility superintendent for ensuring appropriate coordination and implementation of mental health and substance abuse services in a departmental facility or program.

(22) Direct-Care Staff – An employee whose primary job responsibility is to provide care, custody, and control of youth committed to a residential commitment program. This definition includes those who directly supervise staff responsible for the daily care, custody, and control of youth.

(23) Disaster Plan – A plan that addresses a residential commitment program’s response to potential disaster or emergency situations.

(24) Discharge – The release of a youth from a residential commitment program who is no longer under the jurisdiction of the court.

(25) DJJ ID Number – A number generated by the Juvenile Justice Information System (JJIS) that is used to identify each youth entered into JJIS.

(26) Evidence-based Treatment and Practices – Treatment and practices, which have been independently evaluated and found to reduce the likelihood of recidivism or at least two criminogenic needs, with a juvenile offending population. The evaluation must have used sound methodology, including, but not limited to, random assignment, use of control groups, valid and reliable measures, low attrition, and appropriate analysis. Such studies shall provide evidence of statistically significant positive effects of adequate size and duration. In addition, there must be evidence that replication by different implementation teams at different sites is possible with similar positive outcomes.

(27) Exit Conference – A conference that a residential commitment program conducts at least 14 days prior to a youth's targeted release date, wherein the youth, residential program staff, the youth's Juvenile Probation Officer and/or post-residential services counselor, the youth's parent or guardian, and other pertinent parties, review the status of the youth's transitional activities and finalize plans for the youth's release and re-entry into the community.

(28) Expedition Program – A wilderness based residential program for committed youth wherein the primary program component is a mobile environmental experience such as a canoe or hiking expedition.

(29) Face Sheet – Youth specific demographic information that is generated by the department's Juvenile Justice Information System (JJIS).

(30) Facility Entry Physical Health Screening – A standardized initial health screening, conducted at the time of a youth's admission or re-admission to each residential commitment program. The purpose of this screening is to ensure that the youth has no immediate health conditions or medical needs that require emergency services. The Facility Entry Physical Health Screening form (HS 010, May 2007), used to conduct and document the screening, is incorporated into this rule and is available electronically at [http://www.djj.state.fl.us/forms/health\\_services\\_forms\\_index.html](http://www.djj.state.fl.us/forms/health_services_forms_index.html).

(31) Facility Entry Screening – The gathering of preliminary information used in determining a youth's need for emergency services, further evaluation, assessment, or referral.

(32) Grievance Procedure – A procedure for addressing youth grievances in residential commitment programs.

(33) High-risk Restrictiveness Level – One of five statutorily authorized restrictiveness levels, defined in Section 985.03(44), F.S., to which courts commit youth to the department.

(34) Home Visit – A court-approved, temporary release of a youth from a residential commitment program wherein the youth is under the care, supervision and control of a parent or guardian for a period not to exceed three days before returning to the program.

(a) The Home Visit Plan/Notification form (RS 003, September 2006), that notifies the committing court, the parent or guardian, the Juvenile Probation Officer, and other pertinent parties of a planned home visit and goals for the youth to accomplish during the visit, is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(b) The Home Visit Plan Approval form (RS 004, September 2006), that the program sends to the committing court with the Home Visit Plan/Notification form to secure the court's approval for the home visit, is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(35) Individual Healthcare Record – The unified cumulative collection of records, histories, assessments, treatments, diagnostic tests and other documents which relate to a youth's medical, mental/behavioral, and dental health, and which have been obtained to facilitate care while the youth is in the custody of a detention center or residential commitment program or which document care provided while the youth is in the custody of these facilities.

(36) Individual Management Record – The organized collection of records and documents that relate to a youth's care, custody and treatment in a residential commitment program, with the exception of records relating to the youth's medical, mental/behavioral, and dental health that comprise the youth's individual healthcare record as defined in this rule.

(37) Institutional Review Board (IRB) Process – The department's IRB reviews research proposals that seek access to departmental records or youth in the department's care, custody, or under the department's supervision. The board reviews all aspects of a research proposal and evaluates potential risks and benefits to participating juveniles and the department, as well as the researcher's plan to diminish risks. The IRB makes recommendations to the department's administration who decides whether or not the proposal is approved.

(38) Involuntary Civil Commitment of Sexually Violent Predators: Refers to Sections 394.910-394.932, F.S., that sets forth the process that determines if individuals whose offense(s) has been of a sexual nature meet the statutory criteria for civil commitment to the Department of Children and Family Services.

(39) Jimmy Ryce Act For Violent Sexual Offenders/Residential Program Notification Checklist – A checklist that a residential commitment program sends, along with supporting documents, to the youth's Juvenile Probation Officer to be reviewed by the Department of Children and Families to determine eligibility for civil commitment as a sexually violent predator pursuant to Chapter 394, F.S. The Jimmy Ryce Act For Violent Sexual Offenders/Residential Program Notification Checklist form (DJJ/BCS Form 23, February 2005) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(40) Juvenile Justice Information System (JJIS) – The department's electronic information system used to gather and store information on youth having contact with the department.

(41) Juvenile Probation Officer (JPO) – Serves as the primary case manager for the purpose of managing, coordinating and monitoring the services provided and sanctions required for youth on probation, post-commitment probation or conditional release supervision. In this chapter, whenever a reference is made to the tasks and duties of a JPO, it shall also apply to case management staff of a provider agency contracted to perform these duties and tasks.

(42) Length of Stay – Refers to the length of time a youth resides in a residential commitment program or to the designed length of stay for a particular residential commitment program, reflecting the anticipated time it will take most youth placed in the program to successfully complete it.

(43) Licensed Mental Health Professional – A psychiatrist licensed pursuant to Chapter 458 or Chapter 459, F.S., who is board certified in Child and Adolescent Psychiatry or Psychiatry by the American Board of Psychiatry and Neurology or who has completed a training program in Psychiatry approved by the American Board of Psychiatry and Neurology for entrance into its certifying examination, a psychologist licensed pursuant to Chapter 490, F.S., a mental health counselor, marriage and family therapist, or clinical social worker licensed pursuant to Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455, F.S.

(44) Low-risk Restrictiveness Level – One of five statutorily authorized restrictiveness levels, defined in Section 985.03(44), F.S., to which courts commit youth to the department.

(45) Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) – The mental health and substance abuse screening instrument designed to identify signs of mental/emotional disturbance or distress and authorized by the department for use at intake into the juvenile justice system and upon admission to a residential commitment program.

(46) Maximum-risk Restrictiveness Level – One of five statutorily authorized restrictiveness levels, defined in Section 985.03(44), F.S., to which courts commit youth to the department.

(47) Moderate-risk Restrictiveness Level – One of five statutorily authorized restrictiveness levels, defined in Section 985.03(44), F.S., to which courts commit youth to the department.

(48) Nationally Validated Criminogenic Assessment Tool – An assessment tool that has been demonstrated in national, empirical peer-reviewed research literature to have strong predictive and context validity relative to delinquency and recidivism and that has been validated and normed on the population to whom the instrument is administered.

(49) Notification of Escape – A form used by a residential commitment program to notify law enforcement and the department when a youth escapes or absconds and is away from the facility premises without permission. It provides youth-specific information that might be helpful in locating the youth. The Notification of Escape form (RS 005, September 2006) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(50) Notification of Transfer Staffing – A form letter that a residential commitment program uses to notify a youth's parent or guardian that a transfer staffing or conference has been scheduled to address the youth's potential transfer to another

program. The Notification of Transfer Staffing form (RS 006, September 2006) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(51) Official Youth Case Record – A case record, comprised of the individual management record and the individual healthcare record, that a residential commitment program maintains on each youth.

(52) Off-campus Activity – Any activity that involves youth leaving the residential commitment program's premises.

(53) Orientation – The process that begins within 24 hours of the youth's admission whereby facility staff inform the youth of the rules, expectations, services, and goals of the residential program.

(54) Performance Plan – A youth's individualized plan that addresses his or her criminogenic risks and needs through measurable goals that the youth is expected to achieve prior to release from a residential commitment program.

(55) Performance Summary – A written document used to inform the youth, committing court, the youth's JPO, parent or guardian, and other pertinent parties of the youth's performance in the program, including status of and progress toward performance plan goals, academic status, behavior and adjustment to the program, significant incidents (positive and negative), and justification for a request for release, discharge or transfer, if applicable. The Performance Summary form (RS 007, September 2006) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(56) Physically Secure – The use of hardware security devices, such as security fences and locks, to ensure that all facility entrances and exits of a residential commitment program are under the exclusive control of program staff, preventing youth from leaving the program without permission.

(57) Positive Achievement Change Tool (PACT) – A JJIS web-based assessment tool that is scored automatically to determine the risk to reoffend. The PACT, incorporated into Chapter 63D-5, F.A.C., uses a series of risk factors such as substance abuse, mental illness or family history that have proven to be related to future offending. As progress is made in the problem areas specific to each child, the PACT is used to calculate and document how the risk level has increased or decreased over time.

(58) Post-residential Services Counselor – The person supervising the youth's post-commitment probation or conditional release after the youth's release or discharge from a residential commitment program.

(59) Predisposition Report (PDR) – Pursuant to Rule 63D-1.002, F.A.C., a multidisciplinary assessment reporting the youth's needs, recommendations as to a classification of risk for the youth in the context of his or her program and supervision needs, and a plan for treatment that recommends

the most appropriate placement setting to meet the youth's needs with the minimum program security that reasonably ensures public safety.

(60) Pre-Release Notification and Acknowledgement – A three-part form initiated by a residential commitment program to give prior notification to the JPO of a youth's planned release, then allows for the JPO to add additional information pertinent to the release, and finally allows for the court's approval of the release. The Pre-Release Notification and Acknowledgement form (RS 008, September 2006) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(61) Program Director – The on-site administrator of a residential commitment program, whether state or privately operated, who is accountable for the on-site operation of the program.

(62) Protective Action Response (PAR) – As defined in Rule 63H-1.002, F.A.C.

(63) Protective Action Response (PAR) Certification – As defined in Rule 63H-1.002, F.A.C.

(64) Release – Refers to when a youth re-enters his or her home community after successfully completing and exiting a residential commitment program.

(65) Request for Notification When Youth Is Ready for Release – This form is completed by a residential commitment program and provided to law enforcement when a youth is removed from the program for incarceration in a county jail. The Request for Notification When Youth is Ready for Release form (RS 009, September 2006) is incorporated into this rule and is available electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(66) Request for Transfer – A form initiated by a residential commitment program to request and justify a transfer of a youth to another program and that allows for approval of the request by a transfer administrator designated by the department. The Request for Transfer form (RS 010, September 2006) is incorporated into this rule and is available electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(67) Residential Commitment Program – A low-risk, moderate-risk, high-risk, or maximum-risk residential delinquency program for committed youth. Although serious habitual offender programs, intensive residential treatment programs, sex offender programs, sheriff's training and respect programs, and expedition programs are considered residential commitment programs, for purposes of this chapter of this rule, they are excluded.

(68) Residential Community – The community within a residential commitment program comprised of its youth, staff, and other service providers.

(69) Responsivity – Refers to a youth's amenability to treatment and the capacity to respond to programming due to his or her characteristics, such as gender, mental health status, physical health status, cognitive performance, age, and prior victimization.

(70) Restitution – The court-ordered requirement that an adjudicated youth financially compensate his or her crime victim in cash or through performance of a beneficial service.

(71) Restrictiveness Level – As defined in Section 985.03, F.S.

(72) Sexually Violent Predator (SVP) – As defined in Section 394.912, F.S. For purposes of this chapter of this rule, SVP eligible refers to a youth being subject to the requirements of Sections 394.910-394.932, F.S.

(73) Staff Secure – The provision of 24-hour awake supervision in a residential commitment program, with staffing levels sufficient to preclude the need for physical security features, such as security fences and locks.

(74) Temporary Release – As defined in Section 985.03, F.S.

(75) Transfer – For purposes of this rule, the movement of a youth from one residential commitment program to another, at the same, lower or higher restrictiveness level.

(76) Transition Conference – A conference, conducted at least 60 days prior to a youth's anticipated release from a residential commitment program, wherein the youth, residential program staff, the youth's JPO and/or post-residential services counselor, and the youth's parent or guardian establish transition activities, with accompanying responsibilities and timelines, to facilitate the youth's successful release and reintegration into the community.

(77) Transition Planning – The process of establishing transition activities to facilitate a youth's successful release from a residential commitment program and reintegration into the community.

(78) Treatment Team – A multidisciplinary team, comprised of representatives from the program's administrative, educational, vocational, residential, medical, mental health, substance abuse, and counseling components, which assesses each youth to identify needs and risk factors, develops rehabilitative treatment goals, ensures service delivery, and assesses and reports the youth's progress. The youth is a member of the treatment team.

(79) Victim – A person who suffers physical, financial or emotional harm as a result of a crime and who is identified on a law enforcement victim notification card, a police report, or other official court record as a victim.

(80) Victim Notification of Release – A letter that a residential commitment program sends to the victim, or the next of kin in cases of homicide, or the parent or legal guardian in cases involving minor victims, prior to any discharge or release, including a temporary release, of a youth whose committing offense meets the criteria for victim notification

pursuant to Chapter 960, F.S. The Victim Notification of Release form (RS 011, September 2006) is incorporated into this rule and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(81) Victim Speaker – A victim of a crime who speaks to others about a personal experience as a crime victim and its impact on his or her life.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History–New \_\_\_\_\_.

#### 63E-7.003 Youth Admission.

(1) Based on coordination of admissions initiated by the regional commitment manager or commitment manager supervisor, a residential commitment program shall accept new admissions Monday through Friday between 8 A.M. and 5 P.M. unless otherwise specified in its contract with the department.

(2) A residential commitment program shall inspect the commitment or transfer packet prior to a youth's admission and, if any core documents are not included in the packet, shall contact the JPO or JPO supervisor to request the missing documents be faxed or electronically transmitted to the program. The core documents are as follows:

- (a) DJJ face sheet;
- (b) Current commitment order;
- (c) Predisposition report;
- (d) Commitment conference summary; and

(e) Individual healthcare record, if it exists from a prior commitment or placement in detention. The following documents shall be included in the individual healthcare record, or in the commitment or transfer packet if the individual healthcare record has not been created:

1. The current original Authority for Evaluation and Treatment or a current legible copy;
2. Comprehensive physical assessment;
3. Immunization records; and
4. Tuberculosis skin test (Mantoux) results, unless contraindicated.

(3) If the JPO or JPO supervisor does not provide any missing core documents upon request, a residential commitment program may elect to not admit a youth, thereby rejecting the youth. However, within two hours of a decision to reject a youth, the program shall notify the Regional Director for Residential and Correctional Facilities and the Regional Director for Probation and Community Corrections of this action.

(4) A residential commitment program shall communicate internally on admissions as follows:

(a) Program staff responsible for admission are notified when a new admission is scheduled to arrive and the youth's name, date and time of anticipated arrival, mode of transportation, medical and mental health needs, and any safety or security risks are documented in the logbook.

(b) Regardless of the youth's condition upon admission, the designated health authority, or his or her designee who is licensed to practice in Florida as a physician (MD) or osteopathic physician (DO), Advanced Registered Nurse Practitioner (ARNP) or Physician's Assistant (PA), is notified of an admission with any of the following medical conditions documented in the commitment packet: asthma; allergies with anaphylaxis; adrenal insufficiency; cancer or history of cancer; cardiac arrhythmias, disorders or murmurs; congenital heart disease; cystic fibrosis; developmental disability; diabetes; history of EpiPen use; eating disorders; head injuries that occurred within the two weeks prior to admission; hearing, speech or visual deficits; hemophilia; hepatitis; human immunodeficiency virus (HIV) or AIDS, hypo or hyperthyroidism, hypertension; kidney failure (with or without dialysis); neuromuscular conditions; pregnancy or having given birth within the two weeks prior to admission; seizure disorders; sickle cell anemia; spina bifida; systemic lupus erythematosus; and active tuberculosis.

(c) Information included in the commitment or transfer packet is distributed to program staff as their job functions dictate.

(5) Within 24 hours of admission, a residential commitment program shall refer to the department's circuit legal counsel any commitment order appearing to be in conflict with Chapter 985, F.S., or otherwise questionable. The program shall maintain documentation of the referral.

(6) When a youth is admitted to a residential commitment program, the program shall make notifications as follows:

(a) Within 24 hours of any admission or on the first regular workday of the following week when the youth is admitted on a holiday, a weekend or a Friday afternoon, the program shall update the JJIS Bed Management System or, if a program does not have access to JJIS, shall notify the regional commitment manager.

(b) The program shall notify the youth's parents or guardians by telephone within 24 hours of the youth's admission, and the program shall send written notification within 48 hours of admission.

(c) The program shall notify the committing court in writing within five working days of any admission.

(d) Copies of the letter sent to the committing court will suffice as official notification to the youth's JPO and, if known at the time of admission, the youth's post-residential services counselor.

(7) Although it is the intent that deoxyribonucleic acid (DNA) samples be collected prior to a youth's admission to a residential commitment program, if a youth who meets the



DNA testing criteria per Chapter 943, F.S., is admitted to the facility without DNA testing, the program shall contact Florida Department of Law Enforcement (FDLE) to verify whether or not a DNA sample is on file for the youth. If not, the program shall collect DNA samples, using the test kit and accompanying instructions provided by FDLE, submit them to FDLE no later than 45 days prior to a youth's release, and document these actions in the youth's individual management record.

(8) If the residential commitment program suspects that a youth admitted without documentation of being screened as a sexually violent predator qualifies under Chapter 394, F.S., the program shall notify the youth's JPO within three days of the youth's admission. If the JPO does not respond within five working days, the program shall notify the JPO's supervisor. If not resolved within 10 days of the program's original request, the program shall notify the department's residential monitor assigned to the program.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New \_\_\_\_\_.

#### 63E-7.004 Youth Intake.

(1) Youth intake will commence upon arrival of a youth to a residential commitment program. The following activities shall occur during intake:

##### (a) Strip search.

1. The program shall conduct the strip search in a private room with two staff members present, both of the same sex as the youth being searched. As an alternative when two staff of the same sex are not available, the search may be conducted by one staff of the same sex, while a staff of the opposite sex is positioned to observe the staff person conducting the search, but cannot view the youth.

2. Staff conducting the strip search shall visually inspect the youth, without touching the unclothed youth.

(b) Documentation of visible body markings, i.e. scars, bruises, tattoos, or other physical injuries.

(2) A residential commitment program shall complete the following entry screenings immediately upon a youth's admission. These screenings are used to identify any emergency medical, mental health, or substance abuse conditions of a nature that render admission unsafe or warrant immediate attention. These screenings are also used to identify any need for further evaluation.

(a) Using the Facility Entry Physical Health Screening form, a health care or non-health care staff shall conduct the health entry screening. However, if the entry screening is conducted by someone other than a licensed nurse as defined in Section 464.003, F.S., a licensed nurse shall review the entry screening within 24 hours of the youth's admission.

(b) To screen for mental health and substance abuse, the program shall ensure administration of either the Massachusetts Youth Screening Instrument, Second Version (MAYSI-2) or a clinical mental health screening and a clinical substance abuse screening. A direct care staff may administer the MAYSI-2 on JJIS if he or she is trained in its administration. However, a clinical mental health screening shall only be conducted by a licensed mental health professional, and a clinical substance abuse screening shall only be conducted by a qualified professional as defined by Section 397.311, F.S., and in accordance with Rule 65D-30.003, F.A.C. Clinical screenings require the use of valid and reliable screening instruments.

(3) Unless a youth is being admitted into a residential commitment program directly from secure detention, a correctional facility, or another program, a shower, including shampooing hair, is required.

(a) The program may routinely use an ectoparasiticide or an ovicide for all new admissions if the program's designated health authority deems it appropriate, if it is used in accordance with current standards of clinical practice, and if it is not contraindicated. In the absence of such a routine protocol approved by the designated health authority, an ectoparasiticide and an ovicide shall not be routinely used, and shall be used only if an infestation with lice or scabies is present and use is ordered by the designated health authority, is in accordance with current guidelines, and is not contraindicated.

(b) Two staff of the same gender as the youth shall supervise the newly admitted youth during this shower.

(4) The program shall issue clothing to each youth that is appropriate for size and climate and consistent with the program's dress code.

(5) A residential commitment program shall inventory each youth's personal property upon admission and document the inventory by listing every item. Program staff shall immediately secure in a locked area all money, jewelry and other items of value. After all personal possessions have been inventoried and documented, the staff conducting the inventory, the youth, and a witness shall sign and date the documentation to attest to its accuracy. The program shall:

(a) Maintain a copy of documentation of the personal property inventory.

(b) Ask the youth if he or she wants a copy of the personal property inventory documentation and, if so, provide it.

(c) Provide a copy of the inventory documentation to the youth's parents or guardians, if requested.

(d) Send inventoried property to the youth's home or store such property until the youth's release from the program.

(6) The program shall confiscate all contraband, such as weapons and narcotics, excluding narcotics that are verified as having been prescribed for a medical condition, for disposal or storage, and shall submit all illegal contraband to the law enforcement agency having local jurisdiction.

(7) Only medications from a licensed pharmacy, with a current patient-specific label intact on the original medication container, may be accepted into a residential commitment program.

(a) If there is doubt about the authenticity of a prescription medication brought with the youth to the facility, the program shall verify the medication by calling the pharmacy that dispensed the medication and calling the outside provider who prescribed the medication.

(b) Prior to medication administration, the program shall ensure that:

1. The youth reports that he or she is taking an oral prescribed medication;

2. Either the youth or the parent or guardian of the youth has brought the valid, patient-specific medication container to the facility;

3. The medication is properly labeled with the name of the youth; name and address of the pharmacy; date of dispensing; name of prescribing health care professional; directions for use; expiration date; and any warning statements;

4. There are no doubts about the substance in the medication container; and

5. The licensed nurse has called to obtain an order from the program's designated health authority or physician designee, physician assistant, or advanced registered nurse practitioner to resume the specified medications, and has documented the order in the youth's individual health care record. The program's designated health authority shall develop a medication verification and administration protocol that the program shall follow when a licensed nurse is not on duty.

(c) Prescription verification shall be documented in the youth's individual health care record.

(8) Based on a review of all documentation and interactions with a newly admitted youth, a residential commitment program shall classify the youth for purposes of assigning to a room or living area. Factors to consider when classifying the youth shall include, but are not limited to, gender, age and maturity, size, physical or mental health problems, history of violence or sexual aggression, security risks, gang affiliations and skill levels.

(9) When mental health, substance abuse, physical health, security risk factors, or special needs related to a newly admitted youth are identified during or subsequent to the classification process, a residential commitment program shall immediately enter this information into its internal alert system and the JJIS alert system.

(10) A residential commitment program shall establish and maintain critical identifying information and a current photograph that are easily accessible to verify a youth's identity as needed during his or her stay in the program.

(a) The program shall maintain the photograph in the youth's individual management record and the individual healthcare record. In the event of an escape, the program shall provide a photograph to law enforcement or other criminal justice agencies to assist in apprehending the youth.

(b) The program shall maintain the following critical identifying information for each youth in an administrative hard-copy file that is easily accessible and mobile in the event of an emergency situation that results in the program relocating quickly or in the event needed information cannot be accessed electronically.

1. Youth's full name and DJJ ID number;

2. Admission date;

3. Date of birth, gender, and race;

4. Name, address, and phone number of parent(s) or legal guardian;

5. Name, address, and phone number of the person with whom the youth resides and his or her relationship to the youth;

6. Person(s) to notify in case of an emergency (and contact information);

7. JPO's name, circuit/unit, and contact information;

8. Names of committing judge, state attorney, and public defender (or attorney of record) with contact information on each;

9. Committing offense and judicial circuit where offense occurred;

10. Notation of whether or not the judge retains jurisdiction;

11. Victim notification contact information, if notification is required;

12. Physical description of youth to include height, weight, eyes and hair color, and any identifying marks;

13. Overall health status, including chronic illnesses, current medications and allergies; and

14. Personal physician (if known).

(11) A state-operated residential commitment program or a contracted residential commitment program that is classified as not-for-profit shall initiate each newly admitted youth's eligibility for participation in the National School Lunch and Breakfast Program.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New \_\_\_\_\_.

63E-7.005 Youth Orientation.

(1) A residential commitment program shall begin orientation for each youth admitted to the program within 24 hours of admission.

(2) A residential commitment program shall provide orientation to each youth by explaining and discussing the following:

(a) The program's expectations, rules and behavior management system to include:

1. Services available;

2. Daily schedule that is also conspicuously posted to allow easy access for youth;

3. Expectations and responsibilities of youth;

4. Written behavioral management system that is also conspicuously posted or provided in a resident handbook to allow easy access for youth, including rules governing conduct and positive and negative consequences for behavior;

(b) Availability of and access to medical and mental health services;

(c) Access to the Department of Children and Families' central abuse hotline addressed in Chapter 39, F.S., or if the youth is 18 years or older, the Central Communications Center that serves as the department's incident reporting hotline;

(d) Items considered contraband, including illegal contraband, possession of which may result in the youth being prosecuted;

(e) Performance planning process that involves the development of goals for each youth to achieve;

(f) Dress code and hygiene practices;

(g) Procedures on visitation, mail, and use of the telephone;

(h) Anticipated length of stay in the program and expectations for release from the program, including the youth's successful completion of individual performance plan goals, the program's recommendation to the court for release based on the youth's performance in the program, and the court's decision to release;

(j) Community access;

(k) Grievance procedures;

(l) Emergency procedures, including procedures for fire drills and building evacuation;

(m) Physical design of the facility, including those areas that are and are not accessible to youth; and

(n) Assignment to a living unit and room, treatment team and, if applicable, a staff advisor or youth group.

Specific Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Brantley, Residential Services, Policy Development and Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rex Uberman, Assistant Secretary for Residential Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: 64B2-12.009

RULE TITLE: Initial Certification in Acupuncture Licensure Fee

PURPOSE AND EFFECT: The purpose and effect is to eliminate duplicate licensure fee requirement language.

SUMMARY: The proposed rule amendment eliminates duplicate licensure fee requirement language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 456.013(2), 460.405 FS.

LAW IMPLEMENTED: 456.013(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.009 Initial Certification in Acupuncture Licensure Fee.

~~(1) Any person who is certified for initial licensure shall pay the licensure fee required by subsection 64B2-12.005(2), F.A.C.~~

(2) Any person who is certified for initial certification in Acupuncture shall pay an initial licensure fee of one hundred dollars (\$100.00).

Specific Authority 456.013(2), 460.405 FS. Law Implemented 456.013(2) FS. History—New 3-28-84, Formerly 21D-13.06, Amended 6-22-86, 1-25-88, 4-19-89, Formerly 21D-13.006, 61F2-13.006, Amended 2-20-95, Formerly 59N-13.006, 59N-12.009, Amended 1-18-98, 4-20-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Chiropractic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 13, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 18, 2007

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-157.301	Rate Increase Standards
69O-157.302	Facility Only Rates
69O-157.303	Home Health Care Only Rates
69O-157.304	Comprehensive Only Rates

PURPOSE AND EFFECT: To establish a framework for evaluating rate increases for long term care insurance, and to ensure that the rate increases are not excessive.

SUMMARY: Section 627.9407(7)(c), Florida Statutes, provides that rates charged to an insured for renewal of an existing long term care insurance policy may not exceed the price the insurer charges for newly issued policies. The problem this statute addresses relates to “closed blocks” of business. A closed block of business occurs when a particular approved policy is no longer being sold to new customers. There will be a group of insureds who have the insurance, and they will continue to be renewed, but no new customers will be sold that policy. This statute protects those insureds in that closed block by precluding an insurer from having higher renewal rates than its rates for new business.

For insurers that are not currently issuing new policies, the statute requires the Office of Insurance Regulation to establish and publish a “new business rate”, above which the renewals cannot be priced. The new business rate is published annually by the Office of Insurance Regulation, and is determined by reviewing the past year’s premium of those carriers which represent 80% of the market share of carriers currently selling long term care products. For example, this means that a carrier may not raise its rates on a policy first purchased in 1990 to a premium level that exceeds the cost of a similar policy which is purchased as a new product in 2007.

This new rule implements this statute by defining terms used in the statute and explaining how calculations are to be done so the insurer can be sure it is in compliance with the statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 627.9408(1) FS.

LAW IMPLEMENTED: 627.031(1)(a), 627.062, 627.9407(7) 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: June 27, 2007, 9:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.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 RULES IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 69O-157.301 Rate Increase Standards.

(1) Rate increase filings for long term care insurance shall be filed in accordance with filing requirements and standards of Rule Chapters 69O-149 and 69O-157, F.A.C.

(2) The term “policies with similar coverage” has the same meaning as “similar policy forms” as defined in subsection 69O-157.103(17), F.A.C.

(3) Pursuant to the provisions of Section 627.9407(7)(c), F.S., for insurers that are currently actively marketing and issuing similar coverage, the rates resulting after a rate increase filing shall not exceed the insurer’s new business rate.

(4)(a) Section 627.9407(7)(c), F.S., requires that the office annually determine and publish the currently available new business rates for similar coverage being sold in Florida. The published new business rates represent the maximum annual rate that may be charged after a rate increase for insurers not currently issuing new coverage.

(b) The published rates shall be determined by first identifying those carriers currently issuing policies with similar coverage. For each of the similar coverage categories, the Florida new business earned premium, defined as first year premium in Florida, is determined for the prior calendar year. Those insurers reporting at least the top 80% of that earned premium, cumulatively, starting with the largest, will be used to tabulate the new business rate. The new business rate shall be the weighted average of the insurers’ rates, using the market share, as measured by first year premium in Florida, as the weight.

(c)1. The new business rates are for the standard underwriting class for the insurer. Standard underwriting class is the underwriting class with the most predominant sales, measured by number of policies, regardless of the name given to it by the insurer.

2. The new business rates for other underwriting classes shall bear the same relationship to the standard rate schedules that the insurer has filed and approved. For example, if an insurer's preferred rate is 85% of its standard rate, the premium limit applicable to the rate increase for business sold as preferred will be 85% of the standard rate schedule.

(d)1. The published new business rates represent the particular benefit configuration listed. If an insurer has policies in force that have benefits different from the benefit used to determine the published rates, the insurer may contact the office for the new business rate that reflect the different benefits.

2. The office shall determine the new business rates for the requested benefit configuration in the same manner as it used for determining the published rates. The resulting rates shall be consistent with the published new business rates reflecting benefit differences only.

3. Insurers needing a different benefit configuration should make such request of the office in advance of a rate filing so as to give the office time to determine such rates and provide them to the insurer.

4. If the office is unable to determine the rates by a tabulation of the insurers currently selling similar coverage, the office shall use its best actuarial judgment in determining the new business rates using the information available from the insurers in the 80% market share. Alternatively in such cases, at the option of the insurer, the insurer may submit the results of a model used to price new long term care products by an actuarial consulting firm currently pricing long term care for other clients, who is independent of the insurer, acceptable to the office, and contracted by the insurer. The assumptions used shall be available to the office for review and approval. The model will be used to develop the new business pricing for the insurer's policy benefit configuration, the new business pricing for the published benefit configuration, and to develop a factor which is the ratio of the insurer's policy benefits to the published benefits. It is noted that the provisions of Section 627.9407(7)(c), F.S., provide that the differences shall be benefit differences only; all other provisions of the two policies being modeled shall be identical. Such factor, representing benefit differences only, shall be used to adjust the published new business rates. Independent, as used in this section, shall mean that the actuarial consulting firm or the actuary to be involved in the project has no relationship currently or for the last three years with the insurers for pricing, valuation, or other reviews.

(e) If the application of this rule results in different increases being applied to different plans within the filing, the requirements of subparagraph 69O-149.003(1)(a)4., F.A.C. shall apply.

(f) The published rates apply to sales in Hillsborough county. For all other counties, the rate from the published table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough county.

(g) The premium for all additional benefits provided in the policy or by rider to the policy shall be the same proportion of the base rates after any rate change as they were before such change.

Specific Authority 627.9408(1) FS. Law Implemented 627.031(1)(a), 627.062, 627.9407(7) FS. History-New \_\_\_\_\_.

69O-157.302 Facility Only Rates.

(1) The following maximum new business rates are effective for 2006 rate increase filings and for 2007 rate filings until new rates are published: These annual rates are appropriate for:

- (a) Tax qualified policies;
  - (b) A benefit of \$100/day;
  - (c) An elimination period of 90 days.
  - (d) Policies offering Restoration of Benefits, and
  - (e) Sales in Hillsborough County.
- (2)(a) Facility Only Rates.

<u>Issue Age</u>	<u>3-Yr Benefit Period</u>	<u>5-Yr. Benefit Period</u>	<u>Unlimited Benefit Period</u>
35	\$247.43	\$302.74	\$378.50
45	\$363.53	\$446.70	\$555.75
55	\$522.32	\$646.08	\$810.43
65	\$1,126.33	\$1,406.97	\$1,750.61
75	\$3,073.57	\$3,879.00	\$4,769.07

(b) The insurers used to tabulate the above rates are:

<u>Insurer</u>	<u>Weighing Percentage</u>
<u>Bankers Life &amp; Casualty Company</u>	<u>90.3%</u>
<u>Penn Treaty Network America Insurance Company</u>	<u>9.7%</u>

Specific Authority 627.9408(1) FS. Law Implemented 627.031(1)(a), 627.062, 627.9407(7) FS. History-New \_\_\_\_\_.

69O-157.303 Home Health Care Only Rates.

(1) The following maximum new business rates are effective for 2006 rate increase filings and for 2007 rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days.
- (d) Policies offering Restoration of Benefits, and

(e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough county.

(2)(a) Home Health Care Only Rates.

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$166.18	\$203.65	\$242.26
45	\$245.38	\$306.44	\$366.65
55	\$369.58	\$455.50	\$548.26
65	\$691.78	\$836.06	\$989.23
75	\$1,318.83	\$1,520.52	\$1,702.93

(b) The insurers used to tabulate the above rates are:

Insurer	Weighing Percentage
Bankers Life & Casualty Company	97.2%
Colonial American Life Insurance Company	2.3%
Penn Treaty Network America Insurance Company	0.5%

Specific Authority 627.9408(1) FS. Law Implemented 627.031(1)(a), 627.062, 627.9407(7) FS. History—New \_\_\_\_\_.

69O-157.304 Comprehensive Only Rates.

(1) The following maximum new business rates are effective for 2006 rate increase filings and for 2007 rate filings until new rates are published. These annual rates are appropriate for:

- (a) Tax qualified policies;
- (b) A benefit of \$100/day;
- (c) An elimination period of 90 days.
- (d) Policies offering Restoration of Benefits, and
- (e) Sales in Hillsborough County. For all other counties, the rate from this table should be adjusted by the insurer's current area factor applicable in that county relative to the insurer's area factor in Hillsborough county.

(2)(a) Comprehensive Only Rates.

Issue Age	3-Yr Benefit Period	5-Yr. Benefit Period	Unlimited Benefit Period
35	\$332.88	\$414.10	\$574.47
45	\$474.36	\$592.44	\$822.62
55	\$666.65	\$824.77	\$1,151.34
65	\$1,313.19	\$1,640.75	\$2,259.55
75	\$3,288.22	\$4,210.08	\$5,603.51

(b) The insurers used to tabulate the above rates are:

Insurer	Weighing Percentage
Bankers Life & Casualty Insurance Company	52.7%
Blue Cross Blue Shield of Florida	5.1%
Genworth Life Insurance Company	11.5%
Great American Life Insurance Company	9.8%

John Hancock Life Insurance Company	14.2%
Metlife Insurance Company	6.7%

Specific Authority 627.9408(1) FS. Law Implemented 627.031(1)(a), 627.062, 627.9407(7) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Monica Rutkowski, Director, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2007

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

#### DEPARTMENT OF EDUCATION State Board of Education

RULE NO.: 6A-6.0783  
RULE TITLE: District School Board Exclusive Authority to Sponsor Charter Schools

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 20, May 18, 2007 issue of the Florida Administrative Weekly.

Based on staff recommendations subsection (1) and paragraphs (1)(d) and (2)(c) are amended to read:

(1) A written resolution adopted by the district school board and indicating intent to retain exclusive authority to authorize charter schools within the geographic boundaries of the district must be submitted by the district school board on or before March 1 of the fiscal year prior to the year exclusive authority is to be in effect. The written resolution shall be submitted to the Agency Clerk for the Department of Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Revisions to the initial application for exclusivity which was due March 1, 2007 must be received by the Agency Clerk within seven (7) days of ~~by~~ the effective date of this rule.

(d) The Department will confirm in writing receipt of the application and will inform the school district if the application fails to meet the procedural requirements of this subsection. The Department will accept a district's revised application if it is received before the deadline as established in subsection (1) of this rule.