

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
 RULE TITLE: Implementation of Florida’s System of School Improvement and Accountability

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly.

Rule 6A-1.09981(4)(a)1. should have read:

6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.

(1) through (3) No change.

~~(4)(5)~~ Criteria for Designating School Performance Grades. School performance grades shall be based on a combination of the following three components, as specified in Section 1008.34(3), F.S.:

(a) Components that apply to all school types:

~~1.(a)~~ Student achievement scores, aggregated for each school, which indicate the percent of eligible students who score at or above FCAT Achievement Level 3 on FCAT 2.0 and statewide EOC assessments in reading, mathematics, and science, and math and the percent of students who score “4.0” or higher on the FCAT Writing assessment; These percentages will also include, for students with disabilities whose sole assessment results are FAA scores, students who score at FAA Performance Level 4 or higher.

Statewide EOC assessment scores used for the performance and learning gains measures in high schools grades will be scores for the assessments administered to students for the first-time. All other scores for students on the same assessment will be counted as retakes.

2. through 3. No change.

(b) through (c) No change.

~~(5)(6)~~ Procedures for Calculating School Performance Grades. The overall school Performance Grade of A, B, C, D or F for school years 2001-2002 and thereafter, as designated in Section 1008.34(2), F.S., shall be based on the sum of the following six (6) school grade component points described below elements:

(a) Points for all school types based on student performance and learning gains (800 points available).

1. through 7. No change.

8. One (1) point for each percent of students in the lowest twenty-five (25) percent in mathematics in the school as defined in subparagraph (4)(a)3. of this rule who make learning gains as defined in subparagraph (4)(a)2. of this rule.

~~The percent of students reflected in each of the six (6) school grade point elements defined in paragraphs (6)(a) through (f) of this rule shall be expressed to the nearest whole number. The corresponding points assigned for each grade point element shall also be expressed to the nearest whole number. In the event that a school does not have at least ten (10) eligible students tested in writing, the district average in writing as defined in subparagraph (5)(a)3. paragraph (6)(e) of this rule shall be substituted. In the event that a school does not have at least ten (10) eligible students tested in science, the district average in science as defined in subparagraph (5)(a)4. of this rule shall be substituted. In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in reading or in mathematics as defined in subparagraph (4)(a)3. paragraph (5)(e) of this rule, the lowest performing thirty (30) students below satisfactory proficiency, defined as FCAT 2.0 Achievement Levels 1; and 2, and 3, shall be used. In the event there are still not thirty (30) qualified students in the lowest achieving group for reading, the grade point component element defined in subparagraph (5)(a)5. paragraph (6)(d) of this rule shall be substituted for the grade point component element defined in subparagraph (5)(a)7. paragraph (6)(f) of this rule. In the event there are still not thirty (30) qualified students in the lowest achieving group for mathematics, the grade point component defined in subparagraph (5)(a)6. of this rule shall be substituted for the grade point component defined in subparagraph (5)(a)8. of this rule.~~

(b) through (d) No change.

(6) through (7) No change.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.099824 Voluntary Prekindergarten (VPK)
 Provider Placed on Probation Good
 Cause Exemption

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

Rule 6A-1.099824(3) should have read:

6A-1.099824 Voluntary Prekindergarten (VPK) ~~Low Performing~~ Provider Placed on Probation Good Cause Exemption.

Pursuant to Section 1002.69, F.S., the State Board of Education, upon request of a private prekindergarten provider or public school that remains on probation for two (2) consecutive years or more and subsequently fails to meet the minimum rate adopted under Section 1002.69(6)(a), F.S., and for good cause shown may grant to the provider or school an exemption from being determined ineligible to deliver the Voluntary Prekindergarten Education Program and receive state funds for the program.

(1) through (2) No change.

(3) Application. A provider seeking a good cause exemption shall complete the Department’s VPK Good Cause Exemption Application Form VPK-GCE-02, February 2012 March — 2011, (<http://www.flrules.com/Gateway/reference.asp?No=Ref 00032>) which is incorporated by reference herein. The sole method of submitting this form will be through the Department’s web site at:<https://vpk.fldoe.org>. The submission of an application for a good cause exemption must adhere to the following:

(a) through (5)(f) No change.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: RULE TITLES:
 6A-10.0318 Postsecondary Preparatory
 Instruction Curriculum and
 Postsecondary Readiness
 Competencies
 6A-10.0319 Developmental Education
 Competencies

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 1, January 6, 2012, Florida Administrative Weekly has been continued from February 28, 2012 to March 27, 2012.

AGENCY FOR HEALTH CARE ADMINISTRATION

Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE NOS.: RULE TITLES:
 59E-4.001 Purpose
 59E-4.002 Definitions
 59E-4.004 Financial Reporting Requirements
 59E-4.005 Special Information Requests
 59E-4.009 Change of Ownership
 59E-4.011 Collection of Data on Nursing Home
 Charges

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly. The Notice of Proposed Rule Repeal, as advertised on January 27, 2012, did not fully address information that should have been included under the Rule Making Authority and Law Implemented. The Rule Making Authority for these rules are as follows: Sections 407.03, 408.15 and 408.061, F.S. The Laws Implemented for these rules are as follows: Sections 407.30, 407.34, 408.07(41), 408.061, 408.062, 408.08, F.S.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.: RULE TITLES:
 60S-1.004 Participation
 60S-1.005 Special Risk Class; Legislative Intent
 and Procedures
 60S-1.0053 Criteria for Special Risk Membership
 – Correctional Officers
 60S-1.0054 Special Risk Administrative Support
 Class
 60S-1.0057 Senior Management Service Class
 (SMSC)
 60S-1.007 Admission of Cities and Special
 Districts to the Florida Retirement
 System

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

60S-1.004 Participation.

(1) Compulsory Membership – Participation in the Florida Retirement System (FRS) shall be compulsory as a condition of employment for all officers and employees enumerated in the following paragraphs who are filling a regularly established position as described in subsection 60S-1.004(4), F.A.C., and defined in Rule 60S-6.001, F.A.C., (exceptions are provided in subsection 60S-1.004(2) or (3), F.A.C.). Such officers and employees shall participate in one of the five Florida Retirement System classes of membership. Members shall be

assigned to the Regular Class unless eligible or required by virtue of the position held to be in the Special Risk Class as provided in Rule 60S-1.005, F.A.C., the Special Risk Administrative Support Class as provided in Rule 60S-1.0054, F.A.C., the Elected Officers' Class as provided in Rule 60S-1.0055, F.A.C., or the Senior Management Service Class as provided in Rule 60S-1.0057, F.A.C. All such officers or employees initially enrolled into the FRS or initially enrolled as renewed members of the FRS as provided in Section 121.122 and 121.053, F.S., shall be enrolled, by default, into the defined benefit plan of the FRS more commonly referred to as the FRS Pension Plan as provided in Part I of Chapter 121, F.S., and may, by the last business day of the fifth month following his or her month of hire as provided in Section 121.4501, F.S., choose to elect enrollment into the defined contribution plan of the FRS more commonly referred to as the FRS Investment Plan as provided in Part II of Chapter 121, Florida Statutes. Such election may be filed with the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., using one of the following State Board of Administration forms applicable to his or her membership class in the Florida Retirement System. The forms are: Form ELE-1-EZ (Rev. 07-11), an EZ Retirement Plan Enrollment form which is only for Regular Class, Special Risk Class, and Special Risk Administrative Support Class members; Form ELE-1 (Rev. 10-11), a General Retirement Plan Enrollment form for Regular Class, Special Risk Class, and Special Risk Class Administrative Support Class members; Form EOC-1 (Rev. 10-11), a form for Elected Officers' Class members; Form OCC-1 (Rev. 10-11), a form for members eligible for participation in the State Community College Optional Retirement Program; Form ORP-16 (Rev. 10-11), a form for members eligible for participation in the State University System Optional Retirement Plan; Form SMS-1 (Rev. 10-11), a form for members eligible for participation in the Senior Management Service Optional Annuity Plan; and Form SMS-3 (Rev. 10-11), a form for members eligible for participation in a local retirement plan in lieu of the Senior Management Service Class all of which are herein incorporated by reference. The form appropriate to the employee's membership class is available in the enrollment package which is sent to the employee's address of record after the employee's first reported payroll or by accessing the Division's Web site (<http://FRS.MyFlorida.com>); or by calling toll free 1(866)446-9377, or for the hearing impaired 1(888)429-2160, or alternatively the employee may choose to submit a separate document in lieu of the form to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election. After the period of initial FRS plan choice has expired, or the month following the receipt of the eligible employee's plan election, if sooner, the employee's plan choice is irrevocable except that the employee shall have one opportunity, at the employee's discretion, to change plans as

provided in Section 121.4501, F.S. Such election to change FRS plans may be made using one of the following State Board of Administration forms for ease of use for employees in the several membership classes of the Florida Retirement System. These forms are: Form ELE-2 (Rev. 10-11), 2nd Election Retirement Plan Enrollment Form; and Form ELE-2-EZ (Rev. 07-11), 2nd Election Retirement Plan Enrollment Form both of which are ~~herein~~ ~~here in~~ incorporated by reference. These forms can be obtained by accessing the Division's Web site (<http://FRS.MyFlorida.com>); or by calling toll free 1(866)446-9377, or for the hearing impaired 1(888)429-2160, or alternatively the employee may choose to submit a separate document in lieu of the form to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election.

(a) through (l) No change.

(2)(a) through (c) No change.

(d) Employees filling a position classified as eligible for participation in the Senior Management Service Optional Annuity Program as provided in Section 121.055, F.S., and Chapter 60V, F.A.C., shall within the 90-day period of the commencement of such employment have the option of prospectively participating in the Senior Management Service Optional Annuity Program (SMSOAP) in lieu of participating in the FRS as provided in Sections 121.055 and 121.4501, F.S.

1. An election to participate in the SMSOAP, must be made in writing to the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.S., no later than the 90th day after the date of hire which requires the selection to be made not later than 4:00 p.m. Eastern Time on the 90th day from the employee's date of hire in accordance with Sections 121.055 and 121.4501, F.S., and Rule ~~19-11.006~~ ~~49-11006~~, F.A.C.

(f) Any member of an existing system or any member retired under the disability provisions of the Teachers' Retirement System who recovers and terminates his or her benefit, and

2. Who has terminated all employment relationships as provided in subsection 60S-6.001(69), F.A.C., remains terminated from all covered employment for at least 12 months and returns to covered reemployment on or after July 1, 1988. Such member shall have the option of transferring to the Florida Retirement System or remaining in the existing system. To remain in the existing system the member shall, within 6 months of reemployment, make written notification to the Division of his or her intention to remain in the existing system. Such written notification may be made using Division of Retirement designed form for ease of use, Form BLE-1 (Rev 08/99), herein adopted by reference and may be obtained by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System

by dialing 711 or 1(800)955-8771, or alternatively the employee may choose to submit a separate document in lieu of Form, BLE-1, to file their written notification with the Division which at minimum shall provide the employee's name, social security number and his or her plan election. Failure to submit notification shall result in compulsory membership in the Florida Retirement System as provided in paragraph 60S-1.004(1)(d), F.A.C. (See also paragraphs 60S-1.004(1)(g), (3)(b) and (3)(f), F.A.C.)

(j) Any employee ~~Employees~~ filling a position classified as eligible for participation in the State Community College System Optional Retirement Program (CCORP) as provided in Section 121.051, and 1012.875, F.S.

1.a. Prior to July 1, 2003, an employee filling a CCORP eligible position, within 60 days of the date of qualifying employment, had the option of prospectively participating in the CCORP. If such option was not exercised within 60 days of qualifying employment, the employee filling the CCORP eligible position forfeits eligibility to participate in the CCORP.

2. On or after July 1, 2003, an employee filling a CCORP eligible position, within 90 days of qualifying employment, shall have the option of electing to participate in the CCORP.

d. An employee who fills a CCORP-eligible position who does not make an election to participate in the CCORP within his or her election window, forfeits eligibility to participate in the CCORP and defaults to FRS membership.

3. No change.

4. ~~An employee who fills a CCORP-eligible position who does not make an election to participate in the CCORP within his or her election window, forfeits eligibility to participate in the CCORP and defaults to FRS membership.~~

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

(c) Officers and employees of any nonprofit association or corporation; however, all officers and employees of the University Athletic Association, Inc. participating in a state-supported retirement system prior to July 1, 1979, shall continue membership in such system, except those who chose in writing between July 1, 1979 and March ~~31~~³⁰, 1980 to terminate participation in the Florida Retirement System in accordance with Section 121.051(2)(a)1., F.S.

(g) Any person performing services as a consultant or an independent contractor as defined in subsection 60S-6.001(33), F.A.C. The determination of the employment classification of a person as an employee or an independent contractor is solely within the jurisdiction of the Division. To establish whether a person is an independent contractor or an employee, a determination may be requested from the Division, Bureau of Enrollment and Contributions. The determination will be based in substantial part on information furnished on Form ERQ-1 (Rev. 09/08), Florida Retirement System Pension Plan Employment Relationship Questionnaire for Retirees Within the 2nd – 12th Months, herein adopted by reference, which the

employing agency and the person performing the services must each complete and submit to the Division for a determination. Form ERQ-1 may be obtained by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. Retroactive adjustments of retirement contributions will be required by any agency that improperly excludes or enrolls a person.

(h) Any person appointed on or after July 1, 1989, to a faculty position in a college at the J. Hillis Miller Health Center at the University of Florida or the Medical Center at the University of South Florida which has a faculty practice plan provided by rule adopted by the Board of Governors or its predecessors. Effective July 1, ~~2008~~²⁰⁰⁷, any person appointed to a faculty position, including clinical faculty, in a college at a state university that has a faculty practice plan authorized by the Board of Governors. Such person must participate in the State University System Optional Retirement Program based on such service as provided in subsection 60U-1.004(4), F.A.C. and in accordance with Section 121.051(1), F.S.

60S-1.005 Special Risk Class; Legislative Intent and Procedures.

(1) Legislative Intent. – The Legislative intent and purpose in establishing the Special Risk Class of membership in the Florida Retirement System is provided in Section 121.0505(1), F.S. In creating the Special Risk Class of membership within the Florida Retirement System, it is the intent and purpose of the Legislature to recognize that persons employed in certain categories of law enforcement, firefighting, and criminal detention, and emergency medical care positions are required as one of the essential functions of their positions to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties may find that they are not able, without risk to the health and safety of themselves, the public, or their co-workers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other positions, and that, if such persons find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom. Therefore, as a means of recognizing the peculiar and special problems of this class of employees, it is the intent and purpose of the Legislature to establish a class of retirement membership that awards more retirement credit per year of service than that awarded to other employees; nothing contained herein shall require ineligibility for Special Risk Class membership upon reaching age 55.

(3) Application. – The following procedures shall govern applications for Special Risk Class membership:

(b) No change.

1. Any Regular Class member who feels that his or her position ~~he or she~~ meets the requirements for Special Risk Class membership set forth in subsection (2) may request that his or her employer submit an application to the Division requesting that the Division designate him or her as a Special Risk Class member. Such member shall complete the employee portions of the appropriate Special Risk Class application. The employer shall promptly certify and submit to the Division the following documents:

a. The appropriate Florida Retirement System Application for Special Risk Class Membership.

(I) Florida Retirement System Application for Special Risk Class Membership for Law Enforcement/Correctional Officers, Form FRS-400 (Rev.04/00), herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771; or

(II) Florida Retirement System Application for Special Risk Class Membership Firefighters/Paramedics/EMTs, Form FRS-405 (Rev.10/03), herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771; or

(III) Florida Retirement System Application for Special Risk Class Membership for Forensic Discipline from October 1, 2005 through June 30, 2008, Form FRS-410 (Rev. 05/08), herein adopted by reference, which may be obtained by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771; or

(IV) Florida Retirement System Application for Special Risk Class Membership for Forensic Discipline effective July 1, 2008, Form FRS-415 (05/08), herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

2. If the employer refuses to submit the member's application to the Division, the employer shall notify the member of the refusal, together with the employer's reasons for refusal. The member may then appeal this refusal to the State Retirement Commission pursuant to Section ~~121.0515(4)(a)~~ ~~121.0515(3)(a)~~, F.S.

3. Upon receipt of the completed application, which shall include all of the items designated in subparagraph 1. above, the Division shall within 90 days determine if the member and the member's position meets the requirements for Special Risk Class membership set forth in subsection (2). If the requirements for Special Risk Class membership are met, the Division shall approve the member for Special Risk Class membership which shall commence as follows:

a. When a newly employed member's complete application is received by the Division of Retirement, the effective date of membership in the Special Risk Class shall be the date of employment in the approved position and Special Risk Class contributions shall be payable from that time.

c. If a Special Risk Class member changes to another position within the same agency that is not an approved ~~a preapproved~~ Special Risk Class position ~~listed with Class Codes in Chapter 1 of the FRS Employer Handbook~~, or is employed with a new agency, the member must submit a complete application as provided in sub-subparagraph (3)(b)1.a. to the Division of Retirement.

d. If a Special Risk Class member changes to an approved ~~a preapproved~~ Special Risk Class position ~~listed with Class Codes in Chapter 1 of the FRS Employer Handbook under the same set of criteria (e.g., a corrections officer I changing to a corrections officer II position)~~, the employer shall submit the appropriate position class code for the new position on the Monthly Retirement Report.

e. If a Special Risk Class member changes to a Special Risk Class position under a different set of membership criteria (e.g., a transfer from law enforcement to a firefighter or correctional officer position), the member must submit a complete application for Special Risk Class membership, except that the employer of such officer who changes to an approved ~~a preapproved~~ Special Risk Class position ~~listed with Class Codes in Chapter 1 of the FRS Employer Handbook~~ must submit only the appropriate position class code for the new position on the Monthly Retirement Report for such member.

4. Within 90 days of receipt of the application, the Division shall determine whether or not the member and the member's position ~~meet~~ ~~meets~~ the requirements for Special Risk Class membership. If it is determined that the member or the member's position does not meet the requirements, the Division shall notify the member by certified mail, with a copy to his or her employer, of the Administrator's intended decision to disapprove the member's application for Special

Risk Class membership. This notice shall include a summary of the factual, legal and policy grounds for the intended decision.

c. If the member does not accept the Administrator's final decision on the merits, the member may request in writing, pursuant to Section 121.23, F.S., Chapter 60R-1, F.A.C., and the Uniform Rules in Rule Chapter 28-106, F.A.C., a hearing on the denial of his or her application for Special Risk Class membership before the State Retirement Commission pursuant to Sections 120.569 and 120.57(1) ~~Section 120.57(1)~~, F.S. Such request shall be filed with the Commission within 21 calendar days from the date the member receives notice of the Administrator's final decision.

60S-1.0053 Criteria for Special Risk Class Membership – Correctional Officers.

(2) No change.

(b) Effective October 1, 1978, a Warden Superintendent or Assistant Warden Superintendent (regardless of title) of a correction or detention facility where duly committed inmates are confined, housed, or maintained and where correctional officers are employed. Warden Superintendent shall mean the person directly in charge of the day-to-day operations of a specific correction or detention facility. Assistant Warden Superintendent shall mean the one person whose responsibilities include direct line authority from the Warden Superintendent over all subordinate employees for the day-to-day operations at the facility. If no one employee in a corrections facility has such responsibility, then for retirement purposes there is no assistant warden superintendent at that facility, except that in large state institutions there may be more than one assistant warden superintendent if the institution is divided into units, each having an assistant warden superintendent with direct line authority from the warden superintendent over all subordinate employees for the day to day operations within the unit.

60S-1.0054 Special Risk Administrative Support Class.

(2)(a) through (c) No change.

(d) The member remains certified by the appropriate authority and completes an aggregate of the years of service as a designated special risk member before retirement which is equal to or greater than the years of service required to be vested; and

(3)(a) No change.

1. Florida Retirement System Application for Special Risk Administrative Support Class, Form FRS-404 (Rev. 11/02), herein incorporated by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837. Individuals with a hearing or speech impairment may call the

Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. (FRS-404), adopted in Rule 60S-2.0041, F.A.C.

3. A copy of the appropriate certification or other evidence of certification as required by the Criminal Justice Standards and Training Commission in Section 943.1395, F.S., or the Firefighters Standards and Training Council in Section 633.35, F.S., or the Department of Health in Section 401.27, F.S. ~~or maintain certification pursuant to Section 401.27, F.S.~~

(7) Retroactive Coverage – The provisions of this section shall apply retroactively for the period October 1, 1978, to on or before June 30, 1982 ~~July 1, 1982~~, for eligible members as provided in paragraph 60S-2.0041(2)(d), F.A.C. In order to receive credit for retroactive service under this rule, the member must make application for his or her retroactive coverage and should consult paragraph 60S-2.0041(2)(d), F.A.C., of these rules for the procedure.

(8) (a) No change.

(b) If the member does not accept the decision of the Division, he or she may petition the Division for an administrative hearing, pursuant to Sections 120.569 and 120.57, Section 120.57, F.S. Such request shall be made within the time limitations of Rule 28-106.201, F.A.C.

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

(c) If the member does not accept the decision of the Division, the member may petition the Division for an administrative hearing on the denial of his or her application for Special Risk Administrative Support Class membership, pursuant to Sections 120.569 and 120.57 ~~Section 120.57~~, F.S. Such request should be made within the time limitations of Rule 28-106.201, F.A.C.

60S-1.0057 Senior Management Service Class (SMSC).

(2)(c) No change.

2. Complete Form SMSD-1 (Rev 08/00), Florida Retirement System Senior Management Service Class Designated Position Form, herein adopted by reference, which may be obtained from the Employer page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. The position number of the designated position, consisting of from 1 to 10 numeric digits, must be included on the Form SMSD-1.

60S-1.007 Admission of Cities and Special Districts to the Florida Retirement System.

(7) Referendum – The governing body of a city, independent special district, metropolitan planning organization, public charter school or public charter technical career center which has an existing retirement system covering the employees in the units that are to be brought under the

Florida Retirement System shall, prior to the city, independent special district, metropolitan planning organization, public charter school or public charter technical career center being approved for participation in the Florida Retirement System may participate only after holding a referendum as provided in and in accordance with subparagraph 121.051(2)(b)2., F.S.

~~(8)(7)~~ All required documents necessary for extending Florida Retirement System coverage shall be delivered to the Division of Retirement for consideration at least 15 days prior to the effective date of coverage. If this is not complied with, the Division of Retirement may require that the effective date of coverage be changed.

~~(9)(8)~~ The governing body of a city or independent special district that participates in the Florida Retirement System may revoke its election to participate with an effective date of January 1, 1996, in accordance with the provisions of Section 121.0511 or 121.051(2)(b)5., F.A.C.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.:	RULE TITLE:
60S-1.00537	Criteria for Specific Risk Class Membership-Certain Professional Health Care Workers
60S-1.00539	Criteria for Special Risk Class Membership-Forensic Disciplines

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

60S-1.00537 Criteria for Specific Risk Class Membership
~~Membership~~-Certain Professional Health Care Workers.

60S-1.00539 Criteria for Special Risk Class Membership
~~Membership~~-Forensic Disciplines.

No changes to the text of these rules.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.:	RULE TITLES:
60S-2.003	Credit for Past Service
60S-2.0041	Credit Toward Special Risk Normal Retirement Date
60S-2.005	Credit for Military Service
60S-2.006	Credit for Leaves of Absence Under the Florida Retirement System
60S-2.007	Credit for Out-of-State and In-State Service

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

60S-2.003 Credit for Past Service.

(1)(a) through (f) No change.

(g) Past service under this subsection may be claimed as Special Risk Class service valued at 2% per year by current or former Special Risk Class members of the Florida Retirement System. Such additional credit may be purchased at the time the employee becomes a member of the Florida Retirement System or at any time prior to retirement. In addition to conditions (a) through (f), the following conditions must be met:

1. The service must satisfy the criteria established for the Special Risk Class as provided in Rule 60S-1.0051, 60S-1.0052, 60S-1.0053, 60S-1.00535 or 60S-1.00539, F.A.C., of these rules, except that a certificate or waiver of certificate shall not be required. Verification that the service satisfies the criteria shall be provided by the city, independent special district, metropolitan planning organization, charter school, or charter technical school on Form FRS-401 (Rev. 07/99), Florida Retirement System Special Risk Credit for Past Service, herein adopted by reference, and must be approved by the Division. Form FRS-401 may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

60S-2.0041 Credit Toward Special Risk Class Normal Retirement Date.

(1)(a) The position filled at that time shall satisfy the criteria as provided in Rule 60S-1.0051, 60S-1.0052 or 60S-1.0053, F.A.C., except the requirement for a certificate or waiver of certificate. The member shall apply for such credit and the agency shall provide verification that the position satisfies the criteria on Form FRS-402 (Rev. 10/01), Florida Retirement System Application for Special Risk Equivalent Credit, herein adopted by reference, and must be approved by the Division. Form FRS-402 may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(b) through (c) No change.

(2)(a) through (c) No change.

(d) Retroactive coverage in the Special Risk Administrative Support Class shall be granted as follows:

1. Any member filling an administrative support position during the period October 1, 1978 through June 30, 1982, shall be covered, provided the member meets the requirements of subsection 60S-1.0054(2), F.A.C., and was:

b. Was reassigned or employed for training and/or career development or to fill a critical agency need.

2. The member must apply to the Division of Retirement and complete the member information section of Form FRS-404 (Rev. 11/02), Florida Retirement System Application for Special Risk Administrative Support Class, as incorporated by reference in Rule 60S-1.0054, F.A.C. herein adopted by reference, prior to retirement to claim such credit. The employing agency at the time the service was performed shall complete the portion of the form verifying that the member filled a Special Risk Administrative Support Class position and retained his or her certification per Rule 60S-1.0051, 60S-1.0052 or 60S-1.0053, F.A.C., during the retroactive period.

60S-2.005 Credit for Military Service.

(2)(a) through (h) No change.

(i) Any member claiming credit in accordance with this subsection shall certify on Form MF-1 (Rev. 07/06), Florida Retirement System Pension Plan Statement of Military Eligibility, herein adopted by reference, that credit for such service has not and will not be claimed for retirement purposes under any federal or state retirement or pension system where "length of service" is a factor in determining the amount of compensation received, except where credit for such service has been granted in a pension system providing retired pay for non-regular (i.e. Reserve and National Guard) service in accordance with paragraph 60S-2.005(2)(h), F.A.C. In the event of the member's death prior to retirement, the member's beneficiary shall make the required certification. If such certification is not made by the member or the member's beneficiary, credit for wartime military service will not be allowed. Form MF-1 may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Enrollment Toll Free at 1(877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

60S-2.006 Credit for Leaves of Absence Under the Florida Retirement System.

(1)(a) through (f) No change.

(g) The member shall make application to the Division for leave of absence retirement credit on Form FR-28 (Rev 06/04), Florida Retirement System Pension Plan Application to Purchase Retirement Credit for a Pension Plan Leave of Absence, herein adopted by reference which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

60S-2.007 Credit for Out-of-State and In-State Service.

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

3. The member submits Form TR-4 (Rev. 04/99), Florida Retirement System Verification of Out-of-State Teaching Service, herein adopted by reference, completed by the administrator of the retirement system of such other state, county, municipality or taxing district stating that he or she is ineligible for a benefit therein. Such form should, if possible, be obtained by the member prior to submitting his or her application for retirement and should be attached to his or her application. Form TR-4 may be obtained by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

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

(e) A member of the Florida Retirement System Pension Plan who wishes to claim such service shall obtain the following from the out-of-state or in-state employer's retirement or pension plan on Form FR-30 (Rev. 07/04), Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit, herein adopted by reference which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing of speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771; or on Form FR-30a (Rev. 07/04), Florida Retirement System Pension Plan Out-of-State Employer Request, herein adopted by reference which is sent to the member's address of record by the Division's Bureau of Retirement Calculations or may be obtained by contacting the Bureau of Retirement Calculations as provided above, if the information provided by the out-of-state in-state employer's retirement or pension plan on Form FR-30 is incomplete; or in the case of a deceased member, a beneficiary who wishes to claim such service on the behalf of the member shall obtain the following from the out-of-state or in-state employer's retirement or pension plan on Form FR-30b (Rev. 07/99), Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit, herein adopted by reference which may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207, or if hearing of speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771:

(f) through (h) No change.

(i) A member claiming military service under these provisions must also complete and submit to the Division, Form MF-2 (Rev. 07/06), Florida Retirement System Pension

Plan Statement of Military Eligibility to Purchase Military Service under the Out-of-State Provisions, herein adopted by reference, attesting to the fact that the military service for which he or she requests credit has not and will not be claimed for retirement purposes under any other public pension plan. Form MF-2 may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.:	RULE TITLES:
60S-3.002	Statements of Policy
60S-3.003	Retirement Contributions for Regular, Special Risk, Elected Officer, Special Risk Administrative Support and Senior Management Service Classes of the Pension and Investment Plans of the Florida Retirement System; Contributions for the Retiree Health Insurance Subsidy; and Contributions for the Deferred Retirement Option Program
60S-3.010	Contributions for Social Security
60S-3.013	Retirement Contributions for Upgraded Previous Service Credit

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

60S-3.002 Statements of Policy.

(4) The required employee contributions for all service other than current service, including but not limited to prior service, past service, military service, leave of absence service, and out-of-state and in-state service, shall be paid by cash, personal check, cashier's check, or money order. Direct rollovers from eligible retirement plans as described in Section 401(a)(31), Internal Revenue Code, will be accepted for the purchase of creditable service, however, such payment must be accompanied with a properly executed Form PRO-1 (Rev. 10/07), Florida Retirement System Pension Plan (401(a)Plan) Pretax Direct Rollover Form, herein adopted by reference which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area, or locally at (850)488-6491. Individuals with a hearing or

speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. Such contributions shall be accompanied by a statement identifying the service for which payment is made; and shall be made in a lump sum for the total amount due or in annual payments of not less than \$100, except for the final payment if less than \$100, unless another method of payment is authorized in these rules. Interest will be added annually to any unpaid balance not received at the Division on or before June 30 as provided in Rule 60S-3.0035, F.A.C.

~~(8) In the case of a State University System faculty member who receives compensation from faculty practice funds or other sources that do not contribute to the FRS, and who receives a salary increase from sources that do contribute to the FRS that are greater than twice the appropriated average State University System faculty salary percentage increase for that year (where such increase is determined by the Division to have significant fiscal impact upon the FRS), an assessment payable to the FRS may be required of the State University.~~

60S-3.003 Retirement Contributions for Regular, Special Risk, Elected Officer, Special Risk Administrative Support and Senior Management Service Classes of the Pension and Investment Plans of the Florida Retirement System; Contributions for the Retiree Health Insurance Subsidy; and Contributions for the Deferred Retirement Option Program.

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

(c) On and after July 1, 2010, any retiree of a state administered retirement system who is initially reemployed in a regularly established position shall not be eligible for renewed membership and the retirement contributions for such reemployed retirees shall be equal to the unfunded actuarial accrued liability portion of the employer contribution required for ~~other~~ active members of the FRS.

60S-3.010 Contributions for Social Security.

(1) Social Security contributions shall be required of each member of the Florida Retirement System and each reemployed retired member who renews membership as provided in Rules 60S-1.0045 and subsection 60S-1.0055(4), F.A.C., as well as for any reemployed retiree who is initially ~~initially~~ reemployed in a regularly established position on or after July 1, 2010. Contributions shall be withheld from the member's salary each pay period in the amount required for Social Security coverage as provided by the Federal Social Security Act.

60S-3.013 Retirement Contributions for Upgraded Previous Service Credit.

(6) The required contributions for a member of the Special Risk Class to claim retirement credit in such class for previous service in a forensic discipline within the purview of the Class as specified in subsection 60S-2.013(8), F.A.C., shall be an amount representing the actuarial accrued ~~liability~~ ~~liability~~ for the difference in the accrual value during the affected period of

service as provided in Section ~~121.0515(10)(c)~~ ~~121.052(9)(e)~~, F.S. Local government employers may purchase the upgraded service on behalf of the member if that member has been employed by that employer for at least three years.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.:	RULE TITLES:
60S-4.001	Scope and Purpose
60S-4.002	Statements of Policy
60S-4.0035	Retirement Application and Effective Retirement Date
60S-4.007	Benefits Payable for Disability Retirement
60S-4.008	Benefits Payable Upon Death
60S-4.009	Benefits Payable After Termination
60S-4.010	Retirement Benefit Payment Options
60S-4.011	Designation of Beneficiary
60S-4.012	Employment After Retirement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimate regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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

60S-4.001 Scope and Purpose.

This chapter sets forth the rules ~~and regulations~~ providing for benefits for members of the Florida Retirement System Pension Plan administered by the Division of Retirement of the Department of Management Services unless otherwise specifically stated.

60S-4.002 Statements of Policy.

(9) To ensure the removal of names of deceased retirees or beneficiaries from the benefit payroll, the Division shall, at least once each year, conduct an audit of the benefit payroll to determine that the persons to whom benefits are being paid are still living. The benefit payment recipient may be sent Form SAPS (Rev. 10/02), Florida Retirement System Statement Attesting to Payee Status, or Form AAPS (Rev. 08/00), Florida Retirement System Pension Plan Affidavit Attesting to Payee Status, both of which are herein incorporated by reference, and ~~require~~ ~~requires~~ the still living benefit payee recipient to sign and return the form to the Division. The Division shall suspend the benefits payable to any retiree or beneficiary not confirmed

to be living. These forms may also be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

60S-4.0035 Retirement Application and Effective Retirement Date.

(1) It shall be the responsibility of the FRS Pension Plan member, the State and County Officers' and Employees' Retirement System member, the Teachers' Retirement System member or the beneficiary of any such member in the event of the member's death, to make proper application to the Division for retirement benefits. A member may apply for retirement benefits within 6 months prior to his or her date of termination of employment. If a member terminates his or her employment and elects to defer his or her retirement to some future date, he or she may apply for deferred benefits up to 6 months prior to the date he or she desires his or her retirement to become effective. Application for retirement benefits shall be made as follows:

(a) Application for normal or early retirement for FRS Pension Plan members as provided in Rules 60S-4.004 and 60S-4.005, F.A.C., respectively shall be made on Form FR-11 (Rev. 11/10), Florida Retirement System Pension Plan Application for Service Retirement, herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771;

(b) Application for normal or early retirement for members of the State and County Officers' and Employees' Retirement System as provided in Rules 60S-4.004 and 60S-4.005, F.A.C., respectively, shall be filed with the Division on Form SR-11 (Rev. 09/07), State and County Officers' and Employees' Retirement System Application for Service Retirement, herein incorporated by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771;

(c) Application for normal or early retirement for members of the Teachers' Retirement System as provided in Rules 60S-4.004 and 60S-4.005, F.A.C., respectively, shall be filed with the Division on Form TR-11 (Rev. 09/07), Teachers' Retirement System Application for Service Retirement, herein incorporated by reference, which may be obtained from the

Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771;

(d) Application for retirement benefits by a beneficiary of a deceased FRS Pension Plan member, State and County Officers' and Employees' Retirement System member or a Teachers' Retirement System member as provided in Rule 60S-4.008, F.A.C., shall be filed with the Division on Form FST-11b (Rev 12/02), Florida Retirement System Pension Plan Application of Beneficiary for Monthly Retirement Benefits, herein incorporated by reference, which may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. Application for retirement benefits by the contingent beneficiary of a deceased FRS Pension Plan member who selected an Option 2 benefit as provided in Rule 60S-4.010, F.A.C., wherein the primary beneficiary receiving the Option 2 benefit dies within the 10-year period following the member's effective date of retirement, shall be filed with the Division on Form FST-11so2 (Rev. 12/02), Florida Retirement System Pension Plan Application for Survivor Benefits, herein adopted by reference, which may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771;

(e) Application for disability retirement as provided in Rule 60S-4.007, F.A.C., shall be made as follows:

1. FRS Pension Plan members shall file such application for disability retirement with the Division on Form FR-13 (Rev. 07/06), Florida Retirement System Pension Plan Application for Disability Retirement, herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

2. FRS Investment Plan members shall file such application for disability retirement with the Division on Form PR-13 (Rev. 07/06), Florida Retirement System Investment Plan Application for Disability Retirement, herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the

Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

3. State and County Officers' and Employees' Retirement System members shall file such application for disability retirement with the Division on Form SR-13 (Rev. 09/71), State and County Officers' and Employees' Retirement System Application for Disability Retirement, herein adopted by reference, which may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

4. Teachers' Retirement System members shall file such application for disability retirement with the Division on Form TR-13 (Rev. 10/86), Teachers' Retirement System Employees' Retirement System System of Florida Application for Disability Retirement, herein adopted by reference, which may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

60S-4.007 Benefits Payable for Disability Retirement.

(2) An FRS member who is eligible in accordance with subsection 60S-4.007(1), F.A.C., shall receive a disability benefit provided:

(b) The member makes proper application in accordance with Rule 60S-4.0035, F.A.C., and submits the following to the Division which must include documentation attesting to the criteria in paragraph (a):

2. Statement of Disability by Employer, Form FR-13a (Rev. 07/06), Florida Retirement System Statement of Disability by Employer, herein adopted by reference, which may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771; to be completed by the member's employer;

3. Two Physician's Reports to be completed by two Florida licensed physicians as follows:

a. Such reports shall be completed and submitted to the Division on Form FR-13b (Rev. 06/06) Florida Retirement System Physician's Report, herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at

(850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(3) Should the Administrator determine that a member has failed to demonstrate total and permanent regular disability or in-line-of-duty disability, as provided in paragraph 60S-4.007(2)(a), F.A.C., the following procedure shall be followed:

(a) through (f) No change.

(g) A member whose application for regular disability retirement has been denied may, if eligible, elect to receive normal or early service retirement benefits after he or she has filed an appeal to the State Retirement Commission and is awaiting the decision on the appeal. If the member elects to receive service retirement benefits and disability benefits are later approved as a result of the appeal, the payment option chosen by the member cannot be changed. If the member elects to receive early service retirement and the appeal is later denied, the member cannot change his or her election of early retirement. Before beginning to receive regular or early retirement benefits, the member must complete and submit Form SRA-1 (Rev. 12/04), Florida Retirement System Pension Plan Service Retirement Agreement, herein adopted by reference, to the Division attesting to the fact that he or she understands that he or she cannot make such changes after he or she begins receiving the benefits. Form SRA-1 may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(5)(a) No change.

(b) The FRS member approved for regular disability may elect to receive:

4. The FRS Investment Plan member shall make his or her option selection on Form PR-11o (Rev. 02/10), Florida Retirement System Investment Plan Option Selection for Disability Retirement, herein adopted by reference, which also requires such member to attest to his or her marital status on Form SA-2 (02/10), Florida Retirement System Investment Plan Spousal Acknowledgment Form for Disability Retirement, herein adopted by reference. A married member who selects option 1 under paragraph (a) or option 2 under paragraph (b) shall notify his or her spouse of such option selection, and the spouse shall acknowledge any such option selection on the SA-2 form. Form PR-11o and Form SA-2 may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(10) The Division of Retirement may conduct periodic reexaminations of FRS members who have been granted either regular or in-line-of-duty disability under the provisions of Chapter 121, F.S., to determine whether or not such members continue to meet the disability criteria applicable in their cases. The following procedures shall govern disability reexamination cases:

(a) The Division will mail the member the following forms which are to be completed by the member and his or her physician and returned to the Disability Determination Section of the Division within 60 days, unless an extension of time is requested and approved by the Division:

1. Form FR-13e (Rev. 07/06), "Florida Retirement System Retiree's Report of Continuing Disability" herein adopted by reference which may also be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968 or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771; and

2. Form FR-13f (Rev. 07/06), "Florida Retirement System Physician's Report of Reexamination" herein adopted by reference which may also be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area or locally at (850)488-2968 or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(13)(b) No change.

2. Statement of Disability by Employer, Form SR-13a (Rev. 09/71), State and County Officers' and Employees' Retirement System Statement of Disability by Employer, herein adopted by reference and which may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area, or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771, to be completed by the member's employer;

3. A Physician's Report, Form SR-13b (Rev. 09/71), State and County Officers' and Employees' Retirement System Physician's Report, herein adopted by reference and which may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area, or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771, to be completed by a Florida licensed physician;

(14) The Division of Retirement may conduct periodic reexaminations of members who have been granted either regular or in-line-of-duty disability under the provisions of Chapter 122, F.S., to determine whether or not such members

continue to meet the disability criteria applicable in their cases. The following procedures shall govern disability reexamination cases:

(a) The Division will mail the member forms SR-13e (Rev.10/86), State and County Officers' and Employees' Retirement System Retiree's Report of Continuing Disability and SR-13f (Rev. 07/81), State and County Officers' and Employees' Retirement System Physician's Report of Reexamination, herein adopted by reference, which may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area, or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. Such forms should be completed by the member and his physician and returned to the Disability Determination Section within 60 days, unless an extension of time is requested and approved by the Division.

(16)(b) No change.

2. Statement of Disability by Employer, Form TR-13a (Rev. 10/86), Teachers' Retirement System Statement of Disability by Employer, herein adopted by reference and which may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area, or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771, to be completed by the member's employer; and

3. A Physician's Report, Form TR-13b (Rev. 10/86), Teachers' Retirement System Physician's Report, herein adopted by reference and which may be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area, or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771, to be completed by a Florida licensed physician; and

(10) The Division of Retirement may conduct periodic reexaminations of members who have been granted disability under the provisions of Chapter 238, F.S., to determine whether or not such members continue to meet the disability criteria applicable in their cases. The following procedures shall govern disability reexamination cases:

(a) The Division will mail the member forms TR-13e (Rev. 02/88), Teachers' Retirement System Retiree's Report of Continuing Disability and TR-13f (Rev.07/81), Teachers' Retirement System Physician's Report of Reexamination, herein adopted by reference, which may also be obtained by calling the Division's Disability Determination Section Toll Free at 1(877)738-3725, if calling from outside the Tallahassee calling area, or locally at (850)488-2968, or if hearing or speech impaired by calling the Division via T.D.D. at the

Florida Relay System by dialing 711 or 1(800)955-8771. Such forms should be completed by the member and his or her physician and returned to the Disability Determination Section within 60 days, unless an extension of time is requested and approved by the Division.

60S-4.008 Benefits Payable Upon Death.

(1)(a) If the death of an FRS Pension Plan member occurs, other than in-line-of-duty, prior to the member becoming vested, the member's designated beneficiary shall receive a refund of the member's accumulated contributions, except as provided in subsection 60S-2.010(4), F.A.C., and shall make application to the Division for such refund on Form FST-11g (Rev. 03/10), Florida Retirement System Pension Plan Application of Beneficiary for Benefit Payment, herein adopted by reference, which may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area, or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(c)1. If the death of a Teachers' Retirement System member occurs prior to the member obtaining 10 years of creditable service, the member's designated beneficiary shall receive a refund of the member's accumulated contributions as provided in Section 238.07, F.S., and shall make application to the Division for such refund on Form FST-11g, Florida Retirement System Pension Plan Application of Beneficiary for Benefit Payment as adopted in paragraph (a).

2. In addition, survivor benefits may be payable in accordance with Section 238.07(18), F.S. Survivors meeting the ~~eligibility~~ eligibility criteria for such benefits as provided in Section 238.07(18), F.S., shall make application to the Division on Form TR-11c (Rev. 12/02), Teachers' Retirement System Application for Survivor Benefits, herein incorporated by reference, which may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area, or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. An unmarried surviving dependent child of the deceased member over 18 years of age but not over 22 years of age and enrolled as a student in an accredited education institution meeting the eligibility criteria for survivor benefits under Section 238.07(18), F.S., shall also be required to submit the following to the Division for survivor benefit eligibility determination:

a. An acceptance letter from an accredited educational institution or Form SRF-2 (Rev. 07/99), Teachers' Retirement System Student Report Form, herein adopted by reference and which may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area, or locally at (850)488-5207, or if hearing or speech impaired by calling the

Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771, completed by the accredited educational institution; and

b. A completed Form SRF-3 (Rev.07/99), Teachers' Retirement System Authorization for Release of Information, herein adopted by reference, which may be obtained by calling the Division's Survivor Benefits Section Toll Free at (877)377-4347, if calling from outside the Tallahassee calling area, or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771; and

c. A completed Form SVF-2 (Rev 07/99), Teachers' Retirement System Affidavit Attesting to Eligibility, herein adopted by reference, which may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area, or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(6) (a) through (d) No change.

(e) Disclaimers must be filed within 24 months after the event that created the interest, that is, the death of the member or annuitant. Such disclaimer must be submitted to the Division on Form DIS-1 (Rev. 03/07), Florida Retirement System Pension Plan Disclaimer of Benefits, if the disclaimer is by a surviving beneficiary; or on Form DIS-2 (Rev. 03/07), Florida Retirement System Pension Plan Disclaimer of Benefits, if the disclaimer is by a surviving child; or on Form DIS-3 (Rev. 03/07), Florida Retirement System Pension Plan Disclaimer of Benefits, if the disclaimer is by a surviving beneficiary and child. All such disclaimer forms are herein adopted by reference and may be obtained by calling the Division's Survivor Benefits Section Toll Free at (877)377-4347, if calling from outside the Tallahassee calling area, or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.

60S-4.009 Benefits Payable After Termination.

(3) In order to receive a refund of contributions under the Florida Retirement System, an FRS member must terminate all employment relationships as provided in the definition of termination in Rule 60S-6.001, F.A.C., and submit a request for refund on Form FRS-M81 (Rev. ~~05/11~~ ~~07/01~~), Florida Retirement System Pension Plan Request for Refund, herein adopted by reference, to the Administrator through his or her employer, containing a certification by his or her employer of his or her termination of employment. Form FRS-M81 may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's DROP Termination and Refund Payment Section Toll Free at (877)738-3767, if calling from outside the Tallahassee calling area, or locally at (850)487-4856, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida

Relay System by dialing 711 or 1(800)955-8771. By obtaining a refund of contributions a member waives all rights under the Florida Retirement System to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with Rule 60S-2.004, F.A.C.

60S-4.010 Retirement Benefit Payment Options.

(1) Prior to the receipt of his or her first monthly benefit payment, an FRS Pension Plan member who is eligible for a retirement benefit computed in accordance with Rule 60S-4.004, 60S-4.005, or 60S-4.006, F.A.C., shall select one of the four optional forms of payment of such benefits, as provided in paragraphs (a), (b), (c), or (d), on Form FRS-110 (Rev 01/10), Florida Retirement System Pension Plan Option Selection for FRS Members", herein adopted by reference, which also requires such member to attest to his or her marital status on Form SA-1 (Rev. 01/10), Florida Retirement System Spousal Acknowledgment Form, herein adopted by reference. Both these forms may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. A married member who selects option 1 under paragraph (a) or option 2 under paragraph (b) shall notify his or her spouse of such option selection, and the spouse shall acknowledge any such option selection in accordance with subsection 60S-4.010(9), F.A.C. The four options are as follows:

(a) through (e)1. No change.

a. The person is totally and permanently disabled from performing gainful employment by reason of a medically determinable physical or mental impairment, and

b. The Division receives two Physician's Reports, Form SB-13b (Rev. 03/01), Florida Retirement System Pension Plan Physician's Report, herein adopted by reference, completed by two Florida licensed physicians attesting to the total and permanent disability of the person, and any other evidence of disability requested by the Administrator which may include reports from vocational rehabilitation, evaluation, or testing specialists who have evaluated the applicant for employment. Form SB-13b may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(8) A member who selects Option 3 or 4 shall designate a joint annuitant to receive the benefits which continue to be payable upon his or her death. If, after benefits have

commenced under Option 3 or 4, the retired member desires to change his or her designation of a joint annuitant, he or she may do so as follows:

(a) From October 1, 1979 through June 30, 1984, a retired member may change his or her designated joint annuitant only if his or her first designated joint annuitant is alive and can show evidence of good health as shall be substantiated by a statement from a Florida licensed physician. A member desiring to change his or her designation shall file such change with the Division on Form JA-1 (Rev. 12/02), "Florida Retirement System Pension Plan Change of Joint Annuitant (Retired members only)", herein adopted by reference, which may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. Upon receipt of the completed form, the Division shall adjust the member's monthly benefit in accordance with subparagraph 60S-4.010(8)(c)1., F.A.C. The consent of a retired member's first designated joint annuitant to any such change shall not be required. The effective date of the change will be the first day of the month following receipt of the JA-1 form by the Division.

(d) In the event of the dissolution of marriage of a retired member and his or her designated joint annuitant, such member may, on or after June 17, 1998, elect to nullify the joint annuitant designation of the former spouse, unless there is an existing qualified domestic relations order preventing such action. The member must file with the Division a notarized statement of nullification on Form JA-NUL (Rev. 07/99), Florida Retirement System Pension Plan Joint Annuitant Nullification Form, herein adopted by reference, and a copy of the divorce decree. Form JA-NUL may be obtained by calling the Division's Survivor Benefits Section Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. The nullification shall be effective on the first day of the next month following receipt by the Division of the properly completed form and a copy of the divorce decree. Benefits due the member shall be adjusted, if appropriate, and shall be paid as if the former spouse predeceased the member. A member who makes such an election may not reverse the nullification. Such nullification shall not count as a change of joint annuitant in accordance with paragraph (b) and subparagraph (c)2., in which case the member's monthly benefit will be adjusted as though the member's nullified joint annuitant is not living.

(9) A married member who selects option 1 as provided in paragraph 60S-4.010(1)(a), F.A.C., or option 2 as provided in paragraph 60S-4.010(1)(b), F.A.C., shall notify his or her spouse of such option selection, and the spouse shall acknowledge such option selection as follows:

(a) A member who selects option 1 or 2 shall be required to indicate if he or she is married or not married on Form SA-1 (Rev. 01/10), Florida Retirement System Spousal Acknowledgement ~~Acknowledgment~~ Form, as adopted in Rule 60S-4.010, F.A.C. herein adopted by reference. If the member is married, his or her spouse shall complete the spousal ~~acknowledgement~~ ~~acknowledgment~~ section of such form acknowledging that the member has selected option 1 or 2.

(10) Prior to the receipt of his or her first monthly benefit payment, a State and County Officers' and Employees' Retirement System member who is eligible for a retirement benefit computed in accordance with Rule 60S-4.004, 60S-4.005 or 60S-4.006, F.A.C., shall select one of the four optional forms of payment of such benefits, as provided in Section 122.08, F.S., on Form FST-11o (Rev 07/06), Teachers' Teacher's Retirement System and State and County Officers' and Employees' Retirement System Option Selection for Members, herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

60S-4.011 Designation of Beneficiary.

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

(c) Such beneficiary designation shall be made on the Form BEN-001 (Rev. 06/04), Florida Retirement System Pension Plan Beneficiary Designation Form Active Members Only, herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Enrollment Section Toll Free at 1(877)377-3675, if calling from outside the Tallahassee calling area or locally at (850)488-8837. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(5)(a)2. No change.

3. Change his or her designation of beneficiary at any time on Form FST-12 (Rev. 12/02), Florida Retirement System Pension Plan Beneficiary Designation Form (Retired Members Only), herein adopted by reference, which may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at

(850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

60S-4.012 Employment After Retirement.

(2) The following reemployment limitations shall apply to any retiree of a state-administered retirement system who is reemployed by a Florida Retirement System employer in either a regularly established position or a temporary position, during the first 12 calendar months of retirement. For service retirements without DROP participation this 12 calendar month reemployment limitation period shall commence the month of the retiree’s effective date of retirement. For DROP participants such reemployment limitation period shall apply and commence in the calendar month following the participant’s DROP termination date. Any person employed in violation of any of the limitations in this section, and any employing agency which knowingly employs or appoints such person without notifying the Division to suspend retirement benefits shall be jointly and severally liable for reimbursement to the retirement trust fund of any benefits paid during the reemployment limitation period. Such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system or may use the State Board of Administration Form CERT (Rev. 06/2011), Florida Retirement System (FRS) – Certification Form, created for such purpose and herein adopted by reference, which may be obtained from the Employer page of the Division’s website, <http://frs.MyFlorida.com>, or by calling the Division’s Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(b)3. No change.

a. Notify the Division in writing of such employment and have his or her benefits suspended effective the first day of the first month of reemployment which may be done utilizing Form FR-23 (Rev. 07/10), Florida Retirement System Pension Plan Notification of Reemployment for Suspension of Retirement Benefits, herein adopted by reference, which may be obtained from the Forms page of the Division’s website, <http://frs.MyFlorida.com>, or by calling the Division’s Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. This suspension shall remain in effect for the balance of the reemployment limitation period or for every month of the reemployment limitation period in which he or she is employed, and benefits that would have been paid during the period of suspension are forfeited;

c. Upon expiration of the reemployment limitation period or upon termination of employment prior to expiration of the reemployment limitation period, notify the Division in writing that his or her reemployment limitation period has been completed or that he or she is no longer employed and desires to have his or her benefits reinstated which may be done utilizing Form FR-23a (Rev. 05/05), Florida Retirement System Pension Plan Application to Reactivate Retirement Benefits, herein adopted by reference, which may be obtained from the Forms page of the Division’s website, <http://frs.MyFlorida.com>, or by calling the Division’s Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. Upon verification by his or her employer, his or her retirement benefits will then be reinstated effective the first day of the month following termination of employment or expiration of the reemployment limitation period;

d. If the officer’s DROP participation began prior to July 1, 2010, the officer’s DROP account shall continue to earn interest beyond the DROP end date as provided in Section 121.091(13) ~~121.090(13)~~, F.S.

(6)(a) through (d)3.c. No change.

(7)(a) A retired Justice or Judge whose retirement without DROP participation is effective prior to July 1, 2010, or whose DROP termination date is prior to July 1, 2010, who after meeting termination as defined in Section 121.021, F.S., is assigned to active judicial service pursuant to Article V of the State Constitution shall continue to receive retirement benefits without being affected by the restrictions of this section but shall not be eligible for renewed membership in the Florida Retirement System.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: 60S-6.001
 RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

60S-6.001 Definitions.

Whenever used in these rules, unless otherwise expressly stated, or unless the context or subject matter requires a different meaning, the following words and terms shall have the respective meanings indicated:

(16) COMPENSATION OR GROSS COMPENSATION –

(a) Compensation means the total gross monthly salary paid a member by his or her employer for work performed arising from that employment, including:

1. through 5. No change.

6. Salary supplements paid on or after July 1, 2002 and prior to July 1, 2008, to teachers under the Excellent Teaching Program or the Florida Mentor Teacher Pilot Program, as provided in and subject to the requirements of Sections 1012.72 and 1012.73, F.S.

(58) REGULARLY ESTABLISHED POSITION – A regularly established position in a State agency is a position which is authorized and established pursuant to law and is compensated from a salaries and benefits appropriation pursuant to paragraphs 216.011(1)(c) and (dd), F.S., or an established position which is authorized pursuant to Sections 216.262(1)(a) and (b), F.S., and is compensated from a salaries and benefit appropriation pursuant to Sections 216.011(1)(c) and ~~216.011(1)(dd)~~, F.S., as defined in Section 216.011(1)(mm), F.S. A regularly established position in a local agency (district school board, county agency, community college, participating city, independent special district, metropolitan planning organization, public charter school or charter technical career center) is an employment position which will be in existence for a period beyond 6 consecutive calendar months, except as provided in paragraph 60S-1.004(5)(d), F.A.C.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.:	RULE TITLES:
60S-11.001	Definitions
60S-11.002	Participation
60S-11.004	Benefits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

60S-11.001 Definitions.

(8) DROP END DATE – means the date DROP participation ceases and shall be the date termination of all employment occurs as defined in paragraph 60S-6.001(69)(b), F.A.C., except as provided in subsection 60S-11.004(10) F.A.C., for elected officers. The DROP end date shall be effective as of the date of the participant’s designated deferred resignation, as stated on Form DP-ELE (Rev. 04/09), Florida Retirement System Pension Plan Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment, herein adopted by reference; or if applicable on Form DP-EXT (Rev. 04/09), Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) For Specified K-12 Instructional Personnel, herein adopted by reference, or earlier

if the participant terminates prior to the designated resignation date. Form DP-ELE and DP-EXT may be obtained from the Forms page of the Division’s website, <http://frs.MyFlorida.com>, or by calling the Division’s Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. The participant may cease participation in DROP prior to the designated resignation date only by satisfying the definition of termination as provided in paragraph 60S-6.001(69)(b), F.A.C.

60S-11.002 Participation.

(3) APPLICATION TO PARTICIPATE –

(a)1. No change.

2. Form DP-11 (Rev. 11/10), Florida Retirement System Pension Plan Application for Service Retirement and the Deferred Retirement Option Program (DROP); or Form DS-11 (Rev. 07/06), State and County Officers’ and Employees’ Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP); or Form DT-11 (Rev. 07/06), Teachers’ Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP). All such forms are herein adopted by reference and may be obtained from the Forms page of the Division’s website, <http://frs.MyFlorida.com>, or by calling the Division’s Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. Such application will be accepted by the Division up to 6 months in advance of the intended DROP begin date, and shall establish the member’s effective date of retirement and DROP begin date. The effective date of retirement and the DROP begin date shall both be the first day of the month that the member indicates on his or her application as the date he or she wishes his or her DROP participation to begin, provided the Division receives the member’s application no later than the close of business on the last day of the month in which the DROP begin date occurs. If a member fails to apply for DROP by the last day of the month in which his or her intended DROP begin date occurs, the effective date of retirement and the DROP begin date shall be the first day of the month in which the Division receives the member’s application, provided the application is received within the 12-month election as provided in subsection 60S-11.002(2), F.A.C.

60S-11.004 Benefits.

(7) DROP benefits shall be subject to the provisions of Rules 60S-4.014 and 60S-4.021, F.A.C., pertaining to assignment, execution, or attachment of benefits, and forfeiture of benefits, respectively. The Alternate Payee of a DROP participant as a result of an approved Qualified Domestic

Relations Order may designate a beneficiary on Form DP-12 (Rev. 02/06), Florida Retirement System Pension Plan Beneficiary Designation Form for the Alternate Payee of a DROP Participant, herein adopted by reference, in ~~the event~~ the event the Alternate Payee predeceases the DROP participant during the period of DROP participation. Form DP-12 may be obtained by calling the Survivor Benefits Section of the Division Toll Free at 1(877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(9) Termination of Employment for Participants Other than Elected Officers – A DROP participant, except for an elected officer participating in any membership class, must terminate employment on or before the preselected resignation date specified on Form DP-ELE or if applicable on Form DP-EXT and will be required to submit to the Division a completed Form DP-TERM (Rev. 04/10), Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Termination Notification, herein adopted by reference, upon termination from DROP. Form DP-Term may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at 1(877)738-3767, if calling from outside the Tallahassee calling area or locally at (850)487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. If a participant fails to terminate on or before the DROP termination and resignation date:

(e) Should the DROP participant and his or her respective employer rescind the DROP participant's resignation and employment shall continue beyond the rescinded resignation date, the DROP participant and his or her respective employer shall notify the Division on Form DP-VOID (Rev. 04/03), Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Void Form, herein adopted by reference, no earlier than three months prior to, but no later than, the rescinded resignation date. Form DP-VOID may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at 1(877)738-3767, if calling from outside the Tallahassee calling area or locally at (850)487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(10) Termination of Employment for Participants in the Elected Officers' Class – A member of the Elected Officers' Class participating in the DROP may continue to serve in elected office upon reaching the DROP end date as follows:

(a) For such officer who began participating in the DROP prior to July 1, 2002:

1. Such officer shall be required to submit to the Division a completed Form DP-TEOC (09/01), Florida Retirement System Pension Plan Deferred Retirement Option Program

(DROP) Elected Officers' Termination Notification, herein adopted by reference, upon termination from DROP. Form DP-TEOC may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at 1(877)738-3767, if calling from outside the Tallahassee calling area or locally at (850)487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(b) For such officer who began participating in the DROP on or after July 1, 2002 through June 1, 2010:

1. Such officer shall be required to submit to the Division a completed Form DP-TEOC-2 (10/07), Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer DROP Termination Notification, herein adopted by reference, upon termination from DROP. Form DP-TEOC-2 may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at 1(877)738-3767, if calling from outside the Tallahassee calling area or locally at (850)487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

(12) DROP Distribution – Upon the participant's termination of all employment as defined in paragraph 60S-6.001(69)(b), F.A.C., the deferred resignation becoming effective, and the conclusion of the DROP participation period, or upon the death of the participant, or for an elected officer as provided in paragraph (10)(a) benefits shall be paid or distributed as follows:

(b) The total accumulated DROP benefits will be distributed to the participant, or, if deceased, to the participant's joint annuitant or beneficiary as appropriate, provided the Division receives:

2. From the elected officer participant, Form DP-TEOC-3 (10/07), Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer Employment Termination Notification, herein adopted by reference, signed by both the participant and employer or employers, verifying termination of employment. Form DP-TEOC-3 may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at 1(877)738-3767, if calling from outside the Tallahassee calling area or locally at (850)487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

3. From the participant who chose Option 4, Form DP-Joint (Rev. 09/99), Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Joint Annuitant Verification, herein adopted by reference, signed by the participant verifying that his or her joint annuitant is still living and eligible for the full DROP Payout and the unreduced continuing monthly benefit. Form DP-Joint may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at 1(877)738-3767, if calling from

outside the Tallahassee calling area or locally at (850)487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

4. From all participants, Form DP-PAYT (Rev. 05/11), Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Selected Payout Method, herein adopted by reference, submitted by the participant which may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at (877)738-3767, if calling from outside the Tallahassee calling area or locally at (850)487-4856, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771, or if the participant has died, Form FST-11g, Florida Retirement System Pension Plan Application of Beneficiary for Benefit Payment, as adopted in paragraph 60S-4.008(1)(a), F.A.C., must be completed by his or her beneficiary, notifying the Division as to which of the following methods of payment he or she has chosen:

- a. Lump sum,
- b. Direct rollover, or
- c. Combined partial lump sum and rollover.

A DROP participant or beneficiary who submits all required forms, but fails to elect a method of payment within 60 days of termination of DROP, will automatically receive a lump sum distribution, less applicable withheld taxes.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on February 9, 2012, the Department of State, received a petition for Variance of Rule 1A-31.0092, F.A.C. This permanent variance requested by Amelia Research and Recovery, LLC requests a variance to the limitation in size of the exploration permit area (three square miles) so that they might file only one permit application rather than multiple applications for permits to continue exploring an area they have previously explored under contract with the State for 22 years.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Betty Money, Agency Clerk, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6536.

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN that on February 10, 2012, the Florida's Office of Early Learning, received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive services. The Petition was filed by: The Early Learning Coalition of Clay, Nassau, Baker and Bradford, 1845 Town Center Blvd. Suite 150, Orange Park, FL 32003.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Florida's Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN that on February 10, 2012, the Florida's Office of Early Learning, received a petition for variance from paragraph 60BB-8.201(4)(a), F.A.C., which provides requirements for conducting parent orientation sessions for parents registering their children for the VPK program. The Petition was filed by: The Early Learning Coalition of Clay, Nassau, Baker and Bradford Counties, 1845 Town Center Blvd., Ste. 150, Orange Park, FL 32003.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Florida's Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN that on February 7, 2012, the Florida's Office of Early Learning, received a petition for variance from subsection 60BB-4.210(1), F.A.C., which provides requirements for maintaining school readiness eligibility and allows an individual to be unemployed for a maximum of 30 days before losing eligibility to receive services. The Petition was filed by: The Early Learning Coalition of Putnam and St. Johns, 440 N. SR 19, Ste. 440, Palatka, FL 32177.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Florida's Office of Early Learning, 250 Marriott Drive, Tallahassee, FL 32399.

NOTICE IS HEREBY GIVEN that on February 10, 2012, the Florida's Office of Early Learning, received a petition for variance from paragraph 6M-8.201(4)(a), F.A.C. (formerly 60BB-8.201(4)(a), which provides requirements for conducting parent orientation sessions for parents registering their children for the VPK program. The Petition was filed by: The Early Learning Coalition of Putnam and St. Johns, 440 N. SR 19, Ste. 440, Palatka, FL 32177.