

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or Fax (850)488-3813.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64C-5.001 follows. See Florida Administrative Code for present text.)

64C-5.001 Methods of Service Delivery.

(1) In all CMS Network Area Offices and CMS Network facilities, respect will be maintained for the privacy of the participant and parent or guardian during interview, examination, and treatment.

(2) All CMS Network participants will have a timely care plan developed and updated as needed in order to ensure coordination of individualized services for the participant.

Specific Authority 391.026(18)(42) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-6.02, Amended 7-12-93, Formerly 10J-6.002, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE TITLES:	RULE NOS.:
Applicability	65E-14.001
Retention and Access Requirements for Records	65E-14.002
Audits of Contractors Participating in the Substance Alcohol, Drug Abuse and Mental Health Programs	65E-14.003
Program Income and Interest Earned on Advanced Funds	65E-14.004
Matching	65E-14.005
Valuation of Donated and Volunteer Services	65E-14.006
Appraisal of Real Property	65E-14.007
Property	65E-14.010
Programmatic Changes and Budget Revisions	65E-14.011
Contract Closeout, Suspension, and Termination	65E-14.012
Contractor’s Financial Management Responsibilities	65E-14.014
Transactions Resulting in Additional Cost to the Program	65E-14.016
Cost Principles	65E-14.017
Slide Fee Schedule	65E-14.018
Methods of Paying for Services	65E-14.019
Cost Reimbursement Method of Payment	65E-14.020
Unit Cost Method of Payment	65E-14.021
Data Requirements	65E-14.023

PURPOSE AND EFFECT: Chapter 65E-14, F.A.C., entitled Community Alcohol, Drug Abuse and Mental Health Services – Financial Rules, is being amended to streamline the financial processes related to purchased services, modify the method of determining rates paid to service providers, update audit and data requirements for service providers and update rule chapter references to reflect changes in the substance abuse and mental health area.

SUBJECT AREA TO BE ADDRESSED: Methods of reimbursement, financial data maintenance and reporting, audit and other financial requirements related to substance abuse and mental health service providers.

SPECIFIC AUTHORITY: 394.457(3), 394.493(2), 394.674(4),(6), 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(5), 402.73(7) FS.

LAW IMPLEMENTED: 394.457(3), 394.493(2), 394.66(9),(12), 394.674(3),(4), 394.74, 394.76(1),(5), 394.77, 394.78(1),(3),(6), 397.321(3)(c),(10), 397.431, 397.481 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATES: 9:00 a.m., August 28-30, 2001; September 11-12, 2001 (Note: The subjects of data requirements and sliding fee schedule will be addressed at 9:00 a.m., August 29, 2001)

PLACE: 1317 Winewood Blvd., Building 6, Winewood Office Complex, Room Number 361, Tallahassee, Florida

Prior to, or at the time of the workshop, any person may submit information (1) relating to the department’s statement of estimated regulatory costs (if one has been requested or if one has been prepared); and (2) any proposals as to how the same department regulatory goal can be achieved with a lower regulatory cost.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, WHEN AVAILABLE, IS: Jim Fraizer, 1317 Winewood Blvd., Building 6, Room 307, Tallahassee, Florida 32399-0700, Phone (850)414-1500

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLE: Commercial Values for Penalty Assessments
 RULE NO.: 5E-1.016
 PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUMMARY: Rule 5E-1.016 updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was Prepared.

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

SPECIFIC AUTHORITY: 576.181(2), 570.07(23) FS.

LAW IMPLEMENTED: 576.051(2),(2),(7), 576.061, 576.071, 576.181 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:00 a.m., August 31, 2001

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Steven J. Rutz, Director, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Room 130, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-3731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.016 Commercial Values for Penalty Assessments.

The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Chemical Market Reporter Publication (effective 6/8/98), which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027. This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS.

	Guaranteed	Commercial Values	
	as	(Per unit*)	
Total Nitrogen	N	\$ <u>5.65</u>	\$4.00
Nitrate Nitrogen	N	<u>5.38</u>	4.54
Ammoniacal Nitrogen	N	<u>4.76</u>	4.15
Water Soluble or			
Urea Nitrogen	N	<u>4.75</u>	4.45
Slow Release Nitrogen			
(from other SRN sources)	N	<u>15.85</u>	19.25
Water Insoluble Nitrogen	N	<u>12.93</u>	14.65
Available Phosphorus	P ₂ O ₅	<u>3.62</u>	3.95
Slow Release Phosphate	P ₂ O ₅	<u>19.60</u>	24.00
Potassium (from Muriate)	K ₂ O	<u>2.30</u>	2.27

Slow Release Potassium	K ₂ O	<u>15.04</u>	15.25
Potassium (from any source other than Muriate or a combination of sources)	K ₂ O	<u>4.41</u>	4.40

(2) SECONDARY PLANT NUTRIENTS.

	Guaranteed	Commercial Values	
	as	(per unit*)	
Total and water Soluble			
Magnesium (from any source)	Mg	<u>\$6.55</u>	\$6.80
Manganese (from sulfate)	Mn	<u>16.19</u>	16.70
<u>Manganese (from Sucrate)</u>	<u>Mn</u>	<u>11.33</u>	11.00
Manganese (from chloride)	Mn	6.10	6.10
Manganese (from oxide)	Mn	7.55	7.55
Manganese (from chelate in group 1**)	Mn	231.00	231.00
Manganese (from chelate in group 2**)	Mn	70.90	70.90
Copper (from sulfate)	Cu	<u>42.45</u>	39.30
Copper (from chloride)	Cu	22.15	22.15
Copper (from oxide)	Cu	<u>20.50</u>	22.45
Copper (from chelate in group 1**)	Cu	156.00	156.00
Copper (from chelate in group 2**)	Cu	113.20	113.20
Zinc (from sulfate)	Zn	<u>17.72</u>	16.34
Zinc (from sucrate)	Zn	<u>14.20</u>	
Zinc (from chloride)	Zn	18.45	18.45
Zinc (from oxide)	Zn	<u>10.05</u>	10.45
Zinc (from chelate in group 1**) Zn		184.00	184.00
Zinc (from chelate in group 2**) Zn		65.00	65.00
Iron (from sulfate)	Fe	<u>13.27</u>	12.85
<u>Iron (from sucrate)</u>	<u>Fe</u>	<u>6.28</u>	5.80
<u>Iron (from humate)</u>	<u>Fe</u>	<u>16.09</u>	18.40
Iron (from oxide)	Fe	<u>4.00</u>	3.95
Iron (from chelate in group 1**) Fe		<u>267.29</u>	290.35
Iron (from chelate in group 2**) Fe		<u>80.00</u>	83.00
Aluminum	Al	<u>14.00</u>	13.70
Sulfur (free)	S	<u>2.64</u>	2.45
Sulfur (combined)	S	<u>2.21</u>	2.20
Boron	B	<u>34.12</u>	34.55
Molybdenum	Mo	<u>185.50</u>	189.00
Cobalt	Co	89.90	89.90
Calcium (from any source)	Ca	<u>.60</u>	.59
(3) DOLOMITE and LIMESTONE (when sold as material).			
Magnesium	MgCO ₃	<u>.16</u>	.15

Calcium CaCO₃ .09 .07
 (4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium CaSO₄ .30 .30

*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

**Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 576.181(2), 570.07(23) FS. Law Implemented 576.051(2),(3),(7), 576.061, 576.071, 576.181 FS. History--New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, 3125 Conner Blvd., Building #8, Tallahassee, Florida 32399-1650, Telephone (850)488-8731

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: DISTRICT FINANCIAL RECORDS RULE NO.: 6A-1.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to adopt the updated publication, "Financial and Program Cost Accounting for Florida Schools, 2001." The effect will be a document incorporated by reference that is consistent with current law, accounting principles, and district practices.

SUMMARY: The publication, "Financial and Program Cost Accounting for Florida Schools," as incorporated by reference in the rule, has been revised to: modify balance sheet accounts in accordance with Governmental Accounting Standards Board Statement 34; modify revenue accounts for federal programs based on changes in legislation and reporting; modify revenue accounts for state programs in accordance with changes in state funding; modify local revenue accounts for changes in fee structures; modify fund and account group structure for consistency with Governmental Accounting Standards Board Statement 34; clarify function and object code definitions; provide accounting guidance in accordance with Governmental Accounting Standards Board Statement 34 in Chapters 1, 6, 7 and 8; and to modify Chapter 5 to reflect changes in legislation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 237.01 FS.

LAW IMPLEMENTED: 237.01, 237.34 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanine Blomberg, Director, Division of Support Services, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)488-6023

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.001 District Financial Records.

The superintendent of schools of each school district shall be responsible for keeping adequate records and accounts of all financial transactions in the manner prescribed by the Commissioner in the publication titled, "Financial and Program Cost Accounting and Reporting for Florida Schools, 2001-1997" which is hereby incorporated by this rule and made a part of the rules of the State Board. Copies of the manual may be obtained from the Office of Funding and Financial Management Reporting ~~Financial Management Section~~, Department of Education, 325 West Gaines Street, Turlington Building, Tallahassee, Florida 32399, at a cost to be established by the Commissioner but which shall not exceed actual costs.

Specific Authority ~~229.053(1)~~, 237.01 FS. Law Implemented 237.01, 237.34 FS. History--Amended 9-17-72, Repromulgated 12-5-74, Amended 4-28-77, 8-2-79, 7-21-80, 10-7-81, 8-10-83, 9-27-84, 10-1-85, Formerly 6A-1.01, Amended 11-8-88, 7-30-91, 10-6-92, 10-18-94, 1-26-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Course Requirements – Grades 6-12 Basic and 6A-1.09412
 Adult Secondary Programs

PURPOSE AND EFFECT: The purpose of this amendment is to present to the State Board of Education for approval the course requirements to be used in grades 6-12. The course requirements are presented to be adopted by reference in the publication entitled “2001-2002 Florida Course Descriptions for Grades 6-12/Adult, Basic Education.” The effect of this amendment is to ensure instructional consistency in courses taught in these grades.

SUMMARY: The proposed amendment incorporates by reference the publication “2001-2002 Florida Course Descriptions for Grades 6-12/Adult, Basic Education.”

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.565 FS.

LAW IMPLEMENTED: 229.565, 229.592, 230.23(7), 233.165 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (805)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09412 Course Requirements – Grades 6-12 Basic and Adult Secondary Programs.

A course description directs district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “~~Florida~~ Course Code Directory and Instructional Personnel Assignments” adopted by Rule 6A-1.09441, FAC. Course requirements approved by the State Board of Education are contained in the publication “2001-2002 Florida Course Descriptions for Grades 6-12/Adult, Basic Education and Adult Secondary Programs 2000-2001” which is hereby incorporated by reference and made a part of this rule. District school boards of education are authorized, through local rules, to approve a variance of up to ten (10) percent of the course requirements of each course description. Copies of approved course descriptions may be

obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street Turlington Building, Tallahassee, Florida 32399.

Specific Authority 229.565 FS. Law Implemented 229.565, 229.592, 230.23(7), 233.165 FS. History—New 2-21-85, Formerly 6A-1.9412, Amended 1-29-86, 1-1-87, 9-6-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 6-6-93, 10-18-94, 8-28-95, 5-14-96, 9-15-97, 10-13-98, 5-3-99, 5-3-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Requirements for Programs and Courses Which 6A-1.09441
 are Funded Through the Florida Education
 Finance Program and for Which the Student
 May Earn Credit Toward High
 School Graduation

PURPOSE AND EFFECT: The purpose of this amendment is to update the document “Course Code Directory and Instructional Personnel Assignments,” as incorporated by reference in the rule. This document provides public school personnel with an updated listing of all courses offered in the public elementary, secondary, vocational-technical and adult schools of Florida including related teacher certification coverages.

SUMMARY: The proposed amendment incorporates an updated “Course Code Directory and Instructional Personnel Assignments” which lists by number, abbreviation, and title each approved course or program that may be taught in the public schools and the related teacher certification coverages.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 236.081 FS.

LAW IMPLEMENTED: 229.592, 232.246, 236.081, 240.40202 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Laura Openshaw, Director, Division of Public Schools and Community Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (805)488-2601

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09441 Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation.

For student membership in a program or course to generate funding through the Florida Education Finance Program and for the student to receive elective or required credit toward high school graduation for such a program or course, the following conditions shall be met:

(1) The program in which the student is in membership shall be one of the programs listed in Section 236.081(1)(c), Florida Statutes.

(2) The course or program in which the student is in membership shall be an educational activity which constitutes a part of the instructional program approved by the district school board.

(3) The student shall be under the supervision of an instructional staff member as defined in Rule 6A-1.0501, FAC.

(4) The course or program shall be listed in the "Course Code Directory and Instructional Personnel Assignments" for the year in which the student is in membership.

(5) The "Course Code Directory and Instructional Personnel Assignments 2001-2002 ~~2000-2001~~" is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from the Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Turlington Building, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority ~~229.053(4)~~; 236.081 FS. Law Implemented 229.592, 232.246, 236.081, 240.40202 FS. History--New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-19-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Instructional Personnel Certification	6A-4.001
General Provisions	6A-4.002
Degrees, Programs, and Credits	6A-4.003
Florida Educator's Certificates with Academic, Administrative, and Specialty Class Coverages	6A-4.004
Renewal and Reinstatement of a Professional Certificate	6A-4.0051
General and Professional Preparation	6A-4.006

PURPOSE AND EFFECT: These rules are amended to align the certification requirements with current Florida law. The effect of amending these rules will be to eliminate certification requirements which are no longer in effect and to streamline rules to reflect only the current requirements.

SUMMARY: These rules are to be amended to align certification requirements with Florida law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(5),(11) FS.

LAW IMPLEMENTED: 229.053, 231.02, 231.145, 231.15, 231.17, 231.24 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Ashburn, Director, Division of Professional Educators, Department of Education, Room 203, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-4.001 Instructional Personnel Certification.

(1) The purpose of instructional personnel certification is to provide evidence that educators ~~the teachers~~ in the State of Florida are professionally qualified in order to protect the educational interests of students, parents, and the public at large. Instructional personnel who obtain certification in the

State of Florida shall possess adequate pedagogical and relevant subject matter knowledge and demonstrate an acceptable level of professional performance.

(2) The certificates are issued by the Florida Department of Education in accordance with Chapter 231, Florida Statutes, and these rules. Other statutory provisions may have an impact on the educator ~~teacher~~ certification process. Persons should refer to both the statutes and the rules for complete information regarding the legal basis of the instructional personnel certification process.

(3) Certification is administered and implemented by the Bureau of Educator ~~Teacher~~ Certification, Florida Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400. Communications to the Department should be directed to that office. The office of the superintendent of schools for each district ~~county~~ school system may also be contacted for information regarding the educator ~~teacher~~ certification process.

Specific Authority 229.053(1), 231.15(1), 231.17~~(4)~~(11) FS. Law Implemented 231.02, 231.15, 231.17 FS. History—Amended 4-20-64, 4-11-69, Revised 7-19-72, Repromulgated 12-5-74, Amended 5-11-76, 7-1-79, 12-11-79, 3-17-81, 9-30-84, Formerly 6A-4.01, Amended 12-25-86, 10-31-88.

6A-4.002 General Provisions.

(1) Educator's certificates.

(a) Types of certificates. The types of certificates are the professional certificate, the nonrenewable professional certificate, the temporary certificate, and the athletic coaching ~~part-time~~ certificate. Requirements for obtaining all types of certificates are specified in Rules 6A-4.004, ~~6A-4.050, and 6A-4.066~~, FAC.

(b) ~~The professional, nonrenewable professional, and temporary certificates are full-time educator's certificates.~~ An applicant for a full-time Florida educator's certificate shall be governed by Florida Statutes and rules for the temporary and professional certificates that are in effect at the time of application and qualification for the initial full-time certificate provided successive full-time certificates are issued for consecutive school fiscal years. An individual who permits a temporary certificate to expire for at least one (1) school fiscal year may secure another full-time certificate in accordance with Florida Statutes and rules for temporary and professional certificates which are in effect at the time the most recent application is received in the Bureau of Educator ~~Teacher~~ Certification, Florida Department of Education.

(c) Effective date of certificates. Each certificate shall bear an effective date of July 1 of the school fiscal year for which it is issued.

(d) Definition of coverage. The term "coverage" as used in Florida State Board of Education rules for educator ~~teacher~~ certification purposes shall be defined as the designation on a Florida educator's certificate which indicates the area in which

an individual has a content knowledge base. The term "coverage" shall be used synonymously with the terms "subject," "area," or "field."

(e) Definition of endorsement. The term "endorsement" as used in Florida State Board of Education rules for educator ~~teacher~~ certification purposes shall be defined as a rider on a Florida educator's certificate with a designated coverage. An endorsement shown on a certificate with a coverage signifies a pedagogical knowledge base which targets particular levels, stages of development, or circumstances.

(f) Classification of coverages and endorsements shown on certificates. Each coverage or endorsement shown on a certificate shall be identified as an academic class, administrative class, specialty class, or vocational class. The classification is specified in the specialization rule for each coverage or endorsement.

(g) Authority of the Commissioner of Education. Under extenuating circumstances not covered in these rules, the Commissioner is authorized to issue a certificate to an individual upon the request of a Florida district school superintendent.

(h) Responsibility to qualify for and maintain a valid certificate. It shall be the responsibility of each applicant to complete all requirements for the temporary and professional certificates and to file with the Bureau of Educator ~~Teacher~~ Certification, Florida Department of Education, evidence of such completion within the specified timelines. For renewal of the professional certificate, it shall be the responsibility of each applicant to obtain current information regarding renewal requirements and complete such requirements prior to expiration of the professional certificate. Information regarding renewal of the professional certificate may be obtained by contacting the employing Florida district school board or nonpublic school, or by contacting the Bureau of Educator ~~Teacher~~ Certification, Florida Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399-0400.

(i) Certificates from other states. Certificates from other states shall not be valid for teaching in Florida.

1. Certificates from other states used to document eligibility for a Florida certificate shall:

a. Be the standard educator's certificate issued by that state which is comparable to a Florida Professional Certificate.

b. Be issued in a subject comparable to a Florida certification subject, and

c. Require the same or higher level of training required for certification in that subject in Florida.

2. Official documentation of another state's certificate shall be a photocopy of the front and back of the original certificate.

(j) Alteration of certificates. The alteration of any certificate with the intent to mislead or defraud shall be sufficient grounds for revocation of the certificate. It shall be incumbent upon the certificate holder to establish evidence of the absence of intent to mislead or defraud.

(2) Degree major.

(a) A degree major used in Florida State Board of Education rules for educator teacher certification purposes is defined as the major field of study as identified by the degree granting institution. A degree major completed at an accredited or approved standard institution as defined in Rule 6A-4.003(+), FAC., in an area in which Florida offers certification may be utilized to satisfy the specialization requirements specified in Rules 6A-4.008 through 6A-4.035 and Rules 6A-4.054 through 6A-4.062, FAC., for the subject to be shown on the certificate.

(b) The Commissioner is authorized to deny acceptance of a major for educator teacher certification purposes if the courses completed for the major are not comparable in quantity and content to the specific course requirements listed in Florida State Board of Education rules for certification in that subject.

(3) College credit. College credit used for educator teacher certification purposes shall be undergraduate or graduate credit earned at an accredited or approved standard institution ~~or a community or junior college~~ as specified in Rule 6A-4.003, FAC. Credit used to satisfy vocational education course requirements shall be completed at an accredited or approved standard institution approved by the State Board for Vocational Education. All college credit shall be computed by semester hours. One (1) quarter hour of college credit shall equal two-thirds (2/3) of one (1) semester hour. Community and junior college credit used for educator teacher certification purposes shall parallel those of the first and second years of course work at an accredited or approved standard institution and shall be comparable to courses offered at Florida community and junior colleges which have been approved by the Florida Department of Education.

(4) Waiver of college credit.

(a) Course exemption. Exemption from a college course as verified in writing by the institution of higher education shall be accepted the same as credit earned in that course to meet a specific course requirement for certification.

(b) College teaching experience. Teaching a college course at an accredited or approved standard institution or an accredited community or junior college as described in Rule 6A-4.003, FAC., shall be accepted the same as credit earned in that course to meet a specific course requirement for certification. A written statement from the registrar or other official designated by the president verifying the college teaching experience shall be filed with the Bureau of Educator Teacher Certification, Florida Department of Education.

(5) Teaching experience.

(a) Definition of teaching experience. Teaching experience as used in Florida State Board of Education rules for educator teacher certification purposes shall be defined as full-time teaching, administrative, or supervisory service.

1. Teaching experience used for academic, administrative, vocational, and specialty class subjects shall be gained in a public; or state supported; ~~or nonpublic~~ elementary or secondary school; or in a prekindergarten (ages three [3] and four [4]) school as defined in Section 228.041(5), Florida Statutes; or in a birth through age two (2) school ~~as follows: a school which is part of a public or state supported school; or is a contractor for a public school system; a nonpublic school which is accredited by the National Academy of Early Childhood Programs and which has an approved Florida Professional Orientation Program, or a contractor for Department of Health and Rehabilitative Services (HRS) providing services under the provisions of the "Individuals with Disabilities Education Act (IDEA), Part 'H'."~~ Such ~~HRS contractor shall have an approved Professional Orientation Program.~~ However, teaching experience in a nonpublic school shall be acceptable provided the applicant held a valid full-time teaching certificate issued by the state department of education in the state where the teaching experience was acquired.

2. Teaching experience used for vocational class subjects shall be gained in an elementary or secondary school as specified in Subparagraph (5)(a)1. of this rule, in a public or state supported vocational or technical school, or in an accredited community or junior college as described in Rule 6A-4.003, FAC.

(b) Utilization of teaching experience. A year of full-time teaching experience may be accepted in lieu of three (3) semester hours of college credit. A maximum of three (3) years of teaching experience may be used in lieu of nine (9) semester hours of college credit. Not more than two (2) years of teaching experience may be used in lieu of six (6) semester hours of college credit toward satisfying requirements in general preparation, professional preparation, or a specialization area. When teaching experience is used to satisfy a course requirement in a specialization area or to satisfy a methods course requirement in professional preparation, the teaching experience shall be comparable to the course requirement acquired in the subject or field and at the appropriate instructional level to which it is applied.

(c) Limitations on the use of teaching experience. Teaching experience shall not be accepted in lieu of college credit to satisfy the following certification requirements:

1. Renewal or reinstatement of a professional certificate,
2. Reissuance of a temporary certificate,
3. Satisfaction of a graduate credit requirement,
4. Satisfaction of an entire certification subject.

(6) Noncitizens. A noncitizen may be issued an Official Statement of Status of academic Eligibility or a certificate as specified below:

(a) An Official Statement of Status of academic Eligibility shall be issued when the applicant meets requirements specified in Section 231.17(1)(b), Florida Statutes Rule 6A-4.004(1), FAC.

(b) The certificate may be issued when the applicant meets requirements specified in Rule 6A-4.004(2), FAC., and an official of the employing Florida public, state supported, or nonpublic school submits documentation of appropriate immigration status, as follows: The documentation shall be a photocopy of the completed United States Immigration and Naturalization Form I-9, Employment Eligibility Verification, accepted for employment in compliance with the United States Immigration Reform and Control Act of 1986.

~~1. Verification from the United States Immigration and Naturalization Services, 7880 Biscayne Boulevard, Miami, Florida 33138, of legal admission to the United States and no restrictions on employment, or~~

~~2. Verification from an official of the employing Florida public, state supported, or nonpublic school of eligibility for employment. The verification shall be a photocopy of the completed United States Immigration and Naturalization Form I-9, Employment Eligibility Verification, accepted for employment in compliance with the United States Immigration Reform and Control Act of 1986.~~

(c) Exchange teachers.

1. An exchange teacher is defined as a teacher from a country other than the United States teaching ~~on an exchange basis~~ as the result of a reciprocal arrangements with the United States government or ~~between~~ a nationally recognized organization in the United States and another country.

2. A temporary certificate valid for ~~three (3) two (2)~~ years may be issued to an exchange teacher. The certificate shall reflect the designation of exchange teacher and shall not reflect a subject. Only one (1) certificate may be issued under this provision when an applicant meets the following requirements:

a. Submits an application form and fee as specified in Rule 6A-4.0012, FAC.;

b. Submits verification of participation in an exchange program. Verification shall be provided by the employing school district, state supported or nonpublic school, and

c. Submits a request for issuance of the temporary certificate from the employing Florida school superintendent or chief administrative officer of the state supported or nonpublic school which has ~~an~~ Department of Education approved system for documenting the demonstration of required professional education competence Florida professional orientation program.

Specific Authority 229.053(1), 231.15(1), 231.17(1)(b), FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—Amended 4-10-64, 4-8-68, 4-11-70, 10-18-71, 3-19-72, 12-18-72, 6-17-73, 4-19-74, Repromulgated 12-5-74, Amended 6-22-76, 6-27-77, 12-26-77, 4-27-78, 7-1-79, 7-2-79, 6-26-80, 7-28-81, 1-3-82, 5-11-82, 6-22-83, 3-28-84, 1-31-85, 3-13-85, Formerly 6A-4.02, Amended 12-25-86, 10-18-88, 10-10-89, 4-15-91, 11-10-92, 5-30-94, 11-13-96, _____.

6A-4.003 Degrees, Programs, and Credits.

Degrees, programs, and credits shall be determined acceptable for educator teacher certification purposes based on the following:

(1) Accredited institutions. Degrees and credits awarded by an institution of higher learning accredited by one (1) of the accrediting associations listed below shall be acceptable for educator teacher certification purposes.

(a) Regional accrediting associations.

1. The regional accrediting associations are as follows:

1.a. The Southern Association of Colleges and Schools,

2.b. The Middle States Association of Colleges and Secondary Schools,

3.c. The New England Association of Colleges and Secondary Schools,

4.d. The North Central Association of Colleges and Secondary Schools,

5.e. The Northwest Association of Secondary and Higher Schools, and

6.f. The Western Association of Colleges and Schools.

(b) Accrediting agencies approved by the United States Department of Education.

2. A bachelor's or higher degree awarded by an institution accredited by one (1) of the six (6) regional accrediting associations shall be considered as having been awarded by a standard institution. A standard institution shall be defined as an institution accredited by one (1) of the six (6) regional accrediting associations to award a bachelor's or higher degree or a newly created university in the State University System of Florida for no more than two (2) years from the date of first course offerings. To be defined as a standard institution, the newly created university shall offer degree programs that have evolved from degree programs at an existing university in the State University System of Florida accredited by the Southern Association of Colleges and Schools. The institution shall have been accredited at the level of the degree at the time the degree was awarded. Degrees and credits granted within the four (4) year period immediately preceding the date of initial accreditation of the institution shall be considered as having been granted by a standard institution.

3. Credit awarded by a community or a junior college accredited at the associate's level by one (1) of the six (6) regional accrediting associations shall be accepted for certification purposes as specified in Rule 6A-4.002(3)(b), FAC. The community or junior college shall have been accredited at the time the credit was awarded. Credit granted within the two (2) year period immediately preceding the date of initial accreditation of the institution shall be considered as having been granted by an accredited institution.

(b) Council on Postsecondary Accreditation. A bachelor's or higher degree awarded by an institution in the State of Florida accredited by an accrediting association which is a member of the Council on Postsecondary Accreditation shall

be accepted as granted by a standard institution. The institution shall have been accredited at the level of the degree at the time the degree was awarded.

(e) Professional law associations. A degree awarded by an institution or law school accredited by either the American Bar Association or the Association of American Law Schools shall be accepted as granted by a standard institution. The institution or law school shall have been accredited at the time the degree was awarded.

(2) Nonaccredited approved institutions. A non-accredited approved institution of higher learning shall be identified as having a quality program resulting in a bachelor's or higher degree by one (1) of the following criteria: ~~Nonaccredited institutions. The criteria for identifying a nonaccredited institution and the utilization of degrees and credits from a nonaccredited institution are specified below:~~

(a) ~~The institution is accepted for certification purposes by the state department of education where the institution is located. Degrees or credits awarded by an institution which is not an accredited institution as specified in Rule 6A-4.003(1), FAC., shall be considered as having been awarded by a nonaccredited institution provided the institution meets one (1) of the following:~~

1. ~~The institution was listed at the time the degree was awarded as an institution of higher learning in the Directory of Higher Education published by the United States Office of Education prior to and including the 1968-69 directory.~~

2. ~~The institution was recognized as a candidate or correspondent at the time the degree was awarded by one (1) of the six (6) regional accrediting associations listed in Rule 6A-4.003(1)(a)1., FAC.~~

3. ~~The foreign institution is listed in the International Handbook of Universities or the Commonwealth Universities Yearbook or accepted as an institution of higher learning by a standard institution.~~

(b) ~~The institution holds a certificate of exemption pursuant to Section 246.085(1)(b), Florida Statutes. Utilization of degrees and credits awarded by a nonaccredited institution.~~

1. ~~A bachelor's or higher degree from a nonaccredited institution shall be accepted for Florida teacher certification purposes provided the degree has been validated as specified in Rule 6A-4.003(4), FAC.~~

2. ~~Credits earned at a nonaccredited institution which do not terminate in a bachelor's or higher degree shall not be accepted for any certification purposes unless the credits were accepted in transfer toward a degree awarded by a standard institution.~~

(c) ~~The institution is a newly created Florida public college or university that offers a bachelor's or higher degree program.~~

(d) ~~The institution is located outside the United States and awards a degree that is the equivalent to a bachelor's or higher degree awarded by an accredited or approved institution in the~~

United States. Isolated credit will be acceptable for certification purposes provided the credit is the equivalent of college credit earned in the United States, or

(e) The degree from the institution was accepted by an accredited or approved institution either in transfer or as a basis for admission into the graduate program which resulted in the conferral of a higher degree.

An applicant who holds a valid standard educator's certificate issued by a state other than Florida which may be used to satisfy the eligibility requirements for a professional certificate as described in Sections 231.17(1) and (2), Florida Statutes, or to demonstrate mastery of subject matter knowledge as in Section 231.17(4), Florida Statutes, is considered to have met the requirements of this rule.

~~(3) Nonlisted institutions. The criteria for identifying a nonlisted institution and the utilization of degrees and credits from a nonlisted institution are specified below:~~

~~(a) Degrees or credits awarded by an institution which does not meet the criteria of an accredited institution specified in Rule 6A-4.003(1), FAC., or a nonaccredited institution specified in Rule 6A-4.003(2), FAC., shall be considered as awarded by a nonlisted institution.~~

~~(b) Utilization of degrees and credits awarded by a nonlisted institution:~~

1. ~~A bachelor's, master's, or specialist's degree awarded by a nonlisted institution shall be accepted for Florida teacher certification purposes provided the degree has been validated as specified in Rule 6A-4.003(4), FAC.~~

2. ~~A doctor's degree awarded by a nonlisted institution may not be used for any certification purposes. There are no provisions for validation of a doctor's degree awarded by a nonlisted institution.~~

3. ~~Credits earned at a nonlisted institution which do not terminate in a bachelor's, master's, or specialist's degree shall not be accepted for any certification purposes unless the credits are accepted in transfer toward a degree awarded by a standard institution.~~

~~(4) Validation of degrees.~~

~~(a) Bachelor's, master's, and specialist's degrees awarded by nonaccredited or nonlisted institutions. A bachelor's, master's, or specialist's degree awarded by a nonaccredited institution as described in Rule 6A-4.003(2), FAC., or a nonlisted institution as described in Rule 6A-4.003(3), FAC., may be validated by one (1) of the following plans:~~

1. ~~Plan One. Earn a degree which is at least one (1) degree level above the level of the degree to be validated at a standard institution. The institution shall be accredited at the appropriate degree level. The registrar or other official designated by the president of the validating institution shall verify that the degree earned at the nonaccredited or nonlisted institution was used as a basis for admission to the degree program.~~

~~2. Plan Two. Gain admission to a graduate degree program at a standard institution. The degree program shall be at least one (1) degree level above the level of the degree to be validated. The institution shall be accredited at the appropriate degree level. The registrar or other official designated by the president of the validating institution shall verify that the degree earned at the nonaccredited or nonlisted institution was used as a basis for admission to the degree program.~~

~~3. Plan Three. Complete an individualized validation program at a standard institution. The institution shall be accredited at the same degree level or a degree level higher than the degree to be validated. The registrar or other official designated by the president of the validating institution shall verify that the validated degree is equivalent to a degree awarded by the validating institution in the same subject and at the same degree level.~~

~~(b) Doctor's degrees awarded by nonaccredited institutions. A doctor's degree from a nonaccredited institution as described in Rule 6A-4.003(2), FAC., may be validated by completion of an individualized validation program at a standard institution. The institution shall be accredited at the doctor's degree level. The registrar or other official designated by the president of the validating institution shall verify that the validated degree is equivalent to a doctor's degree awarded by the validating institution in the same subject or field.~~

~~(3)(5) Highest acceptable degree level of training.~~

~~(a) The highest degree which has been awarded by an accredited or approved standard institution as described in subsections (1) and (2) of this rule, Rule 6A-4.003(1), FAC., or the highest degree which has been validated as specified in Rule 6A-4.003(4), FAC., shall be recognized for certification. The degree level shall be determined by the criteria listed below.~~

~~1. Bachelor's degree. An earned bachelor's degree, such as the bachelor of arts, bachelor of science, or bachelor of education degree which normally required four (4) years of higher education; or a foreign degree that required sixteen (16) years of combined pre-university and university education; or a foreign degree that has been evaluated by an education credential evaluation agency or an accredited or approved standard institution and as the verified by the validating institution to be equivalent to a bachelor's degree from an institution as described in subsections (1) and (2) of this rule of higher learning in the United States shall be recognized as the bachelor's degree level of training.~~

~~2. Master's degree. An earned master's degree or an earned advanced bachelor's degree of a professional nature, such as library science, in combination with an earned four-year bachelor's degree; or a post-bachelor's foreign degree that required at least five (5) years of higher education; or a foreign post-bachelor's degree that has been evaluated by an education credential evaluation agency or an accredited or approved standard institution as the and verified by the~~

~~validating institution to be equivalent to a master's degree from an institution as described in subsections (1) and (2) of this rule of higher learning in the United States shall be recognized as the master's degree level of training.~~

~~3. Specialist in education degree. An earned sixth-year post-master's level degree in education, such as specialist in education degree shall be recognized as the specialist's degree level of training.~~

~~4. Doctor's degree. An earned academic or professional doctor's degree, or an earned Bachelor of Laws (LLB) or higher law degree granted by an institution of higher learning in the United States, or a foreign doctor's degree that required at least seven (7) years of higher education, or a foreign doctor's degree that has been evaluated by an education credential evaluation agency or an accredited or approved standard institution as the and verified by the validating institution to be equivalent to a doctor's degree from an institution as described in subsections (1) and (2) of this rule, of higher learning in the United States shall be recognized as the doctor's degree level of training.~~

~~(b) A certificate, diploma, or other award shall not be recognized as an earned degree.~~

~~(4)(6) Accreditation and acceptance of teacher education programs for specific certification purposes.~~

~~(a) Teacher education programs at institutions accredited by the National Council for the Accreditation of Teacher Education. A teacher education program at the bachelor's degree level at an institution of higher learning which was accredited by the National Council for the Accreditation of Teacher Education shall fulfill the general and professional preparation requirements and the specialization requirements in the major subject of the approved program indicated on the college transcript. The institution shall have been accredited by the National Council for the Accreditation of Teacher Education at the time the degree was awarded. A degree granted within the four (4) year period immediately preceding the date of initial accreditation of the institution shall be considered as having been granted by an institution which is accredited by the National Council for the Accreditation of Teacher Education.~~

~~(a)(b) Teacher education programs approved by the Florida Department of Education. A teacher education program approved by the Florida Department of Education shall fulfill the general and professional preparation requirements and the specialization requirements in the major subject of the approved program. The teacher education program shall have been approved at the time the program was completed.~~

~~(b)(e) Inservice components in a Florida District Inservice Plan approved by the Florida Department of Education. A core of inservice components prescribed for a specific endorsement and approved by the Department of Education in the master inservice plan shall satisfy the professional preparation and specialization requirements for the designated endorsement.~~

Successful completion of the components in the approved master inservice plan shall be verified by the Florida district superintendent.

~~(c)(4)~~ Teacher education programs in states other than Florida. A teacher education program at the bachelor's or higher degree level shall fulfill the general and professional preparation requirements and the specialization requirements for an academic class subject or a degreed vocational class subject in accordance with the following provisions:

1. The teacher education program shall have been approved for the initial regular certificate at the time of completion by the state department of education in the state where the institution is located, or by the National Council for the Accreditation of Teacher Education; and

2. The major subject of the approved program shall be in a subject in which Florida offers certification; and

3. The instructional level of the major subject of the approved program shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and

4. When a master's or higher degree is required for Florida certification in a subject, the program must have been completed at the same or higher level provisions of (6)(d) of this rule are not applicable.

~~(e) Teacher certificates issued by states other than Florida. A valid teaching certificate at the bachelor's or higher degree level of training shall fulfill the general and professional preparation requirements and the specialization requirements for an academic class subject or a degreed vocational class subject in accordance with the following provisions:~~

~~1. The certificate shall be the standard certificate issued by that state and comparable to the professional certificate issued by Florida; and~~

~~2. The subject shown on the certificate shall be a subject in which Florida offers certification, and the instructional level of the subject shall be comparable to or broader than the instructional level at which Florida offers certification in the subject; and~~

~~3. Two (2) years of successful full-time teaching experience shall have been gained under the certificate. The experience shall have been gained during two (2) of the five (5) years immediately preceding the date of application for the Florida certificate.~~

~~4. When a master's or higher degree is required for Florida certification in a subject, a master's or higher degree shall have been used as a basis for issuance of the certificate and certification in that subject.~~

Specific Authority 229.053(1), 231.15(1), 231.17~~(4)~~~~(e)~~~~(4)~~~~(11)~~ FS. Law Implemented 229.053, 231.15, 231.17~~(4)~~~~(e)~~~~(4)~~. FS. History—Amended 4-20-64, 3-26-66, 4-8-68, 7-7-68, 4-11-70, 1-17-72, Repromulgated 12-5-74, Amended 6-22-76, 11-9-76, 10-12-77, 7-1-79, 1-3-82, 4-30-85, Formerly 6A-4.03, Amended 12-25-86, 9-12-89, 4-15-91, 11-25-97, _____.

(Substantial rewording of Rule 6A-4.004 follows. See Florida Administrative Code for present text.)

6A-4.004 Florida Educator's Certificates with Academic, Administrative, Degreed Vocational, and Specialty Class Coverages.

A Florida educator's certificate is issued to an applicant with academic, administrative, degreed vocational, and specialty class coverages as specified below.

(1) Temporary certificate.

(a) The three-year nonrenewable temporary certificate may be issued to an applicant who does not qualify for the professional certificate but meets the following requirements:

1. Holds a valid Official Statement of Status of Eligibility as specified in Section 231.17(1)(b), Florida Statutes, which reflects that the applicant has satisfied specialization requirements for the subject requested.

2. Obtains full-time employment in a position for which a Florida educators' certificate is required in a Florida public, state supported, or a nonpublic school which has a Department of Education approved system for documenting the demonstration of required professional education competence. Verification of employment shall be submitted by a Florida district superintendent or designee or the chief administrative officer, and

3. Satisfies the fingerprint requirement as follows:

a. Submits the original fingerprint reports which have been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation as specified below:

(I) Original fingerprint reports shall be provided by the employing district, state supported school, or nonpublic school. A name and description search shall be acceptable in lieu of a technical fingerprint search after two (2) sets of fingerprints are declared illegible by the Florida Department of Law Enforcement or the Federal Bureau of Investigation or when an individual is unable to provide fingerprints because of a physical disability, and

(II) Fingerprints shall have been submitted to the Florida Department of Law Enforcement and the Federal Bureau of Investigation within the two-year period immediately preceding the date of employment for which the certificate is required, or

b. Holds a Florida educator's certificate which has not expired for more than one (1) school fiscal year from the date the application for a certificate is received by the Bureau of Educator Certification.

(b) Expired temporary certificates. A three-year nonrenewable temporary certificate may be issued to an applicant who held a temporary certificate but did not hold a temporary certificate for the school year immediately preceding the school fiscal year for which the certificate is requested and meets all requirements specified in paragraph (1)(a) of this rule.

(2) Professional certificate. The professional certificate is the highest type of full-time certificate issued. The professional certificate is issued to an applicant who meets the requirements as specified in Sections 231.17(1) and (2), Florida Statutes. However, if a subject area test has not been developed and the absence of such test prohibits an individual from obtaining a professional certificate or adding a subject to a professional certificate, the employing Florida district superintendent or chief administrative officer of a state supported or nonpublic school may verify the attainment of the essential subject matter competencies. When the Praxis I: Academic Skills Test is used for the general knowledge test, the score must meet the score established in Rule 6A-4.0021, FAC.

(3) Nonrenewable certificates covering speech-language impaired.

(a) One nonrenewable temporary certificate valid for two (2) school fiscal years shall be issued to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, FAC.,

2. Obtains full-time employment as specified in subparagraph (1)(a)2., of this rule,

3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule, and

4. Holds a bachelor's degree in speech-language impairment from an accredited or approved institution as specified in Rule 6A-4.003, FAC.,

(b) One nonrenewable professional certificate valid for five (5) school fiscal years shall be issued to an applicant who meets the following requirements:

1. Meets requirements for a temporary certificate covering speech-language impaired as specified in paragraph (3)(a) of this rule,

2. Demonstrates mastery of general knowledge by one of the options specified in Section 231.17(3), Florida Statutes,

3. Demonstrates mastery of professional preparation and education competence by one of the options specified in Section 231.17(5), Florida Statutes, and

4. Submits verification of acceptance and enrollment into a graduate degree program in speech-language impaired at an accredited or approved institution as prescribed in Rule 6A-4.003, FAC. Verification of admission to the program shall be an official transcript or a letter from an official of the college or university.

(4) Certificates covering only athletic coaching (grades K-12).

(a) A certificate valid for three (3) school fiscal years reflecting only athletic coaching may be issued to an applicant who does not meet the requirements specified in paragraph (4)(b) of this rule. The certificate may be issued one (1) time to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, FAC., and

2. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(b) A certificate valid for five (5) school fiscal years reflecting only athletic coaching may be issued to an applicant who meets the following requirements:

1. Completes the application requirements as specified in Rule 6A-4.0012, FAC.,

2. Satisfies specialization requirements as specified in subsection (2) of Rule 6A-4.0282, FAC., and

3. Submits fingerprint reports as specified in subparagraph (1)(a)3., of this rule.

(5) Addition of subjects to a professional certificate. A subject may be added to a valid professional certificate when an applicant meets the following requirements:

(a) Completes application requirements as specified in Rule 6A-4.0012, FAC., and

(b) Demonstrates mastery of the subject matter as specified in section 231.17(4), Florida Statutes, for each subject to be added to a professional certificate.

(6) Addition of endorsements. An endorsement may be added to a valid temporary or professional certificate when an applicant meets the following requirements:

(a) Completes the application requirements as specified in Rule 6A-4.0012, FAC., and

(b) Satisfies the specialization requirements specified in the rules of the Florida State Board of Education for each endorsement to be added to the certificate.

(7) Expired certificates.

(a) Certificates which have expired are invalid.

(b) An applicant who held a professional certificate which has expired may secure another professional certificate provided all requirements for the professional certificate in effect at the time the application is filed have been completed. Completion of requirements for issuance of a professional certificate which has expired shall not be considered as satisfaction of requirements for subsequent professional certificates.

(c) An applicant who does not qualify for the professional certificate may be issued a temporary certificate as specified in subsection (1) of this rule.

(d) An applicant whose professional certificate has been expired for less than five (5) years may reinstate the professional certificate if requirements are completed as specified in Rule 6A-4.0051(6), FAC.

Specific Authority 229.053(1), 231.15(1), 231.17(4)(11) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 4-11-70, 9-17-72, 8-17-74, Repromulgated 12-5-74, Amended 11-9-76, 7-1-79, 8-27-80, 1-3-82, 4-26-84, 11-18-84, 6-18-85, Formerly 6A-4.04, Amended 12-25-86, 10-18-88, 9-12-89, 12-4-89, 4-15-91, 10-10-91, 5-3-94, _____.

6A-4.0051 Renewal and Reinstatement of a Professional Certificate.

A professional certificate is renewed or reinstated and certification coverages retained on the certificate in accordance with the following provisions:

~~(1) Professional certificate —active status. A professional certificate may be renewed for with “active status” by an individual who is employed in Florida by a public school district, state supported school, or nonpublic school that requires state certification and has a Florida Department of Education approved Professional Orientation Program; or an employee on special assignment or on leave which has been authorized through collective bargaining contracts or school board rule; a school board member; or an employee of the Department of Education. The professional certificate reflecting active status shall be issued to the individual who meets the requirements specified below:~~

~~(a) Completes six (6) semester hours of college credit or the equivalent as described below or an amount as specified in subsection (2) of this rule for retention of certificate covers: Completes at least one (1) year of full-time teaching experience or service during the last validity period of the certificate. This teaching experience or service shall be verified by the Florida district school superintendent, chief administrative officer of the state supported or nonpublic school, or a Florida Department of Education supervisor.~~

~~(b) Completes college credit, inservice training, or the equivalent which meets the criteria specified in Rule 6A-4.0051(3), FAC., for the retention of certification coverages on the certificate and one (1) of the criteria listed below:~~

~~1. College credit. Six (6) semester hours of College credit earned at an accredited or approved standard institution or an accredited community or junior college as specified in Rule 6A-4.003, FAC., may be used to renew the professional certificate.~~

~~2. Inservice training. One hundred twenty (120) Inservice points earned through inservice education activities which were part of a District Master Plan for Inservice Education developed and approved by a Florida school district and approved by the Florida Department of Education in accordance with Rules 6A-5.061 and 6A-5.071, FAC., may be used to renew the professional certificate. Twenty (20) inservice points shall be equal to one (1) semester hour of college credit. The inservice training shall be verified by the Florida district school superintendent or chairperson of the governing board and shall include the number of inservice points earned in each area of certification.~~

~~3. College credit and inservice training. A combination of college credit and inservice points may be used to renew the professional certificate provided the combined college credit and inservice points are equal to one hundred twenty (120) inservice points. One (1) semester hour of college credit shall~~

~~be equal to twenty (20) inservice points. The inservice points shall be verified by the Florida district school superintendent as specified in Rule 6A-4.0051(1)(b)2., FAC.~~

~~(b)4. Subject area tests. A pPassing scores on a subject area tests in two (2) of the certification areas shown on the certificate may be used to renew the coverage on the professional certificate. A subject area test shall be approved by the Florida State Board of Education and shall be in a certification area shown on the certificate. When only One (1) test is used toward meeting the requirements for renewal of the certificate, the test shall be equal to three (3) semester hours of college credit, sixty (60) inservice points and shall be used in combination with college credit, additional inservice points, or completion of a Florida Department of Education approved summer work program in a certification area shown on the certificate. Official documentation of a passing score on each subject area test used for renewal of the certificate shall be submitted to the Bureau of Educator Teacher Certification, Florida Department of Education and shall be the original score report issued by the test administration agency.~~

~~(c) National board certification. A certificate issued by the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the educator’s national certificate in the subject shown on the national certificate. Official documentation shall be a photocopy of the national certificate.~~

~~5. Summer work programs. Completion of summer work programs in two (2) of the certification areas shown on the certificate may be used to renew the professional certificate. A summer work program shall be approved by the Florida Department of Education and shall be completed in a business or industry directly related to an area of certification listed on the certificate. When completion of only one (1) summer work program is used toward meeting the requirements for renewal of the certificate, the summer work program shall be equal to sixty (60) inservice points and shall be used in combination with college credit, additional inservice points, or passage of a Florida State Board of Education approved subject area test in a certification area shown on the certificate. Completion of a summer work program used for renewal of the certificate shall be verified by the Florida district school superintendent.~~

~~(2) Professional certificate —inactive status.~~

~~(a) A professional certificate may be renewed with “inactive status” by an individual who has not been employed as described in Rule 6A-4.0051(1), FAC. The professional certificate reflecting inactive status shall be issued to an individual who earns college credit or the equivalent as specified below:~~

~~1. College credit. Six (6) semester hours of college credit earned at a standard institution or an accredited community or junior college as described in Rule 6A-4.003, FAC., may be used to renew the professional certificate.~~

2. Subject area tests. Passing scores on subject area tests in two (2) of the certification areas shown on the certificate may be used to renew the professional certificate. A subject area test shall be approved by the Florida State Board of Education and shall be in a certification area shown on the certificate. When only one (1) test is used toward meeting the requirements for renewal of the certificate, the test shall be used in lieu of three (3) semester hours of college credit in combination with additional college credit. Official documentation of a passing score on each subject area test used for renewal of the certificate shall be submitted to the Bureau of Teacher Certification, Florida Department of Education, and shall be the original score report issued by the test administration agency.

3. Inservice training. One hundred twenty (120) inservice points earned through inservice education activities which were part of a district Master Plan for Inservice Education developed by a Florida school district and approved by the Florida Department of Education in accordance with Rules 6A-5.061 and 6A-5.071, FAC., may be used to renew the professional certificate. The inservice training shall be verified as specified in subparagraph (1)(b)2., of this rule.

4. College credit and inservice training. A combination of college credit and inservice points may be used to renew the professional certificate provided the combined college credit and inservice points are equal to one hundred twenty (120) inservice points. One (1) semester hour of college credit shall be equal to twenty (20) inservice points. The inservice points shall be verified as specified in subparagraph (1)(b)2., of this rule.

(b) A professional certificate with an inactive status shall be converted to a professional certificate with an active status reflecting the same validity period when a Florida district school superintendent or chairperson of the governing board verifies that the individual meets the requirements specified below:

1. Becomes employed in Florida in an instructional or administrative position by a public school district, state supported, or nonpublic school that requires state certification and has a Florida Department of Education approved Professional Orientation Program;

2. Completes one (1) of the following:

a. Demonstration of successful performance as measured by a Florida Department of Education approved performance measurement system. The evaluation shall be conducted during the first ninety (90) school days following the date of employment, or

b. Completion of an approved Florida Professional Orientation Program as described in Rule 6A-5.075, FAC.

(2)(3) Retention of certification coverages. When renewing a professional certificate, certification coverages shall be retained on a professional certificate in accordance with the following:

(a) To retain one (1) certification coverage on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes of that certification coverage. Three (3) additional semester hours or sixty (60) additional inservice points may be completed in any area.

(b) To retain two (2) coverages on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed for each subject in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes of each certification coverage. When requirements have not been satisfied for the retention of a certification coverage on the certificate, the coverage shall be deleted from the certificate when the certificate is renewed.

(c) To retain more than two (2) certification coverages on a professional certificate, the applicant shall be permitted two (2) successive validity periods for renewal of all specialization areas, but must earn no fewer than six (6) semester hours or the equivalent in any one (1) validity period. To retain more than two (2) certification coverages on a professional certificate, at least three (3) semester hours of college credit or the equivalent shall be completed in the specialization area of at least two (2) certification coverages shown on the certificate. For the first renewal subsequent to June 30, 1988, all coverages on the certificate shall be retained for the next validity period. A coverage shall not continue to be retained on a certificate unless three (3) semester hours or the equivalent is completed in the specialization area or an appropriate category in accordance with Section 231.24(3)(a), Florida Statutes, of that coverage during one (1) of two (2) successive validity periods. When requirements specified herein have not been satisfied for the retention of a certification coverage or coverages on a certificate, the coverage or coverages shall be deleted from the certificate when the certificate is renewed.

(3)(4) General requirements.

(a) All requirements necessary for the renewal of a certificate shall be completed during the last validity period of the certificate to be renewed and prior to the expiration date of the certificate. Requirements for the first renewal shall be completed subsequent to the date that the application for the certificate was received in the Bureau of Educator Teacher Certification, Florida Department of Education, or subsequent to the beginning validity date shown on the certificate, whichever is later.

(b) Application and appropriate fee as specified in Rule 6A-4.0012, FAC., for renewal of a certificate shall be submitted to the Bureau of Educator Teacher Certification, Florida Department of Education or the employing Florida school district, during the last year of the validity period of the certificate and prior to the expiration date of the certificate. However, if the renewal application form is not received by the

Bureau of ~~Educator~~ Teacher Certification or the employing Florida school district, before the expiration of the professional certificate, the application form, application fee, and a thirty (30) dollar late fee shall be submitted prior to July 1 of the year following expiration of the certificate in order to retain the professional certificate. ~~In no event will a professional certificate be renewed if it has expired for more than one (1) fiscal year or if requirements for renewal have not been completed prior to the expiration of the professional certificate.~~

(c) The validity period of the renewed certificate shall be for a period not to exceed five (5) years from July 1 of the school fiscal year following the date that the application was received in the Bureau of ~~Educator~~ Teacher Certification, Florida Department of Education or the employing Florida school district. However, if the renewal application is received by the Bureau of ~~Educator~~ Teacher Certification or the employing Florida school district after expiration of the professional certificate as specified in paragraph ~~(3)(4)~~(b) of this rule, the validity period of the renewed certificate shall be for a period not to exceed five (5) years from July 1 following the expiration of the last professional certificate.

(d) A grade of at least "C" or the equivalent shall be earned in each course used for the renewal of a certificate. A grade of pass shall be acceptable under the pass or fail grading system.

(e) A certification coverage which has been deleted from a professional certificate shall be added to the certificate when requirements specified in Rule 6A-4.004~~(5)(7)~~, FAC., have been completed.

(f) A one (1) year extension of the validity period of a professional certificate shall be granted by the Florida Department of Education in the event of serious illness, injury, or other extraordinary extenuating circumstances beyond the control of the applicant. The extension shall be granted only upon written request of the applicant or the superintendent of the local school district or of the chief administrative officer of a state supported or nonpublic school. The written request shall explain the extenuating circumstances. In case of illness or injury, a physician's written verification shall be submitted.

~~(4)(5)~~ Special provisions for military service. An individual who holds a valid professional certificate and who is called into or volunteers for actual wartime military service or required peacetime military service may renew the professional certificate and retain all certification coverages shown on the certificate for the period of time equal to the time spent in military service. ~~A professional certificate reflecting inactive status shall be issued when the individual does not meet the provisions in Rule 6A-4.0051(1), FAC.~~ To qualify for the renewal of the certificate, the individual shall complete the application requirements as specified in Rule 6A-4.0012, FAC., and submit a notarized copy of the military separation papers.

~~(5)(6)~~ Special provisions for teachers of limited English proficient students.

(a) ~~An educator who holds a professional certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training in excess of six (6) semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods. A teacher who holds a professional certificate which expires in the year 1991, 1992, 1993, 1994, or 1995, and who completes the appropriate requirements for renewal of the professional certificate prior to completing training required in Rule 6A-6.0907, FAC., may use the college credit or inservice points completed for teaching limited English proficient students toward the next professional certificate renewal.~~

(b) ~~An educator who holds a temporary certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training toward renewal of the educator's first professional certificate. Such training must not have been included within the degree program, and the educator's temporary and professional certificates must be issued for consecutive school years. A teacher who holds a temporary certificate valid for the years 1990-1992, 1991-1993, 1992-1994, or 1993-1995, may use the college credit or inservice points completed for teaching limited English proficient students as required in Rule 6A-6.0907, FAC., toward renewal of the first professional certificate. The temporary and professional certificates must be issued for consecutive school years.~~

(c) These provisions supersede the requirements in paragraph ~~(3)(4)~~(a) of this rule for the individuals noted in paragraphs ~~(5)(6)~~(a) and ~~(6)~~(b) of this rule.

(6) Reinstatement of a professional certificate. The Department may reinstate an expired professional certificate within five (5) years after the date of expiration if the certificate holder:

(a) Completes the application requirements as specified in Rule 6A-4.0012, FAC.,

(b) Satisfies the fingerprint requirement as specified in Rule 6A-4.004(1)(a)3., FAC.,

(c) Documents completion of six (6) semester hours of college credit during the five (5) years immediately preceding reinstatement of the expired certificate, completion of one hundred twenty (120) inservice points, or a combination thereof, as specified in paragraph (1)(a) of this rule, and

(d) During the five (5) years immediately preceding reinstatement of the certificate, achieves a passing score on the subject area examination for each subject to be shown on the reinstated certificate. Only subjects currently issued by the Department may be shown on a reinstated certificate.

Specific Authority 229.053(1), 231.15~~(1)(2)~~, 231.24~~(4)~~ FS. Law Implemented 229.053, 231.145, 231.15, 231.24 FS. History—New 12-25-86, Amended 4-23-91, 2-12-92, _____.

6A-4.006 General and Professional Preparation.

Credit in general and professional preparation as listed below shall be required for the professional certificate unless exemption for a specific certification subject is provided in State Board Rules.

~~(1) General preparation. Forty-five (45) semester hours in general preparation with not less than six (6) semester hours earned and not more than twelve (12) semester hours counted in each of the five areas listed below. A graduate with a bachelor's or higher degree from an accredited or approved standard institution as described in Rule 6A-4.003, FAC., shall be considered to have met the general preparation requirements.~~

~~(a) Arts of communication.~~

~~1. A minimum of six (6) semester hours shall be required in English composition, rhetoric, or grammar.~~

~~2. Up to six (6) semester hours in speech, journalism, or elementary foreign languages may be used to meet the total of twelve (12) semester hours permitted in this area.~~

~~(b) Human adjustment. A minimum of six (6) semester hours shall be required in areas such as: health, physical education, psychology, religion, philosophy, logic, ethics, nutrition, problems of living in home and family, or community living.~~

~~(c) Biological science, physical sciences and mathematics. A minimum of six (6) semester hours shall be required. Credit may be earned in comprehensive courses or separate subjects. The entire six (6) semester hours shall not be in mathematics.~~

~~(d) Social science. A minimum of six (6) semester hours shall be required. Credit may be earned in comprehensive courses or in separate subjects, provided credit is earned in at least two (2) of the following: geography, history, political science, sociology, anthropology, or economics.~~

~~(e) Humanities and applied arts. A minimum of six (6) semester hours shall be required. Credit may be earned in comprehensive courses or in separate subjects, provided credit is earned in at least two of the following: literature (English, American, world), literature written in a foreign language, music, technological skills, construction design and fine arts, or art as applied to personal and family living.~~

(2) Professional preparation. Twenty (20) semester hours in professional preparation as specified below:

(a) Course requirements in education.

1. Six (6) semester hours in foundations of education with credit in both sociological and psychological foundations as described below:

a. Sociological foundations include courses such as school and society, introduction to education, history of education, and principles and philosophy of education.

b. Psychological foundations include courses such as educational psychology, child psychology, adolescent psychology, psychology of learning, and growth and development of the individual.

2. Six (6) semester hours in general methods of teaching, administration, and curriculum in the elementary school or secondary school. Courses should provide an overview of the entire school program and give specific help with respect to the principles of teaching, general curriculum, instructional design, testing and measurement, evaluation of the school program, general methods, school organization and administration needed by teachers in the public schools.

3. Special methods.

a. Grades K-12. Four (4) semester hours in methods of teaching the subject to include credit at the elementary and secondary levels for each of the following subjects: art, computer science, foreign languages, health, humanities, and music.

b. Middle grades (5-9) and secondary (6-12). Two (2) semester hours in methods of teaching the subject at the appropriate level for each middle grade or secondary subject.

c. Home Economics (6-12). Six (6) semester hours in home economics education to include two (2) semester hours in methods of teaching home economics at the secondary level. The six (6) semester hours shall be earned at one (1) institution which is approved by the State Board of Vocational Education.

(b) Practical experience in teaching. Practical experience in teaching may be satisfied by one (1) of the plans listed below:

1. Six (6) semester hours earned in a college student teaching program or in a supervised internship completed in an elementary or secondary school, or

2. Two (2) years of full-time teaching experience as specified in Rule 6A-4.002(5)(a), FAC.

(3) Professional preparation for agriculture. Twenty (20) semester hours in professional preparation to include credit in each of the following areas: psychological foundations of education as specified in subsubparagraph (2)(a)1.b. of this rule, secondary school curriculum, basic principles or philosophy of vocational education, general methods or techniques of teaching vocational education, program planning in vocational agriculture education, methods of teaching vocational agriculture, and practical experience in teaching. The practical teaching experience requirement may be satisfied as specified in paragraph (2)(b) of this rule.

~~(4)(3) Exemptions.~~

(a) Requirements which are specified in paragraphs (2)(a) and (2)(b) of this rule shall be waived for issuance of a professional certificate covering only school food service.

(b) Requirements which are specified in Paragraph (2)(a) of this rule shall be waived for issuance of a professional certificate covering only prekindergarten/primary education, preschool education, school social worker, and speech-language impaired.

(c) Special methods of teaching the subject which are specified in subparagraph (2)(a)3., of this rule shall be waived for the following coverages: educational leadership,

educational media specialist, elementary education, English to speakers of other languages, exceptional student education coverages, guidance and counseling, physical education, ~~professional school principal~~, reading, school principal, and school psychologist.

Specific Authority 229.053(1), 231.15(1), 231.17(4)(5) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—Amended 4-20-64, 4-8-68, 7-7-68, 4-11-69, 6-17-73, Repromulgated 12-5-74, Amended 10-12-76, 7-1-79, 11-5-84, Formerly 6A-4.06, Amended 9-12-89, 5-30-94, 7-17-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Crist, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES:	RULE NOS.:
Florida Educator’s Certificates with Degreed Vocational Class Coverages	6A-4.050
General and Professional Preparation for a Professional Certificate with Degreed Vocational Class Coverages	6A-4.052
Florida Educator’s Certificates with Nondegreed Vocational Class Coverages	6A-4.066
Professional Preparation for a Professional Certificate with Nondegreed Vocational Class Coverages	6A-4.068
Specialization Requirements for Certification in Occupational Specialist – Vocational Class Beginning July 1, 1988	6A-4.072

PURPOSE AND EFFECT: The purpose of the repeal of these rules is to eliminate provisions which are no longer current. Applicable requirements have been recommended for adoption in other rules in Chapter 6A-4, FAC. The effect of the repeals will be consistency in certification requirements both in law and rule.

SUMMARY: These rules are recommended for repeal to eliminate requirements relating to certification which are no longer current. Applicable requirements have been incorporated in other rules in Chapter 6A-4, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 231.15(1), 231.17(1) FS.

LAW IMPLEMENTED: 229.053, 231.02, 231.145, 231.15, 231.17 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Ashburn, Director, Division of Professional Educators, Department of Education, Room 203, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-4.050 Florida Educator’s Certificates with Degreed Vocational Class Coverages.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 9-12-89, Amended 12-4-89, 4-15-91, 10-10-91, Repealed.

6A-4.052 General and Professional Preparation for a Professional Certificate with Degreed Vocational Class Coverages.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.145, 231.15, 231.17 FS. History—New 10-17-89, Repealed.

6A-4.066 Florida Educator’s Certificates with Nondegreed Vocational Class Coverages.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New 10-31-88, Amended 9-12-89, 12-4-89, 4-15-91, 5-4-93, Repealed.

6A-4.068 Professional Preparation for a Professional Certificate with Nondegreed Vocational Class Coverages.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 229.053, 231.145, 231.15, 231.17 FS. History—New 10-31-88, Amended 5-14-91, 5-4-93, Repealed.

6A-4.072 Specialization Requirements for Certification in Occupational Specialist – Vocational Class Beginning July 1, 1988.

Specific Authority 229.053(1), 231.15(1), 231.17(1) FS. Law Implemented 231.02, 231.15, 231.17 FS. History—New 10-31-88, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charlie Crist, Commissioner of Education
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2001

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Articulation Between Universities, Community Colleges, and School Districts
 RULE NO.: 6A-10.024

PURPOSE AND EFFECT: The purpose of this amendment is to revise out-of-date portions of the statewide articulation agreement governing the transfer of credit awarded for college-level examinations and updates credit transfer and degree terminology in the rule to be consistent with Section 240.115, Florida Statutes, and the Southern Association of Colleges and Schools accreditation standards.

SUMMARY: This amendment deletes out-of-date lists of college credit examinations and establishes a process for recommending and annually updating course and credit equivalents for college credit examinations. In addition, portions of the rule have been revised to comply with Section 240.115, Florida Statutes, and the status of the associate in science degree to allow for continued ease of articulation while not endangering institutions' accreditation have been clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 240.115(1) FS.

LAW IMPLEMENTED: 228.093(3)(d), 229.053(2)(c), 229.551(1)(f), 229.555(2), 229.814(5), 240.115, 240.116, 246.013 FS.

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

TIME AND DATE: 9:00 a.m., September 11, 2001

PLACE: Hermitage Center, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Deputy Commissioner for Educational Programs, Department of Education, 400 South Monroe Street, Room PL08, Capitol, Tallahassee, Florida 32399-0400, (850)413-0555

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.024 Articulation Between Universities, Community Colleges, and School Districts.

(1) through (5) No change.

~~(6) The associate in science degree is the career education and transfer degree of the community colleges. It is a two-year degree intended to prepare students for the workforce and for transfer into the State University System. The following provisions allow for articulation from an associate in science to a baccalaureate degree.~~

(a) The associate in science degree shall be awarded upon:

1. Completion of the minimum number of semester hours of college credit courses as required in Rule 6A-14.030(2)(a), FAC., including,

2. Completion of at least fifteen to eighteen (15-18) semester hours in the general education core curriculum in the liberal arts and sciences comprised of courses which meet the Southern Association of College and Schools Commission on Colleges criteria. English and math courses must meet the requirements of Rule 6A-10.030, FAC. No physical education or wellness credit will be included in the general education block of credit.

3. Achievement of the minimum standards in Rule 6A-10.0312, FAC., will be required by the time the student earns 36 semester hours at the senior institution in upper division work.

4. Completion of common prerequisites will be required for the baccalaureate degree or as otherwise outlined in program-specific statewide agreements.

5. Courses taken as part of the associate in science degree to meet the general education requirements will transfer and apply toward the 36 credit hours required for the baccalaureate degree. No additional general education credit hours can be required except to complete the total 36 general education hours or for remediation.

(b) The Interdisciplinary Capstone Agreement. Every associate in science degree graduate of a Florida community college program that articulates with an interdisciplinary capstone degree program in a Florida public or private university shall be guaranteed admission to that program except for limited access programs and those requiring specific grades on particular courses for admission. All associate in science degree graduates who articulate under the interdisciplinary capstone agreement shall be treated equally, regardless of the community colleges from which they receive their degrees.

1. The general education component of the A.S. degree will maintain its integrity upon transfer to the interdisciplinary capstone program.

2. The Articulation Coordinating Committee shall maintain a current listing of interdisciplinary capstone programs which will be published on an annual basis.

(c) The Career Ladder Agreement – Beginning fall term 2000, all graduates of a Florida community college associate in science degree program listed in the Statewide Articulation Manual shall be granted admission to any of the universities in the State University System in the program designated to

articulate with their degree, except for limited access programs and those requiring specific grades on particular courses for admission. Each State University System institution shall develop admissions criteria to ensure that associate in science degree students are evaluated on an equal basis with associate in arts degree graduates and native university students for admission into programs designated as limited access and those requiring specific grades on particular courses for admission.

1. The associate in science degree shall be awarded based on all of the requirements contained in subsection (6)(a) of this rule and in accordance with the articulation agreement provisions contained in the Statewide Articulation Manual.

2. General education courses not taught in accordance with the Southern Association of Colleges and Schools Commission on Colleges criteria for programs designed for college transfer shall not be included in the associate in science degree.

3. The associate in science to bachelor of arts/bachelor of science articulation agreements between the State Board of Community Colleges and the State University System shall be documented and maintained in a Statewide Articulation Manual. The State Board of Community Colleges and the Board of Regents, in consultation with their member institutions, shall review periodically, as necessary, but no more than once a year, the provisions of the state articulation agreements and the prescribed curricula to ensure the continued effectiveness of the articulation between the A.S. and B.A./B.S. programs. Any recommendations for revisions to the state articulation agreements will be forwarded to the Articulation Coordinating Committee for review and approval.

(7) The Applied Technology Diploma (ATD) consists of a course of study that is part of an associate in science (A.S.) Or an associate in applied science degree (A.A.S.), is less than sixty (60) credit hours, is approximately fifty (50) percent of the technical component (non-general education), and leads to employment in a specific occupation. An applied technology diploma program may consist of either vocational credit or college credit.

(a) Students must have a high school diploma or the equivalent to be admitted to an applied technology diploma program. Within six (6) weeks of entry, students must be tested pursuant to Rule 6A-10.040, FAC., and, if below minimum standards for completion from the program as defined in the program standards document adopted in Rule 6A-6.0571, FAC., must receive remedial instruction. The minimum standards must be at least the equivalent of a score of ten (10) on all sections of any basic skills test approved in Rule 6A-10.040, FAC. Students must successfully complete all remedial instruction before completing the Applied Technology Diploma.

(b) Community colleges may offer either college or vocational credit toward the applied technology diploma. Vocational-technical centers may offer only vocational credits.

(c) All faculty providing instruction must have at least an associate degree in the specific instructional program area or meet the criteria for "exceptional cases" as defined by the Southern Association of Schools and Colleges.

(d) The information related to the guaranteed transfer of credit between an applied technology diploma program and associate in science or an associate in applied science degree must be documented and maintained in the Statewide Articulation Manual and the Vocational Education Program Courses Standards, which is incorporated by reference in Rule 6A-6.0571, FAC. The Statewide Articulation Manual and the Vocational Education Program Courses Standards shall include the following:

1. The total number of clock or credit hours within the program.
2. The associate degree into which the applied technology diploma is guaranteed to transfer.
3. The number of college credit hours guaranteed to transfer.
4. An effective date.

(e) The transfer of the applied technology diploma to an associate degree is guaranteed for a period of three (3) years following the date of the award of the applied technology diploma.

(f) Applied technology diploma students entering an associate degree program shall meet the admissions standards stipulated in Section 240.321, Florida Statutes. Additional admissions requirements for limited access programs may be established by the community college boards of trustees.

(8) ~~Credit by examination. College Level Examination Program (CLEP). The transfer of credit awarded on the basis of scores achieved on examinations in the College Level Examination Program is protected by this rule only for examinations taken in the national administration program of CLEP or for examinations taken in institutional administrations which use the CLEP Microcomputer Scoring System and transmit student test data to the Educational Testing Service.~~

~~(a) For examination programs listed in subsections (9) through (13) of this rule, examination specifications and content information shall be submitted to the Statewide Course Numbering System for course equivalency recommendations. General examinations.~~

~~1. Transfer of credit under the terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of scaled scores determined to represent student achievement at or above the fiftieth (50th) percentile on the combined men-women sophomore norms in use prior to 1978, with no letter grade or grade points assigned. Minimum scaled scores for the award of credit are:~~

English Composition with Essay	500
Humanities	490
Mathematics	500
Natural Sciences	490
Social Sciences and History	490

2. No more than six (6) semester credits shall be transferred in each of the five (5) areas of the general examinations: English, humanities, mathematics, natural sciences, and social sciences history.

3. Credit for general examinations in English taken after September 1, 1979, shall be transferred only for scores determined by successful completion of both the objective and the essay portions of the examination.

(b) A list of examinations, minimum scores for guaranteed transfer credit, maximum credits guaranteed to transfer, and recommended course equivalents shall be maintained by the Articulation Coordinating Committee and reviewed annually. Subject examinations. Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of the fiftieth (50th) percentile or above on national norms, with no letter grades or grade points assigned. Minimum scores for the award of credit are:

Subject Matter examination	Minimum score for awarding credit	Length of course for which the examination was designed (Number of semesters)	Recommended maximum semester credit
Afro-American history ²	50	1	3
American government	50	1	3
American history	49	2	6
American history I:			
Early Colonization to 1877	49	1	3
American history II:			
1865 to present	49	1	3
American literature	50	2	6
Analysis & interpretation of literature	51	2	6
General biology	49	2	6
Clinical chemistry ²	50	Based on subject matter in clinical year training.	
Calculus with elementary functions	49	2	6
Calculus with analytical geometry ²	49	2	
College algebra	47	1	3
College algebra-trigonometry	50	1	3
Computers & data processing ²	49	1	3
Educational psychology ²	49	1	3
Elementary computer programming-FORTRAN IV ²	51	1	3
College composition ²	50	2	6
English literature	49	2	6
English, freshman ²	51	2	6
French	50	0	12
	46	0	9
	42	0	6

Freshman College Composition	50	2	6
General chemistry	50	2	6
General psychology ²	50	1	3
Geology ²	49	2	6
German	55	0	12
	52	0	9
	43	0	6
Hematology ²	51	Based on subject matter in clinical year training.	
History of American Education ²	50	1	3
Human growth & development	51	1	3
Immunohematology ²	50	Based on subject matter in clinical year training.	
Information systems and applications	49	1	3
Introduction to educational psychology	50	1	3
Introduction to management ²	49	1	3
Introductory accounting	50	2	6
Introductory business law	51	2	6
Introductory calculus ²	48	2	6
Introductory economics ²	48	2	6
Introductory MACRO Economics ²	50	1	3
Introductory MICRO Economics ²	50	1	3
Introductory MACRO and MICRO Economics ²	49	1	3
Introductory marketing ²	50	1	3
Introductory psychology	49	1	3
Introductory sociology	50	2	6
Microbiology ²	49	Based on subject matter in clinical year training.	
Money & banking ²	49	1	3
Principles of Macro-economics	44	1	3
Principals of Management	49	1	3
Principles of marketing	50	1	3
Principles of Microeconomics	42	1	3
Spanish	55	0	12
	48	0	9
	45	0	6
Statistics ²	51	1	3
Tests & measurements ²	49	1	3
Trigonometry	54	1	3
Western civilization	49	2	6
Western civilization I:			
Ancient Near East to 1648	50	1	3
Western civilization II:			
1648 to present	48	1	3

²Test discontinued. Scores still accepted.

(c) Transfer of credit by examination is guaranteed for up to forty-five (45) credits, provided that credit was awarded in accordance with the Articulation Coordinating Committee's recommended minimum scores and course equivalents. Forty-five (45) CLEP credits is the maximum that may be accepted in transfer.

(d) Transfer of examination credit over forty-five (45) credits is at the discretion of the receiving institution. The institution awarding CLEP examination credit may, but need not, specify for what course(s) it is being awarded.

(e) Credit by examination may not duplicate ordinary credit, dual enrollment credit or other credits earned through examination.

(f) No grades or grade points shall be assigned for credit by examination.

(g) Institutions may award credit for examinations that are not listed in this rule or that do not have recommended course equivalents, minimum scores, and maximum credits. Acceptance of transfer credit so awarded is at the discretion of the receiving institution.

(9) The College Board College Level Examination Program (CLEP). College Board Advanced Placement Program (AP):

(a) The transfer of credit awarded on the basis of scores achieved on examinations in the College Level Examination Program is protected by this rule only for examinations taken in an administration authorized by CLEP. Transfer of credit under terms of this rule is mandatory, provided that the institution awarding the credit did so on the basis of minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.

(b) For examinations taken after July 2001, transfer of credit is mandatory for all CLEP examinations, except for foreign languages, on which students achieved a scale score of fifty (50). The institution awarding College Board AP credit should specify course(s) for which credit is being awarded. The standard policies of the institution prohibiting credit for overlapping courses shall apply.

(c) For examinations taken prior to July 1, 2001, transfer of credit under the terms of this rule is mandatory provided that the institution awarding the credit did so on the basis on CLEP recommendations or scaled scores determined to represent student achievement at or above the fiftieth (50) percentile on the combined men-women sophomore norms in use prior to 1978, with no letter grade or grade points assigned. Minimum scores, maximum credit guaranteed to transfer, and recommended courses are:

A.P. Examination	Recommended SCNS Course Course Number	Minimum Score	Maximum Credit Guaranteed to Transfer
A.P. Virgil	LNW 660	3	3
A.P. Catullus-Horace	LNW 321	3	3
A.P. French Language	FRE 420	3	3
	FRE 420 and 421	4	6
A.P. French Literature	FRE 100	3	3
	FRE 100 and 101	4	6
A.P. German Language	GER 400	3	3
	GER 400 and 401	4	6
A.P. Spanish Language	SPN 310	3	3

	SPN 310 and 311	4	6
A.P. Spanish Literature	SPW 201	3	3
	SPW 201 and 202	4	6
A.P. Physics B	PHY 020	3	3
	PHY 053	4	4
A.P. Physics C*	PHY 043	5 on Mechanics and 3 on Electricity & Magnetism	4
	PHY 023	3 on Mechanics and 3 on Electricity & Magnetism	3
*No credit when the score is 3 or higher on only one of the two tests.			
A.P. Statistics	STA 014	3	3
A.P. Calculus AB	MAC 311 & MAC 312	3	8
	or		
	MAC 411 & MAC 313	3	8
A.P. Calculus BC	MAC 311, MAC 312, and MAC 313	3	12
	or		
	MAC 411, MAC 412, and MAC 413	3	12
A.P. Biology	BSC 000	3	3
A.P. Microeconomics	ECO 023	3	3
A.P. Macroeconomics	ECO 013	3	3
A.P. General Chemistry	CHM 045, 045L, & 046	5	7
	CHM 045 & 045L	3	4
A.P. Language and Composition	ENC 101	3	3
	ENC 101 & 102	4	6
A.P. Literature and Composition	LIT 070	3	3
	LIT 070 & 100	4	6
A.P. Music Theory	MUT 111 & MUT 241		4
A.P. United States Government and Politics	POS 041	3	3
A.P. Comparative Government and Politics	CPO 002	3	3
A.P. Studio Art (General Portfolio)	ART 201	3	
	ART 201 & 202	5	
A.P. Studio Art (Drawing Portfolio)	ART 300	3	
	ART 300 & 301	5	
A.P. History of Art	ARH 050	3	3
	ARH 050 & 051	5	6
A.P. United States History	AMH 000 or AMH 010 or AMH 020	3	3
A.P. European History	EUH 000 or EUH 001	3	3
A.P. Computer Science A	CGS 060	4	3
A.P. Computer Science AB	CGS 462	4	3

(d) For foreign language CLEP examinations, transfer of credit for examinations taken after July 1, 2001, is mandatory provided that credit was awarded on the basis of the Articulation Coordinating Committee's recommended

minimum scores and maximum credit guaranteed to transfer. College Board AP credit that duplicates CLEP credit shall not be awarded or accepted in transfer.

(10) College Board Advanced Placement Program (AP). Transfer of Advanced Placement credit under terms of this rule is mandatory, provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer. International Baccalaureate (IB) Diploma Program. The award of credit based on scores achieved on IB Diploma program examinations and the transfer of such credit are mandatory under the provisions herein.

(a) Students who have not been awarded the IB Diploma shall be awarded six (6) semester credits in the subject areas of each IB higher level examination on which they scored five (5) points or above.

(b) Students who have been awarded the IB Diploma shall be awarded up to thirty (30) semester credits in the subject areas in which they scored four (4) or above on IB Diploma program examinations. The credits shall be awarded as follows:

1. Six (6) semester credits for each IB examination on which they scored five (5) or above.

2. Three (3) semester credits for each IB examination on which they scored four (4).

(c) For students who completed IB Diploma program examinations before April, 1993:

1. Three (3) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored four (4).

2. Six (6) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored five (5) or above.

3. One (1) semester credit shall be awarded in the subject areas of each IB subsidiary level examination on which they scored four (4).

4. Three (3) semester credits shall be awarded in the subject areas of each IB subsidiary level examination on which they scored five (5) or above.

(d) Courses for which credit is to be awarded shall be determined by the community college or university first admitting and enrolling the students and shall be specified on the students' transcripts.

(e) No grades or grade points shall be assigned.

(f) Standard policies of the institution prohibiting credit for overlapping courses shall apply. No credit shall be awarded or accepted in transfer that duplicates other credit being awarded or accepted in transfer.

(11) International Baccalaureate (IB) Diploma Program. The award of credit based on scores achieved on IB Diploma program examinations and the transfer of such credit are mandatory under the provisions herein.

(a) Students who have not been awarded the IB Diploma shall be awarded six (6) semester credits in the subject areas of each IB higher level examination on which they scored five (5) points or above.

(b) Students who have been awarded the IB Diploma shall be awarded up to thirty (30) semester credits in the subject areas in which they scored four (4) or above on IB Diploma program examinations. The credits shall be awarded as follows:

1. Six (6) semester credits for each IB examination on which they scored five (5) or above.

2. Three (3) semester credits for each IB examination on which they scored four (4).

(c) For students who completed IB Diploma program examinations before April 1993:

1. Three (3) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored four (4).

2. Six (6) semester credits shall be awarded in the subject areas of each IB higher level examination on which they scored five (5) or above.

3. One (1) semester credit shall be awarded in the subject areas of each IB subsidiary level examination on which they scored four (4).

4. Three (3) semester credits shall be awarded in the subject areas of each IB subsidiary level examination on which they scored five (5) or above.

(12) Excelsior College Examinations, formerly known as the Regents College Examinations or the Proficiency Examination Program (PEP). Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.

(13) Defense Activity of Non-Traditional Education Support (DANTES) Subject Standardized Tests (DSSTs). Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of the Articulation Coordinating Committee's recommended minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.

(14)(11) United States Armed Forces Institute (USAFI).

(a) Credit earned through correspondence courses sponsored by USAFI may, but need not, be included under standard policies of the institutions. The standard policies of the institution prohibiting credit for overlapping courses shall apply.

(b) Credit may be awarded for tests of General Education Development (GED) only when verified by CLEP scores prescribed in Rule 6A-10.024(5), FAC.

(c) Credit awarded on the basis of subject tests (USST) in collegiate subjects may be included provided that the scores are at the fiftieth (50th) percentile or above.

(d) The institution awarding credit on the work sponsored by USAFI may, but need not, specify the course for which credit is being awarded. The standard policies of the institution prohibiting credit for overlapping courses shall apply.

(e) No grade or quality points are to be assigned for credit awarded on the basis of work sponsored by USAFI.

(f) No credit is to be awarded on work sponsored by USAFI which is duplicative of credit awarded by CLEP, College Board AP, or courses taken in the institution or received in transfer.

~~(12) Proficiency Examination Program (PEP). The transfer of credit awarded on the basis of scores achieved on examinations in the Proficiency Examination Program is protected by this rule only for examinations taken in the national administration program of PEP. Minimum scores for the award of credit are:~~

Examination	Score	Semester Hours of Credit
Afro-American History	50 (standard score)	3
Microbiology	50 (standard score)	3
Physical Geology	50 (standard score)	3
Statistics	50 (standard score)	3

~~(13) Defense Activity of Non-Traditional Education Support (DANTES) Examinations:~~

~~(a) Transfer of credit under terms of this rule is mandatory provided that the institution awarding the credit did so on the basis of minimum scores and maximum amount of credit guaranteed to transfer with no letter grades or grade points assigned.~~

~~(b) The institution awarding DANTES credit should specify course(s) for which the credit is being awarded. The standard policies of the institution prohibiting credit for overlapping courses shall apply.~~

~~(c) Minimum scores, maximum credit guaranteed to transfer, and recommended courses are:~~

	Recommended SCNS Course Number	Minimum Score	Maximum Credit Guaranteed to Transfer
DANTES Examination Astronomy	AST-002	50	3
Beginning German I	GER-120	50	4
Beginning German II	GER-121	50	4
General Anthropology	ANT-000	49	3
Introduction to Computers with instruction in Basic	CGS-461	51	3

~~(15)(14) Alternatives to the College-Level Academic Skills Test. For purposes of Section 240.107(9)(a), Florida Statutes, the recentered Scholastic Achievement Test (SAT-I) or its equivalent on the original SAT, and the Enhanced~~

American College Testing Program (ACT), or its equivalent on the original ACT, may be used to exempt the College-Level Academic Skills Test, as specified in Rule 6A-10.0311, FAC.

~~(16)(15) Pre-professional course responsibility. Lower division programs in state universities and community colleges may offer introductory courses to enable students to explore the principal professional specializations available at the baccalaureate level. Such courses shall be adequate in content to count toward the baccalaureate for students continuing in such specialization. However, deciding major course requirements for a baccalaureate, including courses in the major taken in the lower division, shall be the responsibility of the state university awarding the degree.~~

~~(17)(16) Limited access programs. Community college transfer students shall have the same opportunity to enroll in university limited access programs as native university students. University limited access program selection and enrollment criteria shall be established and published in catalogs, counseling manuals, and other appropriate publications. A list of limited access programs shall be filed annually with the Articulation Coordinating Committee.~~

~~(18)(17) A state university may accept non-associate in arts degree credit in transfer based on its evaluation of the applicability of the courses to the student's program at the university.~~

~~(19)(18) State universities and community colleges shall publish with precision and clarity in their official catalogs the admission, course, and prerequisite requirements of the institution, each unit of the institution, each program, and each specialization. Any applicable duration of requirements shall be specified. The university catalog in effect at the time of a student's initial collegiate enrollment shall govern upper division prerequisites, provided the student maintains continuous enrollment as defined in that catalog.~~

~~(20)(19) Standard transcript. The Articulation Coordinating Committee shall maintain a standard format for universities and community colleges to record the performance and credits of students. Each such transcript shall include all courses in which a student enrolls each term, the status in each course at the end of each term, all grades and credits awarded, College-Level Academic Skills Test scores, and a statement explaining the grading policy of the institution. The Articulation Coordinating Committee shall collaborate with the Division of Public Schools in the development of a standard format on which district school systems shall record the performance and credits of students.~~

~~(21)(20) By December 1, 1991, the Department and all public universities, community colleges, and school districts shall have implemented the electronic exchange of student transcripts and associated educational records, including acquisition of and access to test scores of students, using the Florida Information Resource Network and following the procedures in the Florida Automated System for Transferring~~

Educational Records section in “DOE Information Data Base Requirements: Volume I – Automated Student Information System,” which is incorporated by reference in Rule 6A-1.0014, FAC.

~~(22)(21)~~ When a student transfers among ~~regionally accredited~~ postsecondary institutions that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and that participate in the common course designation and numbering system, the receiving institution shall award credit for courses satisfactorily completed at the previous participating institutions when the courses are judged by the appropriate common course designation and numbering system faculty task forces to be academically equivalent to courses offered at the receiving institution including equivalency of faculty credentials regardless of the public or nonpublic control of the previous institution. The award of credit may be limited to courses that are entered in the course numbering system. Credit so awarded shall satisfy institutional requirements on the same basis as credits awarded to native students and are entered in the course numbering system. Credit so awarded can be used by transfer students to satisfy requirements in these institutions on the same basis as native students.

~~(23)(22)~~ All postsecondary courses offered for college credit, vocational credit, or college preparatory credit, as they are defined in Rule 6A-10.033, FAC., shall be entered in the common course designation and numbering system. Each course shall be assigned a single prefix and a single identifying number in the course numbering system.

Specific Authority 229.053(1), 240.115(1) FS. Law Implemented 228.093(3)(d), 229.053(2)(c), 229.551(1)(f), 229.555(2), 229.814(5), 240.115, 240.116, 246.013 FS. History—New 5-5-75, Amended 10-7-75, 6-8-76, 8-22-77, 12-26-77, 3-28-78, 5-10-78, 7-2-79, 2-27-80, 5-27-81, 1-6-83, 4-5-83, 6-28-83, 1-9-85, Formerly 6A-10.24, Amended 8-4-86, 5-18-88, 5-29-90, 7-30-91, 10-4-93, 5-3-94, 1-2-95, 9-30-96, 6-15-98, 12-13-99, 8-14-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Crist, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: January 12, 2001

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission
Operational Procedures

RULE CHAPTER NO. 9B-3

RULE TITLE: Qualification Program for Special
Inspectors of Threshold Buildings

RULE NO.: 9B-3.043

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to repeal the Florida Building Commission’s rule establishing the qualification program for special inspectors of threshold buildings. In Section 82 of Chapter 2000-141, Laws of Florida, the Florida Legislature deleted the authority of the Florida Building Commission to establish qualifications for and certify special inspectors and transferred that authority to the Board of Professional Engineers in Section 471.105(7), F.S., and to the Board of Architecture and Interior Design in Section 481.213(7), F.S.

SUMMARY: Deletes the authority of the Florida Building Commission to establish qualifications for and certify special inspectors of threshold buildings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.79(5)(c) FS.

LAW IMPLEMENTED: 553.79(5)-(8) FS.

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

TIME AND DATE: 12:00 Noon, August 28, 2001

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.043 Qualification Program for Special Inspectors of Threshold Buildings.

Specific Authority 553.79(5)(c) FS. Law Implemented 553.79(5)-(8) FS. History—New 10-3-84, Amended 2-24-85, Formerly 9B-3.43, Amended 4-9-87, 6-8-94, 2-27-96, 9-7-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Collins, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2001

**DEPARTMENT OF TRANSPORTATION
Florida Seaport Transportation and Economic
Development Council**

RULE TITLES:	RULE NOS.:
Definitions	14B-1.001
Port Project Funding Application Procedures and Requirements	14B-1.002
Measuring Economic Benefits	14B-1.003
Determination of Funding; Council/ Agency Review	14B-1.004
Council Procedures	14B-1.005
Eligible Port Funding Requirements	14B-1.006
Reporting Requirements	14B-1.007

PURPOSE AND EFFECT: The purpose of the proposed amendment to the rule is to update the application procedures and Council operating procedures due to the amendment to Chapter 311, Florida Statutes, and sections 320.20(3) and (4), Florida Statutes. The effect of the proposed rule is to change the procedures for seaport funding applications.

SUMMARY: The proposed rules set forth the necessary procedures for applying for funds pursuant to Chapter 311, Florida Statutes, to finance port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and that will support the interests, purposes, and requirements of ports located in this state.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 311.09(4) FS.

LAW IMPLEMENTED: 311.07, 311.09, 315.02, 320.20(3), 320.20(4) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael L. Rubin, Assistant Secretary, Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302, (850)222-8028

THE FULL TEXT OF THE PROPOSED RULES IS:

14B-1.001 Definitions.

(1) "Council" means the Florida Seaport Transportation and Economic Development Council as provided in s. 311.09(1), F.S.

(2) "Program Funds" are those funds identified in s. 311.07(2), F.S., derived from the State Transportation Trust Fund and funds derived from the provisions of ss. 320.20(3) and (4), F.S. ~~"Trust Fund" means the Florida Seaport Transportation and Economic Development Trust Fund as provided in s. 311.07(2), F.S.~~

(3) "Eligible Port" means deepwater ports listed in s. 403.021(9)(b), F.S., which are governed by a public body, or any other deepwater port which is governed by a public body which complies with the water quality provisions of s. 403.061, F.S., the comprehensive master plan requirements of s. 163.3178(2)(k), F.S., the local financial management and reporting provisions of Part III of Chapter 218, F.S., and the auditing provisions of s. 11.45(3)(a),(4), F.S.

(4) "Port Transportation Project" means:

(a) Transportation facilities within the jurisdiction of the port; or

(b) The dredging or deepening of channels, turning basins, or harbors; or

(c) The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing; or

(d) The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce; or

(e) The acquisition of land to be used for port purposes; or

(f) The acquisition, improvement, enlargement, or extension of existing port facilities; or

(g) Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; defined in s. 376.22, F.S.; or which result from the funding of eligible projects listed herein; or

(h) Transportation facilities as defined in s. 334.03(31)(27), F.S., which are not otherwise part of the Department of Transportation's adopted work program; or

(i) Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3), F.S.; or

(j) Construction or rehabilitation of port facilities as defined in s. 315.02, excluding any park or recreational facilities, in ports listed in s. 311.09(1) with operating revenues of \$5 million or less, provided that such projects create economic development opportunities, capital improvements, and positive financial returns to such ports.

(5) "Port Master Plan" means a comprehensive master plan prepared by each eligible deepwater port ~~listed in s. 403.021(9), F.S.~~, which addresses existing port facilities and any proposed expansions and which adequately addresses the applicable requirements of s. 163.3178(2)(k), F.S., or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163.

(6) "Florida Seaport Mission Plan" means the mission statement developed by the Council which defines the goals and objectives of the Council concerning the development of port facilities and an intermodal transportation system. ~~The five-year five-year plan shall be updated annually and shall include specific recommendations for the construction of intermodal transportation projects which connect a port to another transportation mode and the development of transportation facilities or port facilities for the purpose of enhancing international trade, promoting cargo flow, increasing cruise passenger movements, increasing port revenues, and providing port transportation projects which enhance international commerce and provide economic benefits to the state.~~

(7) "Matching Funds" ~~for an approved port transportation project other than seaport intermodal access projects~~ are those funds provided by the eligible port ~~from any source other than the Florida Department of Transportation which shall, at a minimum, be an amount equal to the program funds each contribution provided by the Trust Fund to fund the approved project.~~ "Matching Funds" for seaport intermodal access projects as described in s. 341.053(5), F.S., that are identified in the Seaport Mission Plan shall be as mutually determined by the Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds. "Matching Funds" for seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures shall be 25 percent of the total project funds coming from any port funds, federal funds, local funds, or private funds.

(8) "Approved Project" means a port transportation project which has been determined by the Department of Community Affairs to be consistent, to the maximum extent feasible, with an approved local government comprehensive plan and with the port master plan; determined by the Department of

Transportation to be consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program; and determined by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ to be consistent with the Florida Seaport Mission Plan and to have an economic benefit to the state.

(9) "Eligible Costs" means costs that may be incurred and paid by program funds ~~funds from the Trust Fund~~. Eligible costs include: design and engineering, permitting costs, environmental mitigation, construction of the port transportation project, security, right-of-way acquisition, relocation of electrical utilities, drainage, railroad spurs, water lines, sewer lines, ~~and~~ other infrastructure costs associated with construction of the port transportation project, and the acquisition of trade data information products. Eligible costs may include improvements or fixtures constructed or placed on leased property so long as the useful life of the improvements or fixtures is equal to or less than the length of the lease, or so long as the improvements or fixtures remain under the control and use of the port after the termination of the lease. Costs associated with preparation of the application or administration of the project fund are not eligible costs.

(10) "Acquisition" means the legal acquisition of real or personal property and may be by purchase, lease, gift, devise, grant, bequest, or eminent domain.

(11) "Existing Port Facilities" shall mean facilities, and improvements of every kind, nature, and description to property or facilities as defined in s. 311.07, F.S.

(12) "Trade Data Information Products" are products related to the purchase of information related to any or all of the following:

- (a) Market intelligence;
- (b) Economic activity;
- (c) Economic and natural resources;
- (d) Transportation infrastructure;
- (e) Navigational and shipping issues;
- (f) Environmental issues.

(13) "Major Change" shall mean a change to an approved project that is reasonably expected to have the following impact:

- (a) Increases the program funds requested for an approved project;
- (b) Increases the capacity of heavy truck traffic, railcar, passenger car or changes in the configuration of internal roadways or rail lines by more than 5% of the capacity in the original estimate;
- (c) Leads to a new or substantially different type of facility or project, including any operational change or other changes that impact the reported level of service on any affected roadway; or

(d) Any land acquisition.

(14) "Emergency Project" shall mean a project which requires the maintenance or reconstruction of an eligible project which contributes or enables the port to continue to perform an essential service at the same level of service which it has previously provided in the movement of cargo or passengers, or is a project which, because of changing circumstances or new opportunities can not wait until the next application period without causing harmful effects to the welfare of the port or the citizens of the state. Any eligible port seeking to submit an emergency project shall submit a written request to the Chair of the Council delineating the emergency need and requesting consideration of an application for the emergency project by the Council.

Specific Authority ~~120.53~~, 311.09(4) FS. Law Implemented ~~311.07, 311.09~~ 320.20 FS. History--New 12-19-90, Amended _____.

14B-1.002 Port Project Funding Application Procedures and Requirements.

(1) An application shall be accepted only from an eligible port. The port shall apply for the grant by submitting to the Council an application entitled "Florida Seaport Transportation and Economic Development Project Application", Form FSTED-1, hereby incorporated by reference, effective _____ which contains five separate elements as described in (7) below. Applications shall be submitted by the authorized representative appropriate duly authorized official of such port. ~~Beginning in 1991, the period for submitting applications for the applicable fiscal year funding shall be from January 1 to August 1 February 15 in each calendar year. Upon a showing by the port applicant of extenuating circumstances, the Chairman of the Council may extend the application period for a reasonable time.~~ Application forms may be obtained from and completed applications shall be submitted in electronic format and one (1) hardcopy submitted in five (5) copies to: Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302; or, 315 South Calhoun Street, Suite 712, Tallahassee, FL 32301.

(2) The applicant must provide information in application format so that it may be determined whether the proposed port transportation project is consistent, to the maximum extent feasible, with an approved local government comprehensive plan and port master plan. The applicant must attach documentation indicating that both the Department of Community Affairs and the Council have the current updated Port Master Plan provide its current updated port master plan both to the Council and to the Department of Community Affairs.

(3) The application must be accompanied by a drawing or map which depicts the port transportation project in relation to the port and the local community, clearly identifying the port project location.

(4) The applicant must provide information in application format so that it may be determined whether the project provides an economic benefit and is consistent with the Florida Seaport Mission Plan.

(5) The applicant must provide information in application format so that it may be determined whether the project is consistent with the policies and needs contained in the Florida Transportation Plan.

(6) The Council will have fifteen (15) days from August 1 receipt of an application to examine the application and notify the applicant ~~in writing~~ of any apparent errors or omissions and to request any needed additional information. The applicant shall then have fifteen (15) days from receipt of the request to provide the additional information. The application shall not be considered to be properly completed if the additional information is not provided. If technical changes are necessary, the Council or Administrative Staff can make those changes with approval of the applicant port.

(7) The project information required to be submitted by the applicant port is contained in the application Form FSTED-1, consisting of the following five parts units or forms:

(a) Part A. Incorporate herein by reference is a copy of Part A, the The cover sheet summary of the Council's application contains the summary information: name of applicant, authorized representative, brief project name, project number, amount requested/fiscal year, and summary of project approval history description (project number, amount requested/fiscal year), plan information, economic benefit analysis, map/drawing, and signature of authorized official of the applicant port. Attached to Form A is a description of "Project Eligibility Requirements."

(b) Part B. Project Description and Means of Financing. Incorporated herein by reference is a copy of Part Form B which requires a detailed description of the project, ~~estimated number of years for project completion, phase or year of request, state funds requested, and source of port matching funds.~~

1. Part B-1 – Not Phased Projects. Requires estimated total costs of project, amount of funds requested, and amount and source of matching funds.

2. Part B-2 – Phased Projects. Requires estimated number of years to complete a phased project, current phase of project submitted, description of work to be done in this phase, and chart describing five-year funding forecast for the project.

3. B-3 – 5-Year Capital Improvement Program. If necessary, requires attachment of 5-year Capital Improvement Plan, with identification of project in the Plan.

~~(e) Form C. Port Development Candidate File. Incorporated herein by reference is Form C which is a five year forecast of funding requests for capital improvements at the applicant port. If the port's total capital improvement program for the five year period is different than the five year forecast of funding requests, a description of the total five year capital~~

improvement program should also be provided. This latter information will be used for the reporting requirements of the Florida Seaport Mission Plan.

(c)(~~d~~) Part C. Plan Information. Incorporated herein by reference is Part C Form D which requires information from the applicant port about its port master plan and local government comprehensive plan so that the Department of Community Affairs may review the project to determine whether it is consistent to the maximum extent feasible with the local government comprehensive plan and the port master plan. The applicant must attach documentation indicating that both the Department of Community Affairs and the Council have a provide two (2) copies of its current updated port master plan of the port when submitting the applications.

(d)(~~e~~) Part D. Economic Benefit Analysis. Incorporated herein by reference is Part D Form E which requires economic benefit information related to the project so that the Office of Tourism, Trade, and Economic Development Department of Commerce may determine whether the project provides an economic benefit to the state and is consistent with the Florida Seaport Mission Plan. Part D also requires, if applicable, a statement of eligibility, operating revenues, and economic benefits for ports with annual operating revenues of \$5 million or less that are seeking funding for certain projects defined in s. 315.02, F.S.

(e) Part E. Transportation Impact Information. Incorporated herein by reference is Part E which requires transportation impact information related to the project so that the Department of Transportation may determine the transportation impact to the state. Prior to submitting Part E to the Council, the port applicant is encouraged to submit the project description and Part E to impacted appropriate local government(s) in order to highlight any possible transportation problems relating to level of service requirements.

(8) All forms and form instructions are incorporated herein by reference and are available by writing to the address provided in subsection (1) above.

(9) Approved projects that have a major change shall require the submission of a new application for Council and agency consistency review. The Council will consider the submittal by an eligible port of an application for funding of an emergency project at any time during the calendar year. An emergency project is defined as the maintenance or reconstruction of an eligible project which contributes to or enables the port to continue to perform an essential service at the same level of service which it has previously provided in the movement of cargo or passengers.

(10) The Council may consider the submittal by an eligible port of an application for funding of an emergency project or for funding of a previously approved project that requires a new application pursuant to subsection (9), after the annual period for submitting applications has expired. Any eligible port seeking to submit an application after the annual period

for submitting applications has expired shall submit a written request to the Chair of the Council requesting consideration of the application by the Council. The written request shall delineate the reasons why the application should be considered after the annual period for submitting applications has expired.

Specific Authority ~~420.53~~; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.003 Measuring Economic Benefits.

(~~1~~) The Council shall review each properly completed application to determine the economic benefit of the port transportation project measured by the potential for the proposed project to increase or maintain cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(~~2~~) The minimum criteria to be utilized by the Council in specifying and identifying a port transportation project as facilitating the economic benefit of Florida shall consist of satisfaction of the following:

(a) Each application must indicate the amount of the port's capital investment in the port transportation project and the source of port matching funds.

(b) Each application must provide a separate port analysis of how the port transportation project will support international commerce, increase cargo flow through the port or improve cruise passenger movements. The analysis must provide specific assumptions about demand for additional service or capacity on which the project is based; type of employment to include the average hourly wage that will be created by the project or reasons the port project is needed to support existing employment; expected life of the project; expected port revenue stream resulting from the project; and a description of how the port project will affect and enhance the local, regional and state economies. The applicant shall, upon request by the Council, provide any other economic impact information which would assist the Council and the Department of Commerce to determine the economic benefit of the port transportation project.

Specific Authority ~~420.53~~; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.004 Determination of Funding; Council/Agency Review.

(1) The Council shall review and take action on approve or disapprove each project eligible for funding from the Trust Fund within one hundred twenty (120) days of the application deadline. After such determination, the Council shall annually submit to the Secretary of Transportation, the Office of Tourism, Trade, and Economic Development Secretary of Commerce, and the Secretary of Community Affairs a list of projects which have been approved by the Council. The list shall specify the requested recommended funding level for each project; and, if staged implementation of the project is

appropriate, the funding requirements for each stage shall be specified. The decision to fund a project at any funding level is within the sole discretion of the Council.

(2) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Community Affairs shall review the projects to determine consistency, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the port is located and with the port master plan. Within forty-five (45) days from receipt of the list of projects and supporting applications, the Department of Community Affairs shall notify the Council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans. Should additional information be requested from one or more applicants by the Department of Community Affairs to permit the Department of Community Affairs to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(3) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Transportation shall review the list of projects for consistency with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program. In evaluating the consistency of a project, the Department shall determine whether the transportation impact of the proposed project is adequately handled by existing state highway facilities or by the construction of additional state highway facilities as identified in the Department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(31)(27), F.S., which is not otherwise part of the Department's work program, the Department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to the State Highway System or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. Within forty-five (45) days from receipt of the list of projects, the Department of Transportation shall identify those projects which are not consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program and shall notify the Council of projects found to be inconsistent. Should additional information be requested from one or more applicants by the Department of Transportation to permit the Department of Transportation to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(4) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Office of Tourism, Trade, and Economic Development, in consultation with Enterprise Florida, Inc., Department of Commerce shall review the list of projects to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development Department of Commerce shall evaluate the economic benefits of each project based upon the information required by the Council Rule No. 14B-1.003 and, in so doing, may conduct any appropriate investigation to determine the accuracy of the information. Within forty-five (45) days from receipt of the list of projects, the Office of Tourism, Trade, and Economic Development Department of Commerce shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the Council of its findings. Should additional economic impact information be requested from the applicant by the Office of Tourism, Trade, and Economic Development Department of Commerce, the time limit for the Department's review of the project shall be extended fifteen (15) days following receipt of the requested information.

(5)(a) The Council shall review the findings of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development Department of Commerce, and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (2), (3), and (4) above and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (4) shall not be included in the list of projects to be funded. However, the list of proposed projects may include projects which have been determined inconsistent, where such inconsistency determination was wholly unrelated to the proposed project itself, but was made on the basis that the local government comprehensive plan was not in compliance with the requirements of Chapter 163, F.S. Such projects are eligible for funding at the time the local government comprehensive plan is determined by the Department of Community Affairs or the Administration Commission to be in compliance with Chapter 163, F.S.; provided, however, that no amendments to the local comprehensive plan which brought it into compliance altered or modified the plan in relation to the impacts of the project itself.

(b) The Department of Community Affairs, Department of Transportation, or the Office of Tourism, Trade, and Economic Development may vote to overrule any action of the Council approving a project pursuant to subsection (1). Any action to overrule a project must be taken prior to, or at, the Council meeting approving such project for submission to the Department of Transportation for funding. A vote overruling an action of the Council approving a project shall be in writing,

shall give specific reasons for the vote to overrule, and shall be considered final agency action for purposes of Chapter 120, Florida Statutes.

(6) The Council shall submit to the Department of Transportation a list of approved projects for funding ~~from the Trust Fund~~. The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program for expenditure of funds of not less than \$8 million per year ~~in the Trust Fund~~. Such budget request shall request funding for the list of approved projects submitted by the Council ~~based upon the funds expected to be available in the Trust Fund during the ensuing budget year~~. Additionally, the Council may submit to the department a list of unfunded approved projects that could be made production-ready within the biennium and for which program trust funds are not available in that budget year. ~~The list of unfunded approved projects shall be submitted by the Department of Transportation as part of the project list prepared pursuant to s. 339.135(4)(j), F.S., and the needs list prepared pursuant to s. 339.155(5)(b), F.S.~~

Specific Authority ~~420.53; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended _____.~~

14B-1.005 Council Procedures.

~~(1) The Council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the Council must meet at least semiannually. A majority of voting members of the Council constitutes a quorum for the purpose of transacting the business of the Council. All members of the Council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development Department of Commerce. A majority vote of the voting members present is sufficient for any action of the Council, unless the bylaws of the Council require a greater vote for a particular action.~~

~~(1)(2) The Council shall allocate prioritize funding for approved projects. A majority vote of the voting Council members present is sufficient to approve funding for a specific port transportation project and is sufficient for the Council to allocate prioritize funding for all approved projects. A Certification of Project Acceptance which certifies that the Council has reviewed the port projects pursuant to the requirements of applicable Florida law must be executed by the Chairman of the Council, witnessed, and attested to by the Assistant Secretary prior to submission of the approved project candidate list to the Department of Transportation. Said certification in the form approved by the Department of Transportation shall accompany the project list submittal. A majority vote of the voting Council members present is sufficient to disapprove funding for a specific port transportation project.~~

~~(2)(3) The Council shall submit a summary of port transportation projects with pertinent information to the Council members no less than five (5) seven (7) working days prior to the date of the meeting at which such projects will be considered for funding approval.~~

~~(3)(4) Applicants whose port transportation projects are not recommended for funding in any given year may reapply for subsequent funding consideration by the Council.~~

~~(4)(5) The Council shall publish in the Florida Administrative Weekly, at least seven (7) days prior to Council meetings or workshops, notification of the time and place the Council will meet. Such meetings or workshops shall be open to the public. At least seven (7) days prior to a meeting, the Council shall prepare and make available an agenda for distribution on request of any interested person. ~~The Council also shall provide seven (7) days prior notification of Council meetings or workshops by mailing a notice to each eligible port applicant whose port transportation project is to be considered.~~~~

~~(5) The Council may hold monthly meetings with the Department of Community Affairs, the Department of Transportation, and the Office of Tourism, Trade and Economic Development to facilitate the project review process and other related issues.~~

~~(6) Special meetings of the Council may be held at the call of the Chairman or shall be called by the Chairman at the written request of a majority of the voting members. Upon seven (7) days public notice, a special meeting may be conducted by a telephone conference call with members of the Council in accordance with the provisions of Chapter 28-8, F.A.C., Model Rules of Procedure.~~

~~(7) Emergency meetings of the Council may be held at the call of the Chairman in accordance with the provisions of Chapter 28-2.007, F.A.C., Model Rules of Procedure.~~

~~(6)(8) Members of the Council shall serve without compensation but are entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061, F.S. The Council may elect to provide an administrative staff, by contract or otherwise, to provide services to the Council on matters relating to the program Trust Fund and the Council. The cost for such administrative services shall be paid by all ports that receive program funds funding from the Trust Fund, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total program trust funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in full by the recipient port upon execution by the port and the Department of Transportation of a Joint Participation Agreement or as otherwise directed by the FSTED Council, at the time the first payment of trust funds are disbursed to it. Such administrative services payment is in addition to the matching funds required to be paid by the recipient port.~~

Specific Authority ~~420.53; 311.09(2),(11) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended _____.~~

14B-1.006 Eligible Port Funding Requirements.

(1) ~~Except for projects funded pursuant to ss. 320.20(3) and (4), F.S., a~~ A port eligible for matching funds ~~from the Trust Fund~~ may receive a grant of program funds ~~from the Trust Fund~~ of not more than \$7 million during any one calendar year and grants of not more than \$30 million during any five calendar year period.

(2) Any port which receives funding from the Council Trust Fund shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112, F.S.

(3) The Department of Transportation shall subject any project that receives funds pursuant to this section to a final audit. The Department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

(4) Funds received by eligible ports from the Council Trust Fund shall be expended on eligible costs only. If program funds are not expended on eligible costs, then the port shall immediately reimburse the Council for its share of the ineligible expenditures.

(5) Except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., u~~pon~~ legislative approval of the Department of Transportation's budget request as provided in Rule 14B-1.004 and upon entering into the Department of Transportation's a written grant Joint Participation Agreement (JPA) agreement with an eligible port, the Department of Transportation will reimburse the eligible port an amount equal to 50 percent of eligible costs incurred on an approved project. This reimbursement will be made upon receipt of an invoice showing total eligible costs incurred to date, less the port's 50 percent share, less reimbursements received to date. These reimbursements will be made in compliance with the payment requirements set forth in s. 215.422, F.S. The final reimbursement to the port will be released upon the satisfactory completion of a final audit conducted by the Florida Department of Transportation.

(6) For projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the reimbursement procedures will be as set forth in the Master Agreement, the Indenture of Trust, the Loan Agreement, which are incorporated herein by reference, and any other agreement with another applicable governmental entity.

Specific Authority ~~420.53;~~ 311.07(4) FS. Law Implemented 311.07, 320.20(3),(4) FS. History--New 12-19-90, Amended _____.

14B-1.007 Reporting Requirements.

~~(1) If the port transportation project is to be funded in annual phases, the Council shall require the port to submit an annual written report which describes the work completed per the project schedule, the status of the project, a description of~~

~~any change orders which change the nature of the project and a budget summary detailing the amount of financial contribution to the project by the port. A phased project shall be considered by the Council as one project and shall be annually prioritized accordingly. An approved phased project shall be awarded separate annual grants until complete; provided, however, that no change order has been requested by the recipient port. Change orders requested for previously approved projects will require resubmission of a revised project application for Council and agency consistency review.~~

~~(2) Except for seaport intermodal access projects and projects pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the~~ The eligible port shall enter into the Department of Transportation's a Joint Participation Agreement (JPA) with the Department of Transportation which sets forth the duties and obligations of the parties thereto regarding the expenditure and receipt of funds prior to any expenditure of state funds. The recipient port also shall provide a signed letter stating that the port accepts total responsibility and ownership of the port transportation project.

Specific Authority ~~420.53;~~ 311.09(4) FS. Law Implemented 311.07 FS. History--New 12-19-90, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Michael Rubin

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Towsley, Chair of the FSTED Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 27, 2000

DATE NOTICE PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2001

**STATE BOARD OF ADMINISTRATION
Florida Prepaid College Board**

RULE TITLE: Application
RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Program Application and the Florida Prepaid College Program Master Covenant to reflect the current year and to change the effective date of these documents.

SUMMARY: This rule change is being made to update the Florida Prepaid College Program Application and Master Covenant for the Florida Prepaid College Program to reflect the current year and to change the effective date of these documents.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(7)(a) FS.
 LAW IMPLEMENTED: 240.551 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 2:00 p.m., September 4, 2001
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchases pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP ~~2000-2001~~-1, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October ~~16, 2000~~ 15, 2001. The Florida Prepaid College Program Master Covenant, Form No. FPCP ~~2000-2001~~-2, is hereby incorporated by reference with an effective date of October ~~16, 2000~~ 15, 2001.

Specific Authority 240.551(7)(a) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Requirements
 RULE NO.: 19B-5.003
 PURPOSE AND EFFECT: To implement an amendment to s. 240.551(11), F.S. adding nonprofit s. 501(c)(3) organizations operating scholarship programs approved by the Board to the types of organizations that are permitted to not name a qualified beneficiary on advance payment contracts until April 1 of the anticipated enrollment year; and to clarify the procedure the Board will follow when advance payment contract benefits expire.

SUMMARY: This rule change allows s. 501(c)(3) organizations to purchase advance payment contracts without naming the beneficiary until April 1 of the anticipated enrollment year and clarifies the procedures the Board will follow when the benefits of an advance payment contract expire. These changes are being made due to amendments to s. 240.551(11), Florida Statutes, enacted during the 2001 Regular Session of the Florida Legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.003 Contract Requirements.

(1) Purchasers must name the qualified beneficiary in the application, provided, however, that the board's direct support organization and organizations operating scholarship programs pursuant to Rule 19B-5.007 shall be permitted to leave the qualified beneficiary's name blank until April 1 of the anticipated enrollment year.

(2) Only one qualified beneficiary is allowed per contract, and a specific beneficiary can be named in only one contract. In the event duplicate contracts for the same beneficiary are processed, the contract processed first shall be deemed valid and the remaining contract shall be deemed terminated.

(3) The purchaser does not have to designate the postsecondary institution that the beneficiary will attend.

(4) The contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.

(5)(a) The benefits of a contract may be received for up to a ten-year ~~10-year~~ period after the ~~said selected~~ matriculation date. This ten-year limitation may be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all contract plans. The matriculation projected enrollment date is the projected college enrollment year shall correspond to the age/grade of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application form, or similar information received subsequently by the Board from the purchaser. The right to use the benefits from a contract shall expire on December 31, ten years after the matriculation date, or any extension thereof.

(b) When the benefits from a contract have not been used on December 31, nine years after the matriculation date or one year prior to the expiration of any extension of the expiration date for the use of contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The procedure the purchaser must follow to extend the time period for the use of contract benefits or to obtain a refund for the contract;

2. That the right to use the contract benefits will expire on December 31, ten years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

4. Such notice shall be mailed not later than 180 days prior to the expiration of the contract benefits. An alphabetical list of the names of purchasers of such accounts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with a contract for which the benefits have not been used by December 31, ten years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Accounts that are composed of tuition and local fee contracts will only be paid if both the tuition account and local fee account are in good standing. Local fee payments shall not be remitted to pay tuition for any beneficiary.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Scholarship Programs Operated by Non-Profit Organizations
RULE NO.: 19B-5.007

PURPOSE AND EFFECT: To implement s. 240.551(23), F.S., by specifying the application procedure and information that a s. 501(c)(3) organization must submit about its scholarship program to enable the Board to approve programs as eligible to purchase advance payment contracts for organizations scholarship programs.

SUMMARY: This rule details the application procedures a s. 501(c)(3) organization will follow in order to have its scholarship program approved by the Board so that the organization can purchase advance payment contracts for its scholarship programs. This rule is being created to implement s. 240.551(23), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.007 Scholarship Programs Operated by Non-Profit Organizations.

(1) During the open enrollment period, a nonprofit organization may purchase advance payment contracts for a scholarship program operated by the organization provided the Board has approved the scholarship program.

(2) The Board will approve scholarship programs operated by nonprofit organizations upon submission of a written application to the Board that contains:

(a) Evidence that the organization is a nonprofit organization described in s. 501(c)(3) of the Internal Revenue Code;

(b) Evidence that the organization is exempt from taxation pursuant to s. 501(a) of the Internal Revenue Code;

(c) Information describing the scholarship program and its purposes;

(d) A statement that the nonprofit organization operates the scholarship program;

(e) A statement that the nonprofit organization shall comply with the terms of the advance payment contract, s. 240.551, F.S., and the rules of the Board.

(3) An application for approval of a scholarship program may be submitted with an application to purchase one or more advance payment contracts.

(4) After an application is determined by the Executive Director to be complete, the Board will consider and approve the application for the scholarship program at its next meeting.

(5) Approval by the Board of a scholarship program is not and shall not be promoted by the nonprofit organization as, an endorsement by the Board of the scholarship program or the sponsoring nonprofit organization.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Fee Schedule
RULE NO.: 19B-6.001

PURPOSE AND EFFECT: To authorize the Board to waive payment of outstanding late fees in excess of \$70.00 for advance payment contracts that are paid in full and to waive all

outstanding late fees when the outstanding late fee balance is \$50.00 or less for advance payment contracts that are paid in full. To repeal the out-of-state transfer fee.

SUMMARY: This rule changes authorizes the Board to waive late fees for advance payment contracts that are paid in full and to repeal the out-of-state transfer fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee – A forty-two dollar (\$42.00) nonrefundable application fee will be collected at the time the application is submitted.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any plan purchased, unless:

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two years immediately preceding the request for termination and refund. The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.

(3) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of

two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.

(4) Late Fee –

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. The Board may grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above. ~~A maximum charge of seventy dollars (\$70.00) in outstanding late fees will be charged against each account upon cancellation.~~ This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee.

(b) When a contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the contract.

(c) When a contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) Insufficient Funds – Purchasers will automatically be assessed a ten dollar (\$10.00) fee for all payments returned for insufficient funds.

(6) Addition of a dormitory contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

(7) Addition of a local fee contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

~~(8) Out of State Transfer Fee – A fee of twenty five dollars (\$25.00) will be assessed for the transfer of benefits to eligible postsecondary institutions outside Florida.~~

(8)(9) Outstanding fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the contract benefits.

~~(9)(10)~~ Reinstatement Fee – A \$42.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled account. This fee shall be due on each tuition, local fee and dormitory account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account current.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Qualified Individuals
RULE NO.: 19B-8.001

PURPOSE AND EFFECT: To implement the recently enacted amendments to s. 529 of the Internal Revenue Code that adds first cousins to the list of persons that can be a substitute beneficiary under an advanced payment contract.

SUMMARY: This rule adds first cousins to the list of appropriate substitute beneficiaries under advanced payment contracts. This change is being made due to recent amendments to s. 529 of the Internal Revenue Code.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.001 Qualified Individuals.

A purchaser may request transfer of a contract to an eligible substitute beneficiary who is the brother, sister, half brother, half sister, step-brother, ~~or~~ step-sister, or first cousin of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the

purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. Documentation must also be submitted with the transfer request evidencing the relationship of the transferee. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Transfer to In-State Independent College or University
RULE NO.: 19B-9.002

PURPOSE AND EFFECT: This rule modification makes technical changes related to the changes in Rules 19B-9.003 and 19B-11.001, F.A.C.

SUMMARY: This rule change makes technical changes to the transfer of the benefits of advance payment contracts to in-state independent colleges and universities and eligible out-of-state colleges and universities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.002 Transfer to In-State Independent College or University.

In the event the beneficiary matriculates in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551(7)(d) FS. History--New 3-29-89, Amended 2-6-90, Formerly 4G-9.002, Amended 12-5-93, 6-20-96, 10-20-96, 2-18-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Transfer to Out-of-State Schools
RULE NO.: 19B-9.003

PURPOSE AND EFFECT: This rule revision implements changes to s. 240.551, F.S., made by the 2001 Legislature that modify the amount allowed to be transferred to eligible out-of-state colleges and universities.

SUMMARY: This rule change modifies the amount of the benefits of advance payment contracts that can be transferred to out-of-state colleges and universities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.003 Transfer to Out-of-State Schools.

A qualified beneficiary may transfer the benefits of an advance payment contract to an eligible out-of-state community college, college or university. The amount transferred shall not exceed the redemption value of the advance payment contract; ~~or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee.~~ For purposes of such transfers of the tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-7-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: General RULE NO.: 19B-11.001

PURPOSE AND EFFECT: This rule revision implements changes made by the 2001 Legislature which revise the amount of a refund allowed a purchaser of an advance payment contract in the event the contract beneficiary is awarded a scholarship or suffers death or total disability.

SUMMARY: This rule change revises the amount of the refund to a purchaser of an advance payment contract in the event the contract beneficiary is awarded a scholarship or suffers death or total disability. This change is being implemented due to amendments enacted during the 2001 Regular Session of the Florida Legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory residence plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Involuntary and voluntary termination pursuant to Rule 19B-10.001, F.A.C. and 19B-10.002, respectively, shall result in a refund to the purchaser after assessment of appropriate fees. Termination of student status after the official drop/add period eliminates the refund option for that semester. However, refunds may exceed the amount paid into the fund in the following circumstances:

(1) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in ~~amounts of either:~~ an amount not to exceed the redemption value of the advance payment contract.

~~(a) the original purchase price plus 5 percent compounded interest, or~~

~~(b) the current rates at State postsecondary institutions, whichever is less.~~

Proof of scholarship shall be given to the Board in such form as specified by the Board from the institution granting the scholarship.

(2) In the event of death or total disability of the beneficiary, moneys paid for the purchase of an advance payment contract shall be returned to the purchaser in lump sum ~~with either:~~ in an amount not to exceed the redemption value of the advance payment contract.

~~(a) The original purchase price plus 5 percent compounded interest, or~~

(b) ~~The current rates at State postsecondary institutions, whichever is less.~~

Proof of death or disability shall be in such form as required by the Board.

(3) For purposes of refunds pursuant to Rule 11.001(1) or (2) for tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to Rule 11.001(1) or (2) for the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of the refund request, for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

**STATE BOARD OF ADMINISTRATION
 Florida Prepaid College Board**

RULE TITLE: _____ RULE NO.:

Florida Prepaid College Foundation, Inc.; Requirements; Use of Board Property 19B-15.001

PURPOSE AND EFFECT: This rule implements s. 240.551(22)(f), F.S. It specifies operational procedures for the Florida Prepaid College Foundation, Inc. and authorizes the Foundation to use the property, personnel, and facilities belonging to the Florida Prepaid College Board.

SUMMARY: This rule details operational procedures for the Florida Prepaid College Foundation, Inc. and details the use of property, personnel and facilities belonging to the Florida Prepaid College Board by the Prepaid Foundation. This change is being made to implement s. 240.551(22)(f), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(22)(f) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., September 4, 2001
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-15.001 Florida Prepaid College Foundation, Inc.: Requirements; Use of Board Property.

(1) The Florida Prepaid College Foundation, Inc., a not-for-profit corporation established pursuant to s. 240.551(22), Florida Statutes, shall:

(a) Submit its articles of incorporation and by-laws to the Board annually for approval.

(b) Promptly notify the Board of any amendments to the Foundation's articles of incorporation and by-laws.

(c) Submit its annual budget to the Board not later than May 31 of each year.

(d) Contract with an independent certified public accounting firm for an annual financial and compliance audit of the financial accounts and records of the Foundation.

(e) Establish a fiscal year that will begin on July 1 of each year and end on June 30 of the following year.

(f) Disclose the material provisions of the contract between the Foundation and the Board to donors of gifts, contributions and bequests to the Foundation and in all promotional and fundraising publications of the Foundation

(g) With the exception of those public records described in ss. 240.551(14), 240.551(22)(a) and 240.554, Florida Statutes, allow inspection and copying of all other documents, papers, letters or other records of the Foundation that are made or received in conjunction with the business of the Foundation in accordance with the requirements of the Florida Public Records Law, s. 119.07, F.S.

(h) Allow the Board, its employees or designees, or other state agencies as provided by law to audit the Foundation upon reasonable notice at the Foundation's offices during normal business hours.

(2) To be eligible to use the Board's property (except money), facilities and personal services, the Foundation shall:

(a) Provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age or national origin.

(b) Make a written request to the Executive Director of the Board specifying the property, facilities and personal services which the Foundation requests that it be allowed to use.

(c) Operate under a written contract with the Board.

Specific Authority 240.551(22)(f) FS. Law Implemented 240.551 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Chaplaincy Services
RULE NO.: 33-503.001
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise the line of authority reflected for chaplaincy services personnel in accordance with the department's reorganization.
SUMMARY: The proposed rule provides that the chaplain of each institution is directly responsible to the area chaplaincy services specialist rather than to the warden and provides for religious activities to be supervised by employees and volunteers as well as by the chaplain.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-503.001 Chaplaincy Services.
(1)(a) through (b) No change.
(c) The Chaplain of each institution is directly responsible to the area Chaplaincy services specialist and coordinates activities with the institution's security staff warden. He plans, coordinates and supervises all religious activities and services at the institution. He is responsible for the moral and spiritual well-being of all inmates, including the non-religious.
(2) No change.
(3) Religious Services and Rituals.
(a) All religious services, rituals or activities at the institution shall be conducted or supervised by the Chaplain or other employee or regular service volunteer.

(b) through (12) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 20.315, 944.09, 944.11 FS. History--New 1-6-82, Formerly 33-3.14, 33-3.014, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Alex Taylor
NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 6, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Care Cost Containment Board

Table with 2 columns: RULE TITLES and RULE NOS.
Definitions 59E-5.101
Florida Hospital Uniform Reporting System 59E-5.102
Reporting Requirements 59E-5.103
Prior Year Report Requirements 59E-5.201
Notice of Violation or Deemed Not Filed and Response 59E-5.205
Public Medical Assistance Trust Fund Assessments 59E-5.605

PURPOSE AND EFFECT: The Agency intends to establish and adopt procedures and specifications for the implementation of Section 16 of Chapter 2000-256, Laws of Florida. The rules are being amended to comply with the statutory provisions of Chapter 395.701, F.S., and to provide an updated reporting mechanism to improve the efficiency and accuracy of financial data collection.

SUMMARY: The 2000 Session of the Florida Legislature amended Chapter 395.701, F.S., to provide a reduced assessment percentage for outpatient hospital net revenues. The changes to the Agency's Florida Uniform Hospital Reporting System necessary to implement the changes are incorporated by reference in this material.

SUMMARY STATEMENT OF ESTIMATED REGULATORY COST: Based on best information available, the estimated regulatory costs to all Florida hospitals would be \$478,000 to \$956,000 in the start up year and \$239,000-\$458,000 in succeeding years. A rule development workshop was held on August 22, 2000 on the materials and forms associated with this rule. Comments from the workshop participants were received and incorporated as appropriate. In response to a request from the Florida Hospital Association, a public hearing was held on March 9, 2001 and testimony was received in regard to a lower cost regulatory alternative proposed by the industry. The issue was resolved by the passage of CS/SB 1558 by the 2001 legislature. No other disagreement exists at this time.

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

SPECIFIC AUTHORITY: 408.15, 395.7015(5) FS.

LAW IMPLEMENTED: 395.701, 408.061, 395.7015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE NOTICED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Chris Augsburger, Regulatory Analyst Supervisor, Bureau of Health Facility Regulation/Financial Analysis, 2727 Mahan Drive, MS# 28, Tallahassee, FL 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-5.101 Definitions.

The definitions set forth in Section 408.032, F.S., and the following definitions shall apply to this Chapter, and to the Florida Hospital Uniform Reporting System (FHURS) Manual, unless otherwise specified:

(1) "Actual report" is the report of a hospital's actual financial and statistical data as required by the reporting forms contained in the FHURS Manual.

(2) "Adjusted admission" is the sum of acute admissions and intensive care admissions divided by the ratio of inpatient revenues generated from acute, intensive, ambulatory, and ancillary patient services to gross revenues, unless the hospital reports all sub-acute admissions in which case "adjusted admission" is the sum of sub-acute admissions divided by the ratio of total inpatient revenues to gross revenues.

(3) "Audited actual experience", "audited actual data", or "audited financial statements" means data contained within financial statements examined by an independent, Florida-licensed, certified public accountant in accordance with generally accepted auditing standards and including an opinion on the audited financial statements.

(4) "Change in hospital ownership" means that a majority of the ownership or the controlling interest of the hospital is transferred or assigned. A change in ownership includes, but is not limited to, the acquisition of the hospital by any person or other legal entity by any means; the leasing of the hospital when the lessee agrees to undertake or provide services at the hospital to the extent that legal liability for operation of the hospital rests with the lessee; conversion of the hospital's type or kind of business organization; the sale, acquisition, assignment or other voluntary or involuntary transfer of a majority of the ownership or the controlling interest of the hospital; merger of the hospital corporation into a new corporation; or consolidation of the hospital corporation with one or more corporations resulting in the creation of a new corporation.

(5) "Charity care patient" means a medically indigent patient whose charges are, in whole or in part, classified as "Charity/Uncompensated Care – Other" who meets the requirements of ~~Account~~ 5960, Chapter III, FHURS Manual and/or "Charity/Uncompensated Care – Hill Burton" who meets the requirements of Account 5950, Chapter III, FHURS Manual.

(6) "Chart of accounts" means the list of accounts, code numbers, definitions, standard units of measure and principles and concepts included in the FHURS Manual.

(7) "Day of admission" means the day on which a person is admitted to a hospital or sub-acute facility for bed occupancy for purposes of receiving inpatient hospital or sub-acute services and counts as one inpatient day. If admission and discharge or death occur the same day, the day is considered a day of admission and counts as one inpatient day.

(8) "Executive staff members" means the Secretary, ~~Executive Director~~ and such other staff members as designated by the Secretary ~~Executive Director~~.

(9) "FHURS Manual" means the Florida Hospital Uniform Reporting System Manual as adopted by the Agency Board and incorporated by reference in Rule 59E-5.102.

(10) "Financial statements" means a presentation of financial data, including accompanying notes, derived from accounting records and intended to communicate a hospital's economic resources or obligations at a point in time, or the changes therein for a period of time, and the results of operations for a period of time in accordance with generally accepted accounting principles.

(11) "Generally accepted accounting principles" (GAAP) means accounting principles or standards generally accepted in the United States, as published by the American Institute of Certified Public Accountants, and Statements of Financial Accounting Standards and interpretations thereof as published by the Financial Accounting Standards Board and as may be amended by rule of the Department of Business and Professional Regulation, ~~Department of Professional Regulation~~ Board of Accountancy.

(12) "Generally accepted auditing standards" (GAAS) means the generally accepted auditing standards adopted by the American Institute of Certified Public Accountants, together with interpretations thereof, as set forth in Statements on Auditing Standards as published by the American Institute of Certified Public Accountants and as may be amended by rule of the Department of Business and Professional Regulation, ~~Department of Professional Regulation~~ Board of Accountancy.

(13) "Gross patient services revenue" means the sum of daily hospital service charges, ambulatory service charges, ancillary service charges; including all charges for sub-acute services.

(14) "Gross operating revenue" means "Gross revenue" as that term is defined in Section 408.07(22) ~~407.002(12)~~, F.S.

(15) "Hospital" means a health-care institution, as defined in Section 395.002(13)(a)(b)(6), F.S., and licensed pursuant to Chapter 395, F.S.

(16) "Inpatient admission" means a person who has been admitted to a hospital for bed occupancy for purposes of receiving inpatient hospital services. A person is considered an inpatient if formally admitted by the hospital as an inpatient by physician order with the expectation that the individual would remain at least overnight and occupy a bed.

(17) "Inpatient revenues" means gross charges generated from the provision of hospital services to any patient admitted to the hospital as an inpatient to the hospital. When an individual is furnished outpatient services and is thereafter admitted as an inpatient of the same hospital before midnight of the next day, the outpatient charges are reported as inpatient revenue.

(18) "Net operating revenue" means ~~"Net revenue" as that term is defined in Section 407.002(19), F.S.~~ gross revenue minus deductions from revenue plus other operating revenue.

(19) "Net Outpatient Revenue" means outpatient revenue minus deductions from revenue appropriate to charges billed for outpatient services.

(20)(19) "Non-operating revenue" means revenue not directly related to the entity's ongoing or principal operations. Non-operating revenue may include unrestricted gifts, unrestricted income from endowment funds, gain on sale of hospital properties, and income and gains from investments of general funds.

(21) "Outpatient" means a person who receives a pre-admission assessment, a diagnostic procedure, or a therapeutic procedure at a health care facility licensed under Chapter 395, F.S., who is not admitted with the intent they will leave the facility in less than 24 hours.

(22) "Outpatient Revenue" means total charges for hospital services rendered to outpatients.

(23)(20) "Patient day" means a day, which begins at midnight and ends 24 hours later. The midnight-to-midnight method must be used even if the provider uses a different definition of a patient day for its statistical or other purposes. Whenever a patient occupies a bed in more than one patient care area in one day, the inpatient day should be counted only in the patient care area in which the patient was located at the census-taking hour. The day of admission will be counted as a full day; however, the day of discharge is not counted. A full day must be counted when a patient is admitted as an inpatient with the expectation of the patient remaining overnight and occupying a bed, but is discharged on the same day.

(24)(21) "Prior year report" means, collectively, the actual report and the corresponding financial statements with an audit report of an independent Florida-licensed certified public accountant for the same reporting period and including an opinion on the audited financial statements.

~~(25)(22)~~ "Total net revenue" means the sum of net patient services revenue, other operating revenue, and non-operating revenue.

~~(26)(23)~~ "Total revenue" means the sum of gross revenue, other operating revenue and non-operating revenue.

Specific Authority 408.15 FS., Ch. 88-394, Laws of Florida. Law Implemented 407.002, 408.061, 408.072, 408.08 FS. History--New 6-11-92, Formerly 10N-5.101, Amended.

59E-5.102 Florida Hospital Uniform Reporting System.

(1) The Agency for Health Care Administration hereby adopts and establishes a uniform system for hospital reporting by adopting and incorporating by reference the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 92-1, April 9, 1992. This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration's rules.

~~(2)(a)~~ The following changes will be made to the current FHURS Manual: In Chapter II, "Reporting Forms and Instructions" pages 2.45, 2.46, and 2.47 will be deleted and replaced by pages 2.45, 2.46, 2.46a, and 2.47.

~~(3)(2)~~ A copy of the FHURS Manual may be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, Director of Public Information, 2727 Mahan Drive, Mail Stop #28, 325 John Knox Road, 301 The Atrium, Tallahassee, Florida ~~32308 32303~~.

Specific Authority 408.15 FS. Law Implemented 408.061(2), 408.07(22) FS. History--New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, _____.

59E-5.103 Reporting Requirements.

(1) Each hospital must comply with the reporting requirements set forth in Rule 59E-2.015.

(2) Each report or document must contain all information specified for that report or document in the FHURS Manual and shall be submitted on the forms and in the formats set forth in the FHURS Manual.

(3) Separate reports are required for each licensed hospital, regardless of ownership or operation.

(4) Extensions for filing a report may be sought pursuant to the provisions of Rule 59E-2.017. However, no extension may be granted for submitting corrections pursuant to Rules 59E-5.205, 59E-5.304, and 59E-5.317.

(5) Prior year reports shall be filed in compliance with the requirements of Rule 59E-5.201.

~~(6) Budget reports shall be filed in compliance with the requirements of Rule 59E-5.301.~~

~~(6)(7)~~ Hospitals changing ownership must comply with the reporting requirements set forth in Rules 59E-5.202 and 59E-5.302 and must submit written notification of the ownership change within 30 days of the effective date of the change. The new owner shall submit the notification, which shall include:

- (a) Identification of the new owner;
- (b) The address of the new owner;
- (c) The status of the hospital's license;
- (d) The status of Medicaid and Medicare certification and identification of provider numbers; and
- (e) Such other information as may be necessary to identify the new owner;
- (f) The name of the hospital prior to and after the ownership change; and
- (g) Such other information as may be required by the Agency Board to identify the facility, its owner and to assure that all reporting requirements are met by the hospital.

~~(7)~~(8) Hospitals changing fiscal year end must comply with the reporting requirements set forth in Rules 59E-5.202 and 59E-5.302 and must submit written notification of the fiscal year end change within 30 days of such change. The notification shall include:

- (a) Identification of the hospital;
- (b) The previous fiscal year end;
- (c) The new fiscal year end; and
- (d) The reason for the change in fiscal year end.

~~(8)~~(9) Hospitals which are seeking licensure for the first time or which are seeking licensure for an existing hospital due to a change in ownership shall so notify the Agency Board within 30 days of the date that an application for a hospital license pursuant to Section 395.003, F.S., is filed.

Specific Authority 408.061, 408.15 FS. Ch. 88-394, Laws of Florida. Law Implemented 408.061, 408.072 FS. History--New 6-11-92, Formerly 10N-5.103, Amended _____.

59E-5.201 Prior Year Report Requirements.

(1) Each hospital shall submit to the Agency, not more than 120 days subsequent to the end of its fiscal year, its prior year report for the fiscal year then ended.

(2) The prior year report shall consist of the following:

(a) For hospital financial accounting periods ending subsequent to December 31, 1998, and with corresponding due dates beginning on April 30, 1999 and beyond, the actual report shall be submitted to the Agency using the computer software known as "FADES". The FADES software has been developed by the Agency for the purpose of electronically filing the actual report. The software is a *Visual Basic* template that reproduces the FHURS worksheets pursuant to 59E-5.103 of this chapter in an electronic format. The software also converts the worksheet data into a precisely designed file structure which can be electronically processed through the Agency's computer system. Hospitals shall use the FADES software to keypunch the FHURS worksheet information and to transmit the data to the Agency. An installation diskette will be provided to hospitals prior to the due date of the 1999 report in a timely manner free of charge. Hospitals shall not use an alternative version of the software until such software is approved for use by the Agency. Hospitals shall not request

approval for use of alternative software within 120 days prior to the report being due. The data produced from the FADES application shall be returned to the Agency on a 3.5-inch computer diskette pursuant to the formatting requirements provided in Rule 59E-5.206.

(b) The 3.5-inch diskette shall be submitted with the following information on an externally affixed label.

1. "Hospital FHURS Report".
2. Hospital Name.
3. Hospital Number (8 digit format).
4. Reporting period.
5. "Submission Number" which represents a progressive count of the number of diskettes sent to the Agency for this report.
6. Name of contact person including area code and telephone number.

(c) FHURS "Worksheet A" on paper that contains the appropriate signatures by the Chief Executive Officer and Chief Financial Officer of the hospital;

(d) Two paper copies of the audited financial statements; and

(e) One paper copy of the Medicare cost report.

(3) Hospitals with fiscal years ending subsequent to July 1, 2000 shall submit for the year 2000 and 2001 reporting cycles only, one paper copy of worksheet C-3a (rev.). Worksheet C-3a (rev.) will be incorporated into the electronic reporting system for the 2002 reporting cycle. The electronic version of worksheet C-3a contained in the FADES filing of the hospital's actual report for the year 2000 and 2001 reporting cycles must also be completed.

~~(4)~~(3) The actual report shall be prepared for each hospital from the audited financial statements. Whenever an actual report is not in agreement with the corresponding audited financial statements, the hospital shall provide a reconciliation of the amounts presented in the audited financial statements to amounts reported in the actual report.

~~(5)~~(4) In the event a hospital's audited actual data is restated in accordance with generally accepted accounting principles, the hospital shall report the restatement to the Agency within 30 days of the issuance of the restatement.

Specific Authority 408.061 FS. Law Implemented 408.061, 408.08 FS. History--New 6-11-92, Formerly 10N-5.201, Amended 3-28-99, _____.

59E-5.205 Notice of Violation or Deemed Not Filed and Response.

(1) Once a report has been filed in accordance with Rule 59E-2.015 and Rule 59E-5.201, the Agency will review the report and determine if:

(a) It conforms to applicable statutory, rule and FHURS Manual requirements;

(b) The data are mathematically accurate, reasonable and verifiable.

(2) If the report does not conform to the above requirements, the report will be deemed "not accepted" and a notice of violation will be sent certified mail, or by other delivery service which provides proof of delivery, to the hospital.

(3) The notice shall clearly indicate the deficiencies found, the corrections or modifications necessary to make it complete or conforming or its data verifiable, as well as the time by which a corrected or modified report must be received by the Agency.

(4) A hospital shall have no fewer than 10 working days following receipt of the notice of violation or notice of deemed not filed to return the requested corrected or modified report to the Agency.

(5) Modifications or corrections to various accounts and worksheet cells shall be made by resubmitting the entire report using the FADES software and be re-transmitted via computer diskette using the formats pursuant to 59E-5.206. The diskette shall be submitted with the following information on an externally affixed label.

- (a) "Corrections to Hospital FHURS Report."
- (b) Hospital Name.
- (c) Hospital Number (8-digit format).
- (d) Reporting period.

(e) "Submission Number" which represents a progressive count of the number of diskettes sent to the agency for this report. A cover letter shall be provided with the diskette outlining the contents of the corrections contained on the diskette.

~~(6) The Agency intends to provide for a transition period in the transmittal of corrections to actual reports. For financial accounting periods ending in calendar 1999 only, paper copies of FHURS Worksheet A-1, A-2, B-1, B-3, B-4, B-4a, C-1, C-2, C-3, C-4, C-5, C-6, C-7, and X-1 will be accepted for corrections. Corrections to FHURS worksheets not specifically identified in this paragraph must be submitted electronically using the FADES software. When a combination of corrections is necessary that includes both the noted and not noted worksheets in this paragraph, the FADES software must be used for all corrections for financial accounting periods ending after calendar 1999, no paper copies of corrected worksheets will be accepted.~~

(6)(7) Actual reports must be properly formatted on a 3.5 inch diskette in accordance with Rule 59E-5.206 of this chapter and readable by Agency software, otherwise the report will be deemed not filed and the hospital will be subject to the penalties for late filing as prescribed in this chapter.

(7)(8) Hospitals whose reports are deemed not filed resulting from an improperly formatted diskette will receive an edit report that will attempt to describe the formatting deficiencies in sufficient detail to initiate corrective action by the hospital.

Specific Authority 408.061, 408.15 FS. Law Implemented 408.061, 408.062, 408.08 FS. History—New 6-11-92, Formerly 10N-5.205, Amended 3-28-99, Amended _____.

59E-5.605 Public Medical Assistance Trust Fund Assessments.

(1) Within six months after the end of each hospital's fiscal year, the Agency's Bureau of Health Facility Regulation will certify to the Bureau of Finance and Accounting ~~the Board shall certify to the Department of Health and Rehabilitative Services (HRS)~~ the amount of each hospital's public medical assistance trust fund assessment.

(a) For hospitals with fiscal years ending subsequent to July 1, 2000 the amount certified shall be equal to 1.5 percent of the annual inpatient net operating revenue of each hospital and shall be equal to 1.0 percent of outpatient net operating revenue, based upon the prior year's actual data filed with the Board Agency. Net revenues for outpatient radiation therapy shall be excluded from the calculation of outpatient net operating revenue.

(b) Assessment is based on the prior year's net operating revenues, exclusive of outpatient radiation therapy revenues, and all payments made to the PMATF shall reflect that calculation.

(2) Each hospital shall be notified of the assessment amount being certified to the Bureau of Finance and Accounting HRS.

(3) Within 21 days of receipt of notification of the assessment amount, a hospital may request a hearing pursuant to Section 120.57, F.S.

(4) If a hearing is timely requested, the Agency Board shall certify to the Bureau of Finance and Accounting HRS an interim assessment amount which shall equal the assessment amount last certified to the Bureau of Finance and Accounting HRS. Upon resolution of the issues regarding certification, the proper assessment amount shall be certified. The assessment amount for the year shall not be affected by the issuance of an interim assessment.

(5) Initial assessments against new hospitals will be certified upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report shall be paid at the time a hospital is licensed. The assessment shall be based on the hospital's projected net operating revenue during its first year of operation and until its first Prior Year Report is accepted by the Board. Upon approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.

(6) In the event a hospital fails to file its Prior Year Report or the report is not accepted by the Agency Board, the quarterly assessment shall be based on the most recently filed Prior Year Report accepted by the Agency Board. Upon

~~approval of the first Prior Year Report, the assessment shall be based upon actual net operating revenue as reflected in that report.~~

(7) If the data contained in the Prior Year Report is based upon a fiscal period of less than one calendar year, the data provided shall be annualized and the assessment will be calculated on an annualized basis.

(8) Assessments during the first year of operation under new ownership shall be based on the hospital's net operating revenue for the last fiscal year under previous ownership.

(9) Assessments are made against facilities, accordingly the amount of the assessment and liability for the assessment remains with the facility regardless of any change in ownership.

Specific Authority 408.15 FS., Chapter 2000-256, Laws of Florida. Law Implemented 395.701(2)(a), 408.072 FS. History--New 6-11-92, Formerly 10N-5.606, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Christopher J. Augsburger, Regulatory Analyst Supervisor
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffery N. Gregg, Bureau Chief, Health Facility Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Assistive Care Services
RULE NO.: 59G-4.025

PURPOSE AND EFFECT: The purpose of this rule is to establish the Assistive Care Service as directed by the Legislature. The effect will be to incorporate by reference the rule in the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Coverage and Limitations Handbook.

SUMMARY: The rule will establish the Assistive Care Service as a state plan service and will incorporate by reference the Assistive Care Service program policies in the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.906 FS.

LAW IMPLEMENTED: 409.906, 409.912 FS.

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

TIME AND DATE: 10:00 a.m. – 11:00 a.m., Tuesday, September 4, 2001

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Keith Young, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-2618

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.025 Assistive Care Services.

(1) This rule applies to all assistive care services providers enrolled in Medicaid under Section 409.906, F.S., who provide assistive care services.

(2) All assistive care service providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook which is incorporated by reference in 59G-8.200, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in 59G-5.020.

Specific Authority 409.906 FS. Law Implemented 409.906, 409.912 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Keith Young

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Branker, Acting Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing
RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-term Care Reimbursement Plan (the Plan) payment methodology, effective September 1, 2001. Changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with

related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

The effect of the proposed amendment is changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

SUMMARY: The proposed amendment to rule number 59G-6.010 incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment seeks to provide that changes of ownership or of licensed operator do not qualify for increases in reimbursement rates associated with the change of ownership or of licensed operator. The Agency will provide that the initial nursing home reimbursement rates, for the operating, patient care, and MAR components, associated with related and unrelated party changes of ownership or licensed operator filed on or after September 1, 2001, are equivalent to the previous owner's reimbursement rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., September 4, 2001

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XX~~ XIX Effective Date _____ ~~September 20, 2000~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy ~~Secretary~~ Director for Medicaid, 2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (HCFA Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99, 1-11-00, 4-24-00, 9-20-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. John Owens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home and Community-Based Services Waiver

RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate the Assistive Care Service policy into the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Coverage and Limitations Handbook. This rule amendment will also update the Assisted Living for the Elderly Waiver policy contained in the existing Florida Medicaid Assisted Living for the Elderly Coverage and Limitations Handbook.

SUMMARY: The rule amendment will incorporate the Assistive Care Service Program and update the Assisted Living for the Elderly Waiver policies in the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Coverage and Limitations Handbook.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.906 FS.

LAW IMPLEMENTED: 409.906, 409.912 FS.

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

TIME AND DATE: 11:00 a.m. – 12:00 a.m., Tuesday, September 4, 2001

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Keith Young, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-2618

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.200 Home and Community-Based Services Waiver.

(1) through (14) No change.

(15) Assistive Care Services and Assisted Living for the Elderly Waiver. All Assistive Care Services and Assisted Living for the Elderly Waiver providers must comply with provisions of the Florida Medicaid Assistive Case Services and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, July 2001 ~~November 1996~~ which is incorporated by reference and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906~~(12)~~, 409.912~~(7)~~, 409.908 FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, Formerly 10C-7.0527, Amended 1-16-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Keith Young

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Branker, Acting Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO: 01-01R

RULE CHAPTER TITLE: Air Pollution Control – General

RULE CHAPTER NO.: 62-204

Provisions

62-204

RULE TITLE:

RULE NO.:

Federal Regulations Adopted by Reference

62-204.800

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments change the rule chapter name, correct typographical errors and update through June 30, 2001, the adoptions by reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 60, 61, and 63.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTIONS WITH THE ENVIRONMENTAL REGULATION COMMISSION AT THE FOLLOWING ADDRESS: 3900 Commonwealth Boulevard, Mail Station 18, Tallahassee, Florida 32399-3000, Attention: Jacki McGorty. Objections must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

WRITTEN COMMENTS: The Secretary of the Department of Environmental Protection will consider written comments received within 21 days of publication of this notice. Comments should be submitted to Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400.

THE FULL TEXT OF THE PROPOSED RULE IS:

AIR POLLUTION CONTROL – GENERAL PROVISIONS
STATE IMPLEMENTATION PLAN

62-204.800 Federal Regulations Adopted by Reference.

(1) through (6) No change.

(7) Chapter 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) Definitions. For the purposes of Rule 62-204.800(7), F.A.C., the definitions contained in the various provisions of 40 CFR Part 60, adopted herein shall apply, except that the term “Administrator,” when used in any provision of 40 CFR Part 60 that is delegated to the Department by the U.S. Environmental Protection Agency, shall mean the Secretary or the Secretary’s designee.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 60, Subpart D, Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

2. 40 CFR 60, Subpart Da, Electric Utility Steam Generators for Which Construction is Commenced After September 18, 1978; amended September 16, 1998, 63 FR 49442 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; amended April 10, 2001, at 66 FR 18546; amended June 11, 2001, at 66 FR 31177; except that the Secretary is not the Administrator for purposes of 40 CFR 60.45a.

3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; amended September 16, 1998, 63 FR 49442 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended March 13, 2000, 65 FR 13242 (effective October 1, 2000); amended October 17, 2000, at 65 FR 61744; amended April 10, 2001, at 66 FR 18546; except that the Secretary is not the Administrator for purposes of 40 CFR 60.44b(f) and (g) and 40 CFR 60.49b(a)(4).

4. 40 CFR 60, Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended March 13, 2000, 65 FR 13242 (effective October 1, 2000); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR 60.48c(a)(4).

5. 40 CFR 60, Subpart E, Incinerators; amended October 17, 2000, at 65 FR 61744.

6. 40 CFR 60, Subpart Ea, Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and on or Before September 20, 1994; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

7. 40 CFR 60, Subpart Eb, Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996; amended August 25, 1997, 62 FR 45116 and 62 FR 45124; amended October 17, 2000, at 65 FR 61744. Any municipal waste combustor plant which contains a municipal waste combustor unit subject to 40 CFR 60, Subpart Eb, is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal waste combustor plant subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart Eb, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., ninety days before expiration of the source's construction permit, but no later than 180 days after commencing operation.

8. 40 CFR 60, Subpart Ec, Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996; promulgated September 15, 1997, 62 FR

48348; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR 60.56(c)(i).

9. 40 CFR 60, Subpart F, Portland Cement Plants; amended October 17, 2000, at 65 FR 61744.

10. No change.

11. 40 CFR 60, Subpart H, Sulfuric Acid Plants; amended October 17, 2000, at 65 FR 61744.

12. 40 CFR 60, Subpart I, Hot Mix Asphalt Facilities ~~Asphalt Concrete Plants.~~

13. 40 CFR 60, Subpart J, Petroleum Refineries; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

14. 40 CFR 60, Subpart K, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978; amended October 17, 2000, at 65 FR 61744.

15. 40 CFR 60, Subpart Ka, Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for purposes of 40 CFR 60.114a.

16. 40 CFR 60, Subpart Kb, Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268.

17. 40 CFR 60, Subpart L, Secondary Lead Smelters; amended October 17, 2000, at 65 FR 61744.

18. No change.

19. 40 CFR 60, Subpart N, Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973; amended October 17, 2000, at 65 FR 61744.

20. 40 CFR 60, Subpart Na, Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983; amended October 17, 2000, at 65 FR 61744.

21. 40 CFR 60, Subpart O, Sewage Treatment Plants; amended October 17, 2000, at 65 FR 61744.

22. 40 CFR 60, Subpart P, Primary Copper Smelters; amended October 17, 2000, at 65 FR 61744.

23. through 24. No change.

25. 40 CFR 60, Subpart S, Primary Aluminum Reduction Plants; amended October 17, 2000, at 65 FR 61744.

26. 40 CFR 60, Subpart T, Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants; amended October 17, 2000, at 65 FR 61744.

27. 40 CFR 60, Subpart U, Phosphate Fertilizer Industry: Superphosphoric Acid Plants; amended October 17, 2000, at 65 FR 61744.

28. 40 CFR 60, Subpart V, Phosphate Fertilizer Industry: Diammonium Phosphate Plants; amended October 17, 2000, at 65 FR 61744.

29. 40 CFR 60, Subpart W, Phosphate Fertilizer Industry: Triple Superphosphate Plants; amended October 17, 2000, at 65 FR 61744.

30. 40 CFR 60, Subpart X, Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities; amended April 15, 1997, 62 FR 18277; amended October 17, 2000, at 65 FR 61744.

31. 40 CFR 60, Subpart Y, Coal Preparation Plants; amended October 17, 2000, at 65 FR 61744.

32. 40 CFR 60, Subpart Z, Ferroalloy Production Facilities; amended October 17, 2000, at 65 FR 61744.

33. 40 CFR 60, Subpart AA, Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983; amended March 2, 1999, 64 FR 10105 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

34. 40 CFR 60, Subpart AAa, Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983; amended March 2, 1999, 64 FR 10105 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

35. 40 CFR 60, Subpart BB, Kraft Pulp Mills; amended October 17, 2000, at 65 FR 61744.

36. 40 CFR 60, Subpart CC, Glass Manufacturing Plants; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

37. 40 CFR 60, Subpart DD, Grain Elevators; amended October 17, 2000, at 65 FR 61744.

38. 40 CFR 60, Subpart EE, Surface Coating of: Metal Furniture; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR ~~Subsection~~ 60.316(d).

39. 40 CFR 60, Subpart GG, Stationary Gas Turbines; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR 60.334(b)(2) and 40 CFR 60.335(f)(1).

40. 40 CFR 60, Subpart HH, Lime Manufacturing Plants; amended October 17, 2000, at 65 FR 61744.

41. 40 CFR 60, Subpart KK, Lead-Acid Battery Manufacturing Plants; amended October 17, 2000, at 65 FR 61744.

42. 40 CFR 60, Subpart LL, Metallic Mineral Processing Plants; amended October 17, 2000, at 65 FR 61744.

43. 40 CFR 60, Subpart MM, Automobile and Light-Duty Truck Surface Coating Operations; amended October 17, 2000, at 65 FR 61744.

44. 40 CFR 60, Subpart NN, Phosphate Rock Plants; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

45. 40 CFR 60, Subpart PP, Ammonium Sulfate Manufacturing; amended October 17, 2000, at 65 FR 61744.

46. 40 CFR 60, Subpart QQ, Graphic Arts Industry: Publication Rotogravure Printing; amended October 17, 2000, at 65 FR 61744.

47. 40 CFR 60, Subpart RR, Pressure Sensitive Tape and Label Surface Coating Operations; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR ~~Subsection~~ 60.446(c).

48. 40 CFR 60, Subpart SS, Industrial Surface Coating: Large Appiances Applications; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR ~~Subsection~~ 60.456(d).

49. 40 CFR 60, Subpart TT, Metal Coil Surface Coating; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for purposes of 40 CFR ~~Subsection~~ 60.466(d).

50. 40 CFR 60, Subpart UU, Asphalt Processing and Asphalt Roofing Manufacture; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.474(g).

51. 40 CFR 60, Subpart VV, Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.482-1(c)(2) and ~~40 CFR Section~~ 60.484.

52. 40 CFR 60, Subpart WW, Beverage Can Surface Coating Industry; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.496(c).

53. 40 CFR 60, Subpart XX, Bulk Gasoline Terminals; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.502(e)(6).

54. 40 CFR 60, Subpart BBB, Rubber Tire Manufacturing Industry; amended October 17, 2000, at 65 FR 61744.

55. 40 CFR 60, Subpart DDD, Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry; amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511 (effective October 1, 1999); amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR ~~Subsection~~ 60.562-2(c).

56. 40 CFR 60, Subpart FFF, Flexible Vinyl and Urethane Coating and Printing; amended October 17, 2000, at 65 FR 61744.

57. 40 CFR 60, Subpart GGG, Equipment Leaks of VOC in Petroleum Refineries; amended October 17, 2000, at 65 FR 61744.

58. 40 CFR 60, Subpart HHH, Synthetic Fiber Production Facilities; amended October 17, 2000, at 65 FR 61744.

59. 40 CFR 60, Subpart III, Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR Subsection 60.613(e).

60. 40 CFR 60, Subpart JJJ, Petroleum Dry Cleaners; amended October 17, 2000, at 65 FR 61744.

61. 40 CFR 60, Subpart KKK, Equipment Leaks of VOC From Onshore Natural Gas Processing Plants; amended October 17, 2000, at 65 FR 61744.

62. 40 CFR 60, Subpart LLL, Onshore Natural Gas Processing SO₂ Emissions; amended October 17, 2000, at 65 FR 61744.

63. 40 CFR 60, Subpart NNN, Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR Subsection 60.663(e).

64. 40 CFR 60, Subpart OOO, Nonmetallic Mineral Processing Plants; amended June 9, 1997, 62 FR 31351; amended October 17, 2000, at 65 FR 61744.

65. 40 CFR 60, Subpart PPP, Wool Fiberglass Insulation Manufacturing Plants; amended October 17, 2000, at 65 FR 61744.

66. 40 CFR 60, Subpart QQQ, VOC Emissions From Petroleum Refinery Wastewater Systems; amended October 17, 2000, at 65 FR 61744.

67. 40 CFR 60, Subpart RRR, Volatile Organic Compound Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268.

68. No change.

69. 40 CFR 60, Subpart TTT, Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines; amended October 17, 2000, at 65 FR 61744.

70. 40 CFR 60, Subpart UUU, Calciners and Dryers in Mineral Industries; amended October 17, 2000, at 65 FR 61744.

71. 40 CFR 60, Subpart VVV, Polymeric Coating of Supporting Substrates Facilities; except that the Secretary is not the Administrator for the purposes of 40 CFR Subsections 60.743(a)(3)(v)(A) and (B), 40 CFR 60.743(e), 40 CFR 60.745(a) and 40 CFR Section 60.746.

72. CFR 60, Subpart WWW, Municipal Solid Waste Landfills, amended June 16, 1998, 63 FR 32743; amended February 24, 1999, 64 FR 9258 (effective July 1, 1999); amended April 10, 2000, 65 FR 18906 (effective October 1, 2000); amended October 17, 2000, at 65 FR 61744 except that the Secretary is not the Administrator for the purposes of 40 CFR 60.754(a)(5). Any municipal solid waste landfill subject to 40 CFR 60, Subpart WWW, and which has a design capacity equal to or greater than 2.5 million Megagrams and 2.5 million cubic meters is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal solid waste landfill subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart WWW, shall file an application for an operation permit under Chapter 62-213, F.A.C., by the later of March 12, 1997, or 180 days after the issuance of the solid waste permit that modifies the design capacity of the facility to be equal to or greater than 2.5 million Megagrams and 2.5 million cubic meters. ~~In addition to the initial design capacity report and nonmethane organic compound (NMOC) emission rate report, as applicable, submitted earlier to the U.S. Environmental Protection Agency, any municipal solid waste landfill subject to 40 CFR 60, Subpart WWW, shall submit to the Department a design capacity and NMOC emission rate report as outlined in 40 CFR 60.757 no later than December 31, 1996.~~

73. 40 CFR 60, Subpart AAAA, New Small Municipal Waste Combustion Units; promulgated December 6, 2000, at 65 FR 76350. Any small municipal waste combustion unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart AAAA, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with Rule 62-213.420(1)(a)2., F.A.C., or by March 1, 2002, whichever comes later.

74. 40 CFR 60, Subpart CCCC, Commercial and Industrial Solid Waste Incineration Units; promulgated December 1, 2000, at 65 FR 75338 and amended March 27, 2001, at 66 FR 16605. Any CISWI unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart CCCC, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with Rule 62-213.420(1)(a)2., F.A.C., or by March 1, 2002, whichever comes later.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR 60, Subpart A, revised as of July 1, 1996, and amended February 24, 1997, 62 FR 8314; January 6, 1998, 63 FR 414; and May 4, 1998, 63 FR 24436; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended August 10, 2000, at 65 FR 48914 (effective January 1, 2001); amended October 17, 2000, at 65 FR 61744; are adopted and incorporated by reference except that the Secretary is not the

Administrator for the purposes of 40 CFR 60.4, 40 CFR 60.8(b)(2) and (3), 40 CFR 60.11(e)(7) and (8), 40 CFR 60.13(g),(i) and (j)(2), and 40 CFR 60.16.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 CFR 60 Appendix B, Performance Specifications, amended September 30, 1999, 64 FR 53032 (effective April 1, 2000); amended August 10, 2000, at 65 FR 48914 (effective January 1, 2001); amended February 6, 2001, at 66 FR 9034.

3. through 5. No change.

(8) No change.

(a) through (f) No change.

(9) Chapter 40, Code of Federal Regulations, Part 61, National Emission Standards for Hazardous Air Pollutants.

(a) Definitions. For the purposes of Rule 62-204.800(9), F.A.C., the definitions contained in the various provisions of 40 CFR Part 61; adopted herein shall apply, except that the term "Administrator," when used in any provision of 40 CFR Part 61 that is delegated to the Department by the U.S. Environmental Protection Agency, shall mean the Secretary or the Secretary's designee except as noted in 40 CFR 61.157.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 61, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference.

1. 40 CFR 61, Subpart C, Beryllium; amended October 17, 2000, at 65 FR 61744.

2. 40 CFR 61, Subpart D, Beryllium Rocket Motor Firing; amended October 17, 2000, at 65 FR 61744.

3. 40 CFR 61, Subpart E, Mercury; amended October 17, 2000, at 65 FR 61744.

4. 40 CFR 61, Subpart F, Vinyl Chloride; amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR Section 61.66.

5. 40 CFR 61, Subpart J, Equipment Leaks (Fugitive Emission Sources) of Benzene; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268, except that the Secretary is not the Administrator for the purposes of 40 CFR Subsection 61.112(c).

6. 40 CFR 61, Subpart K, Radionuclide Emissions From Elemental Phosphorous Plants; amended October 17, 2000, at 65 FR 61744.

7. 40 CFR 61, Subpart L, Benzene Emissions from Coke By-Product Recovery Plants; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR Subsection 61.136(d).

8. 40 CFR 61, Subpart M, National Emission Standard for Asbestos; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR 61.149(c)(2), 40 CFR 61.150(a)(4), 40 CFR 61.151(c), 40 CFR 61.152(b)(3), 40 CFR 61.154(d), and 40 CFR 61.155(a); and except that DEP Form Number 62-257.900(1) shall be used in lieu of the form identified as Figure 3 in 40 CFR Section 61.145 of 40 CFR Part 61.

9. 40 CFR 61, Subpart N, Inorganic Arsenic Emissions From Glass Manufacturing Plants; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744.

10. 40 CFR 61, Subpart O, Inorganic Arsenic Emissions From Primary Copper Smelters; amended October 17, 2000, at 65 FR 61744.

11. 40 CFR 61, Subpart P, Inorganic Arsenic Emissions From Arsenic Trioxide and Metallic Arsenic Production Facilities.

12. 40 CFR 61, Subpart V, Equipment Leaks (Fugitive Emissions Sources); amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268.

13. 40 CFR 61, Subpart Y, Benzene Emissions From Benzene Storage Vessels; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR Section 61.273.

14. 40 CFR 61, Subpart BB, Benzene Emissions From Benzene Transfer Operations; amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; except that the Secretary is not the Administrator for the purposes of 40 CFR Section 61.353.

15. 40 CFR 61, Subpart FF, Benzene Emissions from Benzene Waste Operations; amended October 17, 2000, at 65 FR 61744.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR Part 61, Subpart A, revised as of July 1, 1996, and amended February 24, 1997, 62 FR 8314; and January 6, 1998, 63 FR 414; amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 62150; amended December 14, 2000, at 65 FR 78268; are adopted and incorporated by reference except that the Secretary is not the Administrator for the purposes of 40 CFR 61.04, 40 CFR 61.08, 40 CFR 61.11, and 40 CFR 61.18.

(e) No change.

(10) Chapter 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) Definitions. For the purposes of Rule 62-204.800(10), F.A.C., the definitions contained in the various provisions of 40 CFR Part 63; adopted herein shall apply, except that the term "Administrator," when used in any provision of 40 CFR

Part 63 that is delegated to the Department by the U.S. Environmental Protection Agency, shall mean the Secretary or the Secretary's designee.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 63, Subpart F, Organic Hazardous Air Pollutants ~~F~~from the Synthetic Organic Chemical Manufacturing Industry; amended December 5, 1996, 61 FR 64572; January 17, 1997, 62 FR 2722; and May 12, 1998, 63 FR 26078; amended April 26, 1999, 64 FR 20189 (effective October 1, 1999); amended May 8, 2000, 65 FR 26491 (effective October 1, 2000); amended January 22, 2001, at 66 FR 6922.

2. 40 CFR 63, Subpart G, Organic Hazardous Air Pollutants ~~F~~from the Synthetic Organic Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater; amended December 5, 1996, 61 FR 64572; January 17, 1997, 62 FR 2722; and December 9, 1998, 63 FR 67787 (effective April 1, 1999); amended April 26, 1999, 64 FR 20189 (effective October 1, 1999); amended October 17, 2000, at 65 FR 61744; amended December 14, 2000, at 65 FR 78268; amended January 22, 2001, at 66 FR 6922.

3. 40 CFR 63, Subpart H, Organic Hazardous Air Pollutants for Equipment Leaks; amended January 17, 1997, 62 FR 2722; amended April 26, 1999, 64 FR 20189 (effective October 1, 1999); amended December 14, 2000, at 65 FR 78268; amended January 22, 2001, at 66 FR 6922.

4. No change.

5. 40 CFR 63, Subpart L, Coke Oven Batteries; amended October 17, 2000, at 65 FR 61744.

6. through 10. No change.

11. 40 CFR 63, Subpart S, Pulp and Paper Industry; promulgated April 15, 1998, 63 FR 18504; amended August 7, 1998, 63 FR 42238; September 16, 1998, 63 FR 49455; and December 28, 1998, 63 FR 71385 (effective April 1, 1999); amended April 12, 1999, 64 FR 17555 (effective October 1, 1999); amended December 22, 2000, at 65 FR 80755; amended May 14, 2001, 66 FR 24270; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.453(m), 40 CFR 63.457(b)(5)(iii), and 40 CFR 63.457(c)(3)(ii).

12. 40 CFR 63, Subpart T, Halogenated Solvent Cleaning; amended May 5, 1998, 63 FR 24749; December 11, 1998, 63 FR 68397 (effective April 1, 1999); August 19, 1999, 64 FR 45187; and December 3, 1999, 64 FR 67793 (effective April 1, 2000); amended September 8, 2000, at 65 FR 54419.

13. through 17. No change.

18. 40 CFR 63, Subpart BB, Phosphate Fertilizers Production Plants, promulgated June 10, 1999, 64 FR 31358 (effective October 1, 1999).

19. 40 CFR 63, Subpart CC, Petroleum Refineries; amended February 21, 1997, 62 FR 7937; March 20, 1998, 63 FR 13533; May 18, 1998, 63 FR 27212; June 9, 1998, 63 FR 31358; and August 18, 1998, 63 FR 44135 (effective April 1, 1999); amended May 8, 2000, 65 FR 26491 (effective October 1, 2000); amended May 25, 2001, at 66 FR 28840.

20. 40 CFR 63, Subpart DD, Off-Site Waste and Recovery Operations; promulgated July 1, 1996, 61 FR 34140; amended July 20, 1999, 64 FR 38950 (effective April 1, 2000); amended January 8, 2001, at 66 FR 1263.

21. No change.

22. 40 CFR 63, Subpart GG, Aerospace Manufacturing and Rework Facilities; amended December 17, 1996, 61 FR 66226; March 27, 1998, 63 FR 15006; April 10, 1998, 63 FR 17930; and September 1, 1998, 63 FR 46525 (effective April 1, 1999); amended October 17, 2000, at 65 FR 61744.

23. 40 CFR 63, Subpart HH, Oil and Natural Gas Production Facilities; promulgated June 17, 1999, 64 FR 32610 (effective October 1, 1999); amended June 29, 2001, at 66 FR 34548.

24. 40 CFR 63, Subpart II, Shipbuilding and Ship Repair (Surface Coating); amended December 17, 1996, 61 FR 66226; amended October 17, 2000, at 65 FR 61744.

25. through 27. No change.

28. 40 CFR 63, Subpart MM, Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills; promulgated January 12, 2001, at 66 FR 3180.

~~29.28.~~ No change.

~~30.29.~~ 40 CFR 63, Subpart PP, Containers; promulgated July 1, 1996, 61 FR 34186; amended July 20, 1999, 64 FR 38959 (effective April 1, 2000); amended January 8, 2001, at 66 FR 1263.

30. through 34. renumbered 31. through 35. No change.

~~36.35.~~ 40 CFR 63, Subpart VV, Oil-Water Separators and Organic-Water Separators; promulgated July 1, 1996, 61 FR 34195; amended July 20, 1999, 64 FR 38991 (effective April 1, 2000); amended January 8, 2001, at 66 FR 1263.

36. through 39. renumbered 37. through 40. No change.

~~41.40.~~ 40 CFR 63, Subpart EEE, Hazardous Waste Combustors; promulgated June 19, 1998, 63 FR 33782; amended September 30, 1999, 64 FR 53038; and amended November 19, 1999, 64 FR 63209 (effective April 1, 2000); amended July 10, 2000, 65 FR 42292 (effective January 1, 2001); amended November 9, 2000, at 65 FR 67268; amended May 14, 2001, at 66 FR 24270.

~~42.41.~~ No change.

~~43.42.~~ 40 CFR ~~Part~~ 63, Subpart HHH, Natural Gas Transmission and Storage Facilities; promulgated June 17, 1999, 64 FR 32610 (effective October 1, 1999); amended June 29, 2001, at 66 FR 34548.

~~44.43.~~ No change.

~~45.44.~~ 40 CFR 63, Subpart JJJ, Group IV Polymers and Resins; amended October 18, 1996, 61 FR 54342; November 25, 1996, 61 FR 59849; January 14, 1997, 62 FR 1835; June 6, 1997, 62 FR 30993; February 27, 1998, 63 FR 9944; and March 31, 1998, 63 FR 15312; amended March 9, 1999, 64 FR 11536 (effective July 1, 1999); amended May 7, 1999, 64 FR 24511, June 8, 1999, 64 FR 30406, and June 30, 1999, 64 FR 35023 (effective October 1, 1999); amended June 19, 2000, 65 FR 38029 (effective October 1, 2000); amended February 23, 2001, at 66 FR 11233; amended February 26, 2001, at 66 FR 11543.

45. through 47. renumbered 46. through 48. No change.

~~49.48.~~ 40 CFR 63, Subpart OOO, Manufacture of Amino/Phenolic Resins; promulgated January 20, 2000, 65 FR 3276 (effective October 1, 2000).

~~50.49.~~ No change.

~~51.50.~~ 40 CFR 63, Subpart RRR, Secondary Aluminum Production; promulgated March 23, 2000, 65 FR 15690 (effective October 1, 2000).

~~52.51.~~ No change.

~~53.52.~~ 40 CFR 63, Subpart VVV, Publicly Owned Treatment Works; promulgated October 26, 1999, 64 FR 57572 (effective April 1, 2000); amended March 23, 2001, at 66 FR 16140.

~~54.53.~~ 40 CFR 63, Subpart XXX, Ferroalloys Production: Ferromanganese and Silicomanganese; promulgated May 20, 1999, 64 FR 27450 (effective October 1, 1999); amended March 22, 2001, at 66 FR 16007.

55. 40 CFR 63, Subpart CCCC, Manufacturing of Nutritional Yeast; promulgated May 21, 2001, at 66 FR 27876.

56. 40 CFR 63, Subpart GGGG, Solvent Extraction for Vegetable Oil Production; promulgated April 12, 2001, at 66 FR 19006.

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 CFR Part 63 are adopted and incorporated by reference.

1. 40 CFR Part 63, Subpart A, General Provisions, amended May 4, 1998, 63 FR 24436; and October 7, 1998, 63 FR 53979 (effective April 1, 1999); amended February 12, 1999, 64 FR 7458 (effective July 1, 1999); amended October 17, 2000, at 65 FR 61744; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14.

2. through 4. No change.

(e) Appendices Adopted. The following appendices of 40 CFR Part 63, revised as of July 1, 1996, or later as specifically indicated, are adopted and incorporated by reference:

1. Appendix A, Test Methods, amended March 17, 1997, 62 FR 12546; October 7, 1997, 62 FR 52384; March 27, 1998, 63 FR 15006; and April 15, 1998, 63 FR 18504; amended October 17, 2000, at 65 FR 61744.

2. through 4. No change.

5. Appendix E, Monitoring Procedure for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions; promulgated December 22, 2000, at 65 FR 80755.

(11) No change.

(12) Chapter 40, Code of Federal Regulations, Part 65, Consolidated Federal Air Rule.

(a) The following subparts of 40 CFR Part 65, promulgated December 14, 2000, at 65 FR 78268, are adopted and incorporated by reference.

1. 40 CFR 65, Subpart A, General Provisions.

2. 40 CFR 65, Subpart B, Reserved.

3. 40 CFR 65, Subpart C, Storage Vessels.

4. 40 CFR 65, Subpart D, Process Vents.

5. 40 CFR 65, Subpart E, Transfer Racks.

6. 40 CFR 65, Subpart F, Equipment Leaks.

7. 40 CFR 65, Subpart G, Closed Vent Systems, Control Devices and Routing to a Fuel Gas System or a Process.

(12) through (15) renumbered (13) through (16) No change.

~~(17)(16)~~ Chapter 40, Code of Federal Regulations, Part 75, Continuous Emission Monitoring.

(a) The following subparts of 40 CFR Part 75, revised as of July 1, 2000, are adopted and incorporated by reference;

1. No change.

2. 40 CFR 75, Subpart B, Monitoring Provisions; amended June 13, 2001, at 66 FR 31842.

3. through 8. No change.

(b) No change.

(17) through (22) renumbered (18) through (23) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 04-07-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:	RULE NOS.:
Inactive Status	64B13-11.001
Delinquent Status License	64B13-11.004
PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the requirements with regard to inactive and delinquent license status.	

SUMMARY: The proposed rule amendments clarify the requirements for licensees electing to place the license on inactive status and for those changing from delinquent status to active or inactive status.

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

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

SPECIFIC AUTHORITY: 456.036, 463.005(1), 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.036, 463.007, 463.008 FS.

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

TIME AND DATE: 10:00 a.m., September 6, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-11.001 Inactive Status.

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by ~~filing with the board a complete application for inactive status and~~ paying the inactive status fee of Rule 64B13-6.001(8), F.A.C. ~~For the purpose of this section, a complete application shall be a renewal form provided by the Department of Health on which the licensee affirmatively elects inactive status.~~

(2) An inactive status licensee ~~whose license has been in inactive status for less than two consecutive biennial licensure cycles~~ may change to active status at any time provided the licensee meets the following requirements of Rule 64B13-5.001, F.A.C.:

~~(a) completes continuing education consisting of:~~

~~1. completion of fifteen (15) clock hours per year of continuing professional education which fulfills the requirements of Rule 64B13-5.001, for each year the license was inactive. At least five (5) of the fifteen (15) clock hours must be of "transcript quality" as defined in Rule 64B13-5.001. However, a license which has been inactive for less than one (1) year is not required to satisfy this requirement;~~

~~2. completion of thirty (30) hours of approved continuing professional education which were required for renewal of an active license on the date the license became inactive in the manner provided for in Rule 64B13-5.001;~~

(b) through (e) renumbered (a) through (d) No change.

(3) An inactive status licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles and who applies for active status may change to active status at any time provided the licensee meets the following requirements:

(a) meets the continuing education requirements of Rule 64B13-5.001 ~~64B13-11.001(2)~~, F.A.C.;

(b) through (f) No change.

~~(g) Files with the board a complete application. For the purpose of this section, a complete application shall be the application required for initial licensure or certification.~~

~~(4) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

~~(4)(5)~~ No change.

Specific Authority 456.036, 463.005(1), 463.007, 463.008 FS. Law Implemented 456.036, 463.007, 463.008 FS. History—New 11-20-86, Formerly 21Q-11.001, 61F8-11.001, Amended 12-22-94, Formerly 59V-11.001, Amended _____.

64B13-11.004 Delinquent Status License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall:

~~(a) File with the board the complete application for either active or inactive status as defined in Rule 64B13-11.001;~~

~~(b) Pay to the board either the active status fee of Rule 64B13-6.001(4) or the inactive status license fee of Rule 64B13-6.001(8), the delinquent status license fee of Rule 64B13-6.001(15), and, if applicable, the change of status fee of Rule 64B13-6.001(14).~~

(4) The delinquent status licensee who applies for active status license shall, in addition to complying with (3) immediately above, affirm compliance with the continuing education requirements of Rule 64B13-5.001, F.A.C. ~~64B13-11.001(2).~~

Specific Authority 456.036, 463.005(1) FS. Law Implemented 456.036 FS. History—New 12-22-94, Formerly 59V-11.004, Amended 8-29-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001