

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

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

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

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

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

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

69O-157.304 Comprehensive Only Rates.

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

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

(2)(a) Comprehensive Only Rates.

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

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

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

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

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

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

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

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

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION State Board of Education

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

NOTICE OF CORRECTION

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

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

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

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

(2)(e) The Department will confirm in writing receipt of the written input and will inform the charter school if its submission fails to meet the procedural requirements of this subsection.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.: RULE TITLES:
 6E-1.003 Definition of Terms
 6E-1.0032 Fair Consumer Practices

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 19, May 11, 2007 issue of the Florida Administrative Weekly. The notice of proposed rule development was published in the December 15, 2006, Florida Administrative Weekly rather than the March 30, 2007 edition.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.: RULE TITLES:
 6E-2.004 Standards and Procedures for
 Licensure
 6E-2.0041 Delivery of Programs Through
 Nontraditional Assessments, Modes
 and Methods

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 20, May 18, 2007 issue of the Florida Administrative Weekly. The notice of proposed rule development was published in the December 15, 2006, Florida Administrative Weekly rather than the March 30, 2007 edition.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS. RULE TITLES:
 60BB-3.011 Definitions
 60BB-3.012 Maintaining an Address of Record
 60BB-3.013 Filing Claims and Providing
 Documentation
 60BB-3.015 Continued Claims for Benefits
 60BB-3.016 Monetary Determinations
 60BB-3.017 Nonmonetary Determinations

60BB-3.018 Determinations Regarding Charges
 to Employer Accounts in
 Connection with Claims for
 Benefits
 60BB-3.019 Determinations Regarding Suitable
 Work
 60BB-3.020 Determinations Regarding Discharge
 for Misconduct
 60BB-3.021 Determinations Regarding Ability to
 Work and Availability for Work
 60BB-3.022 Determinations Regarding Approved
 Training
 60BB-3.024 Short-Time Compensation Plan
 Application
 60BB-3.028 Reemployment Services
 60BB-3.029 Public Use Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 50, December 15, 2006 issue of the Florida Administrative Weekly.

60BB-3.011 Definitions.

In addition to the following definitions, the definitions contained in Rule 60BB-2.022, F.A.C., apply to this rule and are herein incorporated by reference.

(1) Additional claim: A claim filed during an existing benefit year after a break in the claims series and intervening work.

(2) Claimed week of unemployment: A week for which a certification for benefits was filed pursuant to Section 443.111(1)(b), F.S.

(3) Continued claim: A certification for a week of unemployment made pursuant to Section 443.111, F.S., and subsequent to the filing of an initial, additional, or reopened claim claimed during a benefit year.

~~(4) Contract: For the purpose of interpreting Section 443.091(3), F.S.:~~

~~(a) Fixed Contract: A written agreement of employment for a specified period of time.~~

~~(b) Continuing Contract: A written agreement that is automatically renewed until terminated by one of the parties to the contract.~~

~~(4)(5) Customary work week: The days during which work is usually performed in a particular industry or occupation.~~

~~(5)(6) Declared Disaster: A disaster declared by the President of the United States which designates the state or a portion of the state as eligible for Disaster Unemployment Assistance.~~

~~(6)(7) Filing Date: When reports, notices, applications, protests, and other documents are mailed to the Agency, the postmark date of the United States Postal Service will be~~

considered the date of filing. When filing is made by a delivery service other than the United States Postal Service, the date of receipt by the Agency will be considered the date of filing. When faxed or transmitted electronically, the date of receipt by the Agency is considered the date of filing. When filed by Internet (at www.floridajobs.org/unemployment), the date the confirmation number is generated is considered the date of filing. The date that the automated application and an interview with an Agency representative are completed will be the filing date of a claim filed telephonically through Interactive Voice Response (IVR). ~~When filing is made by a delivery service other than the United States Postal Service, the date of receipt by the Agency will be considered the date of filing.~~

~~(7)(8)~~ Flexible Week: A period of seven (7) consecutive calendar days designated by an employer pursuant to an approved Short Time Compensation Plan as its official work week for purposes of determining weekly eligibility for Short Time Compensation benefits pursuant to Section 443.1116, F.S. A day will ~~may~~ be counted in only one flexible week.

~~(8)(9)~~ Gross earnings: "Earned income" as defined in Section 443.036(16), F.S.

~~(9)(10)~~ Initial claim: A claim filed to establish a benefit year.

~~(10)(11)~~ Mass Separation: The permanent or temporary separation on or about the same time of 50 or more workers from a single establishment.

~~(11)(12)~~ Notification: The mailing or delivery (in the absence of mailing) of a document by the Agency to a party's official address of record shall constitute notice. Where a party is represented by counsel or other duly authorized representative, notice to the representative will constitute notice to the party.

~~(12)(13)~~ Reemployment Services: Job search assistance, job and vocational training referrals, employment counseling and testing, labor market information, employability skills enhancement, needs assessment, orientation, and other related services provided by One-Stop Career Centers operated by local regional workforce boards.

~~(13)(14)~~ Re-opened claim: A re-application for benefits filed during an existing benefit year, after a break in reporting with no intervening work.

~~(14)(15)~~ Report date: The date assigned by the Agency or its designee and communicated to the claimant to file a continued claim for benefits, participate in reemployment service activities, or provide information necessary to process a claim.

~~(15)(16)~~ Waiting week: The first week claimed in a benefit year for which all claim requirements are met. No benefits are payable for the waiting week.

~~(16)(17)~~ Week: Except for flexible weeks claimed under an approved Short Time Compensation Plan, the term "week" refers to the seven (7) calendar day period from Sunday

through Saturday. A week shall be deemed to be "in", "within" or "during" that benefit year which includes the greater part of such week.

Specific Authority ~~120.53(1)(b)~~; 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.1116, 443.151(2), (3) FS. History—New 8-25-92, Amended 12-23-98, Formerly 38B-3.011, Amended _____.

60BB-3.012 Maintaining an Address of Record ~~General Information.~~

~~(1) Information Management. In accordance with legislative intent as expressed in Chapter 282, F.S., the Agency uses information exchange technology to increase program effectiveness and facilitate information exchange, while conforming with the confidentiality provisions of Chapter 443, F.S. New technologies may be utilized by the Agency for fund transfers, claimant and employer reports, payment histories, determinations and decisions, and other information access and exchange compatible with programmatic and statutory requirements. Information exchange technology may include voice, video, magnetic, image, internet, and other electronic transfer systems.~~

~~(2) Maintaining an Address of Record. It is the responsibility of each claimant to maintain a current address of record with the Agency throughout the benefit year. It is the responsibility of each employer to maintain a current address of record with the Department at all times.~~

Specific Authority ~~282.604~~; 443.1317(1)(b) FS. Law Implemented ~~443.151~~ 443.041(3), 443.141(2), 443.171(5) FS. History—New _____.

60BB-3.013 Filing Claims and Providing Documentation.

(1) Approved Methods and Forms for Filing Florida Claims. Initial, additional, and reopened claims may be filed:

(a) On the Internet at www.floridajobs.org/unemployment. Select "Internet Unemployment Compensation Claim Application (Initial Claim)" ☒

(b) On the Agency's Interactive Voice Response System, (Call 1(800)204-2418 toll-free to obtain local filing information), or

(c) by mailing or faxing a completed claim application, which may be obtained by contacting the Agency toll-free at 1(800)204-2418. These applications are:

1. AWI Form UC-310, "Unemployment Compensation Application for Services" (Rev. 10/05), incorporated by reference in Rule 60BB-3.029, F.A.C., is to be used by Florida residents who file by mail or fax.

2. Form IB-1, "Initial Interstate Claim" (08/03), incorporated by reference in Rule 60BB-3.029, F.A.C., is to be used by non-Florida residents who file by mail or fax.

(d) At a location which may be designated by the Agency when unemployment results from mass separation layoff, labor dispute, declared disaster or emergency, or the claimant needs special assistance or accommodation.

(2) Required Documentation.

(a) The claimant's valid social security number and one other approved form of secondary identification must be provided at the time of filing. Approved secondary identifiers include:

1. Driver's license issued by a state, possession of the United States, or a Canadian government authority, provided it contains a photograph or identifying information such as name, date of birth, sex, height, and address;

2. Documentation issued by a federal, state, or local government agency that contains a photograph or identifying information such as name, date of birth, sex, height, and address;

3. School identification (ID) card with photograph;

4. United States (U.S.) military ID card, dependent's ID card, or U.S. Coast Guard Merchant Mariner card;

5. Native American tribal document;

6. U.S. Passport (unexpired or expired);

7. Certificate of U.S. Citizenship or Certificate of Naturalization;

(b) Proof will be required if a claimant's of employment, social security number, and/or identity will be required if the identity of the claimant is in question. Circumstances requiring such documentation include, for example:

1. The Social Security Administration does not confirm the validity of the social security number; ~~or~~

2. A previous claim was filed using the same social security number by a person with another name; ~~or~~

3. The Agency receives information indicating fraudulent use of the social security number in question; or

4. Reasonable evidence, such as an unemployment compensation ~~U.C.~~ fraud detection crossmatch, that places in question the identity of the claimant or the validity of the claim.

(c) Documentation from the Immigration and Naturalization Service verifying authorization to work in the United States will be required from any alien whose work authorization cannot be identified using the Systematic Alien Verification for Entitlement (SAVE) system. Benefits will be delayed or denied only when neither primary nor secondary verification procedures verify the claimant's authorization to work in the United States. A determination denying benefits due to the absence of authorization to work will be reconsidered when the claimant furnishes the required documentation.

(d) A military veteran filing a military claim will be required to furnish a copy of the Form DD-214 issued to the claimant by the military service at the time of discharge to

establish service dates and nature of discharge when the branch of the military in which the claimant served does not promptly respond to the Agency's request.

(e) An individual filing a claim based on federal civilian employment will be required to furnish a copy of Standard Form 50, Form W-2, or paystubs and Standard Form 8, received at the time of separation when the federal employer does not promptly respond to the Agency's request.

(3) Registration for Work. The filing of an unemployment compensation ~~U.C.~~ claim also constitutes registration for job search and reemployment assistance with the One-Stop Career Center nearest the claimant's address of record.

(4) Disclosure of Support Obligations. Each individual filing a new or additional claim for unemployment compensation must disclose at the time of filing whether he or she owes support obligations which are ~~and~~ being enforced by the Florida Department of Revenue pursuant to 42 USC 503(e)(2)(A)(i) and 42 USC 654.

(5) Effective Date of Claim. Unless otherwise provided by Section 443.036(9), F.S., the effective date of an initial, additional or reopened claim will be the Sunday immediately preceding the filing date, with the following exceptions:

(a) Change of Calendar Quarter. When an initial claim is filed during a week in which a change of calendar quarter occurs, the claimant will have the option of filing the claim effective the beginning of the new calendar quarter.

(b) Group Filing. When arrangements for group filing are made, generally due to mass separation, labor dispute or implementation of a Short Time Compensation Plan, initial and additional claims will be backdated to the Sunday immediately preceding the date on which the unemployment began, provided the claimant reports in accordance with the group filing arrangements.

(c) Sunday Filing. Claims filed on a Sunday will be effective on the date of filing.

Specific Authority ~~120.53(1)(b)~~; 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.1116 ~~443.221~~ FS. History—New 8-25-92, Amended.

60BB-3.015 Continued Claims for Benefits.

(1) Method of Filing Continued Claims. After filing an initial, additional or reopened claim, the claimant will be instructed and required to report bi-weekly for the duration of the unemployment through agency-established systems including Internet, telephone, mail, or fax. In the event of a mass separation reduction in force, labor dispute, disaster or emergency, claimants may be permitted or required to report in person at locations designated by the Agency. Continued claims can be filed on-line at www.floridajobs.com, at www.floridajobs.org/unemployment, or by calling 1(800)204-2418.

(2) Time Limit for Filing Continued Claims.

(a) Scheduled Reports. Continued claims for benefits must be filed within 14 calendar days following the scheduled report date as shown on AWI Form UCB-60V (Rev. 06/04), incorporated by reference in Rule 60BB-3.029, F.A.C., the Internet Confirmation Page, or otherwise communicated to the claimant by the Agency. AWI Form UCB-60V will be mailed to the claimant within 14 days after an initial, additional or re-opened claim is filed and upon receipt of each bi-weekly claim thereafter. The Agency will discontinue mailing AWI Form UCB-60V when the claimant ceases to report, has no additional benefits or weeks to claim, or benefits were denied and no appeal is pending at the end of the appeal period.

(b) Late Reports. If a report is not made within 14 days after the scheduled report date shown on AWI Form UCB-60V, the Internet Confirmation Page, or communicated to the claimant by an Agency representative, the claim will be re-opened effective the first day of the week in which a report is filed. Upon request, the claimant will be permitted to file a late report for weeks that were not claimed within the permissible time period and will be granted appeal rights to any resulting determination denying benefits for the weeks in question.

(c) Resubmitted Continued Claim. When a claimant is directed by the Agency to resubmit a continued claim for completion or correction, the scheduled report date will be extended to 14 days from the date the Agency notifies the claimant that the claim was incomplete or incorrect. If the notification is mailed, the mailing date will be considered the date of notification.

(d) Early Reports. The Agency may accept a continued claim certification prior to the scheduled report date provided each claimed week has ended.

(e) Special Reports. At any time during the pendency of any claim for benefits, the Agency may make a written request for information and/or documentation from the claimant regarding any question whose resolution is necessary to ascertain the claimant's entitlement to benefits and/or the amount of any such benefits. The failure of the claimant to respond will result in a determination made from the best available evidence.

Specific Authority ~~420.53(1)(b)~~, 443.1317(1)(b) FS. Law Implemented 443.091(1), ~~442.101~~, 443.111(1), 443.151(2) FS. History--New 8-25-92, Amended 4-1-96, _____.

60BB-3.016 Monetary Determinations.

(1) Computation of Wages.

(a) All employment in the base period reported by an employer or determined by the Agency from available information shall be considered in computing the monetary eligibility of a claimant.

(b) Assignment of Wages to Calendar Quarters. Wages will generally be counted as reported by the employer. Upon request by the claimant or employer and for the purpose of

determining the claimant's weekly benefit amount and maximum available credits, wages may be assigned to the calendar quarter in which the wages were earned, but can be used in only one base period.

(2) Notices to Employers.

(a) The Agency will use AWI Form UCB-412, "Determination Notice of Unemployment Compensation Claim Filed," (Rev. ~~04/07 02/05~~), incorporated by reference in Rule 60BB-3.029, F.A.C., to notify the claimant's most recent employing unit and each employer in the claimant's base period of each claim for benefits filed, pursuant to Section 443.151(3)(a), F.S.

(b) The Agency will use AWI Form UCB-9 (Rev. 04/01), incorporated by reference in Rule 60BB-3.029, F.A.C., to request wage information regarding a specific claimant. If a timely response is not received, the claimant's monetary eligibility will be based on other evidence, including but not limited to an affidavit from the claimant.

(3) Notices to Claimants. The Agency will issue a determination of monetary eligibility to each claimant on AWI Form UCB-11, "Wage Transcript and Determination," (Rev. 01/04), incorporated by reference in Rule 60BB-3.029, F.A.C., which will serve as notice to the claimant pursuant to Section 443.151(3)(a), F.S.

Specific Authority ~~420.53(1)(b)~~, 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.151(3) FS. History--New 8-25-92, Amended _____.

60BB-3.017 Nonmonetary Determinations.

(1) Investigation of Issues. The Agency will investigate all issues that may affect a claimant's benefits. The Agency will make a reasonable attempt to contact all parties and obtain facts necessary to resolve nonmonetary issues. Contact methods include, but are not limited to, telephone, mail, e-mail and facsimile transmission. If it is determined that the claimant has satisfied the terms of a potential disqualification that would otherwise be imposed, no investigation need be conducted. However, a determination will be made pursuant to Rule 60BB-3.018, F.A.C., regarding charges to the employer's account.

(2) Parties Entitled to Notice of Determination. Determinations will be issued to all parties entitled to notice on AWI Form UCB-45, "Notice of Determination", (Rev. 02/05), incorporated by reference in Rule 60BB-3.029, F.A.C.

(a) Claimants. A claimant is entitled to notice of any determination affecting his or her benefits.

(b) Employers. Pursuant to Section 443.151(3), F.S., an employer entitled to notice is the employer:

1. From which the separation occurred, when job separation is the issue;

2. That offered work to the claimant; when failure to accept work is the issue;

3. Directly involved in the dispute, at whose factory, establishment or other premises the claimant is or was employed, when labor dispute is the issue;

4. By or on behalf of which such remuneration was paid, when wages in lieu of notice, retirement income, workers' compensation or other remuneration is the issue;

5. Directly involved, when false or fraudulent representation to obtain or to increase benefits is the issue; ~~or~~

6. Directly involved, ~~That employed and/or employs the claimant~~, when employment status, fraud, or overpayment resulting from improperly reported work or earnings is the issue.

Specific Authority ~~120.53(1)(b)~~, 443.1317(1)(b) FS. Law Implemented 443.091, 443.101, 443.151(3) FS. History--New 8-25-92, Amended.

60BB-3.018 Determinations Regarding Charges to Employer Accounts in Connection with Claims for Benefits.

(1) Employer Responsibilities. Except as otherwise specified in Sections 443.131(3)(a) and 443.101(9)(b), F.S., the Agency will not relieve an employer's account of charges for benefit payments unless the employer provides:

(a) A telephone response to a request for information when the Agency initiated the telephone request as part of an investigation pursuant to subsection 60BB-3.017(1), F.A.C.; ~~or~~

(b) A written response to a determination or claim notification; or

(c) Written notification of a refusal to accept an offer of suitable work with that employer.

(2) Determination Procedures.

(a) Determinations affecting benefits will include a determination on charges to the employer's account when:

1. The employer meets the requirements for relief from charges; or

2. The employer account is subject to charges on the basis of the determination result.

(b) A separate determination regarding employer charges will be issued when:

1. A previous nonmonetary determination did not address employer charges; and

2. The employer complies with the requirements of this rule for relief from charges.

(c) A final determination regarding charges to an employer's account for a specified period of employment will also apply to any subsequent benefit year established.

Specific Authority ~~120.53(1)(b)~~, 443.1317(1)(b) FS. Law Implemented 443.131(3) FS. History--New 8-25-92, Amended.

60BB-3.019 Determinations Regarding Suitable Work.

In addition to the standards listed in Section 443.101(2), F.S., the following criteria will apply. Generally, work will not be considered suitable during the first 60 days a claimant is unemployed if the work:

(1) ~~It P~~ays less than 90% of the claimant's average weekly wage during the base period; or

(2) ~~It W~~ould require a material change in occupation for the claimant.

Specific Authority ~~120.53(1)(b)~~, ~~443.171(2)(a)~~, 443.1317(1)(b) FS. Law Implemented 443.091(1), 443.101(2) FS. History--New 8-25-92, Amended.

60BB-3.020 Determinations Regarding Discharge for Misconduct.

When it is determined a discharge was for misconduct connected with work, the following weeks of disqualification apply:

(1) Extreme misconduct will warrant 27 to 52 weeks of disqualification. ~~for E~~xtreme misconduct occurs when the claimant commits, which includes, but is not limited to, the commission of a felony in connection with work.

(2) Serious misconduct will warrant 13 to 26 weeks of disqualification. ~~for S~~erious misconduct consists of, which includes but is not limited to the following work-connected actions:

(a) Misdemeanor violations of the law, such as assault or disorderly conduct, that occur in connection with work; ~~or~~

(b) Reporting to work under the improper influence of alcohol or drugs, or improper use of alcohol or drugs at work; ~~or~~

(c) Willful, intentional or repeated carelessness or negligence in the performance of work which results in damage to equipment or material or jeopardizes the safety of others; or

(d) Dishonest acts, such as lying, falsification of attendance records and misrepresentation of prior employment history.

(3) General misconduct in connection with work will shall warrant 1 to 12 weeks of disqualification. General misconduct consists of all other misconduct, as that term is defined in Section 443.36(29), F.S., that is not addressed in subsections (1) and (2) of this rule. Examples of general misconduct are include the following work-connected actions:

(a) Conflicts on the job for which the claimant is partially or totally responsible and which affect job performance of the claimant or other employees;

(b) Chronic or unauthorized absenteeism or tardiness over which the claimant has control;

(c) Conducting unauthorized personal activities during working hours;

(d) Refusing to carry out or violating reasonable, lawful instructions; or

(e) Violating reasonable and lawful company rules, after warning.

Specific Authority ~~420.53(1)(b)~~, 443.1317(1)(b) FS. Law Implemented 443.036(29), 443.101(1)(b), (9) FS. History–New 8-25-92, Amended_____.

60BB-3.021 Determinations Regarding Ability to Work and Availability for Work.

To be eligible for a claimed week of unemployment, a claimant must be:

(1) Authorized to work in the United States; and

(2) Able to work and available for work ~~and located in the State of Florida, any other State, a United States Military Base, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, or a contiguous country with which the United States has a reciprocal agreement with respect to unemployment compensation~~, during the major portion of the claimant’s customary work week; and

(3) Actively seeking work in a manner customary to the occupation in which work is being sought. Factors to be considered in determining whether the claimant has conducted an active work search are:

(a) The number of job contacts made by the claimant and the dates the contacts were made; and

(b) Whether the type of work being sought is reasonable considering the claimant’s background, training, abilities, and duration of unemployment; and

(c) Whether the claimant possesses the necessary license, certification and tools to perform the type of work being sought; and

(d) Whether the claimant is on a temporary layoff; and

(e) Whether the claimant is on a seasonal layoff and resides in a geographical area in which no suitable off-season work prospects are available.

(4) Free of unreasonable occupational restrictions regarding wages, hours, place and type of work in relation to the claimant’s training, experience, work history, and local labor market conditions.

(5) Free of personal circumstances which would substantially limit or restrict the claimant from conducting an active work search or accepting an offer of suitable work employment. Examples of such circumstances include:

(a) Attendance at school or a training course during customary work hours unless the claimant continues to actively seek work and is willing to change or forego classes or training that interfere with the claimant’s ability to accept work; or

(b) Absence from the local area unless the absence is for the primary purpose of seeking work employment or working; or

(c) Domestic responsibilities and conditions which substantially interfere with the claimant’s ability to seek and accept suitable work.

(6) For any period in which the claimant is participating in training approved by the Agency as provided in Section 443.091(1)(c)2., F.S. and Rule 60BB-3.022, F.A.C., the claimant is exempt from the requirements set forth in subsections (2) through (5) of this rule.

Specific Authority ~~420.53(1)(b)~~, 443.1317(1)(b) FS. Law Implemented 443.091, 443.101 FS. History–New 8-25-92, Amended_____.

60BB-3.022 Determinations Regarding Approved Training.

Pursuant to Section 443.091(1)(c), F.S.:

(1) Approved training includes training authorized by Workforce Florida, Inc., a Regional Workforce Board, or Workforce Investment Board created pursuant to the Workforce Investment Act.

(2) The Agency shall not approve other training unless:

(a) The claimant possesses aptitude and skills that can be usefully supplemented by the training; and

(b) The labor market demands for the claimant’s present skills are minimal; and

(c) The training is a vocational, technical, intern, managerial, high school equivalency or academic program designed to prepare individuals for gainful employment; and

(d) A reasonable expectation exists that the claimant will be employable upon completing the training; and

(e) The training course or school is approved by the Florida Department of Education or other official governmental approving agency within the ~~State of Florida, any other State, a United States Military Base, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, or a contiguous country with which the United States has a reciprocal agreement with respect to unemployment compensation, and which is~~ where the training is being conducted.

(3) To be eligible for benefits during a week of approved training, the claimant must:

(a) Furnish attendance reports from the training instructor or facility; when requested by the Agency; and

(b) Attend the scheduled training session(s). Continued unsatisfactory attendance may result in a withdrawal of the Agency’s approval of the training.

Specific Authority ~~420.53(1)(b)~~, 443.1317(1)(b) FS. Law Implemented 443.091(1) FS. History–New 8-25-92, Formerly 38B-3.022, Amended_____.

60BB-3.024 Short-Time Compensation Plan Application.

Employers who wish to participate in the Short-Time Compensation program, pursuant to Section 443.111(6), F.S., must make application on AWI Form UCB/STC-3,

“Short-Time Compensation Plan Application,” (11/01), incorporated by reference in Rule 60BB-3.029, F.A.C. Copies may be obtained on the internet at www.floridajobs.org or by writing to: Agency for ~~W~~orkforce Innovation; P. O. Box 5350; Tallahassee, FL 32314-5350.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.1116 FS. History—New _____.

60BB-3.028 Reemployment Services.

(1) One Stop Career Center Services. Reemployment services provided by One Stop Career Centers include:

(a) Priority Reemployment Planning (PREP) for claimants who, without such assistance, are likely to exhaust unemployment compensation benefits prior to becoming reemployed, and

(b) Job-Ready Reemployment Services for claimants who do not voluntarily attend reemployment assistance services or remain unemployed in excess of ~~six~~ ~~four~~ weeks.

(2) Reemployment Services. One-Stop Career Centers operated by local regional workforce boards shall provide reemployment services, which may include needs assessment, an orientation interview, job search assistance, job referral, labor market information, employability skills enhancement, vocational training, employment counseling and testing, and other related services. Participation in reemployment services may be waived for claimants who are attached to regular jobs, including claimants who are:

(a) Temporarily unemployed due to lack of work and have a fixed or approximate return-to-work date within six weeks; or

(b) Union members who traditionally obtain employment through a union hiring hall. To qualify for this waiver, the claimant must provide the union hiring hall local number.

(3) Eligibility Review. Pursuant to Section 443.091(1), F.S., claimants must report as directed for periodic review of eligibility and participate in reemployment services as directed by the Agency. Such report shall include information regarding continuing eligibility for unemployment compensation benefits.

(4) Selection and Scheduling. Claimants shall be randomly selected from a pool of claims identified by results of a characteristics screening or length of unemployment. Notice shall be mailed to all claimants who are selected for participation.

(5) Characteristics Screening. Pursuant to Section 443.091(1)(d), F.S., the following characteristics will be used to identify claimants who are likely to exhaust regular benefits and be in need of reemployment services. Identified claimants:

(a) Received a first benefit payment within 42 days of the beginning of the benefit year; ~~and~~

(b) Are intrastate claimants; ~~and~~

(c) Are not on recall status to return to a specific job within six weeks; ~~and~~

(d) Are not seasonally unemployed; ~~and~~
 (e) Are not partially employed; and
 (f) Are not union members seeking work through a hiring hall.

(6) Penalty for Failure to Report for or Participate in Services. A claimant who fails, without good cause, to report for or participate in eligibility review or reemployment services as directed by the Agency or its designee ~~will~~ ~~shall~~ be ineligible to receive benefits for the week(s) in which such failure occurred. Good cause for such failure will include only compelling reasons, such as:

(a) Personal illness;

(b) Illness of a family member requiring care by the claimant;

(c) A job interview at a time that conflicts with the service appointment time; and

(d) Other similar situations that would cause a reasonable person to miss a scheduled appointment for reemployment services.

Specific Authority 443.1317(1)(b) FS., ~~Chapter 94-347, Laws of Florida.~~ Law Implemented 443.091 FS., ~~Chapter 94-347, Laws of Florida.~~ History—New 2-28-96, Amended _____.

60BB-3.029 Public Use Forms.

(1) The following forms and instructions are used by the Agency for Workforce Innovation in its dealings with the public in the administration of the unemployment compensation program, and are incorporated by reference:

(a) AWI Form ERWC – “Employee’s or Employer’s Authorization and Request for Wage Records” (version date 02/06), which is available at the Agency’s Internet site at http://www.floridajobs.org/unemployment/uc_emp_forms.html, or as provided in paragraph (2)(b) of this rule.

(b) AWI Form AWA-01 – “Notarized Authorization for Release of Records” (version date 3/2005).

(c) IB-1 – “Initial Interstate Claim” (Rev. 08/03).

(d) AWI Form UC-310 – “Unemployment Compensation Application for Services” (Rev. 10/05).

(e) AWI Form UCB/STC-3 – “Short Time Compensation Plan Application” (Rev. 11/01).

(f) AWI Form UCB-9 (04/01).

(g) AWI Form UCB-11 – “Wage Transcript and Determination” (Rev. 01/04).

(h) AWI Form UCB-45 – “Notice of Determination” (Rev. 02/05).

(i) AWI Form UCB-60V (Rev. 06/04).

(j) AWI Form UCB-412 – “Determination Notice of Unemployment Claim Filed” (Rev. ~~04/07~~ ~~02/05~~).

(k) Form AWI-UCW4VT (Rev. 11/06).

(l) Form AWI-UCW4VFL (S) (Rev. 11/06).

(m) Form AWI-UCW4VFL (C) (Rev. 11/06).

(n) Form AWI-UC20A (Rev. 11/06).

- (o) Form AWI-UC20A (S) (Rev. 11/06).
- (p) Form AWI-UC20A (C) (Rev. 11/06).
- (q) UC Bulletin 1 (Rev. 04/05).

(2) These forms may be obtained by:

(a) Writing to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P. O. Drawer 5750, Tallahassee, FL 32314-5750;

(b) Faxing a request to the Agency’s UC Records Unit at (850)921-9327 or (850)921-3912;

(c) Calling the UC Records Unit at (850)921-3470.

(3) Forms and other information about the unemployment compensation program can be found on the Agency’s Internet site at www.floridajobs.org/unemployment/.

Specific Authority 443.1317(1)(b) FS. Law Implemented 443.171(5), 443.1715(1), (2)(b)1. FS. History–New 6-4-06, Amended_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.:	RULE TITLE:
64B12-9.017	Eligibility of Individuals Practicing in a State in Which Licensure is not Required

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 16, April 20, 2007 issue of the Florida Administrative Weekly.

The rule was under a preliminary review by the Joint Administrative Procedures Committee. The comments made in the Joint Administrative Procedures Committee preliminary review pertained to the acronyms “ABO” and “NCLE” contained in paragraph (2)(c). The comments were well accepted, and the corrections are as follows:

(c) Current certification of the American Board of Opticianry and the National Contact Lens Examiners and verification of licensure status from another state, when applicable.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Council of Medical Physicists

RULE NO.:	RULE TITLE:
64B23-6.001	Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly.

The changes are in response to comments from staff of the Joint Administrative Procedures Committee and are as follows:

(1) Unless mitigating or aggravating factors are present, when the Department finds an applicant or licensee whom it regulates under Chapter 483, Part IV, F.S., has committed any of the acts set forth in Section 483.901(6), F.S., it shall issue a final order imposing appropriate penalties based on the severity and repetition of the violation within the ranges recommended in the following disciplinary guidelines. The identification of violations is descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. Any of the listed violations provide sufficient grounds for denying a licensure application. A finding of financial benefit or self-gain related to the violation is grounds for requiring the person charged with a violation to refund fees billed and collected from a patient or third party in addition to any other appropriate penalties imposed by this rule. In addition to any other discipline imposed, the Department shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of the penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Department shall impose a fine of \$10,000 per count or offense.

(a) Section 483.901(6)(g)1. or 456.072(1)(h), F.S.: Attempting to obtain, obtaining or renewing a license to practice medical physics by bribery, by fraudulent misrepresentation, or through an error of the Department.

Bribery and concealment of material fact not amounting to fraud – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. For a second or subsequent violation, revocation and a maximum fine of \$10,000.

Fraud, knowing or fraudulent misrepresentation – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second or subsequent violation, revocation and a fine of \$10,000.

Department error – from a letter of concern and/or a fine of \$500, up to a maximum of suspension of license for one year, followed by two years of probation, and a fine of \$5,000. For a second or subsequent violation, from a minimum fine of \$5,000 to revocation.

(b) through (c) No change.

(d) Sections 483.901(6)(g)4, 456.072(1)(g) or 456.072(1)(l), F.S.: False reporting or other reporting violations – from a minimum fine of \$3,000 and/or suspension of license for three months followed by six months probation

up to a maximum of revocation and/or a fine of \$7,500. For a second or subsequent violation, up to a maximum fine of \$10,000 and/or revocation.

- (e) through (z) No change.
- (2) No change.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.205
 RULE TITLE: Eligibility Determination Process
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 5, February 2, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-36
 RULE TITLE: Instant Game Number 698, \$100,000 GOLDEN SPIN

SUMMARY: This emergency rule describes Instant Game Number 698, "\$100,000 GOLDEN SPIN," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-36 Instant Game Number 698, \$100,000 GOLDEN SPIN.

(1) Name of Game. Instant Game Number 698, "\$100,000 GOLDEN SPIN."

(2) Price. \$100,000 GOLDEN SPIN lottery tickets sell for \$5.00 per ticket.

(3) \$100,000 GOLDEN SPIN lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning \$100,000 GOLDEN SPIN lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The RED "YOUR BETS" play symbols and play symbol captions are as follows:



(5) The BLACK "YOUR BETS" play symbols and play symbol captions are as follows:



(6) The RED "SPIN RESULTS" play symbols and play symbol captions are as follows:



(7) The BLACK "SPIN RESULTS" play symbols and play symbol captions are as follows:



(8) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE THY FIV	\$2.00 TWO FIFTY	\$3.00 THREE ONE HUN	\$4.00 FOUR TWO HUN	\$5.00 FIVE FIV HUN	\$10.00 TEN ONE THO	\$15.00 FIFTEEN TEN THO	\$20.00 TWENTY ONE HUN THO
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(9) The legends are as follows: