

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF STATE****Division of Cultural Affairs****RULE TITLE:**

Division of Cultural Affairs

RULE NO.:

1T-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate the most recent versions of the Division's State Touring Program Guidelines, the Grants Management Handbook, and the Division's grant award agreements.

SUBJECT AREA TO BE ADDRESSED: State Touring Program Guidelines, Grants Management Handbook, and grant award agreements.

SPECIFIC AUTHORITY: 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-265.56, 265.601-265.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:00 a.m., Friday, April 16, 1999

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Linda Downey at (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1T-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (3) No change.

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

(d) State Touring Program Brochure, eff. 7/97, which contains instructions for touring presenters and application form #CA2E014, and State Touring Program Guidelines, eff. _____ 7/97, which contains instructions for touring roster applicants and application form CA2E013;

(e) through (g) No change.

(5) All grant awards except those under the Cultural Facilities and Cultural Endowment Programs shall be made through a grant award agreement and shall be administered in accordance with the Grants Management Handbook, eff. _____ 10-5-98, which contains forms and instructions for the management of grant awards.

(6) Grant awards through the Cultural Facilities Program shall be made through Grant Award Agreement Amendment Form #CA2E038, eff. _____ 8/98, and use Grant Award Amendment Form #CA2E047 and Report Form #CA2E048, both eff. _____ 7/96. Grant awards through the Cultural Endowment Program shall be made through Grant Award Agreement Form #CA2E039, eff. _____ 8/98. Grant award agreements shall specify the grants management requirements.

Specific Authority 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1), (4), (6), 265.701(4) FS. Law Implemented 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-265.56, 265.601-265.607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly 1T-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, _____.

DEPARTMENT OF INSURANCE**RULE TITLES:**

Definitions

Definitions

Definitions

RULE NOS.:

4-150.003

4-150.103

4-150.203

PURPOSE AND EFFECT: This amendment adds language to explicitly state, "If an advertisement which would otherwise be considered an invitation to inquire does refer to cost, it shall be considered an invitation to contract pursuant to this rule chapter;". This change makes it clear that the standards in the definition of "invitation to inquire" are part of the definition and that failure to meet those standards does not constitute a violation. The result of failure to meet the definition of an invitation to inquire is to fall within the catchall definition of "invitation to contract" and thus subject to more stringent disclosure requirements imposed on ads which meet the definition of "invitation to contract".

SUBJECT AREA TO BE ADDRESSED: Definition of "invitation to inquire".

SPECIFIC AUTHORITY: 624.308(1), 626.9611, 627.805, 627.6699(12) FS.

LAW IMPLEMENTED: 624.307(1), 626.9541(1)(a),(b),(e) (g),(k),(l), 626.9641(1), 626.99, 627.460, 627.6699(9)(d)4. FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., April 20, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Pace, Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5224

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-150.003 Definitions.

For the purpose of these rules, the terms below are defined as follows:

(1) through (10) No change.

(11) No change.

(b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the marketed health benefit plan;

3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost, it shall be considered an invitation to contract pursuant to this rule chapter; or

4. Otherwise violate these rules or the Insurance Code.

Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(c),(k),(l), 626.9641(1) FS. History—Revised 1-19-73, Repromulgated 12-24-74, Formerly 4-6.03, Amended 6-13-88, Formerly 4-6.003, Amended _____.

4-150.103 Definitions.

For the purpose of these rules, the terms below are defined as follows:

(1) through (9) No change.

(10)(a) No change.

(b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the advertised policy;

3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost or rates, it shall be considered an invitation to contract pursuant to this rule chapter; or

4. Otherwise violate these rules or the Insurance Code.

(11) through (14) No change.

Specific Authority 624.308(1), 626.9611, 627.805 FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(c),(g),(k),(l), 626.9641(1), 626.99, 627.460 FS. History—New 9-1-73, Formerly 4-35.03, Amended 6-12-88, 2-26-92, Formerly 4-35.003, Amended 5-27-96, _____.

4-150.203 Definitions.

For the purpose of these rules, the terms below are defined as follows:

(1) through (8) No change.

(9)(a) No change.

(b) An invitation to inquire shall not:

1. Employ devices that are designed to create undue anxiety;

2. Exaggerate the value of the benefits available under the marketed health benefit plan;

3. Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does refer to cost or rates, it shall be considered an invitation to contract pursuant to this rule chapter; or

4. Otherwise violate these rules or the Insurance Code.

(10) through (13) No change.

Specific Authority 624.308, 626.9611, 627.6699(12) FS. Law Implemented 624.307(1), 626.9541(1)(a),(b),(c),(k),(l), 626.9641(1), 627.6699(9)(d)4. FS. History—New 2-25-93, Amended _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Importation of Animals 5C-3

RULE TITLES: RULE NOS.:

Definitions 5C-3.001

General Requirements and Limitations 5C-3.002

Equidae 5C-3.003

Cattle 5C-3.004

Dogs or Domestic Cats 5C-3.009

Cervidae 5C-3.011

Domestic Fowl and Ratites 5C-3.012

All Animals 5C-3.0121

PURPOSE AND EFFECT: The purpose and effect of these rule changes is to remove language provided for by incorporated USDA programs references; update forms and materials references; specify information requirements for OCVI, and prior permission, and fee payments for equine event extensions; specify OCVI and tuberculosis test requirements for cattle and cervidae; provides for case specific review of movement restriction abeyances.

SUBJECT AREA TO BE ADDRESSED: This rule provides species inclusion, OCVI requirement and information specification; fees for services; OCVI and test parameters regarding tuberculosis.

SPECIFIC AUTHORITY: 585.002(4), 585.08(2)(a) FS.

LAW IMPLEMENTED: 534.081, 585.08(1),(2)(a), 585.11(1),(2), 585.145(1),(2), 585.16 FS.

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

TIME AND DATE: 9:00 a.m., April 16, 1999

PLACE: Department of Agriculture and Consumer Services, Conference Room, 407 S. Calhoun Street, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe W. Knight, Assistant Director, Bureau of Animal Disease Control, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, Phone (850)488-7079

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5C-3.001 Definitions.

(1) No change.

(2) Approved All-Class Market. A livestock market approved by the Administrator where breeding, feeding, and slaughter swine are sold in accordance with Federal interstate regulations ~~and applicable provisions of these Program Standards.~~

(3) Approved Feeder-Pig Market. A livestock market approved by the Administrator where only feeder pigs that meet the following criteria are accepted for sale, in accordance with Federal interstate regulations ~~and applicable provisions of these Program Standards:~~

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

(10) National Poultry Improvement Plan (NPIP). A cooperative state-federal-industry program for prevention and control of certain hatchery disseminated diseases and for improvement of poultry and poultry products as provided in 9 C.F.R. § 145 (19983) and § 147 (19983).

(11) through (13) No change.

(14) Prior Permission. Prior permission must be obtained from the State Veterinarian or representative of the Division for all swine, domestic fowl, cervidae, dogs or domestic cats originating in areas under quarantine for rabies and reptiles, herpetiles, llamas, and antelopes ~~cattle from Class B Brucellosis states~~ for movement into the state, except animals which are consigned directly to a recognized slaughtering establishment. The prior permission may be either written permission from the Division or a prior permission number issued by telephone by the Division.

(15) No change.

(16) Specifically Approved Livestock Market. A stockyard, livestock market, buying station, concentration point or any other premises under state or federal veterinary supervision where livestock are assembled for sale and which has been approved by the USDA as provided in 9 C.F.R. § 71.20 (1998) 76.18 (1993).

(17) No change.

(18) VS Form 9-3 (Aug. 95 Oct 88), Report of Sales of Hatching Eggs, Chicks and Poults. A USDA form which is issued by a USDA representative, state representative or accredited veterinarian and which is required to accompany NPIP approved poultry and eggs for hatching purposes for movement into the state.

(19) Forms and Materials. Title 9 C.F.R. § 145 (19983), ~~and § 147 (19983); and 71.20(1998) 76.18(1993);~~ VS Form 1-27 (Dec 80), Permit for Movement of Restricted Animals and VS Form 9-3 (Aug. 95 Oct 88), Report of Sales of Hatching Eggs, Chicks, and Poults are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 585.08(2)(a), 585.145(1), (2) FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.01, Amended 9-6-89, 3-23-94, 6-4-95,_____.

5C-3.002 General Requirements and Limitations.

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

1. The name, ~~and address~~ and telephone number of the consignor;

2. The name, ~~and address~~ and telephone number of the consignee;

3. through 12. No change.

13. For reptiles, herpetiles, llamas, antelopes, and captive wild species, the OCVI must also contain a statement that the animals identified are free of the vectors of any infectious or communicable disease.

(b) A copy of the OCVI, approved by the chief animal health official of the state of origin, must be forwarded immediately to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, 407 South Calhoun Street, Tallahassee, Florida 32399-0800.

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

(b) Prior permission. Prior permission must be obtained from the State Veterinarian or representative of the Division for all swine, domestic fowl, cervidae, ~~and dogs or domestic cats originating in areas under quarantine for rabies,~~ reptiles, herpetiles, llamas and antelopes for movement into the state, except animals which are consigned directly to a recognized slaughtering establishment. The prior permission may be either written permission from the Division or a prior permission number issued by telephone by the Division.

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

1. The name, ~~and~~ address and telephone number of the consignor,

2. The name, ~~and~~ address and telephone number of the consignee,

3. through 5. No change.

(b) Cattle which are test eligible for brucellosis must be accompanied by evidence that the cattle originate from a Class Free Area or a Certified Brucellosis Free Herd or a VS Form 4-33 (Apr 81) as evidence of meeting the test requirements for movement as described in Rule 5C-6.0032(34), ~~5C-6.0033(4), or 5C-6.0034(4).~~

(c) Equidae must be accompanied by the original or a laboratory certified copy or a notarized copy of a VS Form 10-11 (Apr 90) or VS Form 10-11T (Oct. 97) as evidence of a negative equine infectious anemia test within the previous 12 months.

(5) Forms and Materials. USDA APHIS VS Forms 4-33 (Apr 81), ~~and~~ 10-11 (Apr 90) and 10-11T (Oct. 97) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 534.081, 585.11(1), (2), 585.145(1), (2), 585.16 FS. History—New 6-29-62, Amended 2-5-85, Formerly 5C-3.02, Amended 9-6-89, 3-23-94, 6-24-95, _____.

5C-3.003 Equidae.

(1) through (5)(b) No change.

1. Reactor animals must be permanently identified prior to importation, using the National Uniform Tag Code number as provided in 9 C.F.R. § 75.4(a) (1998~~3~~), applied as a lip tattoo, or as a visible brand on the left side of the neck. The letter “A” is preceded by the assigned state number and followed by an individual identification number.

(5)(b)2. No change.

(6) Special Event Extension. Upon written request to the Division, and payment of a non-refundable fee of \$25.00, the expiration of a Florida OCVI Equine will be extended up to six months provided that:

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

(g) The \$25.00 fee should be made payable by check or money order to the Florida Department of Agriculture and Consumer Services and mailed to: Special Event Extension, Post Office Box 6710, Tallahassee, Florida 32314-6710. The fees collected shall be deposited in the Department’s General Inspection Trust Fund.

(7) Materials. Title 9 C.F.R. § 75.4(a) (1998~~3~~) and VS Form 1-27 ~~are~~ hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1), (2)(a), 585.145(1), (2) FS. History—Amended 11-21-65, 6-26-66, 3-1-72, 10-15-73, 3-17-76, 9-14-82, 2-5-85, Formerly 5C-3.03, Amended 9-6-89, 3-23-94, 6-4-95, _____.

5C-3.004 Cattle.

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

1. The following statement must appear on the Official Certificate of Veterinary Inspection of cattle entering the state: The cattle listed on this certificate have not been on any premises where bovine tuberculosis has been diagnosed in the past twelve months nor have they been exposed to other animals which have been on such premises within the past twelve months. A tuberculosis test is not required for importation provided that the cattle originate from an Accredited Tuberculosis Free Herd or State. The herd or state status must be listed on the OCVI.

2. A negative tuberculosis test conducted within 30 days prior to importation is required provided that the cattle originate from an Accredited Tuberculosis Free State or an Accredited Free Herd in a Modified Accredited Tuberculosis Free State. A negative tuberculosis test is required within 30 days prior to importation provided the cattle:

a. Originate from a Modified Accredited State;

b. Are over six months of age, and

e. The herd of origin is not under quarantine.

3. Other cattle may be imported provided that:

(a) The cattle have two negative tuberculosis tests at least 60 days and no more than 90 days apart, with the last test conducted within 30 days of importation; or

(b) A negative tuberculosis test within 30 days of importation; are placed under quarantine upon entry into the state and tuberculosis tested not less than 60 days and no more than 90 days after entry.

(3)(b) through 2.b. No change.

(c) ~~Brucellosis Vaccination. All female cattle four months of age or over must be officially calfhood vaccinated to be qualified for entry into the state unless destined for immediate slaughter or to a quarantined feedlot.~~

(4) Beef Cattle.

(a) Tuberculosis Test. ~~A tuberculosis test is not required for importation provided that the OCVI indicates that the cattle:~~

1. The following statement must appear on the Official Certificate of Veterinary Inspection of cattle entering the state: The cattle listed on this certificate have not been on any premises where bovine tuberculosis has been diagnosed in the past twelve months nor have they been exposed to other animals which have been on such premises within the past twelve months. Originate from an Accredited Tuberculosis Free Herd or State, or

2. A negative tuberculosis test conducted within 30 days prior to importation is required provided that the cattle originate from an Accredited Tuberculosis Free State or an Accredited Free Herd in a Modified Accredited Tuberculosis Free State. Originate from a Modified Accredited State and the herd is not under quarantine.

3. Other cattle may be imported provided that:

a. The cattle have two negative tuberculosis tests at least 60 days and no more than 90 days apart, with the last test conducted within 30 days of importation; or

b. A negative tuberculosis test within 30 days of importation; are placed under quarantine upon entry into the state and tuberculosis tested not less than 60 days and no more than 90 days after entry. Other cattle over six months of age, not meeting the above requirements must have a negative test for tuberculosis within 30 days prior to importation.

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

(b) Cattle for feeding purposes, that are not steers or spayed heifers, may enter without the OCVI or tests if consigned directly to a quarantined feedlot; ~~otherwise, the cattle must meet the requirements for breeding cattle.~~

(c) through (7)(b)2. No change.

Specific Authority 585.002(4), 585.08(2)(a) FS. Law Implemented 585.08(1),(2)(a), 585.145(1), (2) FS. History--Amended 3-22-63, 8-20-64, 9-23-65, 7-25-66, 11-15-67, 3-1-68, 3-12-70, 7-1-70, 9-1-72, 4-5-77, 7-1-79, 7-1-80, 9-30-80, 8-9-81, 9-14-82, 6-26-83, 2-5-85, Formerly 5C-3.04, Amended 9-6-89, 3-23-94, 6-4-95, _____.

5C-3.009 Dogs or Domestic Cats.

(1) through (1)(c) No change.

(2) Dogs or domestic cats originating from areas under quarantine for rabies must have prior permission from the Department as provided in 5C-3.002(2)(a) and (b).

(3) No change.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1), (2)(a), 585.145(1),(2) FS. History--New 6-29-62, Amended 2-5-85, Formerly 5C-3.09, Amended 9-6-89, 3-23-94, 6-4-95, _____.

5C-3.011 Cervidae.

(1) through (2) No change.

(3) Tuberculosis Test.

(a) ~~Cervidae from an Accredited Tuberculosis Free Herd.~~ No test is required for cervidae which originate from an Accredited Tuberculosis-Free herd as defined in 9 C.F.R. § 77.8 (1999). ~~The statement of herd status must be recorded on the OCVI accompanying the cervidae.~~

(b) Cervidae from a qualified or Monitored Herd, as defined in 9 C.F.R. § 77.8 (1999), Not Affected or Exposed. ~~Cervidae not known to be affected with or exposed to tuberculosis~~ may be imported if they:

1. Are not known to be infected with or exposed to tuberculosis, and Originate from a herd which has undergone a negative test of all eligible animals within the past 12 months; and the animals to be imported have been classified negative to an official tuberculosis test, accomplished within 90 days prior to importation; or

2. Have been classified negative to a two tuberculosis tests conducted not less than 90 days apart; the second test was conducted within 90 days prior to the date of movement importation; and the animals were isolated from all other members of the herd during the testing period.

(c) Cervidae from unclassified herds may be imported if they:

1. Are not known to be infected with or exposed to tuberculosis, and

2. Have been tested negative to two tuberculosis tests conducted not less than 90 days apart; the second test was conducted within 90 days prior to importation and the animals were isolated from all other members of the herd during the testing period.

(4) Brucellosis Test. All cervidae six months of age or older must have a negative brucellosis test within 90 days prior to importation. ~~The brucellosis test must be recorded on the OCVI accompanying the Cervidae.~~

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History--New 3-23-94, Amended _____.

5C-3.012 Domestic Fowl and Ratites.

(1) OCVI Required. All domestic fowl and eggs for hatching purposes imported into the state must be accompanied by an OCVI. Poultry and hatching eggs classified under provisions of the NPIP may substitute VS Form 9-3 (Aug. 95 Oct-88), Report of Sales of Hatching Eggs, Chicks and Poults, for the OCVI.

(2) through (5) No change.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.08(1),(2)(a), 585.145(1),(2) FS. History--New 3-23-94, Amended _____.

5C-3.0121 All Animals.

The State Veterinarian may, with the concurrence of the Federal Area Veterinarian In Charge, and after a thorough epidemiological review, permit the movement of animals not classified as reactors and not otherwise known to be affected with Tuberculosis, under such conditions as the State Veterinarian may prescribe in each specific case to prevent the spread of Tuberculosis and in the best interest of the animal and the state of Florida.

Specific Authority 585.002(4) FS. Law Implemented 585.145(2) FS. History--New _____.

1. Any person who engages in the business of buying or selling swine in commerce, either for their own account or as an employee or agent of the seller or buyer; or

2. Any person who engages in the business of buying or selling swine in commerce on a commission basis.

(b) Permit required, fees. No person shall conduct business as a swine dealer without a permit. The operator of an approved all market class shall not be required to have a permit as a dealer.

1. Application for a swine dealer's permit shall be submitted to the Florida Department of Agriculture and Consumer Services, Division of Animal Industry, Post Office Box 6710, Tallahassee, Florida 32314.

2. The application for a swine dealer's permit must be accompanied by a fee of \$25 paid by certified check or money order made payable to the Florida Department of Agriculture and Consumer Services.

3. The permit shall expire June 30 of each year and must be renewed prior to expiration. A fee of \$25 must be paid for annual renewal of the permit.

4. The permit shall bear the name of the dealer and his or her business address.

(c) Recordkeeping requirements.

1. Each dealer must keep records of all swine purchased for resale to enable the Department to trace an animal to the farm of origin and to its destination.

2. All records must be kept for a minimum of two years and must be made available for review upon request by a state or federal representative.

(d) Dealer permit; denied or revoked. A dealer will be denied a permit or have the permit revoked or be subject to penalties as provided in Section 5C-21.017 when the Department has determined that:

1. The dealer violated or circumvented recordkeeping requirements of this section or other animal health regulations; or

2. The dealer failed to provide records for review when requested; or

3. The dealer conducted business regulated by this section after revocation of the permit or failed to acquire such a permit; or

4. The dealer has had a permit revoked within one year.

(7)(8) Quarantined feedlots.

(a) 1. through 3. No change.

4. The permit renewal shall be denied if an application is pending for a qualified pseudorabies negative herd or a pseudorabies monitored feeder pig herd within 2 1/5 miles.

5. through (b) No change.

1. Quarantined feedlots shall not be permitted within 2 1/5 miles of a qualified pseudorabies negative herd or a pseudorabies monitored feeder pig herd.

2. No change.

3. All swine owners within a 2 1/5 miles radius of the proposed location of a quarantined feedlot shall be notified prior to the issuance of a quarantined feedlot permit.

4. through (d) No change.

(8)(9) Materials. Notice of Quarantine, AI-30 (Rev. 3-94) and Release of Quarantine, AI-28 (Rev. 3-94), Application for Swine Dealer Permit, DACS-09080 (eff. 9/94), and Application for Pseudorabies Quarantined Feedlot Permit, DACS-09081 (eff. 9/94) are hereby incorporated by reference. Copies may be obtained from the Florida Department of Agriculture, Division of Animal Industry, Room 329 334, Tallahassee, Florida 32399-0800.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 570.0705, 585.002(5), 585.08(1), 585.11, 585.145(1),(2), 585.23, 585.40, 585.17 FS. History—New 10-23-94, Amended _____.

5C-21.011 Vaccination, Approval and Procedures.

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

(d) Vaccinated animals are permanently identified by a numbered pink eartag approved by the State Veterinarian; and

(e) No change.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1), (2), 585.20, 585.21, 585.145 FS. History—New 10-23-94, Amended _____.

5C-21.012 Procedures for Control and Eradication of Pseudorabies.

(1) through (a) No change.

(b) After July 1, 1995, All swine sold, offered for sale or exhibition, except for slaughter, must have evidence of a negative pseudorabies serologic test which has been conducted within the previous 30 days.

(2) Exemptions to negative test requirements. A negative test is not required for the following:

(a) Feeder swine that:

(a)1. Originate in a qualified pseudorabies negative herd; or

(b)2. Originate in a qualified pseudorabies negative gene altered vaccinated herd; or

(c)3. Are under six months of age and originate in a pseudorabies monitored feeder pig herd; or

(d)4. Are under six months of age and originate in a pseudorabies monitored vaccinated feeder pig herd; or

(e)5. Originate directly from a farm of origin in a Stage III or IV; or V state or area; or

(f)6. Are sold at an approved all-class market or an approved slaughter market for feeding in a quarantined feedlot or for direct shipment to a recognized slaughtering establishment; or

(g)7. Are sold at an approved feeder pig market for feeding without restriction.

(b) Breeder swine that:

1. Originate in a qualified pseudorabies negative herd; or

~~2. Originate in a qualified pseudorabies negative gene altered vaccinated herd; or~~

~~3. Originate directly from a farm of origin in a Stage IV or Stage V state or area.~~

(3) No change.

(a) Pseudorabies ~~monitored feeder pig~~ herd testing.

~~1. All swine herds in the state must be tested by conducting an annual pseudorabies serologic test of breeding animals of a representative sample of the breeding herd. The sample size shall be as follows:~~

~~a. 1-10 swine — test entire herd;~~

~~b. 11-35 swine — test 10 swine; and~~

~~c. 36 swine and over — test 30 percent of the herd or 30 swine, whichever is less.~~

2. Subject to the availability of funds, testing shall be conducted at state expense until ~~July 1, 1995 or until Stage IV~~ ~~III~~ is achieved ~~whichever is first~~. At that time, all expenses for conducting the testing required for maintenance of a pseudorabies monitored feeder pig herd shall be the responsibility of the owner.

3. No change.

(b) Circle testing. Herd tests consisting of a representative sample, as described in Subsection (3)(a)1 above, are required of all swine herds within a ~~2 1/2~~ miles radius of affected herds. All herds determined to have swine positive to a pseudorabies test shall be quarantined.

(4) through (b) No change.

1. All sows and boars sold at livestock markets and swine buying stations, other than those sold for immediate slaughter, must be tested and be negative to a pseudorabies serologic test within 30 days prior to or on arrival.

~~2. After July 1, 1995, all sows and boars sold at livestock markets and swine buying stations must be tested within 30 days prior to or on arrival.~~

~~2.3.~~ Herds to which pseudorabies positive swine are traces shall be placed under quarantine.

(5) Disposition of Swine.

(a) The Department may indemnify and reimburse the owner of all animals that have reacted to a pseudorabies test. Such indemnity or reimbursement shall not exceed the sum of \$35.00 per animal.

(b) All sows in infected breeding herds must be tested prior to or at farrowing and all positive sows removed from the herd for slaughter or isolation for slaughter within 15 days after weaning. All boars must be tested quarterly and all positives removed from the herd for slaughter or isolation for slaughter within 15 days after test results are reported.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.145(1),(2), 585.11(1),(2), 585.20 FS. History—New 10-23-94, Amended.

5C-21.015 Feral Swine, Movement and Test Requirements.

(1) Feral swine ~~of unknown status~~ may be moved only for immediate slaughter. Movement to hunting preserves or game farms is not considered as movement to slaughter.

(2) No change.

(3) Feral swine moved for breeding purposes, in addition to meeting the requirements in (2) above, must be segregated from all domestic swine and be found negative to two pseudorabies serologic tests ~~with the first~~ conducted at ~~least 30 to 60 days apart following segregation and the second at 60 to 90 days after the first test.~~

(4) No change.

Specific Authority 585.002(4), 585.08(2) FS. Law Implemented 585.11(1),(2), 585.145(1),(2), 585.16 FS. History—New 10-23-94, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Student Performance Standards

6A-1.09401

PURPOSE AND EFFECT: This rule development is to provide student performance standards for students with disabilities seeking a special diploma beginning with the 2002-2003 school year. The effect is to provide standards to replace current student performance standards for special diplomas in effect through school year 2001-2002.

SUBJECT AREA TO BE ADDRESSED: Performance standards for students with disabilities will be the subject area to be addressed.

SPECIFIC AUTHORITY: 229.053(1), 229.565 FS.

LAW IMPLEMENTED: 229.565, 229.57, 232.245, 232.2454 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 – 11:00 a.m., April 22, 1999

PLACE: 325 West Gaines Street, Room 1724, Tallahassee, Florida 32399

TIME AND DATE: 1:00 – 3:00 p.m., April 26, 1999

PLACE: Roland Park Middle School, Multi-Purpose Room, 1510 North Manhattan Avenue, Tampa, Florida 33607, (813)872-5212

TIME AND DATE: 9:00 – 11:00 a.m., April 27, 1999

PLACE: National Safety Council, 2099 West Prospect Road, Fort Lauderdale, Florida 33309, (954)772-6025

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. The benchmarked standards in paragraphs (1)(a) through (g) of this rule describe what students should know and be able to do at four progression levels (grades Pre k-2, 3-5, 6-8, 9-12) in the subjects of the arts, health/physical education, foreign languages, language arts, mathematics, science, and social studies. Sunshine State Standards for Special Diploma as incorporated in paragraph (1)(h) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels – independent, supported, and participatory. Public schools shall provide appropriate instruction to assist students in the achievement of these standards. These standards and benchmarks are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

- (a) Sunshine State Standards – Language Arts, 1996,
- (b) Sunshine State Standards – Mathematics, 1996,
- (c) Sunshine State Standards – Science, 1996,
- (d) Sunshine State Standards – Social Studies, 1996,
- (e) Sunshine State Standards – Foreign Languages, 1996,
- (f) Sunshine State Standards – The Arts, 1996, and
- (g) Sunshine State Standards – Health/Physical Education, 1996, and-

(h) Sunshine State Standards for Special Diploma, 1999.

Copies of these publications may be obtained from the Division of Public Schools, Department of Education, 325 W. Gaines St., Tallahassee, Florida 32399-0400.

(2) Each district school board shall incorporate the Sunshine State Standards contained herein into the district Pupil Progression Plan.

(3) The Sunshine State Standards shall serve as the basis for statewide assessments.

Specific Authority 229.053(1), 229.565 FS. Law Implemented 229.565, 229.57, 232.245, 232.2454 FS. History–New 6-18-96, Amended.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Minimum Student Performance Standards

6A-1.0941

PURPOSE AND EFFECT: This rule development is to delete reference to outdated publications, to extend the effective date of the Minimum Student Performance Standards for Florida Schools 1994-95 through 2002-2003, and Student Performance Standards for Florida Schools 1996-97 Through 2001-2002 (formerly through 2000-2001). The effect will be the continued use of the High School Competency Test for graduation with a standard diploma through the 2003 school year and to provide the current standards for special diploma through the school year 2002.

SUBJECT AREA TO BE ADDRESSED: Provisions for standard and special diplomas will be the subject area to be addressed.

SPECIFIC AUTHORITY: 229.053(1), 232.245 FS.

LAW IMPLEMENTED: 229.053(2)(a), 229.565(1), 229.57(3)(a)(c), 232.246(6)(a)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 – 11:00 a.m., April 22, 1999

PLACE: 325 West Gaines Street, Room 1724, Tallahassee, Florida 32399

TIME AND DATE: 1:00 – 3:00 p.m., April 26, 1999

PLACE: Roland Park Middle School, Multi-Purpose Room, 1510 North Manhattan Avenue, Tampa, Florida 33607, (813)872-5212

TIME AND DATE: 9:00 – 11:00 a.m., April 27, 1999

PLACE: National Safety Council, 2099 West Prospect Road, Fort Lauderdale, Florida 33309, (954)772-6025

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0941 Minimum Student Performance Standards.

State adopted minimum student performance standards approved by the State Board of Education are contained in the publications listed below which are hereby incorporated by this rule and made a part of the rules of the State Board of Education. Copies of these publications may be obtained from

the Educational Products Distribution Section, Department of Education, The Florida Education Center, Tallahassee, Florida 32399 at a price to be established by the Commissioner but which shall not exceed actual cost.

(1) ~~Minimum student performance standards for Florida schools 1985-86 through 1993-94, for beginning grades 3, 5, 8, and 11—reading, writing, and mathematics and for functional communication and mathematics skills for grade 11 and~~ Minimum Student Performance Standards for Florida schools 1994-95 through 2002-2003 ~~1998-99~~, for beginning grades 3, 5, 8, and 11 – reading, writing, and mathematics and for functional communication and mathematics skills for grade 11.

(2) ~~Minimum student performance standards for Florida schools 1986-87 through 1993-94, for beginning grades 3, 5, 8 and 11—science and computer literacy.~~

(3) ~~Minimum student performance standards for Florida schools 1989-90 through 1993-94, for beginning grades 3, 5, 8 and 11—history, government, economics, and geography.~~

(4) ~~Minimum student performance standards for Florida schools 1985-86 through 1995-96, exceptional students in the following programs:~~

(a) ~~Hearing-impaired students:~~

1. ~~Pre-kindergarten—Developmental skills, auditory development, language development, writing (penmanship), and mathematics.~~

2. ~~Grades 3, 5, 8 and 11—Reading, writing, and mathematics.~~

(b) ~~Educable mentally handicapped students. Grades 3, 5, 8, and 11—Reading, writing, mathematics, social personal skills, and basic career skills.~~

(c) ~~Trainable mentally handicapped students. Grades 3, 5, 8, and 11—Fundamental skills, social skills, and pre-vocational skills.~~

(2)(5) ~~Student performance standards for Florida Schools 1996-97 through 2001-2002 2000-2001~~, exceptional students – reading, writing, language, mathematics, and social and personal.

Specific Authority 229.053(1), 229.565, 232.245, ~~232.246~~ FS. Law Implemented 229.053(2)(a), 229.565(1), 229.57(3)(a)(c), ~~230.2319~~, 232.246(6)(a)(b) FS. History—New 4-28-77, Amended 5-24-79, 7-16-79, 4-10-80, 3-4-84, 5-24-84, 11-27-85, Formerly 6A-1.941, Amended 5-16-89, 5-16-90, 6-14-94, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Course Descriptions for Grades 6-12,

Exceptional Student Education

6A-1.09414

PURPOSE AND EFFECT: This rule development is to provide course descriptions that match the state standards for special diplomas proposed to take effect with the 1999-2000 school year for students with disabilities graduating with a special diploma in 2002-2003. The “Florida Course Descriptions for Grades 6-12, Exceptional Student Education,

1999” will be a guideline for school district personnel providing instruction for subject areas consistent with the “Course Code Directory and Instructional Personnel Assignments.”

SUBJECT AREA TO BE ADDRESSED: Course descriptions for students with disabilities graduating with a special diploma will be the subject area to be addressed.

SPECIFIC AUTHORITY: 229.053(1) FS.

LAW IMPLEMENTED: 229.592, 230.23(7), 232.2454, 232.247, 233.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 – 11:00 a.m., April 22, 1999

PLACE: 325 West Gaines Street, Room 1724, Tallahassee, Florida 32399

TIME AND DATE: 1:00 – 3:00 p.m., April 26, 1999

PLACE: Roland Park Middle School, Multi-Purpose Room, 1510 North Manhattan Avenue, Tampa, Florida 33607, (813)872-5212

TIME AND DATE: 9:00 – 11:00 a.m., April 27, 1999

PLACE: National Safety Council, 2099 West Prospect Road, Fort Lauderdale, Florida 33309, (954)772-6025

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09414 Course Descriptions for Grades 6-12, Curriculum Frameworks for Grades 9-12, Exceptional Student Education Courses.

A course description curriculum framework is a broad guideline which directs district personnel by providing specific instructional plans for a given subject area or area of study and which is consistent with the “Course Code Directory and Instructional Personnel Assignments” adopted in Rule 6A-1.09441, FAC. The document, “Florida Course Descriptions for Grades 6-12, Exceptional Student Education, 1999, is “Curriculum Frameworks for Grades 9-12, Exceptional Student Education Courses With Suggested Course Student Performance Standards, Revised 1991” and “Curriculum Frameworks for Grades 9-12, Exceptional Student Education Courses, 1994 Supplement,” are hereby incorporated by reference and made a part of the rules of the

State Board. Copies of ~~this~~ ~~these~~ documents may be obtained from the Educational Products Distribution Section, Department of Education, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

(1) District school board variance authority. 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 ~~intended outcomes of each framework~~.

(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school's waiver request submitted by a district school board, to allow the school to substitute locally approved course ~~intended outcomes requirements~~ provided that locally approved requirements ~~outcomes~~ specified for the state approved course adequately address the major concepts/content and Sunshine State Standards for Special Diploma contained in the course description curriculum framework, and the waiver request fulfills the provisions of and as submitted in accordance with procedures specified in Section 229.592, Florida Statutes.

Specific Authority 229.053(1), 229.565, ~~233.011(3)(a)~~ FS. Law Implemented 229.592, 230.23(7), 232.2454, 232.247, 233.09, ~~233.011, 233.165~~ FS. History—New 7-9-86, Amended 12-28-86, 12-13-88, 12-11-89, 11-12-91, 6-6-93, 10-18-94, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

Graduation Requirements for Certain

Students with Disabilities

RULE NO.:

6A-1.0996

PURPOSE AND EFFECT: This rule development is to provide graduation requirements for students with disabilities to obtain a special diploma and to reference the new student performance standards for students with disabilities seeking a special diploma beginning with the 2002-2003 school year.

SUBJECT AREA TO BE ADDRESSED: Graduation requirements for students with disabilities will be the subject area to be addressed.

SPECIFIC AUTHORITY: 229.053(1), 232.247 FS.

LAW IMPLEMENTED: 230.23(6)(a), 232.247 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 – 11:00 a.m., April 22, 1999

PLACE: 325 West Gaines Street, Room 1724, Tallahassee, Florida 32399

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TIME AND DATE: 9:00 – 11:00 a.m., April 27, 1999

PLACE: National Safety Council, 2099 West Prospect Road, Fort Lauderdale, Florida 33309, (954)772-6025

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Shan Goff, Chief, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1570

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.0996 Graduation Requirements for Certain ~~Exceptional~~ Students with Disabilities.

Each school board shall, pursuant to Section 232.247, Florida Statutes, prescribe special requirements for graduation for students who have been properly identified as educable mentally handicapped, trainable mentally handicapped, hearing impaired, specific learning disabled, emotionally handicapped, profoundly handicapped, physically impaired, or language impaired. The school board shall make provision for each student to use basic, vocational, and exceptional student education courses as appropriate for meeting graduation requirements. Any such student completing the special requirements shall be awarded a Special Diploma in the form prescribed by Rule 6A-1.0995(2), FAC.

(1) Special Diploma Options. ~~Effective with the 1994-95 school year,~~ School boards may award Special Diplomas based on two (2) options.

(a) One option shall include procedures for determining and certifying mastery of student performance standards for a special diploma ~~exceptional students through school year 2001-2002~~ as prescribed in subsections (3)-(13)(10) of this rule; or higher levels of student performance standards for ~~exceptional~~ students with disabilities adopted by the district school board; and minimum number of course credits specified by the district school board. For students graduating after 2001-2002 mastery is determined as indicated in subsection (12) of this rule.

(b) The second option shall include procedures for determining and certifying mastery of demonstrated employment and community competencies in accordance with subsection (14)~~(42)~~ of this rule.

(2) Diploma procedures. Each school board shall develop procedures for ensuring that students may select and move between the Special Diploma options prescribed in subsection (1) of this rule, if both options are provided by the school district, and between courses of study leading to Standard or Special Diplomas, as appropriate.

(a) The individual educational plan (IEP) committee shall document whether the student is pursuing a course of study leading toward a Standard or Special Diploma on the IEP developed during the student's eighth grade year, or the IEP developed during the school year of prior to the student's fourteenth sixteenth birthday, whichever occurs first. This decision shall be reviewed annually.

(b) Nothing contained in this rule shall be construed to limit or restrict the right of ~~an exceptional student with a disability~~ solely to a Special Diploma. The parents of each exceptional student eligible for a Special Diploma for ~~exceptional students with disabilities~~ shall be notified through the IEP process in writing of the options available under this rule ~~prior to tenth grade testing~~.

(c) Special Diploma requirements shall be included in the district pupil progression plan adopted pursuant to Section 232.245, Florida Statutes.

(3) Educable mentally handicapped. Student performance standards for students identified as educable mentally handicapped shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as educable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or~~

~~(a)(b) Beginning with the school year 1996-97, m~~Mastery of the following student performance standards for ~~exceptional students with disabilities at the levels of: as prescribed by Rule 6A-1.0941, FAC.;~~ Reading, Level IV; Writing, Level V; Language, Level V; Mathematics, Level V; and Social and Personal, Level V; as adopted by Rule 6A-1.0941, FAC., and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as educable mentally handicapped.

(4) Trainable mentally handicapped. Student performance standards for students identified as trainable mentally handicapped shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as trainable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or~~

~~(a)(b) Beginning with school year 1996-97, m~~Mastery of the following student performance standards for ~~exceptional students with disabilities at the levels of: as prescribed by Rule 6A-1.0941, FAC.;~~ Reading, Level III; Writing, Level IV; Language, Level III; Mathematics, Level III; and Social and Personal, Level III; as adopted by Rule 6A-1.0941, FAC., and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as trainable mentally handicapped.

(5) Hearing impaired. Student performance standards for students identified as hearing impaired shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as hearing impaired as prescribed by Rule 6A-1.0941, FAC.; or~~

~~(a)(b) Beginning with school year 1996-97, m~~Mastery of the following student performance standards for ~~exceptional students with disabilities at the levels of as prescribed by Rule 6A-1.0941, FAC.;~~ Reading, Level V; Writing, Level V; Language, Level IV; Mathematics, Level V; and Social and Personal, Level V; as adopted by Rule 6A-1.0941, FAC., and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as hearing impaired.

(6) Physically impaired. Student performance standards for students identified as physically impaired shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as educable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or~~

~~(a)(b) Beginning with school year 1996-97, m~~Mastery of the following student performance standards for ~~exceptional students with disabilities at the levels of: as prescribed by Rule 6A-1.0941, FAC.;~~ Reading, Level V; Writing, Level V; Language, Level III; Mathematics, Level V; and Social and Personal, Level V; as adopted by Rule 6A-1.0941, FAC., and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as physically impaired.

(7) Language impaired. Student performance standards for students identified as language impaired shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for any other exceptional students identified in this rule, as appropriate, shall be specified in the student's IEP; or~~

~~(a)(b) Beginning with school year 1996-97, m~~Mastery of the following student performance standards for ~~exceptional students with disabilities at the levels of: as prescribed by Rule 6A-1.0941, FAC.;~~ Reading, Level V; Writing, Level V; Language, Level III; Mathematics, Level V; and Social and Personal, Level VI; as adopted by Rule 6A-1.0941, FAC., and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as language impaired.

(8) Emotionally handicapped. Student performance standards for students identified as emotionally handicapped shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as educable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or~~

~~(a)(b) Beginning with school year 1996-97, m~~Mastery of the following student performance standards for ~~exceptional students with disabilities at the levels of: as prescribed by Rule~~

~~6A-1.0941, FAC., Reading, Level V; Writing, Level V; Language, Level V; Mathematics, Level V; and Social and Personal, Level IV; as adopted by Rule 6A-1.0941, FAC., and~~

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as emotionally handicapped.

(9) Specific learning disabilities. Student performance standards for students identified as specific learning disabled shall include:

~~(a) For students graduating prior to the school year 1996-97, mastery of the eleventh grade student performance standards for students identified as educable mentally handicapped as prescribed by Rule 6A-1.0941, FAC.; or~~

~~(a)(b)~~ Beginning with school year 1996-97, in Mastery of the following student performance standards for exceptional students with disabilities at the levels of: as prescribed by Rule 6A-1.0941, FAC., Reading, Level V; Writing, Level V; Language, Level VI; Mathematics, Level V; and Social and Personal, Level V; as adopted by Rule 6A-1.0941, FAC., and

~~(b)(e)~~ Completion of the minimum number of course credits prescribed by the school board for students identified as specific learning disabled.

(10) Profoundly handicapped. Student performance standards for students identified as profoundly handicapped.

(a) Students with profound handicaps shall include students identified as profoundly mentally handicapped, dual-sensory impaired, autistic, or severely emotionally disturbed as defined by Rule 6A-6.03021, FAC., and

(b) The determination of the requirements for a Special Diploma for students identified as profoundly handicapped shall be consistent with the requirements for any other ~~exceptional~~ students identified in this rule and shall be specified in the student's IEP.

(11) Eleventh grade student performance standards. For ~~exceptional~~ students defined in this rule, mastery of the eleventh grade, student performance standards, through successful completion of courses, as defined in Rule 6A-1.0941(1), FAC., shall be accepted in lieu of mastery of the student performance standards noted above for awarding of a special diploma.

(12) Special Diploma Requirements. Beginning with school year 2002-2003, special diploma requirements for certain students with disabilities shall include:

(a) demonstration of proficiency at the independent, supported, or participatory level of each Sunshine State Standard for Special Diploma prescribed in paragraph (1)(h) of Rule 6A-1.09401, FAC., as determined through the IEP process, and

(b) completion of the minimum number of course credits for a special diploma as prescribed by the school board.

(13) Sunshine State Standards. For students with disabilities as defined in this rule, mastery of the Sunshine State Standards through successful completion of courses that

meet graduation requirements for a standard diploma, specified in paragraphs (1)(a) through (g) of Rule 6A-1.09401, FAC., shall be accepted in lieu of Sunshine State Standards for Special Diploma noted in subsection (12) of this rule for awarding of a special diploma.

~~(14)(12)~~ Employment and community competencies. Each school board's requirements for demonstration of mastery of specified employment and community competencies shall ensure:

(a) The student has achieved all the annual goals and short-term objectives which were specified on the IEP related to the employment and community competencies;

(b) The student is employed in a community-based job, for the number of hours per week specified in the student's training plan, for the equivalent of one (1) semester, and paid a minimum wage in compliance with the requirements of the Fair Labor Standards Act;

(c) The student has mastered the employment and community competencies specified in a training plan. The training plan shall be developed and signed by the student, parent, teacher, and employer prior to placement in employment and shall identify the following:

1. The expected employment and community competencies;
2. The criteria for determining and certifying mastery of the competencies;
3. The work schedule and the minimum number of hours to be worked per week; and
4. A description of the supervision to be provided by school district staff.

Specific Authority 229.053(1), 232.247 FS. Law Implemented 230.23(6)(a), 232.247 FS. History--New 10-30-88, Amended 6-14-94.

c.f. Minimum Student Performance Standards for Florida Schools 1994-95 through 2002-2003, 1995-96, 1996-97, 1997-98, 1998-99 Beginning Grades 3, 5, 8, and 11, Reading, Writing, and Mathematics
~~Minimum Student Performance Standards for Florida Schools 1985-86, 1986-87, 1987-88, 1988-89, 1989-90, 1990-91, 1991-92, 1992-93, 1993-94, 1994-95, 1995-96 Exceptional Student Programs for Students Identified as Hearing Impaired, Programs for Students Identified as Educable Mentally Handicapped, and Programs for Students Identified as Trainable Mentally Handicapped~~

Student Performance Standards for Florida Schools 1996-97 through 2001-2002, 1997-98, 1998-99, 1999-2000, 2000-2001 Exceptional Students, Reading, Writing, Language, Mathematics, and Social and Personal Sunshine State Standards for Special Diploma, 1999

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLES:

Recruitment, Selection, Appointment, and

Nonreappointment

Compensation

Benefits and Hours of Work

Evaluation and Recognition

RULE NOS.:

6C-5.910

6C-5.915

6C-5.920

6C-5.925

Promotion, Change in Assignment,
Demotion and Transfer 6C-5.935
Tenure and Permanent Status 6C-5.940
Employee Ethical Obligations and
Conflicts of Interest 6C-5.945
Disciplinary Actions, Complaints, and Appeals 6C-5.950
Separations From Employment and Layoff 6C-5.955
PURPOSE AND EFFECT: Rule 6C-5.910 – Clarifies terminology used to describe employee appointments; appointments paid from OPS are for the period of time specified in the employment offer; removes time limitations for visiting appointments; expands use of trainee status for positions with limited applicants; clarifies that time limited positions have the same employment rights as regular appointments except they do not have layoff and recall rights.
Rule 6C-5.915 – Increases flexibility of the chief administrative officer in making pay decisions; provides for special pay increases for sustained superior performance; authorizes Chancellor rather than the Board to approve pay not meeting guidelines when administrators return to faculty appointments with a report to the Board of such approvals.
Rule 6C-5.920 – Clarifies that employees entering the Deferred Retirement Optional Program (DROP) may request payout of annual leave.
Rule 6C-5.925 – Provides university flexibility to establish employee performance reviews on a cycle other than annual, except that employees must be evaluated every two years.
Rule 6C-5.935 – Eliminates requirement that promotions be limited to persons with exemplary performance in their present position.
Rule 6C-5.940 – Requires tenure to be achieved by the end of the sixth year.
Rule 6C-5.945 – Recognizes assigned service under academic freedom and collegial behavior as an academic responsibility.
Rule 6C-5.950 – Clarifies procedures in the employment complaint appeals process; clarifies that employee has obligation to move case toward resolution; when an employee is represented by an organization, the organization must use the grievance procedure in the collective bargaining agreement; requires the arbitrator to send the Board a copy of the decision; clarifies that the employee must choose the process under which he/she pursues employment complaint.
Rule 6C-5.955 – Clarifies that a USPS employee in a time-limited appointment may be separated at any time without requirement of notice or reason and without rights of appeal.
SUBJECT AREA TO BE ADDRESSED: Personnel rules of the State University System affecting employees.
SPECIFIC AUTHORITY: 240.209(1), (3)(f) FS.
LAW IMPLEMENTED: 240.209(1),(2),(3)(f), 240.246, 775.16, 216.011(1)(aa), 240.283, 110.117-110.122, 115.14, 216.011(1)(x), 250.48, 121, 440, 240.2111, 240.245, 240.227 (1),(5),(19), 104.31, 112.313, 112.3145, 240.261, 447.209 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 8:30 a.m., May 27, 1999

PLACE: Student Union, Florida Atlantic University, Boca Raton, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, Tallahassee, Florida 32399-1950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6C-5.910 Recruitment, Selection, Appointment, and Nonreappointment.

(4) Each University shall use the following appointment ~~status~~ modifiers which defines the conditions of an employee's appointment. Such appointment modifiers apply to the appointment of a qualified employee unless otherwise stated.

(a) Faculty Appointment Modifiers

1. Regular – A continuing appointment or an original temporary appointment ~~which may expected to~~ be followed by a continuing appointment. The appointment modifier is not included in the title.

3. Adjunct – ~~An temporary~~ appointment paid from OPS. ~~Such appointment is for one academic term at a time and is ordinarily paid on a per course basis.~~ Adjunct appointments may not be for more than 50% of the time throughout an academic year or full-time for more than twenty six weeks of a fiscal year, unless approved by the Chief Administrative Officer. Such appointments are for temporary or part-time employment and the term of employment is only for the period specified in the offer.

5. Visiting – An appointment of a person having ~~appropriate~~ professional qualifications, where either the person or the position is ~~but not expected to be available for more than a limited period of time, or to a position which is expected to be available for a limited period.~~ A visiting appointment for ~~in-unit faculty may not be provided for more than three consecutive years, unless approved by the Chief Administrative Officer.~~

(b) A&P Appointment ~~Status~~ Modifiers

1. Regular – A continuing appointment or an original temporary appointment ~~which may expected to~~ be followed by a continuing appointment. The appointment modifier is not included in the title.

4. Visiting – An appointment of a person having ~~appropriate~~ professional qualifications, where either the person or the position is ~~but not expected to be available for more than a limited period of time, or to a position which is expected to~~

~~be available for a limited period. A visiting appointment may not be provided for more than three consecutive years, unless approved by the Chief Administrative Officer.~~

(c) USPS Appointment ~~Status~~ Modifiers

2. Probationary – An appointment to a position in a class for the designated period, where the employee meets the minimum qualifications for the position. Continuous successful performance in a class ~~while serving with the appointment modifier of temporary or emergency status~~ may be counted toward completion of the required probationary period. The decision to count such time toward completion of the probationary period shall be made at the time the employee is initially appointed with probationary status.

3. Trainee – An appointment to a law enforcement position prior to receiving a Certificate of Compliance, except that the employee must, within 180 consecutive days following such appointment, be actively enrolled in the training program to obtain the certificate. Trainee status is also used when the employee has not passed a required examination, but meets the minimum qualifications for the position; qualified applicants are not ~~sufficiently~~ available for the position; ~~and the employee does not meet the minimum qualifications for the position, and the appointment meets the requirement of an affirmative action program;~~ or the appointment is under a cooperative education program, a vocational rehabilitation program, approved university training program, or an apprenticeship program.

6. Time-limited – An appointment to a position funded by contract and grant, auxiliaries, or local funds, as appropriate, for a particular project, enterprise, or specified period. Such designation must be made to the position at the time of recruitment. A time-limited position shall have the same rights as a regular appointment modifier, except such position shall not have rights provided for layoff and recall.

Specific Authority 240.209(1),(3)(f)(~~g~~) FS. Law Implemented 240.209(1), (3)(f), 240.246, 775.16 FS. History–New 1-24-96, Amended.

6C-5.915 Compensation.

(3) Base rate of pay is the pay provided employees not including any additives as provided for in Section (6)(g), below. Regular rate of pay is an employee's base rate of pay plus any other pay which may be necessary to meet the requirements of the Fair Labor Standards Act (FLSA). Hourly pay is computed based on 2088 work hours annually. A factor of 26.1 is used for annualizing biweekly pay.

(c) A retroactive effective date for a ~~any~~ pay action shall ~~not be permitted with the approval of the Chief Administrative Officer; however, such retroactive period shall not exceed twelve months except delayed pay increases shall be granted if funds become available within twelve months of the or the date of the documentation of the intent to increase the pay whichever is longer. The increase may be effective not earlier than the date of such documentation.~~

(d) A pay increase may be provided for a temporary change in assignment on an acting basis and, upon return to original responsibilities, the pay may ~~shall~~ be adjusted.

(4) Pay upon original appointment for A&P and USPS shall be made within the pay range with the following exceptions.

(a) A provisional ~~status~~ appointment for A&P may be ~~made at no more than 10 percent~~ below the minimum of the pay range. The pay shall be increased to at least the minimum of the pay range upon the employee attaining the minimum qualifications for the class.

(b) A trainee ~~status~~ appointment for USPS shall be in accordance with the approved individual training schedule and may ~~shall~~ be below the minimum of the pay range.

(c) An emergency appointment ~~status~~ for USPS may be below the minimum of the pay range, but shall be no more than 10 percent below the minimum.

(6) Other pay increases may be provided under the following categories:

(e) Lump sum payments to recognize the successful completion of a special project or assignment which is in addition to the employee's regularly assigned duties, or a documented significant increase in productivity or productivity goal achievement including a group incentive program. Such A payment ~~in this category~~ for employees subject to the FLSA shall not exceed the greater of ten percent of the employee's annual base pay or \$3,000 (before taxes). For other employees, such a payment ~~in this category~~ shall not exceed 15 percent of the employee's annual base rate of pay, unless approved by. ~~If the 15 percent would create an inequity in the amount to be paid for an employee not covered by FLSA, the Chief Administrative Officer may submit a recommendation for approval to the Chancellor.~~

(f) Increases to recognize documented, sustained superior performance.

(g)(~~f~~) Approved career development/apprenticeship programs.

(h)(~~g~~) Pay additives including those for asbestos-related activities, lead abatement activities, leadworker pay, shift differentials, on-call pay, field training officer activities, and other approved activities.

(7) Other pay adjustments.

(a) An employee who is demoted shall receive pay commensurate with the responsibilities assigned. ~~The demotion may be with or without a reduction in base rate of pay, but shall not exceed the maximum of the pay range to which appointed.~~

(c) When the assignment of Faculty serving in an administrative position such as Vice President, Dean or Director is changed, the pay and appointment period shall be adjusted to reflect the new responsibilities. If the adjusted pay of an administrator, whose appointment is being changed to a ranked Faculty, will be greater than 90 percent of the range of

the pay for Faculty in the same rank in the college or school in which the employee is to be appointed, the new pay must be approved by the Chancellor Board. The Chief Administrative Officer shall submit a recommendation for approval to the Chancellor, including a justification for the proposed pay, the employee's experience, qualifications, academic discipline, and other relevant factors. The Chancellor will advise the Board of such approvals.

Specific Authority 240.209(1),(3)(f)(~~g~~) FS. Law Implemented 216.011(1)(aa), 240.209(1),(3)(f), 240.283 FS. History--New 1-24-96, Amended 2-1-98.

6C-5.920 Benefits and Hours of Work.

(10) Annual leave for full-time employees shall be as follows with proportionate accrual for less than full-time. An academic year (39 weeks) employee, a Developmental Research School employee, and an employee appointed for less than 9 months shall not accrue annual leave. Hours of accrual for USPS is based on years of creditable service and such service shall be awarded as one month of service credit for each calendar month that the employee is on the salaried (non-OPS) payroll of a University or other State agency or during authorized unpaid leave.

(e) ~~Upon separation~~ An employee who separates from employment shall be paid for all up to the year end maximum unused annual leave hours up to the year end maximum allowed for the pay plan. Upon reemployment by the SUS within 100 days or upon recall by the University within one year, all unpaid annual leave shall be restored and any annual leave paid at time of separation shall be restored upon repayment. Upon entering into the Deferred Retirement Optional Program (DROP), employees may elect to be paid up to the year end maximum of their unused annual leave.

Specific Authority 240.291(1)(3)(f)(~~g~~) FS. Law Implemented 110.117-110.122, 115.14, 216.011(1)(x), 240.209(1),(3)(f), 250.48, Chapters 121, 440 FS. History--New 1-24-96, Amended.

6C-5.925 Evaluation and Recognition.

(1) The following provisions govern employee evaluations and performance improvement.

(b) Each University shall establish procedures to conduct periodic performance reviews. Each employee shall be evaluated at least once every two years annually on the basis of total performance in fulfilling assigned responsibilities.

Specific Authority 240.209(1),(3)(f)(~~g~~) FS. Law Implemented 240.209(1),(2),(3)(f), 240.2111, 240.245 FS. History--New 1-24-96, Amended.

6C-5.935 Promotion, Change in Assignment, Demotion and Transfer.

(2) Promotion

(b) Administrative and Professional promotion is the appointment to another position or class with substantially increased responsibilities, or a permanent assignment of substantially increased responsibilities for the existing

classification. ~~With the exception of a classification change resulting in a promotion, the criteria for promotion shall include exemplary performance of duties in the employee's present position.~~ An employee must meet the minimum qualifications for the position to which promoted.

(c) USPS promotion is the appointment to a class with substantially increased responsibilities. ~~With the exception of a classification change resulting in a promotion, the criteria for promotion shall include exemplary performance of duties in the employee's present position.~~ An employee must meet the minimum qualifications for the position to which promoted. Upon promotion, the employee's appointment modifier shall be determined pursuant to Rule 6C-5.910(4)(c). ~~status shall be probationary, trainee, temporary, or emergency status; however, An employee who has employee's status shall not be probationary or trainee if the employee had previously earned permanent status in the class to which promoted shall be promoted with permanent status.~~

(4) A demotion is an appointment to a class or position having less responsibility. Upon demotion, a USPS employee's appointment modifier status shall be determined pursuant to Rule 6C-5.910(4)(c); however, if the employee previously held permanent status in the class to which demoted, the demotion shall be with permanent status.

Specific Authority 240.209(1),(3)(f)(~~g~~) FS. Law Implemented 240.209(1),(3)(f), 240.227(1),(5),(19), 240.245 FS. History--New 1-24-96, Amended.

6C-5.940 Tenure and Permanent Status.

(1) Faculty tenure shall be administered consistent with the following provisions.

(b) Tenure is awarded upon demonstration of highly competent performance. Tenure criteria shall address the areas of teaching; research and other scholarly activities; and service to the public, the discipline, and the university including those professional responsibilities consistent with faculty status. These criteria shall take into account the mission and needs of the institution and shall place appropriate emphasis upon teaching and teaching-related scholarship. In this regard, the institution shall ensure that teaching is evaluated broadly, including assessments by peers and students, and that teaching performance is prominently considered in the award of tenure.

(d) Appointments to the ranks of assistant professor, associate professor, and professor are tenure-earning when they do not include the appointment ~~status~~ modifier of acting, adjunct, joint, provisional, visiting, research, clinical, courtesy, honorary, or affiliate. Appointments which include the appointment ~~status~~ modifier of multi-year, joint, provisional, visiting, research, clinical, or affiliate are ordinarily nontenure-earning, however, employees with these appointment ~~status~~ modifiers may earn time toward tenure as determined by the Chief Administrative Officer at the time of appointment. If an employee is initially appointed to the rank of instructor or to a nontenure-earning rank and is subsequently

appointed to a tenure-earning position, all or a portion of the prior service in such nontenure-earning position may be counted toward tenure, provided the Chief Administrative Officer agrees to credit such service.

(e) The decision to recommend ~~nominate~~ an employee for tenure shall be made no later than ~~shall ordinarily be made during the sixth fifth~~ year of continuous full-time service or equivalent part-time service in a tenure-earning position. Tenure-earning employees not recommended for tenure by the end of six years of continuous full-time, or equivalent part-time service, shall be given notice that further employment will not be offered. At the employee's option and with the concurrence of the appropriate administrative officials, the employee may elect to be considered for tenure during the sixth year. Full-time service for the purpose of tenure eligibility shall mean employment at 1.0 FTE during at least 39 weeks of any twelve month or nine month contract period. Part-time service shall mean employment during at least one semester of any twelve month period.

~~(i) A tenure-earning employee shall be recommended for tenure at the end of six years of continuous full-time, or equivalent part-time service or given notice that further employment will not be offered. Upon the employee's request, the Chief Administrative Officer shall provide a statement of the reason the employee was not recommended for tenure.~~

~~(j)(+)~~ The recommendation of any employee for tenure shall signify that the Chief Administrative Officer is satisfied the employee will continue to make significant professional contributions to the University and the academic community. Upon recommendation by the Chief Administrative Officer and approval by the Board, tenure shall be awarded.

~~(j)(+)~~ With sufficient justification, tenure may also be recommended by the Chief Administrative Officer and approved by the Board at the time of initial appointment or prior to the ~~sixth fifth~~ year of tenure-earning service.

~~(k)(+)~~ Transfer of tenure shall be at the discretion of the University to which the employee is transferring.

Specific Authority 240.209(1),(3)~~(f)(+)~~ FS. Law Implemented 240.209(1), (3)(f), 240.277(1),(5),(19) FS. History—New 1-24-96, Amended 1-30-97, _____.

6C-5.945 Employee Ethical Obligations and Conflicts of Interest.

(6) Academic freedom and responsibility apply to teaching, research, ~~and~~ creative activity, and assigned service.

(b) Faculty shall be responsible to:

3. Contribute to the orderly and effective functioning of the academic unit and/or the University and conduct oneself in a collegial manner in all interactions.

4.3. Represent themselves as institutional representatives, only when authorized to do so.

Specific Authority 240.209(1),(3)~~(f)(+)~~ FS. Law Implemented 104.31, 112.313, 112.3145, 240.209(1),(3)(f), 240.227(1),(5) FS. History—New 1-24-96, Amended _____.

6C-5.950 Disciplinary Actions, Complaints, and Appeals.

(4) USPS Arbitration Appeal Procedure – Consistent with the procedures set forth below, ~~a~~An employee who has earned permanent status in his/her current classification shall have the right to appeal to an arbitrator any suspension, dismissal, layoff, demotion, job abandonment, transfer, or reduction in pay, provided that the employee has not signed a statement indicating the action was voluntary. An employee whose position is classified to a lower class shall have the right to appeal only the reduction in pay, if any, which has occurred as a result of the demotion appointment.

(a) Request for Processing.

1. If an employee requests an arbitration, the employee shall, within 14 working days after the receipt of notice of the employment action from the University, file with the Board Office a completed Arbitration Request form by either U.S. Mail, return receipt requested, or in person. This form is incorporated by reference and is titled Arbitration Request Pursuant to Rule 6C-5.950(4) dated November 1, 1995, and can be obtained from the University Personnel Director. A copy of the form must also be filed with the Chief Administrative Officer and the employee's immediate supervisor.

5. When an action can be is both appealed ~~appealable~~ under this rule and grieved ~~grievable~~ under a collective bargaining agreement the employee shall have the option of using either procedure. The filing of the arbitration request form constitutes a waiver of any rights to review of the matter under an applicable collective bargaining agreement, Chapter 120, F.S., or other SUS or University review procedures. If the employee and/or representative seeks a review of a matter in an alternative forum after requesting arbitration under this rule or fails to appear at the scheduled arbitration hearing, the Board and the University shall have no obligation to proceed further.

6. An arbitration request on which no action has been taken by the employee for sixty (60) days shall be deemed withdrawn and resolved in accordance with the decision of the University.

(b) Fees and Expenses.

1. All fees and expenses for the arbitrator will be paid by the University. However, wWhen an employee is represented by an employee organization, the organization must use the grievance procedure set forth in the collective bargaining agreement and the arbitrator's fees and expenses shall be paid by the party who fails to prevail in the arbitration or evenly split if the award sustains the appeal in part and denies it in part.

(e) Hearing.

1. The arbitrator shall hold the hearing at the city where the main campus of the University is located, unless otherwise agreed by the parties. The hearing shall commence within 60 ~~30~~ working days of the arbitrator's acceptance of selection, or as soon thereafter as is practicable. Arbitration proceedings

shall be conducted in accordance with this rule, supplemented by the Labor Arbitration Rules published by the American Arbitration Association, in effect on the date of the hearing as Amended and Effective on September 1, 1993.

2. The arbitrator or the attorneys representing either party may subpoena witnesses and compel the production of documents pertinent to the appeal. All requests for subpoenas must be made to the arbitrator no later than 10 working days prior to the arbitration date and each party is responsible for providing its own witnesses and documents which it wishes to present. The parties shall exchange lists of subpoenaed witnesses no fewer than 10 working days before the scheduled date of the hearing.

3. Within 60 calendar days of the hearing, the arbitrator shall issue to the Board, the University and the employee a written order which may affirm, reverse, or alter the decision of the University.

(f) Jurisdiction of Arbitrator.

1. The arbitrator shall neither add to, subtract from, modify, or alter the provisions of these rules, University rules and policies or procedures, or an applicable collective bargaining agreement. Arbitration shall be confined solely to the application and/or interpretation of those provisions and limited to the matters in the Request for Arbitration Form submitted for arbitration. No statements of opinion or conclusions not essential to the determination of the matters submitted shall be permitted. The arbitrator shall not review managerial decisions other than to ensure that such actions are in accordance with the applicable procedures under review. When an administrator has made a judgment involving the exercise of discretion, the arbitrator shall not substitute the arbitrator's judgment for that of the administrator. In the case of suspension, dismissal, and reduction in pay taken as a disciplinary action, the arbitrator shall determine whether there is just cause for such action.

6. The arbitrator shall not convert or transform an arbitration request filed under this rule into a grievance or arbitration under an applicable collective bargaining agreement.

Specific Authority 240.209(1),(3)(f)(~~g~~) FS. Law Implemented 240.209(1), (3)(f), 240.227(1),(5), 240.261, 447.209 FS. History--New 1-24-96, Amended

6C-5.955 Separations from Employment and Layoff.

(1) Separations from employment shall be administered consistent with the following provisions.

(d) OPS and USPS employees without permanent status in any class or USPS employees in ~~on~~ time-limited appointments may be separated from employment at any time without any requirements of notice or reason and without rights of appeal.

(2) Layoff shall be administered consistent with the following provisions.

(g) Employees are to be informed of layoff as soon as practicable. Where circumstances permit, ~~all Faculty and A&P~~ employees are to be provided at least 30 calendar days ~~a one year's notice for employees with three or more years of service and at least six month' notice to those with less service.~~ However, a ~~A~~ USPS employee with permanent status shall be given no less than ~~at least~~ 14 calendar days notice of layoff or in lieu thereof, two weeks pay at the employee's current regular hourly rate, or a combination of notice and pay. A notice of layoff shall be sent to the employee by certified mail, return receipt requested, or delivered in person to the employee.

Specific Authority 240.209(1),(3)(f)(~~g~~) FS. Law Implemented 240.209(1), (3)(f), 240.227(1),(5),(19), 447.209 FS. History--New 1-24-96, Amended

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Review of Local Emergency

Management Plans

9G-6

RULE TITLES:

RULE NOS.:

Definitions

9G-6.002

Schedule for Development and Review of

County and Municipal Comprehensive

Emergency Management Plans

9G-6.005

County Comprehensive Emergency Management

Plans -- Review by Division

9G-6.006

Municipal Comprehensive Emergency

Plans -- Review By County

Emergency Management

9G-6.010

PURPOSE AND EFFECT: The purpose of this revision to Rule Chapter 9G-6, is to revise steps in the local CEMP review process for additional clarity and comprehension.

SUBJECT AREA TO BE ADDRESSED: Local Emergency Management Plans.

SPECIFIC AUTHORITY: 252.35(2)(u), 120.53, 120.57 FS.

LAW IMPLEMENTED: 252.35(1),(2)(a),(b),(c),(d),(k),(v), 120.57, 252.38(1),(2) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE DETERMINED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Suzanne F. Adams, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9934

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Local Emergency Management Plans

9G-7

RULE TITLES:
 Definitions
 County Comprehensive Emergency Management Plans
 The County Radiological Emergency Management Plan for Nuclear Power Plants
 Municipal Comprehensive Emergency Plans
RULE NOS:
 9G-7.0012
 9G-7.003
 9G-7.008
 9G-7.010
PURPOSE AND EFFECT: The purpose of this revision to Rule Chapter 9G-7, is to expand the scope of the local CEMP to include additional hazards, update response, recovery, and mitigation activities, and to revise the "Local Comprehensive Emergency Management Plan Compliance Criteria".
SUBJECT AREA TO BE ADDRESSED: Local Emergency Management Plans.
SPECIFIC AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED:
 252.35(1),(2)(a),(b),(c),(d),(k),(u),(v), 252.60, 252.38(2), 252.38(1) FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE DETERMINED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Suzanne F. Adams, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9934

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule
RULE CHAPTER NO.: 9G-19

RULE TITLES:
 Definitions
 Competitive Awards Eligibility
 Procedures for Awarding Competitive Grants
 Selection Criteria for Competitive Grants
RULE NOS:
 9G-19.002
 9G-19.007
 9G-19.008
 9G-19.009

PURPOSE AND EFFECT: The purpose of this amendment to Rule Chapter 9G-19, Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule, is to implement changes that will streamline and clarify specific existing rule language relative to the competitive grant process particularly relating to match requirements and scoring criteria/time frames. This revision will help to ensure the receipt and funding of projects designed to enhance emergency management capabilities.

SUBJECT AREA TO BE ADDRESSED: Competitive grant process.

SPECIFIC AUTHORITY: 252.35, 252.373 FS.

LAW IMPLEMENTED: 252.35, 252.373, 252.38, 216.181 FS.
 IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE DETERMINED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Suzanne F. Adams, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9934

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: Records of Interruptions and Commission Notification of Threats to Bulk Power Supply Integrity or Major Interruptions of Service
RULE NO.: 25-6.018

PURPOSE AND EFFECT: To simplify the reporting requirement set out in Rule 25-6.018. The amendment eliminates the requirement that utilities must report the names of customers interrupted or curtailed. The amendment instead provides that utilities must make this information available to the Commission upon request.

SUBJECT AREA TO BE ADDRESSED: Interruptible and curtailable rate schedule reporting requirements.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04(2)(c), (2)(f),(5), 366.055 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

The workshop request must be submitted in writing within 14 days of the date of this notice to: Mary Anne Helton, Division of Appeals, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elisabeth Draper, Division of Electric and Gas, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.018 Records of Interruptions and Commission Notification of Threats to Bulk Power Supply Integrity or Major Interruptions of Service.

(1) Each utility shall keep a record of all major ~~and/or~~ prolonged interruptions to services affecting an entire community or a substantial portion of a community. Such record shall show cause for interruption, date, time duration, remedy, and steps taken to prevent recurrence, where applicable.

(2) No change.

(3) Each utility with interruptible or curtailable rate schedules shall provide a report to the Commission of customer interruptions and curtailments for each applicable rate schedule for those months when interruptions occur. The report ~~shall~~ ~~should~~ include ~~the names of the customers interrupted or curtailed,~~ the reason for interruption or curtailment, the date, time, and duration of the interruption or curtailment, and amount of load shed. Each utility shall keep a record of the names of the customers interrupted and curtailed, which must be provided to the Commission upon request. For utilities with optional billing provisions which provide for the utility to purchase power from another utility and supply it directly to the interrupted or curtailed customer, the utility shall provide a report to the Commission indicating ~~the name of the customer,~~ the source, date, time, and amount of purchase in megawatt hours, and cost per megawatt hour for those months when purchases are made under the optional billing provision. Each utility shall keep a record of the names of the customers for whom purchases were made under the optional billing provision, which must be provided to the Commission upon request. Reports of customer interruptions ~~and~~ ~~or~~ curtailments are not required when done under direct load management programs as approved by the Commission.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c),(f), (5), 366.055 FS. History--Amended 7-29-69, 4-13-80, Formerly 25-6.18, Amended _____.

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Definitions RULE NO.: 39-1.004

PURPOSE AND EFFECT: Changes will be made to definitions to reflect changes made in Rule 39-27 related to endangered species, threatened species, species of special concern, candidate species, and take.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP ON THE PROPOSED RULE WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S WORKSHOP AND PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIMES AND DATES: 1:30 p.m., May 13, 1999 and 9:00 a.m., May 14, 1999

PLACE: To be announced at a later date

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Brian Millsap

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

GAME AND FRESH WATER FISH COMMISSION

RULE TITLES:	RULE NOS.:
General Prohibitions	39-4.001
Possession of Gun While Using a Light Prohibited	39-4.002
Possession of Wildlife or Freshwater Fish or the Carcasses Thereof	39-4.004
Introduction of Foreign Wildlife or Freshwater Fish or the Carriers of Disease	39-4.005
Obligation to Permit Search or Inspection	39-4.006
Exclusion of Certain Areas from Open season	39-4.007
Taking Wildlife on Roads and Rights-of-Ways Prohibited	39-4.008
Hunting Prohibited on Certain Water Control District Roads; Closing Procedure	39-4.081

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish general prohibitions related to wildlife or freshwater fish.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general prohibitions, possession of gun and light, possession of wildlife or freshwater fish or carcasses thereof, introduction of foreign wildlife or freshwater fish or carriers of disease, obligation to permit search or inspection, exclusion of certain areas from open season, taking wildlife from roads and rights-of-way, and hunting on certain water control district roads.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

WORKSHOPS ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S WORKSHOPS AND PUBLIC MEETINGS AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIMES AND DATES: 1:30 p.m. on the following dates: May 14, 1999, September 17, 1999; November 19, 1999; 9:00 a.m. on the following dates: May 15, 1999; September 18, 1999; November 20, 1999

PLACE: Specific locations to be announced

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

GAME AND FRESH WATER FISH COMMISSION

RULE TITLE: Regulations Governing the Operation of Private Hunting Preserves

RULE NO.: 39-12.010

PURPOSE AND EFFECT: To allow private hunting preserves to be permitted adjacent to refuges and wildlife management areas where there are no conflicts with the management objectives of the adjacent wildlife management area or refuge and public safety is not compromised.

SUBJECT AREA TO BE ADDRESSED: Proximity of hunting preserves to wildlife management areas and refuges.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP ON THE PROPOSED RULE WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S WORKSHOP AND PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIMES AND DATES: 1:30 p.m., May 13, 1999; 9:00 a.m., May 14, 1999

PLACE: To be announced at a later date

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. James V. Antista, General Counsel

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida, 32399-1600, (850)487-1764

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

GAME AND FRESH WATER FISH COMMISSION

RULE TITLES:	RULE NOS.:
Establishment Orders	39-14.001
Opening or Closing Areas Other Than Restricted Hunting Areas, Bird Sanctuaries or Critical Wildlife Areas; General	39-14.0011
Establishment of Type I Wildlife Management Areas	39-14.002
Establishment of Type II Wildlife Management Areas	39-14.003
Establishment of Wildlife and Environmental Areas	39-14.004
Establishment of Wildlife Refuges	39-14.005
Establishment of Bird Sanctuaries, Critical Wildlife Areas or Restricted Hunting Areas	39-14.006
Establishment of Fish Management Areas	39-14.007
Establishment of Wild Hog Areas	39-14.008
Establishment of Miscellaneous Areas	39-14.009

PURPOSE AND EFFECT: The proposed rule will streamline Commission rules which incorporate various management area establishment orders so as to consolidate the lists of establishment orders into one rule and to incorporate by reference the list of such orders.

SUBJECT AREA TO BE ADDRESSED: Rules governing establishment orders.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP ON THE PROPOSED RULE WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S WORKSHOP AND PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIMES AND DATES: 1:30 p.m., May 13, 1999; 9:00 a.m., May 14, 1999

PLACE: To be announced at a later date

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Game and Fresh Water Fish Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

RULE CHAPTER TITLE: Indigo Community Development
 RULE CHAPTER NO.: 42U-1

District
 RULE TITLE: Boundary
 RULE NO.: 42U-1.002

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to amend the boundaries of the Indigo Community Development ("District"), a community development district (CDD), pursuant to Chapter 190, F.S. The District currently consists of approximately 2,484 acres located entirely within Volusia County. It is generally located west of I-95, south and east of LPGA Boulevard (formerly 11th Street), and north of U.S. 92. The District's petition to amend the boundaries of the District requests that the Florida Land and Water Adjudicatory Commission amend Florida Administrative Code Chapter 42U-1 by adding approximately 87.64 acres (expansion parcel), and to delete approximately 18.98 acres (contraction parcel) from the boundaries of the District for a net addition of 68.66 acres. The expansion parcel to be included in the District is generally located adjacent to the current District boundaries in the City of Daytona Beach. The contraction parcel is located adjacent to the District and west of the Tomoka River. After expansion, the District will encompass a total of approximately 2,552.66 acres. The District has written consent to amend the District from the owners of 100% of the real property to be added to and deleted from the District. The petition evidences the District's intention to provide certain master storm-water management systems, street lighting systems, potable water, wastewater, and reuse utility systems, a roadway and entranceway system, a recreational open space lands system, and maintenance of certain interchange improvements for the lands within the District as amended. Certain capital costs associated with these improvements would be borne by the District and may be financed through the use of non-ad valorem special assessments, fees or other user charges.

SUBJECT AREA TO BE ADDRESSED: Amendment of the boundaries of the Indigo Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m. – Noon, Monday, April 19, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty at (850)488-7793 at least 3 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan Johnson, Hopping Greens Sams & Smith, P.A., 123 South Calhoun Street, P. O. Box 6526, Tallahassee, Florida 32314, or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Construction Industry Licensing Board**

RULE TITLE: Exemption from Business and Finance Test
 RULE NO.: 61G4-16.0015

PURPOSE AND EFFECT: Rule 61G4-16.0015 is being amended within subsection (4) to include Division I applicants due to the fact that the business and finance examination is the same for Division I and Division II; therefore, applicants would have already taken the business and finance portion of the examination.

SUBJECT AREA TO BE ADDRESSED: Examinations.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 455.217(1)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Monday, April 19, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-16.0015 Exemption from Business and Finance Test.

(1) through (3) No change.

(4) Any current active certified Division II licensee (excluding pool service, internal pollutant storage tank lining applicator, precision tank tester, and air conditioning "C"), who is an applicant for any other state certified Division II or Division I licensure examination, shall not be required to take the business and finance portion of the exam, provided:

(a) through (b) No change.

Specific Authority 489.108 FS. Law Implemented 455.217(1)(b) FS. History—New 1-24-96, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: RULE NO.:

Schedule for Fees Adopted by the Board 61G16-3.001

PURPOSE AND EFFECT: The proposed rule will set forth the various fees to be paid in connection with certain actions specified in the rule.

SUBJECT AREA TO BE ADDRESSED: Schedule for Fees Adopted by the Board.

SPECIFIC AUTHORITY: 455.217, 455.219, 455.271, 492.104, 492.1101 FS.

LAW IMPLEMENTED: 455.217, 455.219, 455.271, 492.105, 492.1101 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Law Enforcement

DOCKET NO.: 99-10R

RULE TITLE: RULE NO.:

Okeechobee Waterway Boating
Restricted Areas 62N-24.011

PURPOSE AND EFFECT: Martin County has requested that this department establish boating safety areas along the Okeechobee Waterway portion of the Florida Intracoastal Waterway as it makes its way through Martin County. These areas will be at the Timer Powers Park and boat ramp, the Palm City Bridge, the Florida Turnpike Bridge, the I-95 Bridge and the Moore Haven Lock Structure. The wakes from speeding vessels present a danger to vessels being launched or recovered at the public boat ramps located at the Timer Powers Park, Phipps Park and Leighton Park. Obstruction of visibility is also a concern in the areas around the Florida Turnpike Bridge, I-95 Bridge, the St. Lucie Lock and Dam, the Moore Haven Lock Structure.

The local offices of the Florida Marine Patrol and Florida Game and Fresh Water Fish Commission have confirmed that hazardous conditions exist at these locations.

By codifying these zones by rule, all zones established heretofore by the Department (or by the Department of Natural Resources, DNR) other than by rulemaking are disestablished, and any regulatory markers other than those installed to implement this rule will be removed.

This action is being coordinated with the Martin County Commission, United States Army Corps of Engineers and the United States Coast Guard.

SUBJECT AREA TO BE CONSIDERED: The establishment of Slow Speed Minimum Wake zones are as follows: 1,000 feet east of the centerline of the Timer Powers Boat Ramp, shoreline to shoreline, to 1,000 feet west of the centerline of the Timer Powers Boat Ramp at Timer Powers Park. The St. Lucie Lock and Dam easterly, shoreline to shoreline, to 1,000 feet east of the eastern span of the northbound traffic lane of I-95. 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of island located east of Leighton Park at the public boat ramp in the Florida Intracoastal Waterway. The Moore Haven Lock Structure 1,000 feet north of the lock gates to 500 feet southwest of the lock gates within Martin County.

Martin County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain "Resume Normal Safe Operation" markers at the boundaries of the boating restricted areas.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Enforcement Planning and Policy Coordination, Mail Station 650, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-5600, Extension 136

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62N-24.011 Okeechobee Waterway Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a) 1. through 3. No change.

4. Palm City Bridge (C. R. 714) – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 200 feet north of the centerline of the Palm City Bridge to 1,500 feet

south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park and the public boat ramp as depicted in drawing D.

5. St. Lucie Lock and Dam Structure, the Florida Turnpike and I-95 Bridges – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the St. Lucie Lock and Dam easterly to 1,000 feet east of the eastern span of the northbound traffic lane of I-95, as depicted in drawing E.

6. Timer Powers Park and Boat Ramp – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 1,000 feet east of the centerline of the Timer Powers Boat Ramp to 1,000 feet west of the centerline of the Timer Powers Boat Ramp, as depicted in drawing F.

7. Moore Haven Lock Structure – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as in depicted marker G.

(b) Martin County, in coordination and cooperation with the South Florida Water Management District, are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These local governments may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas ~~described in 62N-24.011~~ are depicted on the following drawings:

INSERT MAP

INSERT MAP

INSERT MAP

INSERT MAP

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, 62N-24.011, Amended 1-8-96.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Processing Fee
RULE NO.: 64B3-9.010

PURPOSE AND EFFECT: The Board proposes an amendment to clarify the circumstances under which a processing fee is required.

SUBJECT AREA TO BE ADDRESSED: Processing fee for change of licensure status.

SPECIFIC AUTHORITY: 455.587, 455.711, 483.807(1) FS.

LAW IMPLEMENTED: 455.587, 455.711, 483.807 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as can be heard, April 30, 1999

PLACE: Sheraton, Ft. Lauderdale Airport, 1825 Griffin Road, Ft. Lauderdale, Florida 33004

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-9.010 Processing Fee.

A licensee shall pay a processing fee of \$50.00 when the licensee applies for a change in licensure status at any time other than during licensure renewal. The renewal period shall begin ninety (90) days prior to the end of the biennium and shall end on the last of the biennium. The fee for processing a licensee's request to change licensure status at any time other than at the beginning of a licensure cycle shall be \$50.00.

Specific Authority 455.587, 455.711, 483.807(1) FS. Law Implemented 455.587, 455.711, 483.807 FS. History—New 12-26-94, Formerly 59O-9.010, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Adoption Placement – Children Placed	65C-16.002
Adoption Placement – Evaluation of Applicants	65C-16.005
Abuse Hotline and Criminal Checks	65C-16.007
Determination of Maintenance Subsidy Payments	65C-16.013

PURPOSE AND EFFECT: These rule modifications will eliminate actual or perceived conflicts of interest of individuals in the area of adoptions; modifies the role of the chair of the Adoptive Applicant Review Committee; provides for the rejection of applicants wishing to adoptive if they have prior allegations of abuse or neglect, providing an appeal process; establishes new instructions concerning the calculation of maintenance adoption subsidy.

SUBJECT AREA TO BE ADDRESSED: Adoptions.

SPECIFIC AUTHORITY: 39.012, 63.233, 409.026, 409.166(7) FS.

LAW IMPLEMENTED: 39.508, 39.806, 39.809(2)(k), 63.002(2)(c), 63.022, 63.0425, 63.0427, 63.052, 63.062(3), 63.092(2)(b), 63.122, 409.145, 409.166, 409.401, 435.04(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., April 23, 1999

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gloria Walker, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-16.002 Adoption Placement – Children Placed.

(1) through (2) No change.

(3) Placement of Siblings

(a) through (d) No change.

(e) When siblings are separated despite the diligent efforts of the department the court is authorized pursuant to F.S. 63.0427, to order post-adoption communication and contact among the siblings if the court determines such contact is in the best interest of the children involved.

Specific Authority 39.012, 63.233, 409.026 FS. Law Implemented 409.145, 39.508, 39.806, 39.809(2)(k), 63.0427, 63.052, 63.0425, 63.062(3) FS. History—New 2-14-85, Amended.

65C-16.005 Adoption Placement – Evaluation of Applicants.

(1) through (5) No change.

(6) The best interest of the child is the paramount concern in making an adoptive placement decision. Factors to be considered in making adoptive placement decisions include:

(a) through (m) No change.

(n) Department Employees and others with relationships to Department or Department Employees.

1. Department employees in the district or at headquarters will be considered as adoptive applicants through this program. In situations where the employee has a close working relationship with the foster care or adoption staff in their district, or had such a relationship in the recent past, the applicant's study shall be conducted by another district. The district Family Safety and Preservation Program Office must be notified immediately when an application to adopt is received from a departmental employee. That office will make a decision regarding whether the adoption study for the employee will be completed by the district, or if the services of another district will be sought. If the decision is to have the employee's adoption study and subsequent placement handled by another district, the district Family Safety and Preservation program office will make the necessary arrangements with the Family Safety and Preservation program office in the other district.

2. When an adoptive applicant is a member of a board or group which has actual or perceived authority over the department, its staff or operations, such applicant will be referred to another district for handling if practical or to a local licensed child placing agency. This will reduce the possibility of actual or perceived conflict of interest or unfair influence or advantage on the staff by any potential adoptive applicant.

3. When an adoptive applicant has a close personal or professional relationship with an adoption supervisor or counselor every effort must be made to assure that the affected staff person is removed from any possibility of influence on that specific case. If feasible the case will be transferred to another counselor within the unit or to another unit or district for handling.

(o) and (p) No change.

(7) through (10) No change.

(11) Adoptive Applicant Review Committee. Each district must establish an Adoptive Applicant Review Committee. The committee will consist of at least three(3) persons, one of whom will be the Adoption and Related Services program specialist. The specialist will chair the committee.

(a) If any of the following circumstances in 1. through 6 below exist, the adoptions counselor must refer the case to the Adoptive Applicants Review Committee for review, and the committee must submit, within 15 working days of the review, a written report, with recommendation to the district legal counsel. The district legal counsel's report, indicating counsel's concurrence or non-concurrence with the committee recommendation must be submitted to the district administrator within 30 days of the committee's review. The district administrator will make the final decision to approve or

reject the adoptive applicant's request. The adoptive applicant will be notified in writing within 10 working days of the district administrator's decision:

1. Health. Cases in which it is determined that the adoptive parent applicant is experiencing a serious or chronic medical condition and such condition predictably compromises or could compromise the applicant's ability to provide the ongoing physical, emotional, social and economic support necessary for the child to thrive and grow to adulthood;

2. Criminal History. If the required criminal history checks pursuant to 435.045(1) reveal that the applicant(s) have verified findings of child abuse, neglect or abandonment or have been convicted of crimes specified in s. 435.04(1), F.S., their application must be rejected, and a referral to the adoptive applicant review committee will not be required. Applicants, who as adults have been convicted of other crimes, or who have pled nolo contendere will be referred to the Adoptive Applicant Review Committee, even if the unit is recommending approval of the family (see also 65C-16.007(2); Cases which involve verified findings of abuse, neglect or abandonment or criminal histories on the prospective adoptive applicants, involving crimes specified in s. 435.03(2), F.S., even if the unit is recommending approval of the family (see also 65C-16.007(2)); and

3. Applicant Rejection. All applicant rejections, except those exempted in 65C-16.005(11)(a)2.

4. Complaint and Dispute Resolution. Any complaint or dispute which cannot be resolved to the adoptive applicant, adoptive parent or other relevant party's satisfaction, at the counselor, unit supervisor or operational program administrator's level.

5. If the applicant is a current or former foster parent, and review of the foster parent file reveals that the parent has been the subject of an abuse investigation, where there have been indicated findings of abuse or neglect, a foster care referral or has violated licensing standards.

6. Request from the counselor, supervisor, adoption specialist or other relevant party.

(b) When the committee's review of the foster parent file, or other relevant sources available to the committee reveal the existence of a foster care referral on the applicant family, the committee will determine if review by the district legal counsel and district administrator is warranted. If no higher level review is necessary, an entry to the applicant file reflecting the committee's conclusion will be made. If the committee determines that the matter warrants higher level review, the procedure outlined in (a) above will be followed. The committee will submit, within 15 working days of the review, a written report to the district legal counsel.

~~(e) A final report, indicating the district legal counsel's concurrence or non concurrence will be submitted to the district administrator within 30 days of the committee's review. The district administrator will make the final decision to approve or reject the adoption applicant's request. The adoptive applicant will be notified in writing within 10 working days of the district administrator's decision.~~

(12) No change.

Specific Authority 39.012, 63.233 FS. Law Implemented 63.022(2)(c), 409.145, 63.122, 409.401, 435.04(1) FS. History--New 2-14-84. Amended

65C-16.007 Abuse Hotline Registry and Criminal Checks.

(1) Abuse Hotline Registry checks must be conducted on all adoptive applicants. The applicants must be informed of this part of the investigation process during the preliminary study as this will give them the opportunity to withdraw or to share with the counselor information from previous reports of abuse or neglect if such exist.

(a) The counselor must submit to the district background screening coordinator, or the appropriate law enforcement agencies, HRS Form 1651 (Florida Protective Services System Background Check) Dec 89, or HRS-CF Form 5207 (Release of information/Adoption Services) Mar 94, which are incorporated by reference. The signature of the applicant is sufficient to declare his consent to an abuse hotline registry clearance.

(b) Any request for information from the Abuse Hotline Registry must be in writing and must include substantiation of the need for the information.

(c) If the request for clearance of an applicant through the Abuse Hotline Registry reveals that allegations of abuse/neglect have been confirmed, the application must be rejected, and referral to the Adoptive Applicant Review Committee is not required. adoption study must reflect those findings. If the information reveals findings of abuse or neglect, the case must be referred to the Adoptive Applicants for determination of approval or rejection.

(d) All Department of Children and Family Services personnel and other agencies and professionals using information from the Abuse Hotline Registry or any child abuse case record should be informed that misuse of such information may cause them to be held personally liable, and any person injured or aggrieved by such disclosure may be entitled to damages. Unauthorized release of abuse reports may result in criminal prosecution. The offense is a misdemeanor of the second degree.

(2) Criminal background checks through local and state law enforcement agencies will be conducted on all persons age 18 or older residing in the prospective adoptive home. Foster parents who are adopting a foster child in their home and for whom these checks have been completed as a part of their

licensing requirements need not have such checks completed again. Should the background check reveal that the applicant, as an adult, has been convicted of a crime under a statute specified in s. 435.04(1), s. 435.03(2), F.S., the application must be rejected. adoption study must reflect those findings. The case must be referred to the Adoptive Applicant Review Committee for determination of approval or rejection. This requirement may be waived for foster parents who are adopting a foster child in their home if they have already had a committee review by district screening and an exemption approved by the district administrator.

(3) Applicants who have been convicted of any crimes not specified under s. 435.04(1), s. 435.03(2), F.S., shall be carefully screened as to the sincerity of their rehabilitation. Character references shall be requested from parole and probation officers, and the state attorney on the case in addition to the references provided by the applicants. Mention of any criminal record shall be set in full and discussed thoroughly in the study, as this must be considered by the Family Safety Preservation Program Administrator and in specified cases by the Adoptive Applicant Review Committee for determination of approval or rejection of the application.

(4) In These cases where the counselor and his supervisor cannot decide if the applicants should be approved or rejected based on reports from either law enforcement or the abuse registry, case must should be referred to the district's Adoptive Applicant Review Committee and adoption program specialist for consultation. If a decision cannot be reached at this level, and the following steps will be taken:

(a) The adoption specialist will convene the Adoptive Applicants Review Committee to review the charges (see 65C-16.005(11).

(b) Cases may be brought to the Adoptive Applicants Review Committee by either the counselor or the applicant.

1. The counselor may request that the Adoptive Applicants Review Committee review the case prior to the applicant being notified advised of the notification of rejection.

2. An adoptive applicant may request that the Adoptive Applicants Review Committee review the case at the completion of the adoption study and notification of rejection.

(c) If the counselor or applicant finds that the applicant's criminal behavior was of such distant history and occurred during teenage years or early adulthood, and there is evidence that the applicant has led an exemplary life since that time, and exemption to policy will be sought. The counselor will prepare an analysis of the circumstances at the time of the offense and evidence of the applicant's exemplary life since that time. This analysis and any documented evidence will be signed and dated by the applicant and will be submitted to the Adoptive Applicant Review Committee along with the request for review.

~~(d) The Adoptive Applicants review Committee will consist of at least three (3) persons. The Adoption and Related Services program specialist will chair the committee. Other committee members include:~~

- ~~1. An employee of the C&F program office;~~
- ~~2. An employee of another Department of Children and Family Services program office with knowledge of Adoption and Related Services;~~
- ~~3. An employee of the District screening Unit;~~
- ~~4. An employee of the District Licensing Unit.~~

~~(e) All requests for review from either the counselor of the adoptive applicant will be made in writing to the Adoption and Related Services program specialist. All written request will be received by the program specialist from the counselor within 14 days of receipt of the district screening legal review or by the applicant within 14 days of receipt of notification of rejection.~~

~~(f) The adoptive Applicants Review Committee chairperson will be responsible to convene the committee and to issue a written recommendation to district legal counsel within 30 days of receipt of the request.~~

~~1. All request for committee review by the applicant will be presented to the committee by the counselor or supervisor, without the presence of the applicant.~~

~~2. All request for committee review by the applicant will be presented to the committee by the applicant or their representatives.~~

~~3. The Adoptive Applicants Review Committee chairperson will be responsible to prepare a written report summarizing the consensus of the committee for submission to district legal counsel and to the district administrator.~~

~~(g) Within 30 days of receipt of the request for Adoptive Applicants Review Committee review, the chairperson will submit to district legal counsel the written summary and recommendations.~~

~~(h) If upon review, district legal counsel is in concurrence with the committee's recommendations the chairperson will submit same to the district administrator for a final determination of approval or rejection of the adoption home study.~~

~~(i) If upon review, district legal counsel is in opposition to the Adoptive Applicants Review Committee's recommendation, all information will be submitted to the district administrator for a final determination of approval or rejection of the adoption home study.~~

(5) No change.

Specific Authority 409.026(8), 39.012, 63.233 FS. Law Implemented 409.145, 63.022, 63.092(2)(b), 435.04(1) FS. History--New 5-20-91, Amended

65C-16.013 Determination of Maintenance Subsidy Payments.

(1) No change.

(2) The child's and the family's needs for subsidy must be determined prior to placement. There must be recent medical and mental health evaluations or other professional evaluations(s) of the child prior to placement in order to document any existing conditions which would require special services for the child eligible for subsidy. The medical evaluation must be no more than 12 months at time of the initial subsidy determination. Mental health evaluations should be more than 12 months old at time of subsidy determination. The family's need for assistance to enable them to provide such special services must be established and documented. Efforts and avenues to place the child in a non-subsidized placement must be documented in the child's record. Documentation of this exploration shall be one of the following: 1) list of other families considered, 2) letters to agencies specifically seeking home for the child(ren), or 3) registration of the child on the adoption exchange. It is not the intent of this requirement that a child remain unnecessarily in foster care while the department searches for a non-subsidized placement, if a family who can meet the special needs of the child is available, but requires a subsidy. The one exception to the requirement that a placement without subsidy be explored prior to making a subsidized placement is when it has determined that the child's adoption by his foster parents or relative with whom he has established significant emotional ties, is the placement of choice for the child with out subsidy or if they need to have the subsidy payment for the child. This exploration must be documented in the child's record. The foster parent must understand that being an adoptive parent includes different parental rights and responsibilities. Some of these responsibilities are financial, and adoption subsidy, unlike foster care board rate payments, does not propose to cover the complete cost of the child's care. The maintenance subsidy payment is intended to assist the adoptive parent in supporting the extra costs associated with adopting a child with special needs. All maintenance subsidy payments, including foster parent adoption, will be determined by utilization of the rate structure discussed in 65C16.010(3) and (4), unless it is determined that the needs of the child will require an enhanced supplemental payment, see 65C-16.013(5).

(3) Under certain circumstances the child may be eligible for a supplemental amount. If the adopted child has diagnosed physical, emotional, developmental or learning needs which requires special services and/or supports the adoptive parent may negotiate for additional assistance in providing those services/support (see 4 below). The amount of the maintenance subsidy shall be determined through negotiations with the

adoptive parents. Such negotiation will be based on the basic rate structure which considers the family's income, family size, and the age of child being adopted. The rate structure will be used in every case to determine the basic proposed subsidy amount. If the basic proposed subsidy amount is less than the child's foster care level of care (board rate), a supplemental amount may be negotiated (see subsection (5) below), only if the child has diagnosed physical, emotional, or developmental of learning needs which require special services and/or supports that the adoptive family would not be able to access without financial assistance.

(4) Basic Maintenance Subsidy. – The monthly basic maintenance payment will be based on the age of the child being adopted. This flat rate is 80% of the child's foster care board rate at the time the payment determination is being made.

The following chart shows the basic payment by age of the special need child being adopted:

<u>Age of Child</u>	<u>Foster Care Board</u>	<u>Monthly</u>	<u>Basic</u>
<u>Payment</u>			
0-5	\$345		\$276
6-12	\$355		\$284
13+	\$425		\$340

~~To utilize the maintenance subsidy rate structure, the counselor must calculate by the three factors and select the proper amounts to be paid in accordance with each factor as indicated below:~~

<u>(a) Family Gross Income</u>	<u>Monthly Subsidy</u>
<u>Level at the time of subsidy determination</u>	
\$15,000 below	\$100.00 per child being adopted
\$15,001-30,000	\$ 75.00 per child being adopted
\$30,001-45,000	\$ 55.00 per child being adopted
\$45,001-60,000	\$ 35.00 per child being adopted
\$60,001 and above	\$0

<u>(b) Family Size</u>	<u>Monthly Subsidy</u>
<u>(Includes Adopted Child)</u>	
2	\$54.00
3	\$63.00
4	\$71.00
5	\$80.00
6	\$89.00
7	\$98.00
8	\$106.00

<u>(c) Age of Child</u>	<u>Monthly Subsidy</u>
0-5	\$0
6-12	\$60
13 and over	\$100

~~(d) To determine the basic subsidy amount, the counselor must select the applicable monthly subsidy amount from (a), (b), and (c) above. the basic subsidy amount will be the sum of (a), (b), and (c).~~

(5) Supplemental Maintenance Payments. An additional supplemental amount may be added to the child's basic subsidy under certain special circumstances. If a child has a specific and diagnosed physical, mental, emotional or behavioral problem which requires care, supervision, and structure beyond that ordinarily provided in a family setting for children of the same age, a supplemental payment may be necessary. This payment will not cover services which may be obtained through family insurance, Medicaid, Children's Medical Services or medical subsidy, or through special education plans provided through the public school district.

(a) through (d) No change.

(e) The proposed amount of subsidy, including the supplemental amount must be submitted to the district Family Safety and Preservation Program Administrator for approval. Documentation which supports the request for supplemental payment must be attached to the subsidy packet submitted to the District Administrator for approval. The Family Safety and Preservation Program Administrator must forward the subsidy packet to the District Administrator for approval if the request includes a supplement payment amount, above, the that basic payment amount generated by the formula. Requests to the District Administrator for approval must be accompanied by supporting documentation of real or projected expenses which necessitate such payments.

~~(6) Should the child have unearned income, such as Social Security benefits, or pensions available following the adoption, that income shall be considered a part of the family income and shall be added to all other available income in determining the income factor.~~

~~(6)(7)~~ Each authorization for subsidy will be paid for a period of 12 months, effective of the date of placement, or in the case of a foster parent adoption, on the date the placement agreement is signed. The authorization may be a shorter period of time if the discussion between the adoptive parent and the counselor results in a plan for a shorter time frame.

~~(7)(8)~~ The family must be advised that it is their responsibility to notify the department immediately of any change in the amount of the third party benefits or any other change in circumstances, including changes in the child's need for services covered by the supplemental payment, which would alter their eligibility for subsidy.

~~(8)(9)~~ The basic subsidy payment will be terminated when the child reaches 18 years of age or if the parents cease having responsibility for the child or the child is no longer receiving support from the parents.

~~(9)(10)~~ Subsidy redeterminations, ~~which~~ must be performed, at least annually, ~~require the family to provide the department with annual sworn statements regarding their~~

~~financial situation.~~ At redetermination the counselor, or other designated staff, will review the family's current situation, ~~using the formula,~~ and will adjust the basic subsidy amount ~~based on the child's age as indicated, by that process.~~ The continued need for the supplemental payments will also be determined at this time. A new or updated prognosis will be required to document the continued need for service and support. If the service is no longer required, the supplemental payment must be discontinued. The adoption assistance agreement must be renegotiated with the adoptive parent at each scheduled change to the subsidy payment or services. There must always be a current agreement in the case record or subsidy file.

~~(10)(44)~~ DCF-FSP Form 5079 (Adoption Assistance Agreement Between the Department of Children and Families and Adoptive Parents Regarding Subsidy Payments and Services) Jul 90, which are incorporated by reference, are available for use when a special needs child is placed in a subsidized adoptive placement.

~~(11)(42)~~ Cases negotiated prior to the effective date of this rule amendment shall be governed by the rules in place at the time of negotiation of the subsidy agreement.

~~(12)(43)~~ The continuation of adoption subsidy payments and services, including Medicaid, is contingent upon the adoption of state and federal funds for these purposes.

~~(13) Any child who has been determined eligible for adoption subsidy and for whom adoption because the prior adoption has been dissolved and the parental rights of the adoptive parents have been terminated, or because the child's adoptive parents have died, will retain their original eligibility for subsidy regardless of the financial or other circumstances of the terminated or decreased adoptive parents.~~

Specific Authority 409.166(7), 409.026(8) FS. Law Implemented 409.166 FS. History—New 2-14-84, Amended.

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Home Investment Partnership Program (HOME) Home Construction Loan Program	67-47
RULE TITLES:	RULE NOS.:
Definitions	67-47.010
Notice of Funds Availability	67-47.020
Match Contribution Requirement	67-47.030
Reallocation for Disaster Areas	67-47.035
Minimum Set-aside of Funds for Community Development Organizations (CHDO's)	67-47.040
Income Targeting: Home Ownership	67-47.050
Eligible Activities	67-47.060
Eligible Applicant's Responsibilities	67-47.070
Eligible and Ineligible Development Costs	67-47.080
General Project Restrictions:	
Affordability Requirements	67-47.090

Application and Selection Procedures for Home Ownership Developments	67-47.100
Administrative Procedures	67-47.110
Terms and Conditions of HOME Second Mortgage Loans made to Eligible Home Buyers or Home Owners	67-47.130
Credit Underwriting Procedures and Origination	67-47.140
Disbursement of Funds	67-47.150
Fees	67-47.160
Compliance Procedures	67-47.170

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-47, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, to allow (HOME) Home Ownership funds to be used for construction activities of single family housing for low income home buyers.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 1999 application and program requirements and for the development of a lease purchase option for the HOME Home Ownership Program as specified in Rule Chapter 67-47, F.A.C.

SPECIFIC AUTHORITY: 420.507(12), (14) FS.

LAW IMPLEMENTED: 420.5089(2) FS.

RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., April 20, 1999

PLACE: Florida Housing Finance Corporation, Sixth Floor, Seltzer Room, 227 North Bronough Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT AT NO COST IS: Ms. Robin Grantham, HOME Single Family Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Requirement of Net Worth of Premium Finance Companies	4-196.003
Filing Surety Bond in Lieu of Net Worth	4-196.005
Annual Reports	4-196.007