

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE TITLES:	RULE NOS.:
Definitions	5I-2.003
Prohibitions	5I-2.004
Agriculture, Silviculture and Other Open Burning	5I-2.006

PURPOSE AND EFFECT: The purpose of the rule development is to amend Rule Chapter 5I-2 sections 5I-2.003, 5I-2.004, and 5I-2.006 in order to simplify and clarify the open burning rules and procedures. Additionally the duties, responsibilities, benefits and re-certification process of the Florida Prescribed Burn Manager Program are included in this revision.

SUBJECT TO BE ADDRESSED: The proposed rule development deletes definitions that are no longer necessary, and adds some new definitions to further clarify the rule. Defines under what conditions the Division can withhold authorizations when public health and safety are threatened. The proposed rule separates and defines the obligations of individuals (Certified and Un-Certified) requesting authorization to burn from the Division of Forestry. The proposed rule includes what a prescribed burn prescription must contain in order to be approved, it also defines the change in open burning hours based on the whether the person is a Certified Prescribed Burn Manager of a burner without this certification. The language of the proposed rule has been simplified to facilitate the understanding of all Floridians.

SPECIFIC AUTHORITY: 570.07(23), (28), 590.026(4) FS.
LAW IMPLEMENTED: 570.07(28), 570.548, 590.02(1)(b), 590.026, 590.12 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: 10:00 a.m., May 17, 1999
PLACE: Doyle Conner Building, George Eyster IV Auditorium, 3125 Conner Blvd, Tallahassee, FL 32399-1650

If requested in writing by the date of the workshop, additional workshops may be held in other locations on dates to be announced later.

Information regarding the proposed rule development and/or a copy of the preliminary draft may be obtained by contacting Mr. James D. Brenner, Fire Management Administrator, Florida Division of Forestry, Department of Agriculture and Consumer Services, Room 160, 3125 Conner Blvd, Tallahassee, Florida 32399-1650, telephone (850)488-6480, E-Mail: brennej@doacs.state.fl.us.

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing And Community Development

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Building Commission	
– Operational Procedures	9B-3

RULE TITLE:	RULE NO.:
State Building Code Adopted	9B-3.047

PURPOSE AND EFFECT: Replace adoption of state minimum building codes with adoption of the Florida Building Code, effective January 1, 2001.

SUBJECT AREA TO BE ADDRESSED: Statewide uniform building code.

SPECIFIC AUTHORITY: 553.73(1) FS. (1998 Supplement)
LAW IMPLEMENTED: 553.71, 553.72, 553.73 FS. (1998 Supplement)

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

DATE AND TIME: May 17, 1999, 3:00 p.m.– 7:00 p.m.
PLACE: Broward County Covention Center, 1950 Eisenhower Boulevard, Ft. Lauderdale, FL

DATE AND TIME: May 18, 1999, 3:00 p.m. – 7:00 p.m.
PLACE: Hilton Melbourne Beach, 3003 North Highway A1A, Indialantic, FL

DATE AND TIME: May 19, 1999, 3:00 p.m. – 7:00 p.m.
PLACE: Ramada Inn, 5885 Arlington Expressway, Jacksonville, FL

DATE AND TIME: May 20, 1999, 3:00 p.m. – 7:00 p.m.
PLACE: Room 212, Knott Building (Adjacent to the Senate office building), 111 West St. Augustine St., Tallahassee, FL

DATE AND TIME: May 24, 1999, 3:00 p.m. – 7:00 p.m.
PLACE: Double Tree Hotel, 3011 Maingate Lane, Kissimmee, FL

DATE AND TIME: May 25, 1999, 3:00 p.m. – 7:00 p.m.
PLACE: Naples Beach Hotel, 851 Gulf Shore Boulevard, Naples, FL

DATE AND TIME: May 26, 1999, 3 p.m. – 7 p.m.
PLACE: Double Tree Hotel – Tampa Airport, 4500 West Cypress Street, Tampa, FL

DATE AND TIME: May 27, 1999, 3:00 p.m. – 7:00 p.m.
PLACE: Beach Side Resort & Conference Center, 14 Via De Luna, Pensacola Beach, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mo Madani, Planning Manager, Codes & Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Suncom 277-1824

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-3.047 State ~~Minimum~~ Building Codes Adopted.

~~(1) The Florida Building Code is hereby adopted and incorporated by reference as the building code for the state of Florida. In order to authorize the use of the most recent advances in technology and materials in building construction, the Commission hereby adopts the following revisions and amendments to the State Minimum Building Codes:~~

~~(a) Standard Codes, 1997 edition:~~

~~1. Standard Building Code, including the engineering design criteria contained in Section 1606 excluding Chapter 11, "Accessibility for People with Physical Disabilities", Section 2405.2.1.6 relating to safety glazing near swimming pools, and Appendix E, "Energy Conservation".~~

~~2. Standard Mechanical Code.~~

~~3. Standard Gas Code.~~

~~(b) South Florida Building Code (Dade County), 1994 edition.~~

~~(c) South Florida Building Code (Broward County), 1996 edition.~~

~~(d) EPCOT Code, 1996 edition.~~

~~(e) One and Two Family Dwelling Code, 1995 edition excluding Section 308.4.9 relating to safety glazing near swimming pools.~~

~~(f) Section 1606 of the Standard Building Code shall be the minimum wind load criteria used for the design of all one and two family dwellings. Compliance with the engineering design criteria contained in Section 1606 may be achieved by using the Southern Building Code Congress International, Inc., Standard SSTD 10-97 for Hurricane Resistant Residential Construction, the Wood Products Promotion Council - High Wind Project, Guide to Wood Construction in High Wind Areas 1997 edition, "the Builder's Guide", the Wood Frame Construction Manual for One and Two Family Dwellings, 1995 High Wind Edition, or the Guide to Concrete Masonry Residential Construction in High Wind Areas, the "Masonry Guide". The Builder's Guide implementation shall be limited to the construction and design of wood frame single story buildings with wind speed design parameters of 100 and 110 miles per hour. The Manual is limited to residential buildings of three stories or less, a mean roof height not exceeding 33 feet and wind speed design parameters between 90 and 120~~

~~miles per hour. The Masonry Guide is limited to residential buildings of one story with a maximum height not exceeding 25 feet and wind speed design parameters of 90, 100, and 110 miles per hour (fastest mile).~~

~~(2) Application. The construction provisions contained within these referenced codes shall apply as required by Part VII, Chapter 553, Florida Statutes. Each local government and state agency with building construction regulation responsibilities shall adopt one of the state minimum building codes as its building code, which shall govern the construction, erection, alteration, repair or demolition of any building for which the local government or state agency has responsibility. If the One and Two Family Dwelling Code is adopted for residential construction, then one of the other recognized model codes must be adopted for the regulation of other residential and nonresidential structures.~~

~~Specific Authority 553.73(1), 553.73(3), 553.73(9) FS. Law Implemented 553.71, 553.72, 553.73 FS. History-New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, _____.~~

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Relocation Assistance Regulations	14-66
RULE TITLES:	RULE NOS.:
Purpose	14-66.001
Scope	14-66.002
Definitions	14-66.003
Public Information	14-66.004
Advisory Services	14-66.005
Written Notices	14-66.006
Relocation Assistance Program	14-66.007
Moving and Related Expenses	14-66.008
Replacement Housing Payments	14-66.009
Mobile Homes	14-66.010
Claim Filing and Documentation	14-66.011
Appeal Rights	14-66.012

PURPOSE AND EFFECT: The purpose of this rule is to promulgate regulations governing the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole and to ensure that the Florida Department of Transportation implements these regulations in a manner that is efficient and cost effective. This amendment also restructures the rule chapter by repealing 11 of the current 12 rules and consolidating material into an amended Rule 14-66.007.

SUBJECT AREA TO BE ADDRESSED: This amendment restructures the rule chapter by repealing 11 of the current 12 rules and consolidating material into an amended Rule 14-66.007.

SPECIFIC AUTHORITY: 334.044(2) FS.
 LAW IMPLEMENTED: 339.09(2),(3) FS.
 IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 9:00 a.m., June 1, 1999
 PLACE: Haydon Burns Building Auditorium, Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-66.001 Purpose.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.01, Amended 11-24-92, Repealed.

14-66.002 Scope.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.02, Amended 11-24-92, Repealed.

14-66.003 Definitions.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.03, Amended 11-24-92, Repealed.

14-66.004 Public Information.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.04, Amended 11-24-92, Repealed.

14-66.005 Advisory Services.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.05, Amended 11-24-92, Repealed.

14-66.006 Written Notices.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.06, Amended 11-24-92, Repealed.

14-66.007 ~~Project Determination of Adequate~~ Relocation Assistance Program.

Pursuant to Section 339.09, Florida Statutes, the Department may expend transportation tax revenues on federal and non-federal-aid projects which shall include relocation assistance and moving costs to persons displaced by transportation facilities or other related projects. Prior to proceeding with right-of-way negotiations on a project which will necessitate the relocation of any person, the Department will make a determination that:

(1) The purpose of this rule is to promulgate regulations governing the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injuries as a result of projects designed for the benefit of the public as a whole and to ensure that the Department implements these regulations in a manner that is efficient and cost effective. This rule shall apply to all persons displaced by any transportation project on which negotiations for right-of-way acquisition begin after the effective date of this rule. The provisions of 49 C.F.R. Part 24, Uniform Relocation Assistance and Real Property Acquisition Regulations (effective March 15, 1999), as modified herein, are incorporated into this rule by reference. The Department shall require, as a condition of financial participation, that the requirements of this rule be met by the administering Agency on transportation projects or project phases:

(a) that are federalized;

(b) for which there is any anticipation or intent to federalize. Anticipation includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project;

(c) that are on the State Highway System; or

(d) are intended to be on the State Highway System.

(2) Definitions. The following definitions, as well as those stated in 49 C.F.R. Part 24, Subpart A, shall apply as used in the context of this rule:

(a) "Agency" shall mean any state, county, district, authority or municipal office, department (including the Florida Department of Transportation), division, board, bureau, commission, or other separate unit of government created or established by law and any other public or private Agency, person, partnership, corporation, or business entity acting on behalf of any public Agency.

(b) "Carve Out" shall mean the method used in making a typical homesite determination, whereby, that portion of the parent tract which is typical for residential use in the area is "carved out," or separated from, the parent tract for the purpose of the replacement housing payment computation.

(c) "Department" shall mean the Florida Department of Transportation.

(d) "Direct Loss Payment" shall mean a payment made to displaced persons for personal property that cannot be moved or the displaced person chooses not to move and may be in the form of either of the following:

1. On-Premise Signs – payment is limited to the lesser of the sign's depreciated reproduction cost minus proceeds from its sale, salvage value, or the costs that would be incurred to move the sign, if it could be moved. If the sign cannot be

moved without violating local, state or federal codes, payment will be limited to the sign's depreciated reproduction cost minus proceeds from its sale or salvage value.

2. Tangible Personal Property – payment is limited to the lesser of the fair market value of the item for continued use at the displacement site, less the proceeds from its sale, or the estimated cost of moving the item, but with no allowance for storage. (The Agency may determine the effort to sell an item is not necessary and when payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.

(e) “Displaced Person” shall mean any person who moves from the real property or moves his or her personal property from the real property as defined in 49 C.F.R. Part 24.2, and is used interchangeably with “displacee” and “relocatee.”

(f) “Displacement Dwelling” shall mean the dwelling from which a displaced person is required to move due to a transportation project.

(g) “Displacement Site” shall mean, for purposes of a non-residential fixed payment, the parent tract on which the business is operating.

(h) “Domicile” shall mean the place where a person has his or her true, fixed, permanent home and principal establishment and to which he or she has, when absent, the intention of returning.

(i) “Family” shall mean two or more individuals who are living together and intend to live together at the replacement dwelling.

(j) “Federalized Project” shall mean any project with federal participation in any project phase.

(k) “Gross Monthly Income” shall mean salaries, wages, and all other amounts, whether in cash or in-kind, paid or given to the displaced person.

(l) “Initiation of Negotiations” shall mean the date the initial written offer of just compensation is delivered by the Agency to the owner or representative of the owner to purchase real property for a project.

(m) “Major Exterior Attribute” shall mean any major appurtenant structure exterior to a residential dwelling, or an aesthetically valuable view which substantially contributes to the quality or standard of living of the displaced person(s).

(n) “Market/Economic Rent” shall mean the Agency’s determination of the reasonable income expectancy of a dwelling or other property if it were available for rent, and the rent justifiably payable for the right of occupancy of land or improvements.

(o) “Personal Property” shall mean, generally, moveable items not permanently affixed to and a part of the real estate, which typically can be removed without serious injury either to the real estate or to the items themselves.

(p) “Post-Move Inventory” shall mean a list of personal property actually moved to the replacement site as a part of a relocation. Such list is prepared by the displaced person or the Agency after the move is completed and is attested to by the Agency’s representative and the displaced person(s).

(q) “Pre-Move Inventory” shall mean a list of items to be included in a move. Such list is prepared prior to the move and attested to by the displaced person(s).

(r) “Typical Homesite Determination” shall mean a determination, for replacement housing payment computation purposes, of the portion of a tract of land which is typical for residential use in the area.

(3) Advisory Services. The Agency will provide relocation advisory services in accordance with 49 C.F.R. Part 24.205.

(4) Written Notices. The following written notices will be furnished to each displaced person to provide information regarding the benefits and services available to him or her.

(a) A General Information notice shall be furnished to each displaced person as required in 49 C.F.R. Part 24, Subpart C.

(b) A 90-Day Notice will be furnished to each displaced person as delineated in 49 C.F.R. Part 24, Subpart C.

(c) A Notice of Eligibility shall be furnished to all displaced persons. The notice of eligibility shall:

1. Be delivered at the time of initiation of negotiations for owners, and no later than 14 days from the date of initiation of negotiations for tenants;

2. Provide an explanation of all services and payments to which the occupant is entitled and identify the address of the nearest relocation assistance office where additional information concerning relocation assistance may be obtained;

(d) A Statement of Eligibility shall be furnished to each residential displaced person and shall include:

1. The amount of the maximum payment that the displaced person is eligible for;

2. An identification of the comparable replacement dwelling upon which such amount is based. The comparable replacement dwelling upon which the payment eligibility is based must be available to the displaced person at the time the Statement of Eligibility is delivered.

3. A description of the procedures which the displaced person shall follow in order to obtain the full amount of the payment.

(5) Relocation Planning. If a transportation project necessitates the relocation of any person, prior to proceeding with right-of-way negotiations, the Agency shall determine the following:

(a)(1) Within a reasonable period of time prior to displacement, adequate replacement dwellings shall ~~with~~ be available or provided for each displaced person and (such

determination shall be accompanied by an analysis of all relocation issues involved and a specific plan to resolve such issues); and

(b)(2) The relocation program adequately provides is realistic and is adequate to provide orderly, timely, and efficient relocation of displaced persons, including, when appropriate, Housing of Last Resort as required in 49 C.F.R., Part 24, and these regulations.

(6) Moving and Related Expenses. Any individual, family, business, farm operation, or non-profit organization which qualifies as a displaced person is entitled to payment of his or her actual moving and related expenses, as the Agency determines to be reasonable and necessary, as outlined in 49 C.F.R. Part 24, subject to the following provisions:

(a) In a residential or non-residential self-move, if the Agency questions the reasonableness of a moving expense, the Agency shall obtain an estimate of customary charges for the appropriate moving activity from a reputable moving firm. If the charges submitted by the commercial moving firm are substantially less than the charges submitted by the displaced person, for the same activity, the Agency shall reimburse the lesser amount.

(b) Prior to moving personal property for a residential move, performed by a commercial mover, or any non-residential move, when the move is expected to exceed \$10,000, at least two estimates of move costs shall be obtained by the Department or the displaced person(s). The amount of the payment is limited to the lower of the two estimates. When a move is expected to cost less than \$10,000, a single move estimate prepared by a commercial mover or a qualified Department employee shall be sufficient.

(c) In the event the Agency requires a move to be monitored, eligibility for payment shall be contingent on a written agreement between the Agency and the displaced person(s) as to:

1. The date and time the move is to begin;

2. The items that are listed as part of the realty in the appraisal report and which are not eligible for moving expense reimbursement;

3. The displaced person's list of items to be moved.

(d) The displaced person shall provide the Agency with or allow the Agency to take pre-move and post-move inventories. If the pre-move and post-move inventories differ, the Agency will reimburse only costs associated with the actual personal property moved.

(e) After the displaced person receives actual direct loss payment for the items, the displaced person shall transfer ownership to the Agency of personal property that has not been moved, sold, or traded upon request by the Agency. In the event the Agency acquires personal property as part of the real estate transaction, such personal property shall not be eligible for Relocation Assistance benefits.

(f) If no effort to sell personal property is made by the displaced person(s) and the personal property is abandoned, the displaced person is neither entitled to payment for moving said personal property nor to payment for direct loss upon its abandonment.

(g) A business, non-profit organization, or farm operation must provide the Agency with notice of the approximate date of the start of the move at least seven days in advance.

(h) In a non-residential move, the displaced person(s) shall not give permission to a mover to begin the move before receiving authorization from the Agency.

(i) For moves requiring special handling, complete move specifications shall be written by the displaced person(s) or the Agency, or the Agency's designee.

(j) A business may be eligible to choose a fixed payment in-lieu of payment for actual moving and related expenses, and actual reasonable reestablishment expenses as provided by 49 C.F.R. Parts 24.303 and 24.304. The displaced business is eligible for a fixed payment if the Agency determines that the business meets all qualifying criteria under 49 C.F.R. Part 24.306(a) and (b).

(k) All pollutants or contaminants, as defined in Chapters 376 and 403, Florida Statutes, which are not hazardous wastes, shall not be abandoned and shall be disposed of or moved to the replacement site by the displaced person owner/operator in accordance with those Chapters.

1. The Department shall pay the lesser of the cost of disposal or the cost to move, if the displaced person(s) chooses to dispose of the material. If the displaced person(s) is not permitted to move the pollutant or contaminant, the Department shall pay the actual, reasonable cost of disposal.

2. If the displaced person(s) chooses to move the material to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.

3. If the applicable law prohibits the displaced person from obtaining the necessary permit to move the hazardous material to the replacement site, the Department shall pay for the cost of disposal and transportation to the disposal site. The displaced person shall be responsible for the disposal of such material.

4. If disposal of hazardous material is a part of the normal operation of the displaced business, the Department shall not pay for the cost of such disposal. If, however, the operation maintains a schedule for the pick-up or transportation of hazardous material to a disposal site and is required to move the material at an unscheduled time, the Department shall pay the actual, reasonable and necessary extra costs associated with the move.

(l) All underground or above-ground tanks shall be emptied and removed from the site by the displaced owner/operator in accordance with Rule Chapters 62-761 and 62-762, F.A.C.

1. If the displaced person(s) chooses to dispose of the tank contents, the Department shall pay the lesser of the cost of disposal or the cost to move.

2. If the displaced person(s) chooses to move the tank contents to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.

3. In cases where the tanks meet the definition of "out of service," as defined in Department of Environmental Protection Rule 62-761.200, F.A.C., the Department shall neither be responsible for the removal and disposal of the tank nor the removal and disposal of any contents.

(m) While transporting any hazardous material or substance to a replacement site or disposal site the Department shall not be considered the owner or shipper of any hazardous material or substance. In no case shall the Department contract with licensed shippers for the disposal of or moving of hazardous materials nor shall the Department be noted or identified on any manifest relating to the disposal of or moving of hazardous material.

(n) Any individual or business which generates solid waste shall make a hazardous waste determination pursuant to the Resource Conservation and Recovery Act (RCRA), and the Florida Resource and Management Act. All hazardous waste, as defined in 40 C.F.R. Part 261.2 and 262.11, must be disposed of in accordance with Chapter 403, Florida Statutes, and Title 40 C.F.R. Part 262, at the sole cost of the individual or business before the subject site is vacated.

(7) Replacement Housing Payments. Individuals and families displaced from a dwelling acquired for a transportation project are eligible for replacement housing payments in accordance with the payments delineated in 49 C.F.R. Part 24.

(a) A displaced person is eligible for the replacement housing payment for a 180-day monomer-occupant if he or she meets the criteria of 49 C.F.R. Part 24.

(b) Typical Homesite Determination.

1. Typical Tract for Area: If the acquired dwelling is located on a tract typical in size for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on another typical tract, less the acquisition price of the acquired dwelling and the tract on which it is situated. If an uneconomic remnant remains after a partial taking and the owner declines to sell that remnant to the Agency, the fair market value of the remainder will not be added to the acquisition cost of the acquired dwelling for the purposes of computing the replacement housing payment.

2. Large Tract for Area: If the acquired dwelling is located on a tract larger in size than is typical for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired

dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite area.

3. Higher and Better Use Tract: If the acquired dwelling is located on a tract where the fair market value is established on a higher and better use than residential, the maximum replacement housing payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite.

4. Joint Residential/Business Use: If the acquired dwelling was part of a property that contained another dwelling unit or space used for non-residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential. To determine what constitutes the typical homesite, a tract typical for residential use in the area must be used, even if a portion of that tract is used for other than residential purposes.

5. Carve-Outs of Homesites: When determining the typical homesite portion of the acquisition price, the actual price paid for the portion of the homesite in the taking area plus the value of the residential improvements in the taking area, plus any severance damages to either the remainder of the dwelling or homesite area shall be used. If damages are assigned to the entire remainder without an allocation between the remainder of the homesite and the excess land remaining, the damages shall be prorated between these remainders to establish the acquisition price of the dwelling, including the structure and land. In areas where a typical homesite cannot be determined due to differences in tract sizes within a residential area, the area actually utilized for residential purposes by the displaced person shall be used to compute the replacement housing payment. Consideration shall be given to locations of driveways and fences, outbuildings, gardens, and pools, and to the area maintained for residential usage. If all or part of areas occupied by non-residential structures must be included in order to create a homesite tract typical of the area, the typical homesite shall be figured using whatever portion of those areas are necessary. For replacement dwellings which are on tracts larger than typical for residential use in the area where the excess land is used for nonresidential purposes, the replacement housing payment shall be calculated using the actual cost of the replacement dwelling plus the prorated portion of the site which is typical for residential use.

6. If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the contributory value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.

(c) Displaced person(s) are not required to relocate to the same occupancy status (owner or tenant) as existing prior to acquisition, and may choose payment benefits for an alternate occupancy status, if eligible:

1. At the displaced person's request, a dwelling which changes the occupancy status of the displaced person(s) shall be provided, if such a dwelling is available and can be provided more economically.

2. The rental assistance payment to a 180-day owner may not exceed \$5,250, unless the calculated purchase additive or mortgage interest differential payment eligibility exceeds \$22,500, in accordance with 49 C.F.R. Part 24, Last Resort Housing.

3. The replacement housing payment may not exceed the maximum amount that would have been paid had the displaced person(s) remained in the same occupancy status.

(d) Single Household, Multiple Occupancy: If two or more eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines only one household existed, payment shall be as follows:

1. If a comparable replacement dwelling is not available and the displaced persons are required to relocate separately, a replacement housing payment will be computed for each person separately, based on housing which is comparable to the quarters privately occupied by each individual plus the full value of the community rooms shared with other occupants.

2. If a comparable replacement dwelling is available, the displaced persons are entitled to a prorated share of the singular relocation payment allowable had they moved together to a single dwelling.

(e) Multiple Household, Multiple Occupancy: If two or more eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines that separate households had been maintained in the displacement dwelling, the replacement housing payment computation shall be based on housing which is comparable to the quarters privately occupied by each individual plus a prorated share of the value of community rooms shared with other occupants. If two or more eligible occupants of the displacement dwelling move to a single comparable replacement dwelling, they shall only be entitled to one replacement housing payment under this subsection.

(f) Partial Ownership: When a single-family dwelling is owned by several persons, but not occupied by all of the owners, the replacement housing payment for the displaced owner-occupants is the lesser of the difference between the total acquisition price of the replacement dwelling and the amount determined by the Agency as necessary to purchase a comparable replacement dwelling or the actual cost of the replacement dwelling.

1. The displaced owner-occupants may choose a rent supplement payment instead of a purchase additive. The rent supplement shall be based on the Agency's determination of the fair market/economic rent of the displacement dwelling.

2. To receive the entire replacement housing payment, the owner occupant must purchase and occupy a replacement dwelling for an amount equal to his or her share of the acquisition payment for the acquired dwelling plus the amount of the replacement housing payment.

(g) A 90-day tenant or owner-occupant displaced from a dwelling is entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E.

(h) Any displaced person eligible for a rental assistance payment, except a 180-day owner occupant, may choose to use that payment as a down payment supplement, including incidental expenses, to purchase a replacement dwelling.

1. Payment shall be the amount of the down payment or percentage of the purchase price ordinarily required to obtain conventional, rather than VA or FHA, financing for the replacement dwelling in an amount that does not require private mortgage insurance ("required down payment"), not to exceed \$5,250. If the actual down payment required of the displaced person(s) exceeds the amount ordinarily required for a conventional loan, the "required down payment" shall be based upon the amount ordinarily required for a conventional loan.

2. If the actual required down payment, plus incidental expenses, exceeds the amount of rental assistance calculated and is no more than \$5,250, payment shall be for the amount of the actual required down payment. If the actual required down payment, plus incidental expenses, is less than the amount of the rental assistance calculated, the payment shall be for the amount of the rental assistance calculated.

3. If the required down payment on the replacement dwelling exceeds \$5,250 and the rental assistance payment allowable does not exceed \$5,250, the down payment supplement shall be limited to \$5,250. If the rental assistance payment allowable exceeds \$5,250, the full amount of the rental assistance payment shall be used as the down payment supplement under the provisions of Last Resort Housing as outlined in 49 C.F.R. Part 24.

4. If other than conventional financing (e.g., VA or FHA) is obtained by the displaced person he or she shall be advised that, in order to claim the maximum payment benefits, a down payment equal to that required for conventional financing, up to \$5,250, must be paid down on the replacement dwelling.

5. The full amount of the down payment assistance payment shall be applied to the purchase price of the replacement dwelling and related incidental expenses and shall be shown on an executed closing statement or similar documentation for the replacement dwelling.

6. The payment to a 90-day owner-occupant shall not exceed the amount the owner would receive as a purchase additive if he or she met the 180-day occupancy requirement.

(i) 90-day occupants may receive rental assistance payments as outlined in 49 C.F.R. Part 24, Subpart E.

(j) Displaced persons who are less than 90-day occupants may be eligible for a replacement housing payment provided:

1. The displaced person(s) is in occupancy at the time the Agency obtains title to the property. The displaced person can be allowed to relocate prior to the Agency taking title to the property if the Agency determines that continued occupancy would be a danger to the health, safety, and welfare of the displaced person or in situations where replacement housing is scarce as determined by the Agency and may not be available at the time the Agency obtains title to the property.

2. The displaced person(s) cannot afford comparable housing without exceeding 30% of his or her gross monthly income.

3. The displaced person(s) purchases and occupies a decent, safe, and sanitary replacement dwelling within one year of the time specified herein.

(k) The Agency shall inform a less than 90-day occupant that it is his or her obligation to provide verification of income. No such displaced person shall be determined to be eligible for a replacement housing payment under Section 14-66.007(6)(j), unless he or she documents income through a verifiable source, such as pay stubs, signed copies of income tax returns, an employer's statement, or a bank statement.

(8) Mobile Homes. In addition to the requirements governing the provision of relocation payments to persons displaced from a mobile home or mobile home site as outlined in 49 C.F.R. Part 24, Subpart F, the following provisions also apply:

(a) Under 49 C.F.R. Part 24, Subpart F, the term "acquired" refers to a mobile home that is either acquired as part of the real property and is included in the Agency's acquisition of the fee parcel or is purchased as personal property and not included in the acquisition of the fee parcel.

(b) If the mobile home is considered personal property, the Agency will determine whether or not the mobile home can be relocated.

(c) If the mobile home can be relocated, the owner is eligible for reimbursement for the cost to move the mobile home.

(d) If the Agency determines that the mobile home cannot be relocated, the mobile home is eligible for purchase and the Agency will make an offer to purchase, based on the fair market value of the mobile home. If the mobile home owner does not agree to sell the mobile home to the Agency and the displaced person is the owner/occupant of the mobile home, the price differential described in 49 C.F.R. Part 24, shall be:

1. The lesser of:

a. The reasonable cost of a comparable replacement dwelling; or

b. The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person;

2. Minus the higher of:

a. The salvage value, or

b. The trade-in value.

(e) If the Agency determines that it is practical to relocate the mobile home, but the owner-occupant elects not to do so, then, for the purposes of calculating a price differential under 49 C.F.R. Part 24, the cost of a comparable replacement dwelling shall be the sum of:

1. The fair market value of the mobile home;

2. The cost of any necessary modifications or repairs. Necessary modifications or repairs shall mean those needed to reestablish the mobile home to its previous state prior to displacement or to make it decent, safe, and sanitary; and

3. The estimated cost to move the mobile home to a replacement site, not to exceed a distance of 50 miles. The mobile home owner-occupant still owns the mobile home and is responsible for moving it from the acquired site. If the mobile home is abandoned, the Agency may remove it from the site.

(f) If a mobile home owner-occupant retains and re-occupies a mobile home which is not decent, safe, and sanitary, the costs necessary to bring it up to decent, safe, and sanitary standards may be claimed from the available price differential or down payment supplement. The amount claimed may not exceed the amount allowed in the replacement housing payment computation. The Agency will not disburse a payment until the mobile home meets decent, safe, and sanitary standards.

(g) If the Agency acquires or purchases a mobile home as personal property, the mobile home owner shall provide, upon request, a bill of sale and a transfer of the title for the mobile home to the Agency.

(9) Claim Filing and Documentation. Each relocation payment claim shall be accompanied by complete documentation supporting expenses incurred, such as bills, receipts, and appraisals. The Agency shall ensure that each person receives reasonable assistance necessary to complete and file any required claim for payment.

(a) Displaced persons shall provide the Agency with valid copies of the closing statement for the replacement dwelling or other documentation of expenses incurred in order to receive reimbursement for incidental closing expenses. Reimbursable expenses which are incurred by the origination of a new mortgage for the replacement dwelling shall be based upon the lesser of the balance of the mortgage on the acquired dwelling or the balance of the new mortgage on the replacement

dwelling. Eligible expenses are reimbursable regardless of the length of time a mortgage has been in effect on the acquired dwelling.

(b) In order for a displaced person to receive reimbursement for a rent supplement, the displaced person shall provide the Agency with evidence of rent and utility costs at the displacement dwelling, rent and utility costs at the replacement dwelling and gross monthly household income.

(c) In order to receive reimbursement for a down payment supplement the displaced person(s) shall provide the Agency with a copy of the purchase contract and a copy of the closing statement for the replacement dwelling.

(d) The eligible displaced person(s) shall certify that the displacement dwelling is the domicile of the displaced person(s) and the length of time he or she has occupied the displacement dwelling. The displaced person(s) shall also certify the date that the replacement dwelling was occupied and shall state to the best of his or her knowledge, the replacement dwelling meets decent, safe, and sanitary requirements.

(e) Payments shall be made after the move is completed unless a hardship exists.

(f) When advance payments due to hardship are made, displaced persons shall demonstrate the need therefor by providing evidence of low funds, and shall certify in writing that the payment satisfies any further claim for reimbursement of items for which that claim is intended, and that the displaced person will comply with applicable provisions in the move of their personal property.

(g) Displaced persons shall provide written authorization in the application if a replacement housing payment is to be made to other parties on their behalf. If an eligible displaced person wishes the payment for moving costs to be made directly to a vendor, such request must be made in writing.

(h) If a condemnation suit has been filed, prior to receiving a replacement housing payment, the displaced person(s) must agree, in a condemnation clause in the written claim for payment. The condemnation clause requires:

1. Upon final determination of the condemnation proceedings, the replacement housing payment shall be recomputed using the acquisition price established by the court or by stipulated settlement and the lesser of the actual price of the decent, safe, and sanitary replacement dwelling or the cost of a comparable replacement dwelling.

2. If the amount awarded exceeds the actual price of a decent, safe, and sanitary replacement dwelling or comparable replacement dwelling, the displaced person(s) shall refund to the Agency an amount equal to the amount of the excess. The refund will not exceed the full amount of the initial replacement housing payment calculation.

(i) In the event the Department determines that the acquisition of a portion of property will require a displacement, the Department will offer to relocate the affected person. A

displaced person choosing to relocate shall file all claims for reimbursement for eligible expenses within a period not to exceed 18 months from the date of receipt of the Department's written offer of relocation benefits. This time period can be extended when the displaced person is unable to meet this time period through no fault of his or her own. The displaced person is responsible for providing written documentation for the delay and any extension shall be approved by the Department.

(10) Appeal Rights. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's claim for assistance under this rule. Such assistance may include those provisions outlined in 49 C.F.R. Part 24, and include the person's eligibility for, or the amount of, a payment required under moving and related expenses, or replacement housing payments. The written appeal shall be filed no later than 60 days after the person receives written notification from the Agency of the claim determination. A person may have legal or other representation in connection with his or her appeal, but solely at his or her expense. The Agency shall consider a written appeal regardless of form. If full relief requested is not granted, a notice of denial shall be issued, in accordance with Rule 28-106.111, F.A.C. The aggrieved person may file a request for administrative hearing.

(a) If a request for administrative hearing is not timely filed, the notice of denial shall be conclusive and final Agency action. Requests for administrative hearing must be filed within 21 calendar days of receipt of the notice of the Department's or Agency's denial. A request for administrative hearing is filed when it is received by the Clerk of Agency Proceedings.

(b) All requests for administrative hearings shall conform to the requirements of Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C., and be in accordance with Chapter 120, Florida Statutes. Requests may be for a formal hearing in accordance with Section 120.57(1), Florida Statutes, or an informal hearing pursuant to Section 120.57(2), Florida Statutes. Requests for an administrative hearing on Department projects shall be made in writing and filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Requests for an administrative hearing for all other Agencies shall be made in writing and filed with the Clerk of Agency Proceedings for the Agency.

Specific Authority ~~20.05~~, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.07, Amended 11-24-92, _____.

14-66.008 Moving and Related Expenses.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.08, Amended 11-24-92, Repealed _____.

~~(18)(17)~~ An employee who is terminated from employment due to abolishment of his or her position can be placed on administrative leave with pay and full benefits for up to thirty (30) calendar days.

~~(19)(18)~~ An employee who is terminated from employment for any reason other than abolishment of his or her position can be placed on administrative leave with pay and full benefits, in lieu of notice, for up to ten (10) consecutive workdays.

~~(20)(19)~~ All requests for leave pursuant to this rule shall be in writing prior to the initial date of leave, when possible.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(21)(d) FS. History—New 2-25-93, Amended 8-15-93,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of State Health Purchasing

RULE TITLE: _____ RULE NO.: _____

Medicaid Certified School Match Program 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, October, 1998. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Certified School Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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., May 17, 1999

PLACE: Ft. Knox Office Complex, 2727 Mahan Drive, Building 3, Conference Room G, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kim Corsmeier, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7318

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program as described in 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match

Coverage and Limitations Handbook, October, 1998 ~~December, 1997~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 236.0812, 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126 FS. History—New 3-20-98, Amended_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of State Health Purchasing

RULE TITLE: _____ RULE NO.: _____

Prescribed Drug Services 59G-4.250

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage and Limitations Handbook, August, 1998. The effect will be to incorporate by reference in the rule the current Florida Medicaid Prescribed Drug Coverage, Limitations and Reimbursement Handbook.

SUBJECT AREA TO BE ADDRESSED: Prescribed Drug Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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., May 17, 1999

PLACE: 2727 Mahan Drive, Bldg. 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jerry F. Wells, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)487-4441

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.250 Prescribed Drug Services.

(1) This rule applies to all prescribed drug services providers enrolled in the Medicaid program.

(2) All participating prescribed drug services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Prescribed Drug Services Coverage, Limitations, and Reimbursement Handbook, August 1998 ~~November 1997~~, which is incorporated by reference, and available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906(18) FS. History—New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-03, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Rights and Responsibilities of Applicants and Recipients	65A-2.022
Application and Determination of Eligibility	65A-2.023
Determination of Continued Eligibility	65A-2.024
Advance Notice: Written Ten Day Advance Notice	65A-2.031
General Eligibility Criteria	65A-2.032
Eligibility Factors Other Than Need	65A-2.033
Definitions of Special Living Arrangement	65A-2.034
Eligibility Factors Of Need	65A-2.035
Amount of Optional State Supplementation Payments	65A-2.036
Amount of Optional State Supplementation Payments	65A-2.036

PURPOSE AND EFFECT: Amendments of these rules will reflect a review of each listed rule to correct deficiencies in rule statements.

SUBJECT AREA TO BE ADDRESSED: The department is reviewing all rules in Chapter 65A-2, FAC, to clarify language and revise out-dated citations of statutes, federal regulations and other administrative rules.

SPECIFIC AUTHORITY: 409.212(5) FS.

LAW IMPLEMENTED: 409.212 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., May 17, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Purpose	65A-24.010
Implementation	65A-24.011
Legal Base and Authority	65A-24.012
Administrative Responsibilities	65A-24.013
Terms, Definitions, Abbreviations, Acronyms	65A-24.014
General Eligibility	65A-24.015
Eligible Categories	65A-24.016
Time Limitations for Program Administration	65A-24.017
Ineligible Categories of Assistance	65A-24.018
Reconsideration Review and State Fair Hearing	65A-24.019
Fraud, Duplication of Benefits, Grant Misapplication,	65A-24.020
Exemptions from Garnishment Criminal and Civil Penalties	65A-24.021
Applications, Locations, Time Limitation	65A-24.023
Document, Substantiate, Verify	65A-24.024

PURPOSE AND EFFECT: Amendments of these rules will reflect a review of each listed rule to correct deficiencies in rule statements.

SUBJECT AREA TO BE ADDRESSED: The department is reviewing all rules in Chapter 65A-24, FAC, to clarify language and revise out-dated citations of statutes, federal regulations and other administrative rules.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.35 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., May 17, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Purpose and Legal Base	65A-33.001
Definitions	65A-33.003
Eligibility Factors Other Than Income	65A-33.004
Determination of Eligibility Based on Income	65A-33.005
Income	65A-33.006
Verification	65A-33.007
Program Administration	65A-33.008
Eligible Payments	65A-33.009
Ineligible Payments	65A-33.010
Type and Amount of Assistance	65A-33.011

PURPOSE AND EFFECT: Amendments of these rules will reflect a review of each listed rule to correct deficiencies in rule statements.

SUBJECT AREA TO BE ADDRESSED: The department is reviewing all rules in Chapter 65A-24, FAC, to clarify language and revise out-dated citations of statutes, federal regulations and other administrative rules.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.16 FS.

IF REQUESTED AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., May 17, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

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

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLES:	RULE NOS.:
Recruitment, Selection, Appointment, and Nonreappointment	6C-5.910
Compensation	6C-5.915
Benefits and Hours of Work	6C-5.920
Evaluation and Recognition	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.

SUMMARY: Rule changes improve the efficiency and effectiveness of personnel administration at the university level.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory cost has been prepared.

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