

DEPARTMENT OF MANAGEMENT SERVICES

Florida Commission on Human Relations

RULE TITLE: RULE NO.:

Notice of Meetings; Agenda; and 60Y-1.001
 Emergency Meetings

PURPOSE AND EFFECT: The goal and effect of the proposed rule amendment is to annunciate and identify the rule requirements for the notice of meetings, agenda, and emergency meetings, of the Florida Commission on Human Relations.

SUBJECT AREA TO BE ADDRESSED: Notice of meetings, agenda, and emergency meetings, of the Florida Commission on Human Relations.

SPECIFIC AUTHORITY: 760.06(12) FS.

LAW IMPLEMENTED: 120.525 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., December 7, 1999

PLACE: Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stanley G. Gorsica, Assistant General Counsel, Florida Commission on Human Relations, 325 John Knox Road, Suite 240, Building F, Tallahassee, Florida 32303-4149, whose telephone number is (850)668-7283

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60Y-1.001 Notice of Meetings; Agenda; and Emergency Meetings.

The Commission shall follow and conform to Chapter 28-102 28-2, Florida Administrative Code, with respect to meeting notices, schedules and convening of emergency meetings.

Specific Authority 760.06(12) ~~120.53, 13.251~~ FS. Law Implemented 120.525 ~~120.53(4)(d)~~ FS. History—New 2-19-76, Formerly 22T-2.01, 22T-2.001, Amended.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Licensing

RULE TITLES: RULE NOS.:

Organization 1C-3.100

Classification of Licenses; Insurance; Fees 1C-3.116

PURPOSE AND EFFECT: To amend portions of rules in ch. 1C-3 relating to proprietary security officers, since s. 8, ch. 96-407, Laws of Florida repealed statutory language authorizing the implementation of those portions of rules, effective July 1, 1997. The effect is that references to an application form and registration fee for proprietary security officers will be removed from ch. 1C-3.

SUMMARY: The proposed action deletes the registration fee for proprietary security officers in 1C-3.116 and deletes the form listed in 1C-3.100 which those applicants used to file for registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST. None.

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

SPECIFIC AUTHORITY: 493.6103, 493.6306 FS.

LAW IMPLEMENTED: 493.6306 FS.

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

TIME AND DATE: 10:00 a.m., December 15, 1999

PLACE: 2520 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michele Guy, Assistant General Counsel, Department of State, Division of Licensing, Telephone (850)488-3492

THE FULL TEXT OF THE PROPOSED RULES IS:

1C-3.100 Organization.

The Division of Licensing (Division), Department of State (Department) is statutorily empowered with the authority to ensure that the public is protected from private investigation, security, and repossession services by individuals who have a criminal history, or are insufficiently or improperly trained in the field, or are unlicensed, or by agencies that are improperly insured, or are managed in a manner which does not assure compliance with the law and these rules by its licensed employees.

(1) through (5) No change.

(6) Division Forms. Requests for public information or copies of the following applications and support forms, which are incorporated by reference in this rule, may be made by contacting any Division office. Addresses for each Division office are listed in section (2) of this rule.

~~Application for Class "PD" Proprietary Security Officer Registration~~ ~~LC2E169 (eff. 7/95)~~

(7) No change.

Specific Authority Specific 493.6103 FS. Law Implemented 120.53, 120.54(5)(b)5., 120.55(1)(a), 120.565, 493.6102(6), 493.6105(6), 493.6115(8), 493.6121, 493.6203(2)-(4), 493.6303(2),(3) FS. History--New 2-4-91, Amended 7-31-96, _____.

IC-3.116 Classification of Licenses; ~~and~~ Insurance; Fees.

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

~~(f) The fee for biennial registration of Class "PD" proprietary security officers shall be \$30.~~

(g) through (h) renumbered (f) through (g) No change.

Specific Authority 215.405, 493.6103, 493.6105(3)(j), 493.6107, 493.6202, 493.6302, 493.6402 FS. Law Implemented 215.405, 493.6105(1), 493.6105(3)(j), 493.6107, 493.6110, 493.6115(13), 493.6201, 493.6202, 493.6301, 493.6302, 493.6401, 493.6402 FS. History--New 2-4-91, Amended 7-31-96, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michele Guy, Assistant General Counsel, Department of State, Division of Licensing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John M. Russi, Director, Division of Licensing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

DEPARTMENT OF EDUCATION

RULE TITLE : Graduation Requirements for Certain Students with Disabilities

RULE NO.: 6-1.0996

PURPOSE AND EFFECT: This rule is being republished to satisfy concerns of the Joint Administrative Procedures Committee. This rule was previously published and adopted by the State Board of Education in August 1999 under the prefix number of 6A being that reflecting a rule emanating under authority of the State Board. However, in 1997, the Florida Legislature granted rule making authority to the Commissioner of Education for this rule. Therefore, this rule is being repromulgated under the prefix designation of 6 thus reflecting such rule to be under authority of the Commissioner of Education. The effect is a rule repromulgated under the prefix designation of 6 under the authority of the Commissioner of Education.

SUMMARY: The subject of this rule is the graduation requirements for students with disabilities with the exact same text as originally approved by the State Board of Education in August 1999, including approval of the Commissioner of Education, but here repromulgated under designation authority of the Commissioner of Education to satisfy concerns of the staff of the Joint Administrative Procedures Committee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.565(1), 232.247 FS.

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

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., December 20, 1999

PLACE: Room 1724, The Turlington Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, 1702, The Capitol, Tallahassee, Florida 32399, (850)488-6539

THE FULL TEXT OF THE PROPOSED RULE IS:

6-1.0996 Graduation Requirements for Certain 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. 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 for students who enter ninth grade in or before school year 1998-1999 as prescribed in subsections (3)-(11) of this rule; or higher levels of student performance standards for students with disabilities adopted by the district school board; and minimum number of course credits specified by the district school board. For students entering ninth grade in or after 1999-2000 mastery is determined as indicated in subsections (12)-(13) 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) 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 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 a student with a disability solely to a Special Diploma. The parents of each student eligible for a Special Diploma for students shall be notified through the IEP process of the options available under this rule.

(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) Mastery of the following student performance standards at the levels of 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) 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) Mastery of the following student performance standards at the levels of 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) 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) Mastery of the following student performance standards at the levels of 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) 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) Mastery of the following student performance standards at the levels of 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

(c) 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) Mastery of the following student performance standards at the levels of 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) 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) Mastery of the following student performance standards at the levels of 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) 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) Mastery of the following student performance standards at the levels of 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) 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 students identified in this rule and shall be specified in the student's IEP.

(11) Eleventh grade student performance standards. For 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. For students entering ninth grade in or after 1999-2000, special diploma requirements shall include:

(a) demonstration of proficiency at the independent, supported, or participatory level of each Sunshine State Standard for Special Diploma prescribed in Rule 6A-1.09401(1)(h), 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 Rule 6A-1.09401(1)(a)-(g), 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) 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 229.565(1), 232.247 FS. Law Implemented 230.23(6)(a), 232.247 FS. History--New 10-30-88, Amended 6-14-94, Formerly 6A-1.0996, Amended 10-10-99, Repromulgated _____, c.f. Minimum Student Performance Standards for Florida Schools 1994-95 through 2002-2003, Beginning Grades 3, 5, 8, and 11, Reading, Writing, and Mathematics Student Performance Standards for Florida Schools 1996-97 through 2001-2002, Exceptional Students, Reading, Writing, Language, Mathematics, and Social and Personal Sunshine State Standards for Special Diploma, 1999

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 1999

DEPARTMENT OF EDUCATION

RULE TITLE: Responsibilities for the School

RULE NO.: 6-7.042

Food Service Program

6-7.042

PURPOSE AND EFFECT: This rule is being republished to satisfy concerns of the Joint Administrative Procedures Committee. This rule was previously published and adopted by the State Board of Education in August 1999 under the prefix number of 6A being that reflecting a rule emanating under authority of the State Board. However, in 1997, the Florida Legislature granted rule making authority to the Commissioner of Education for this rule. Therefore, this rule is being repromulgated under the prefix designation of 6 thus reflecting such rule to be under authority of the Commissioner of Education. The effect is a rule repromulgated under the prefix designation of 6 under the authority of the Commissioner of Education.

SUMMARY: The subject of this rule is the food service requirements with the exact same text as originally approved by the State Board of Education in August 1999, including approval of the Commissioner of Education, but here repromulgated under designation authority of the Commissioner of Education to satisfy concerns of the staff of the Joint Administrative Procedures Committee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 228.195(2), 229.053(1) FS.

LAW IMPLEMENTED: 228.195, 229.053(2)(1), 230.23(16) FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., December 20, 1999

PLACE: Room 1702, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne V. Pierson, Deputy Commissioner for Planning, Budgeting and Management, 1702, The Capitol, Tallahassee, Florida 32399, (850)488-6539

THE FULL TEXT OF THE PROPOSED RULE IS:

6-7.042 Responsibilities for the School Food Service Program.

(1) The Deputy Commissioner for Planning, Budgeting and Management, shall have the following responsibilities:

(a) To provide leadership and guidance in the overall administration and development of school food service programs.

(b) To administer federal and state school food service funds, as provided by law or regulation.

(c) To require that all programs for which federal reimbursement is granted shall meet at least the minimum standards established by the United States Department of Agriculture as provided in 7 CFR Parts 210, 215, 220, 225, 226, 227, 235, 240, 245, 250 and 252.

(d) To require that all programs meet at least the minimum standards established by Florida law and rules of the State Board. Provided, however, that under extenuating circumstances and upon written recommendation of the Deputy Commissioner for Educational Programs, the Commissioner shall have authority to waive any state school food service regulation for a period of time not to exceed six (6) months; provided further, that an extended waiver may be granted based upon evidence that it will contribute to the maintenance of district or school goals. Such an extended waiver shall be for no more than an additional twelve (12) months during which time the district must make periodic reports to the Department as to the impact of the waiver upon the districts food service programs. Based upon positive results the Commissioner may grant further waivers as deemed appropriate.

(e) To distribute the required state matching in such a manner as to comply with the provisions for state matching under the National School Lunch Act. The annual state matching allocation shall be distributed by computing the district's percentage share of total federal revenue received times the state general revenue matching allocation. The federal revenue includes Sections 4 and 11 of the National School Lunch Act and Sections 4 and 5 of the Child Nutrition Act of 1966, as amended, for two (2) fiscal years prior to the current fiscal year. The state matching allocation shall be distributed to school districts in equal amounts quarterly.

(f) To prescribe an incentive plan for qualified supervision for Child Nutrition Programs.

(2) Each district school board shall have the following responsibilities:

(a) To provide the necessary food service programs to meet nutritional needs of students during the school day. These food service programs shall be appropriately scheduled and shall include as a minimum a reimbursable lunch and if

desired, a reimbursable breakfast, both priced as a unit. Supplemental foods which make a nutritional contribution to these meals may also be provided.

(b) To adopt policies covering all phases of the district school food service program.

(c) To control the sale of food and beverage items in competition with the district approved food service program, including those classified as "foods of minimal nutritional value," listed in Code of Federal Regulations 210, Appendix B. These items may be sold in secondary schools only, with the approval of the school board, one (1) hour following the close of the last lunch period. A school board may allow the sale of carbonated beverages to students in high schools by a school activity or organization authorized by the principal at all times if a beverage of one hundred (100) percent fruit juice is sold at each location where carbonated beverages are sold. However, carbonated beverages may not be sold where breakfast or lunch is being served or eaten. Non-carbonated beverages, including one hundred (100) percent fruit juice, may be sold at all times during the day at any location. Consideration should be given to allowing only the sale of nutritious food and beverage items which meet at least United States Department of Agriculture dietary guidelines for Americans.

(d) To require that when competitive food and beverage items are sold during the school day all proceeds from such sales shall accrue to the food service program or to a school organization approved by the school board.

(e) To provide an alternative food service program for students attending double session schools. The school board, after considering the nutritional needs of all the students attending the school, shall determine the alternative program needed.

(f) To provide facilities and equipment necessary for the efficient and effective operation of the school food service programs, in compliance with Chapter 6A-2, FAC.

(g) To provide for the control, administration, supervision, and operation of all of the food service programs of the district. The school board may contract with a food management company to provide food service in one (1) or more schools; provided that the school board shall retain responsibility for its operation, administration, supervision and control, in compliance with the program agreement and federal regulations.

(h) To adopt a policy for providing economically needy students with free and reduced price lunches and breakfasts, when breakfasts are served, that will comply with federal regulations. This policy shall include a plan for verifying economic need of students and shall be approved by the Deputy Commissioner for Educational Programs.

(i) To adopt policies prescribing procedures for purchases of food and nonfood items in compliance with the requirements of Rule 6A-1.012, FAC., of these rules, provided that such policies:

1. Shall establish procedures to assure that all foods purchased conform to the Federal Food, Drug and Cosmetic Act, the Federal Meat Inspection Act, and the Meat Inspection Law of Florida, and any other federal or state safeguards relating to wholesomeness of specific items being purchased.

2. May exempt food products except milk from the bid requirements of Rule 6A-1.012, FAC. Milk may be exempt under the following conditions:

a. The district school board has made a finding that no valid or acceptable firm bid has been received within the prescribed time; or

b. The district school board has made a finding that an emergency situation exists and may enter into negotiations with suppliers of milk and shall have the authority to execute contracts under whatever terms and conditions as the board determines to be in the best interest of the school system.

(j) To provide optional meal service at cost to Department approved nonprofit child nutrition sponsors of federal or state nutrition programs operating within a district.

(k) To limit, beginning with fiscal year 1984-1985, the amount of funds recovered annually for food service indirect costs to the district's approved restricted federal indirect cost rate, multiplied by the total Food Service Fund expenditures less expenditures for capital outlay, replacement of equipment, and United States Department of Agriculture donated foods; and cash-in-lieu of donated foods.

(l) To conduct a survey at the beginning of each school year, in each school not having a breakfast program asking parents whether their children would participate if a reimbursed breakfast program were available. Within thirty (30) days after completion of the survey, upon due public notice, the superintendent shall present the results of these surveys on a school by school basis to the school board. The survey results shall include the number of students represented by parents requesting school breakfast and recommendations from individual principals desiring a school breakfast program, based on the needs of the children within their school. Upon presentation of the survey to the school board, the school board shall determine whether or not to accept the recommendations of the individual principals and whether or not to accept the breakfast program in individual schools. If surveys have been conducted for three (3) consecutive years and the school board has not established a breakfast program, the survey may be conducted thereafter once every three (3) years.

(3) The school principal and local school staff shall have the following responsibilities:

(a) To comply with federal and state laws, regulations and district school board policies.

(b) To effect, through classroom instruction and learning experiences outside the classroom, ways to increase the pupil's knowledge concerning nutrition.

(c) To schedule meal serving periods in such a manner as to permit and encourage maximum student participation in the food service program.

(4) Forms ESE 156, Preaward Nondiscrimination Compliance Review Summer Food Service Program for Children; ESE 195, Monthly Claim for Reimbursement Summer Food Service Program for Children; ESE 196, Summer Food Service Program for Children Application for Participation; ESE 197, Summer Food Service Program for Children Site Information Sheet; ESE 198, Summer Food Service Program for Children Agreement; ESE 003, Food Service Special Revenue Financial Report; ESE 157, Application for Change in Food Service Program; ESE 174, Monthly Reimbursement Voucher School Lunch and Breakfast Program; ESE 177, Monthly Reimbursement Voucher Special Milk (Only) Program; ESE 178, Private School/Institution Financial Report; ESE 491, National School Lunch, School Breakfast and Commodity School Program Application, Agreement & Policy Statement; ESE 472, Special Milk Program for Children Application, Agreement and Policy Statement; and Form ESE 080, Breakfast Program Supplement Report are hereby incorporated by reference and made a part of this rule to become effective September, 1999. These forms may be obtained from the Administrator of Information Services and Accountability, Division of Technology and Administration, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

Specific Authority 228.195(2), 229.053(1) FS. Law Implemented 228.195, 229.053(2)(1), 230.23(16) FS. History—Amended 3-26-66, 4-17-72, 4-19-73, 10-20-73, Revised 6-17-74, Repromulgated 12-5-74, Amended 5-4-76, 10-18-77, 12-11-79, 1-7-81, 7-28-81, 9-23-81, 6-28-83, 10-15-84, 7-10-85, Formerly 6A-7.42, Amended 5-3-88, 5-16-90, 6-30-92, Formerly 6A-7.042, Amended 10-11-99, Repromulgated. c.f. National School Lunch Act as amended (42 USC) Sections 4 and 11, and Child Nutrition Act of 1966 as amended (42 USC) Sections 4 and 5, 7 CFR, Part 210, Section 210.6, CFR 210, Appendix B, CFR Parts 215, 220, 225, 226, 227, 235, 240, 245, 250, and 252.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 1999

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Tobacco Products

RULE NO.: 33-401.401

PURPOSE AND EFFECT: The proposed rule is needed in order to implement s. 944.115, Florida Statutes, which provides for the prohibition of tobacco products use in offices and buildings within state correctional facilities and other areas

designated by the department as prohibited areas. The effect of the proposed rule is to prohibit use of tobacco products in all indoor areas of all buildings leased, owned or occupied by the Department of Corrections.

SUMMARY: The proposed rule prohibits the use of tobacco products in all indoor areas of all buildings leased, owned or occupied by the Department of Corrections.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.115 FS.

LAW IMPLEMENTED: 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS.

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

TIME AND DATE: 9:00 a.m. December 22, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-401.401 Use of Tobacco Products Smoking Rules.

(1) This rule establishes the tobacco products use smoking policy for ~~the all~~ Department of Corrections ~~buildings or areas of buildings owned or leased by the department.~~ For the purposes of this rule, "tobacco products" means items such as cigars, cigarettes, snuff, loose tobacco, or similar goods made with any part of the tobacco plant, which are prepared or used for smoking, chewing, dipping, sniffing, or other personal use.

(2) Use of any tobacco products Smoking shall be prohibited in all indoor areas of any building owned, leased or wholly occupied by the Department of Corrections except for employee housing on department grounds and inmate maximum security (death row) housing areas.

(3) Should Department of Corrections' offices be located in buildings not totally in the control of the department, use of tobacco products smoking shall be prohibited in all indoor areas occupied or controlled by the department. Employees may use tobacco products smoke in those indoor areas which have been legally designated as smoking areas by other occupants of the building. Employees may not smoke in areas which do not fully meet the requirements of the Florida Indoor Clean Air Act, sections 386.201-.209, F.S.

~~(4) Smoking shall be prohibited in all indoor areas at institutions or facilities except that smoking areas may be designated in areas in which inmates are housed or inmate activities are held. At least one dormitory or housing area at each institution or facility shall be designated as entirely non-smoking. Smoking and non-smoking designations for such areas shall be made by the warden or officer in charge at the institution or facility.~~

~~(4)(5) Outdoor areas owned or leased by the Department of Corrections may be designated by the secretary or the secretary's designee as smoking areas where tobacco products may be used by inmates, staff, or visitors. ~~if Tobacco waste receptacles shall be provided in all areas where tobacco products use is permitted are present. This designation shall be made by the secretary or the secretary's designee. While on department premises, department employees may only smoke in the designated areas and must use the waste receptacles provided.~~~~

~~(5)(6) Use of tobacco products Smoking~~ shall be prohibited in all vehicles owned or leased by the department.

~~(6) Tobacco cessation assistance shall be available to inmates to assist them in making a successful tobacco-free transition.~~

~~(7) Violation of this rule shall be grounds for disciplinary action against employees and inmates. Visitors found in violation of this rule shall be subject to having their approval for access to the department facility withdrawn.~~

Specific Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History--New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Thomas

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 1999

DEPARTMENT OF CORRECTIONS

RULE TITLE: Holding Cells RULE NO.: 33-602.224

PURPOSE AND EFFECT: The proposed rule is necessary in order to set forth guidelines for the utilization of temporary holding cells.

SUMMARY: The proposed rule provides for the use of temporary holding cells.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m. December 21, 1999

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.224 Holding Cells.

(1) A holding cell is a secure environment utilized for the temporary detainment of an inmate.

(2) Holding cells may be constructed in medical areas, security buildings, confinement areas, dormitories and other areas that the Warden determines will enhance the physical security of the institution. All holding cells must be in compliance with the following design requirements:

(a) Have sufficient seating affixed to the floor or wall for each occupant of the cell;

(b) Be sheltered;

(c) Have artificial or natural lighting levels sufficient to provide monitoring of the inmate's activities;

(d) Have a securable handcuff port;

(e) Be constructed of materials sufficient to contain the inmate and prevent escape; and

(f) Be in compliance with the State Fire Marshall's code.

(3) Holding cells are designed to aid staff in daily operations and are not to be used for discipline. Holding cells are to be used only as temporary detention areas for the following purposes:

(a) Transfer

(b) Medical appointments

(c) Interviews

(d) Separation of combatant inmates

(e) Other reasons determined by the Warden or Duty Warden which are necessary for orderly facility operation and maintenance of security.

(4) A holding cell log will be initiated any time an inmate is placed in the holding cell for a period exceeding one hour. Each institution will be responsible for using the Holding Cell Log, Form DC6-208, to record the reasons for placement in the

cell, the length of time held in cell, and the record of frequent checks. Form DC6-208 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____.

(5) The inmate will not remain in the cell for longer than four continuous hours or six cumulative hours in a twenty-four hour period without the approval of the Warden or Duty Warden.

(6) A physical check shall be made of the inmate at least once every thirty minutes by a correctional officer. Checks will be documented on the holding cell log. If a log has not been initiated, the checks will be documented on the housing unit log.

(7) Access to personal needs will be provided as follows:

(a) Access to toilet facilities will be provided upon request for inmates in cells that have no facilities.

(b) Drinking water will be provided to the inmates in holding cells at all times, unless this presents a security concern. If water is withheld, it will be documented on the log.

(c) Meals will be served in conjunction with confinement meals.

(8) Inmates will not be placed in holding cells for the purpose of administering chemical agents.

(9) Inmates declaring a medical or psychological emergency while in a holding cell shall not be left unattended at any time. Medical personnel shall be notified immediately. Medical personnel attending to an inmate in a holding cell will sign the holding cell log. If no log has been initiated, the information will be documented on the housing unit log. If the holding cell is in an area that does not have a housing unit log, a notation will be made on the control room log.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:
Payment Methodology for Nursing Home Services

RULE NO.:
59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment to the Florida Title XIX Long-Term Care Reimbursement Plan is to:

- 1) Incorporate changes to the nursing home reimbursement plan payment methodology as required by proviso language following specific appropriation 252 of the 1999-2000 General Appropriations Act which provides \$9,051,822 to increase the patient care caps effective January 1, 2000
- 2) Clarify the policy of acceptance of nursing home cost reports and to remove from the plan provisions to cancel a provider agreement due to late filing of a cost report
- 3) Delete the language relating to incorporation of a Chart of Accounts into the reimbursement plan
- 4) Incorporate proposed technical amendments to accommodate cite and date changes and a decrease in the number of copies of cost reports required. The effect of the proposed amendment is to provide a detailed methodology for increasing the patient care caps effective January 1, 2000, a clarification of the policy of acceptance of nursing home cost reports and a removal from the plan provisions to cancel a provider agreement due to late filing of a cost report, deletion of the language relating to incorporation of a chart of accounts into the reimbursement plan, and an incorporation of reference cite and date updates and a decrease in the number of copies of cost reports to be filed.

SUMMARY: The proposed amendment to rule number 59G-6.010 incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan. The amendment adjusts the payment Methodology to increase the nursing home patient care caps effective January 1, 2000, modifies the policy of acceptance of nursing home cost reports and cancellation of provider agreement, deletes the language relating to the incorporation of a chart of accounts, updates cites, dates, and the number of copies of cost reports to be filed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., December 13, 1999

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carol Shotwell, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2106C, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version XVII ~~XVI~~ Effective Date _____ ~~October 18, 1999~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Director of Medicaid, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (HCFA Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99,_____.

NAME OF PERSON ORIGINATING THE PROPOSED RULE: Ms. Carol Shotwell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Gary Crayton

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE: Approved Forms

RULE CHAPTER NO.: 60S-9

RULE TITLE: Approved Forms

RULE NO.: 60S-9.001

PURPOSE AND EFFECT: The purpose of this proposed rule is to adopt nine new forms and 44 revised forms related to Florida Retirement System participation, service credit, and benefits; and to delete 12 forms no longer needed. The forms are being amended to accommodate the implementation of new technology as a result of the Division of Retirement's Reengineering Improvement and Modernization project, and to implement Chapters 97-154, 97-180, 98-246, 98-413, 99-155, 99-291, and 99-392, Laws of Florida. Barcodes or barcode fields have been added to the forms for electronic scanning and routing.

SUMMARY: Form BEN-001 is being adopted as a new form to be used by FRS members for beneficiary designation, replaces Form FRS-M10, and has a barcode. Form FRS-405 is being adopted for application for membership in the Special

Risk Class by paramedics and EMTs in compliance with Chapter 99-392, Laws of Florida, and includes application by firefighters, which was formerly on Form FRS-400, and has a barcode. Form MF-2 is being adopted to be used by Florida Retirement System (FRS) members to verify their eligibility to purchase military service under the out-of-state service provisions in compliance with Chapter 97-180, Laws of Florida, and has a barcode field. Form FR-30a, which requests certification of employment from the former out-of-state employer of a current FRS member whose verification of out-of-state employment on Form FR-30 is incomplete, is being adopted as a new form, and has a barcode.

Form FST-11o, for option selection by members of the Teachers' Retirement System (TRS) and the State and County Officers' and Employees' Retirement System (SCOERS), is being adopted as a new form, and has a barcode field. Form DP-TERM is being adopted to replace deleted Form DP-TN to be used by Deferred Retirement Option Program (DROP) participants to terminate their participation in DROP, and has a barcode. Form DP-PAYT is being adopted as a new form to consolidate information requested in Forms DP-PM and DP-RO, which are being deleted, to be used by DROP participants to select a payout method for their DROP benefits, and has a barcode field. Form DP-JOINT is a new DROP form for DROP participants who selected Option 4 to certify that the joint annuitant selected at the time of entering DROP is still living at the time the participant terminates DROP to implement Chapter 97-154, Laws of Florida, and has a barcode. Form Rollover, is being adopted as a new form, to be used by persons receiving refunds to request the taxable portion of the refund be rolled over into a qualified plan, in compliance with Internal Revenue Service regulations, and has a barcode. Form FRS-400 is being revised because of a change in format, to add a barcode, and to delete firefighters' application for special risk membership which has been added to the new Form FRS-405. Form FRS-402 is being revised because of a change in format, to add a barcode, to add a new notary statement in compliance with Chapter 98-246, Laws of Florida, and to add paramedics and EMTs to the special risk members who are eligible to apply for this credit in compliance with Chapter 99-392, Laws of Florida. Form ERQ-1, formerly Form 420-035, is being revised because of a change in format, to add a barcode, and a new form number for consistency. Forms SMS-3 and EOC-1 are being revised to add a barcode, and change the format to allow local agency members eligible for membership in the Senior Management Service Class to withdraw from the FRS altogether to comply with Chapter 99-291, Laws of Florida. Forms SMSD-1 and FR-28 are being revised because of a change in format, to add a barcode, and to clarify requested information. Form FR-11 is being revised because of a change in format, to add a barcode, to add a new notary statement in compliance with Chapter 98-246, Laws of Florida, and to add the requirement of a completed application for the direct deposit of retirement benefits in compliance with

Chapter 99-155, Laws of Florida. Form MF-1 is being revised to change the format, to add a barcode, to include a new notary statement to comply with Chapter 98-246, Laws of Florida, and to consolidate Form MF-1b with this form to allow a deceased member's beneficiary to purchase military service as creditable service. Form OSE-1 is being revised to include the verification of a member's eligibility to purchase in-state as well as out-of-state service in compliance with Chapter 97-180, Laws of Florida, and to change the format and add a barcode. Form FC-1 is being revised because of a format change, the addition of a barcode, and to add the request for the DROP begin date for DROP participants to implement provisions of Chapter 97-154, Laws of Florida. Form DP-ELE is being revised because of a change in format, to add a barcode, and to include the election to participate in DROP for members of the Teachers' Retirement System (TRS) and State and County Officers and Employees' Retirement System (SCOERS), in addition to FRS members. Form FR-13 is being revised because of a change in format, to add a barcode field, to include a new notary statement to comply with Chapter 98-246, Laws of Florida, and delete the option selection, which will be included on another form. Form FRS-M81 is being revised to change the format, to add a barcode field, and to increase the size to accommodate electronic scanning of the completed form. Form HIS-1 is being revised to change the format, to add a barcode field, and to reflect a change in the health insurance subsidy payment from \$3 to \$5 per month for each year of service at retirement to comply with Chapter 98-413, Laws of Florida. Form JA-1 is being revised to change the format, to add a barcode field, to include a new notary statement in compliance with Chapter 98-246, Laws of Florida, and to allow a retired member to nullify a joint annuitant designation following a divorce in compliance with Chapter 98-413, Laws of Florida. Form FST-11g is being revised to change the format, to add a barcode field, to include a new notary statement to comply with Chapter 98-246, Laws of Florida, and to add a request for the relationship of the deceased to the applicant. Forms FRS-401, FRS-404, BLE-1, OCC-1, FR-9, FR-23, FR-23a, SRF-2, SRF-3, and SVF-1 are being revised because of a change in format and to add a barcode. Forms FRS-11o, FST-12, FST-11b, TR-11c, SVF-2, DIS-1, and JA-NUL are being revised to include a new notary statement to comply with Chapter 98-246, Laws of Florida, and to change the format and add a barcode field. Forms WC-1, FR-30, FR-30b, FR-13a, FR-13b, FR-13e, and FR-13f are being revised because of a change in format and to add a barcode field. Forms DP-11, DT-11, and DS-11 are being revised to include a new notary statement to comply with Chapter 98-246, Laws of Florida, to change the format and add a barcode, and to delete the option selection, which will be included on a different form. Form FRS-M10 is being deleted to be replaced by the new Form BEN-001 for the beneficiary process, and the new payroll system will eliminate the enrollment data formerly provided on the FRS-M10. Form

SB-10 is being deleted because the Division of Retirement no longer administers the U. S. Savings Bonds Program for state employees. Form FR-17, to determine eligibility for Social Security minimum benefits, is being deleted because it is no longer used by the Division of Retirement. Form FST-40cl, for spousal acknowledgement of an FRS member's option selection, is being deleted because the same information request is included on Form FRS-11o. Forms DT-ELE and DS-ELE, used by TRS and SCOERS members, respectively, to elect membership in DROP, are being deleted to be replaced by the revised Form DP-ELE. Form DP-TN, used by DROP members to terminate their DROP participation, is being deleted and replaced by a renamed form, Form DP-TERM. Forms DP-PM and DP-RO, used by DROP members to select a direct payout or rollover of their DROP benefits, respectively, are being deleted because they are being consolidated and replaced by one form, Form DP-PAYT. Forms FRS-OP1 and FRS-OP2, agreements for repayment of retirement benefits by monthly installments or deductions, respectively, are being deleted and will be replaced by a written letter to the member. Form MF-1B, used by a beneficiary to verify a deceased member's eligibility to purchase military service, is being deleted because Form MF-1 is being revised to consolidate verification by the member and the beneficiary.

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

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

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 17.076, 112.363, 117.05, 121.051, 121.0515, 121.052, 121.055, 121.091, 121.111, 121.1115, 121.1122 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., December 13, 1999

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by writing to the Division of Retirement, Cedars Executive Center, Bldg. C, 2639 N. Monroe Street, Tallahassee, Florida 32399-1560.

(1) Bureau of Enrollment and Contributions	
FORM NO./REVISION DATE	TITLE
(a) BEN-001 (10/99)	Beneficiary Designation Form Active Members Only
(a) FRS-M10 (Rev. 12/98)	Personal History Record
(b) FRS-400 (Rev. 8/99 4/89)	Application for Special Risk Membership Law Enforcement/ Correctional Officers
(c) FRS-401 (Rev. 7/99 4/90)	Special Risk Credit for Past Service
(d) FRS-402 (Rev. 8/99 4/90)	Application for Special Risk Equivalent Credit
(e) FRS-404 (Rev. 8/99 9/82)	Application for Special Risk Administrative Support Class
(f) FRS-405 (10/99)	Application for Special Risk Membership Firefighters/Paramedics/EMTs
(g)(f) ERO-1420-035 (Rev. 8/99 4/89)	Employment Relationship Questionnaire
(g) SB10 (Rev. 6/90)	US Savings Bond Payroll Authorization Form
(h) BLE-1 (Rev. 8/99 6/92)	Ballot for Member of an Existing Retirement System
(i) SMS-3 (Rev. 8/99 4/94)	SMSC Senior Management Service Class Ballot/Enrollment Form for Local Agency Employees
(j) SMSD-1 (Rev. 8/99 11/4/98)	Senior Management Service Class Designated Position Form
(k) EOC-1 (Rev. 8/99 4/98)	Ballot Form for Employees of Elected Officers' Class
(l) OCC-1 (Rev. 7/99 4/96)	Ballot/Enrollment Form for Community Colleges Optional Retirement Program Employees
(2) Bureau of Retirement Calculations	
FORM NO./ REVISION DATE	TITLE
(a) FR-9 (Rev. 7/99 2/98)	Information Request
(b) FR-11 (Rev. 7/99 11/95)	Florida Retirement System Application for Service Retirement
(c) and (d) No change.	
(e) FR-28 (Rev. 7/99 4/94)	Application to Purchase Retirement Credit for a Leave-of-Absence
(f) MF-1 (Rev. 7/99 9/94)	Statement of Military Eligibility
(g) No Change	
(h) OSE-1 (Rev. 7/99 2/90)	Eligibility for In-State or Out-of-State Service Credit
(i) WC-1 (Rev. 7/99 4/88)	Certification of Workers' Compensation Salary Certification
(j) FC-1 (Rev. 7/99 3/92)	Statement of Military Eligibility to Purchase Military Service Under the Out-of-State Provisions of Section 121.1115, F.S.
(k) MF-2 (7/99)	Social Security Eligibility for Minimum Benefits
(k) FR-17 (Rev. 4/90)	Notification of Reemployment for Suspension of Retirement Benefits
(l) FR-23 (Rev. 7/99 3/90)	Application to Reactivate Retirement Benefits
(m) FR-23a (Rev. 7/99 8/90)	Florida Retirement System Verification for In-State or Out-of-State Service Credit
(n) FR-30 (Rev. 7/99 06/98)	Florida Retirement System Out-of-State Employer Request
(o) FR-30a (7/99)	Option Selection for FRS Members
(p)(e) FRS-11o (Rev. 7/99 11/95)	Option Selection for TRS and SCOERS Members
(q) FST-11o (7/99)	Spousal Acknowledgement
(p) FST-40c1 (Rev. 11/95)	Florida Retirement System (FRS) Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment
(r)(e) DP-ELE (Rev. 7/99 3/98)	Florida Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP)
(s)(e) DP-11 (Rev. 7/99 3/98)	

- ~~(s)~~ DT-ELE (3/98) Teachers' Retirement System Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment
- (t) DT-11 (Rev. 7/99 3/98) Teachers' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP)
- ~~(tt)~~ DS-ELE (3/98) State and County Officers' and Employees' Retirement System Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment
- ~~(uu)~~ DS-11 (Rev. 7/99 3/98) State and County Officers' and Employees' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP)
- ~~(w)~~ DP-TN (7/98) Florida Retirement System Deferred Retirement Option Program Termination Notification
- ~~(x)~~ DP-PM (7/98) Florida Retirement System Deferred Retirement Option Program Selected Payout Method
- ~~(y)~~ DP-RO (7/98) Florida Retirement System Deferred Retirement Option Program Rollover Election
- (3) Bureau of Benefit Payments FORM NO./REVISION DATE
- (a) FR-13 (Rev. 7/99 12/94)
- (b) FR-13a (Rev. 7/99 12/94)
- (c) FR-13b (Rev. 7/99 6/92)
- (d) through (i) No change.
- (j) FR-13c (Rev. 7/99 6/92)
- (k) FR-13f (Rev. 7/99 6/92)
- (l) through (o) No change.
- (p) FRS-M81 (Rev. 1/99 09/88)
- (q) HIS-1 (Rev. 1/99 10/95)
- (r) FST-12 (Rev. 7/99 4/93)
- ~~(s)~~ FRS-OP1 (Rev. 5/88)
- ~~(t)~~ FRS-OP2 (Rev. 5/88)
- ~~(u)~~(tt) JA-1 (Rev. 7/99 5/94)
- (v) renumbered (t) No change.
- ~~(w)~~ MF-1B (Rev. 12/89)
- ~~(uu)~~(x) FST-11b (Rev. 7/99 4/93)
- ~~(v)~~(y) FST-11g (Rev. 7/99 6/92)
- ~~(w)~~(z) TR-11c (Rev. 7/99 6/92)
- ~~(x)~~(aa) SRF-2 (Rev. 7/99 3/88)
- ~~(y)~~(bb) SRF-3 (Rev. 7/99 03/90)
- ~~(z)~~(cc) SVF-1 (Rev. 7/99 10/89)
- ~~(aa)~~(dd) SVF-2 (Rev. 7/99 5/97)
- ~~(bb)~~(ee) DIS-1 (Rev. 7/99 Eff. 9/97)
- ~~(cc)~~(ff) JA-NUL (Rev. 7/99 09/98)
- ~~(dd)~~(gg) FR-30b (Rev. 7/99 12/98)
- (ee) DP-TERM (7/99)
- (ff) DP-PAYT (7/99)
- (gg) DP-JOINT (9/99)
- (hh) Rollover (7/99)

- Teachers' Retirement System Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment
- Teachers' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP)
- State and County Officers' and Employees' Retirement System Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment
- State and County Officers' and Employees' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP)
- Florida Retirement System Deferred Retirement Option Program Termination Notification
- Florida Retirement System Deferred Retirement Option Program Selected Payout Method
- Florida Retirement System Deferred Retirement Option Program Rollover Election
- TITLE
- FRS Application for Disability Retirement Statement of Disability by Employer Physician's Report of Disability
- FRS Retiree's Report of Continuing Disability
- FRS Physician's Report of Reexamination
- Request for Refund
- Florida Retirement System Health Insurance Subsidy Certification Form
- Beneficiary Designation Form (Retired Members Only)
- Agreement for Repayment of Retirement Benefits
- Agreement for Repayment of Retirement Benefits
- Change of Joint Annuitant Form (Retired Members Only)
- Beneficiary's Statement of Military Eligibility
- Application of Beneficiary for Retirement Benefits
- Application of Beneficiary for Refund
- Application for Survivor Benefits
- Student Report Form
- Authorization for Release of Information
- Student Verification of Enrollment by Institution
- Affidavit Attesting to Eligibility
- Disclaimer of Benefits Under the Florida Retirement System
- Florida Retirement System Joint Annuitant Nullification Form
- Verification for In-State or Out-of-State Service Credit
- Deferred Retirement Option Program (DROP) Termination Notification
- Deferred Retirement Option Program (DROP) Selected Payout Method
- Deferred Retirement Option Program (DROP) Joint Annuitant Verification
- Florida Retirement System Direct Rollover Election Form

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

DEPARTMENT OF MANAGEMENT SERVICES
Division of Retirement – Optional Retirement Program
 RULE CHAPTER TITLE: Optional Retirement Program Participation
 RULE CHAPTER NO.: 60U-1
 RULE TITLE: Approved Forms
 RULE NO.: 60U-1.006

PURPOSE AND EFFECT: The purpose of this proposed rule is to adopt two revised forms. The forms are being amended to accommodate the implementation of new technology as a result of the Division of Retirement's Reengineering Improvement and Modernization project, and to implement Chapters 99-252 and 99-392, Laws of Florida. The forms include barcodes for electronic scanning and routing.

SUMMARY: Form ORP-1 is being revised because of a change in format, to add a barcode, and to implement the inclusion of all administrative and professional positions in the Optional Retirement Program by Chapter 99-252, Laws of Florida. Form ORP-16 is being revised because of a change in format, to add a barcode, and to show the new retirement contribution rates effective July 1, 1999 in compliance with Chapter 99-392, Laws of Florida. These contributions are required for employers of State University System Optional Retirement Program participants and are optional for the participants.

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

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

SPECIFIC AUTHORITY: 121.031 FS.
 LAW IMPLEMENTED: 121.071, 121.35 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., December 13, 1999
 PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

Specific Authority 121.031 FS. Law Implemented 112.361, 112.363, 120.55, 121.011, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.121, 121.125, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07 FS. History—New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60U-1.006 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public in administering the Optional Retirement Program, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained through the Board of Regents and State University System Personnel Offices or by writing to the Division of Retirement, Cedars Executive Center, Bldg. C, 2639 N. Monroe Street, Tallahassee, Florida 32399-1560.

FORM NO./REVISION DATE	TITLE
(1) ORP-1 (Rev. 7/99 44/92)	<u>State University System Optional Retirement Program</u> Employer Application for Administrative & Professional Positions Eligibility in the Optional Retirement Program
(2) ORP-16 (Rev. 07/99 07/98)	<u>State University System</u> Optional Retirement Program (SUSORP)/ Enrollment Form - Florida Retirement System (FRS)/FRS Ballot

Specific Authority 121.031 FS. Law Implemented 121.051(1)(a), 121.35 FS. History—New 2-28-84, Amended 9-5-84, Formerly 22U-1.06, Amended 12-5-90, Formerly 22U-1.006, Amended 1-4-93, 10-20-93, 1-10-95, 5-14-95, 9-18-96, 10-14-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Senior Management Service – Optional Annuity Program

RULE CHAPTER TITLE: Participation
 RULE CHAPTER NO.: 60V-1
 RULE TITLE: Approved Forms
 RULE NO.: 60V-1.007

PURPOSE AND EFFECT: This purpose of this proposed rule is to adopt one revised form to implement Chapter 99-392, Laws of Florida. The form is being amended to also accommodate the implementation of new technology as a result of the Division of Retirement’s Reengineering Improvement and Modernization project. The form includes a barcode for electronic scanning and routing.

SUMMARY: Form SMS-1 is being revised because of a change in format, to add a barcode, and to show the new retirement contribution rates effective July 1, 1999 in compliance with Chapter 99-392, Laws of Florida. These

contributions are required for employers of Senior Management Service Optional Annuity Program participants and are optional for the participants.

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

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

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.055 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., December 13, 1999

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth Brewer, Senior Benefit Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60V-1.007 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the participants in the Senior Management Service Optional Annuity Program, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by writing: Division of Retirement, Cedars Executive Center, Bldg. C, 2639 N. Monroe Street, Tallahassee, Florida 32399-1560.

FORM NO./REVISION DATE	TITLE
SMS-1 (Rev. 07/99 06/98)	Senior Management Service Class, Senior Management Service Optional Annuity Program (SMSOAP)/FRS Ballot/Enrollment Form for State Agency Employees

Specific Authority 121.031 FS. Law Implemented 121.055 FS. History—New 1-4-93, Amended 1-10-95, 5-14-95, 9-18-96, 10-14-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 30, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE CHAPTER TITLE: TIME-share Plans RULE CHAPTER NO.: 61B-37

RULE TITLES: Definitions RULE NOS.: 61B-37.001

Advertising Material 61B-37.002

Prize and Gift Promotional Offers 61B-37.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to allow advertising filings by facsimile and electronically, if appropriate; to delete some of the vacation certificate filing requirements; and to amend and renumber BPR Form 518 to reflect the amendments to the rule.

The effect of this rule amendment, consistent with sections 721.11 and 721.111, Florida Statutes, is to give effect to rules that implement the statute in the regulation of the advertisement of timeshare periods.

SUMMARY: The amendment will facilitate advertising filings by making them easier to file and by lessening the requirements of the filing.

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

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

SPECIFIC AUTHORITY: 721.26(6) FS.

LAW IMPLEMENTED: 721.11, 721.111 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., December 13, 1999

PLACE: Fuller Warren Building, Conference Room, #B07, 202 Blount Street, Tallahassee, Florida

Those persons who cannot attend in person may submit their comments in writing: Mary Denise O'Brien, Department of Business and Professional Regulation, 1940 North Monroe Street, Clemons Building, Tallahassee, Florida 32399-2202, within 21 days of this notice. Written comments received after the hearing cannot be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting the Agency Clerk, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8770 Voice, 1(800)955-8771 TDD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Denise O'Brien, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-37.001 Definitions.

For purposes of sections 721.075, 721.11, and 721.111, Florida Statutes, and these rules, the following definitions apply:

(1) through (3) No change.

(4) "Filed with division" means that written materials, including facsimile and electronic filing, if appropriate, have been received by the division in the Tallahassee, Florida office and the date of receipt shall constitute the date of filing.

(5) through (7) No change.

(8) "Receipt" or "received" shall have the meaning specified in chapter 39, F.A.C.

(9) through (11) renumbered (8) through (10) No change.

Specific Authority 721.26(6) FS. Law Implemented 721.075, 721.11, 721.111 FS. History--New 1-1-85, Formerly 7D-37.01, 7D-37.001, Amended 8-24-94, _____.

61B-37.002 Advertising Material.

(1) No change.

(2) The developer of the timeshare plan shall file with the division all advertising material, including prize and gift promotional offers, at least 10 days prior to use, and shall accompany such filing with DBPR Form TS 6000-12 BPR form 518, Filing Statement for Advertising Material, incorporated herein and effective 2-23-97, a copy of which may be obtained at the address referenced in Rule 61B-39.002(4). Following receipt of advertising material, the division shall issue a notice informing the developer of the date that the advertising material was filed with the division or advising the developer of specific deficiencies in the advertising material that must be corrected. Where additional or corrected material is submitted to modify previously filed advertising material, including advertising submitted in response to a deficiency notice from the division, such material must be filed with the division at least 10 days prior to use of the modified advertising material, unless other indicated by the division pursuant to paragraphs (b) and (c) of subsection (1) of section 721.11, Florida Statutes.

(3) No change.

Specific Authority 721.11, 721.111, 721.26(6) FS. Law Implemented 721.11(4) FS. History--New 1-1-85, Formerly 7D-37.02, 7D-37.002, Amended 8-24-94, 2-13-97, _____.

61B-37.004 Prize and Gift Promotional Offers.

(1) Contents of Filing. In addition to the general filing requirements of sections 721.11 and 721.111(4), Florida Statutes, and other applicable chapter 61B-37 rules, each filing with the division of a prize and gift promotional offer shall comply with the following specific requirements:

(a) In instances where a manufacturer's suggested retail price must be disclosed, this figure shall be evidenced by a letter from the manufacturer of the item stating its suggested retail price or by the manufacturer's printed price list. Where disclosure of a verifiable retail value is required, this value may be evidenced by providing the division with a page from a national or a regional retail catalog depicting the item, or a comparable item, properly used as a reference of retail value or by providing the division with copies of the actual purchase and invoice agreements governing the purchase of the item.

(b) In disclosing the terms and conditions and other information concerning the use of lodging or vacation certificates, and in providing reasonable assurances that the obligations thereunder will be met, the developer shall include the following information:

1. The name and address of the business entity or entities creating and distributing the lodging or vacation certificates;

~~2. The total number of lodging or vacation certificates to be printed and corresponding certificate numbers;~~

~~2.3.~~ A copy of the lodging or vacation certificate;

~~3.4.~~ The name and location of the resort, hotel, motel, time-share project or other entity providing benefits under the vacation or lodging certificate, ~~and either a letter to the division from the owner or operator of the above benefit providing entities guaranteeing that such certificate will in fact be honored according to its terms until the expiration of the date specified in the certificate or a copy of the applicable contract which requires that the terms of the certificate be fulfilled; and~~

~~4.5.~~ A letter to the division from the ~~developer~~ supplier of the vacation or lodging certificate verifying that a bona fide agreement exists, between the certificate supplier and the developer, ~~to supply or distribute to, or on behalf of, the developer, a specified number of vacation or lodging certificates.~~

(2) No change.

(3) Advertising disclosures.

(a) In describing the prize, gift or other item that a prospective purchaser will receive, advertising material shall describe, where applicable, the item's dimensions, material and construction, volume, warranties, guarantees, brand name, and method of operation.

(b) In describing vacation or lodging certificates, the advertising material shall fairly disclose, where applicable:

1. The ~~name and~~ location and a fair and accurate description of the lodging facility. If proximity to any area attraction is mentioned, the distance of the attraction from the lodging facility shall be fairly described.

2. through 5. No change.

6. The existence and amount of any charges to the recipient, ~~for example, deposits, service charges, surcharges, and peak season charges; and~~

7. Whether the recipients must use a credit card to make their reservations.

(c) In disclosing the rules, terms, requirements, and preconditions governing the use of a vacation or lodging certificate, the certificate shall contain a section labeled "Terms and Conditions," or language of similar import, which shall include the following:

1. Any eligibility requirements such as age, employment, residency, or marital status;

~~2. Whether state and local taxes are included, if any;~~

~~3. Whether transportation is included;~~

~~2.4.~~ Any expiration date; and

~~3.5.~~ Any additional charges, ~~such as peak season charges, for use of the accommodations or facilities at certain times.~~

(4) Unavailability of accommodations under the vacation or lodging certificates. Where, through no fault of the developer of the time-share plan, any entity which is to provide lodging or other services under the vacation or lodging certificate fails to do so, the developer must offer recipients of such certificates the choice of receiving either a refund of any monies paid therefor or pursuant thereto, or of receiving comparable lodging and services subject to the same terms and conditions as specified in the vacation or lodging certificate. After the provider of the lodging or other services fails to honor the terms of the vacation or lodging certificate, the developer shall immediately cease distribution of any vacation or lodging certificates offering lodging or services at the unavailable facility. ~~Additionally, the developer shall immediately provide the division with the following information:~~

~~(a) The name of the facility which is no longer providing lodging or other services under the vacation or lodging certificate;~~

~~(b) The name and address of the comparable facility being offered to recipients of the certificates; and~~

~~(c) The reason for failing to provide lodging or other services specified in the vacation or lodging certificates.~~

Specific Authority 721.26(6) FS. Law Implemented 721.11, 721.111 FS. History—New 1-1-85, Formerly 7D-37.04, 7D-37.004, Amended 8-24-94.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cynthia Henderson, Secretary, Department of Business and Professional Regulation

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Cynthia Henderson, Secretary, Department of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractor's Licensing Board

RULE TITLE: Certification Examination Requirements
RULE NO.: 61G6-6.001
PURPOSE AND EFFECT: The word Low in Subsection (3)(e) has been changed to Limited.

SUMMARY: The Board amended Subsection (3)(e) to read Limited Energy Contractor instead of Low Energy Contractor for clarity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.217(1)(b) FS.

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

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

TIME AND DATE: 10:00 a.m., December 13, 1999

PLACE: 107 W. Gaines St., Room 324, Tallahassee, Florida 32302

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Ayrish, Program Administrator, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G6-6.001 Certification Examination Requirements.
- (1) through (2) No change.
- (3) The content areas of each examination and the approximate weight assigned to each section are as follows:
 - (a) through (d) No change.
 - (e) Limited ~~Low~~ Energy Contractor. Technical Section 69%; General Business Section 25%; and Safety Section 6%.
 - (f) through (g) No change.
 - (4) No change.

Specific Authority 455.217(1)(b) FS. Law Implemented 455.217(1)(b) FS. History--New 1-2-80, Amended 4-26-81, 1-19-84, Formerly 21GG-6.01, 21GG-6.001, Amended 3-20-95, 5-2-96, 5-7-97, 10-6-97, 9-7-98, 10-7-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractor's Licensing Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractor's Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Specialty Electrical Contractors
RULE NO.: 61G6-7.001
PURPOSE AND EFFECT: The Board elected to change the text in Subsection (4) to read "Limited Energy Systems Specialty" in lieu of "Low Energy Systems Specialty" in an attempt to clarify the rule text.

SUMMARY: The title "Low Energy Systems Specialty" in Subsection (4) has been changed to "Limited Energy Systems Specialty" to clarify this type of particular contractor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.511(5), 489.505(19) FS.

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

TIME AND DATE: 10:00 a.m., December 13, 1999

PLACE: 107 W. Gaines St., Tallahassee, Florida 32302

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Ayrish, Program Administrator, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-7.001 Specialty Electrical Contractors.

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, Florida Statutes, and Chapter 61G6-5, above. In order to be admitted to a specialty contractor examination, the person

must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) through (3) No change.

(4) Limited Low Energy Systems Specialty. The scope of certification of a limited low energy systems specialty contractor includes the installation of, repair of, fabrication, erection, alteration of, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television or radio distribution system), central vacuum, or electric locks.

(a) through (b) No change.

(5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.511(5), 489.505(19) FS. History—New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractor’s Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractor’s Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 1, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Work Requirements for Medical Incapacity and SSI Applicants

RULE NO.: 65A-4.206

PURPOSE AND EFFECT: This rule complies with requirements of ss. 414.065 and 414.105, F.S., which were amended by the 99 Legislature. The statutory amendments require determinations of limitations on work activities for individuals claiming an incapacity or Supplemental Security Income (SSI) disability. Additionally, the amendments require verified assessments of the extent of limitations on work activities. For SSI disability applicants, extensions of time limits that count toward the lifetime limits must be granted pending the outcome of the disability application.

SUMMARY OF RULE: This rule provides work requirements for individuals claiming exemptions due to medical incapacity or application for SSI due to disability.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.065(7)(d), 414.065(7)(e), 414.105(10) FS.

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

TIME AND DATE: 10:00 a.m., December 13, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Ginn, Program Administrator, Public Assistance Policy Planning, Research and Development Unit, 1317 Winewood Boulevard, Bldg 3, Room 412L, Tallahassee, Florida 32399-0700, Telephone (850)921-5581

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.206 Work Requirements for Medical Incapacity and SSI Applicants.

(1) Local WAGES coalitions will determine the work participation status of individuals who claim a medical incapacity or who have applied for Supplemental Security Income (SSI) due to disability.

(2) Individuals who are exempt from participation in certain work activities due to medical incapacity, and those individuals who have applied for SSI due to disability, shall be required to comply with the course of medical treatment necessary for the individual to resume participation in work activities.

(3) Individuals claiming a medical incapacity either preventing them from participating in work activities or limiting their participation in work activities shall provide a statement from a physician licensed under ch. 458 or 459, F.S., specifying the nature of the disability or incapacity, the duration of disability or incapacity, the number of hours per week that the individual can participate in activities, the percentage of the individual’s disability and any other limitations on participation in work activities. The individual will provide this information on CF-ES 2288, Request for Medical Verification, Oct 99, incorporated by reference. The individual basing their exemption from temporary cash assistance work activities on an application for SSI disability benefits must provide a copy of the disability receipt file from the Social Security Administration to verify a pending SSI disability decision.

(4) An alternative work plan will be designed consistent with the individual’s limitations.

(5) The individual basing their exemption from temporary cash assistance work activities on an application for SSI disability benefits shall sign an Agreement of Understanding, CF-ES 2287, Oct 99, incorporated by reference, which informs the individual that all extensions to time limits count toward their cash assistance life time limit of 48 months.

(6) The local WAGES coalition career manager will review the case at least monthly to determine the status of the SSI application. The Agreement of Understanding will be re-signed every six months.

(7) Copies of forms CF-ES 2287 and CF-ES 2288 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 414.45 FS. Law Implemented 414.065(7)(d), 414.065(7)(e), 414.105(10) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney Mcinnis, Management Review Specialist
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Ginn, Program Administrator, Public Assistance Policy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 3, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-150.003	Definitions
4-150.103	Definitions
4-150.203	Definitions

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 25, No. 28, July 17, 1999, of the Florida Administrative Weekly, have been withdrawn. The rules are being withdrawn because the notice of change previously filed was published one day too late to toll the 90-day deadline to adopt the rule. The changes which were the subject of the rulemaking are now being made as a concurrent notice of change in another pending rulemaking.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-150.003	Definitions
4-150.103	Definitions
4-150.203	Definitions

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 30, July 24, 1998, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at a public hearing and comments from the Joint Administrative Procedures Committee.

4-150.003 – Subparagraph 3. of paragraph (b) of subsection (11) is changed to read:

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

4-150.103 – Subparagraph 3. of paragraph (b) of subsection (10) is changed to read:

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

4-150.203 – Subparagraph 3. of paragraph (b) of subsection (9) is changed to read:

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

The remainder of the rules read as previously published.

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NO.:	RULE TITLE:
12D-7.0143	Additional Homestead Exemption Up To \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 40, October 8, 1999, issue of the Florida Administrative Weekly.

(1) The following procedures shall apply in counties and municipalities that have granted an additional homestead exemption up to \$25,000 for persons 65 and older on January 1, whose household adjusted gross income for the prior year does not exceed \$20,000, adjusted beginning January 1, 2001, by the percentage change in the average cost-of-living index.

(2) A taxpayer claiming the additional exemption is required to submit a sworn statement of adjusted gross income of the household (Form DR-501SC, Sworn Statement of Adjusted Gross Income of Household and Return, incorporated by reference in Rule 12D-16.002, F.A.C.) to the property appraiser by March 1, comprising a confidential return of