

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.:	RULE TITLES:
1B-24.001	General
1B-24.003	Records Retention Scheduling and Dispositioning

PURPOSE AND EFFECT: The purpose of this amendment is to update guidelines for scheduling and disposing of public records. Updated guidelines reflect current best practices in managing public records and ensuring their retention and secure disposition in accordance with public records provisions of Florida Statutes, Chapters 119 and 257.

SUBJECT AREA TO BE ADDRESSED: Public records retention and disposition guidelines for Florida public records.

SPECIFIC AUTHORITY: 257.14, 257.36 FS.

LAW IMPLEMENTED: 257.14, 257.36 FS.

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

DATE AND TIME: Tuesday, September 30, 2008, 2:00 p.m.

PLACE: Conference Room 307, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: LaDonna Wagers, Acting Program Manager, Information Resources Management, Division of Library and Information Services, M.S. 9A, Tallahassee, FL 32399-0250; (850)245-6750

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.044	Pupil Attendance Records

PURPOSE AND EFFECT: The purpose of this rule development is to delete from rule obsolete attendance forms and obsolete language relating to minimum time requirements.

SUBJECT AREA TO BE ADDRESSED: Pupil Attendance Records.

SPECIFIC AUTHORITY: 1001.02(1), 1003.01, 1003.23 FS.

LAW IMPLEMENTED: 1003.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

PURPOSE AND EFFECT: The purpose of this rule development is to amend the 2008-2009 Course Code Directory and Instructional Personnel Assignments. This amendment is necessitated by the implementation requirements of 2008 legislation (Senate Bill 1908), which added flexibility for the high school graduation requirement previously requiring one credit in fine or performing arts. The new requirement is one credit in fine or performing arts, speech and debate, or a specified practical arts course. The Course Code Directory must be amended via this rule to reflect the designation for these practical arts courses.

SUBJECT AREA TO BE ADDRESSED: Course Code Directory – assignment of designation to specific practical arts courses for purposes of meeting high school graduation requirement in Section 1003.428(2)(a)5., Florida Statutes.

SPECIFIC AUTHORITY: 1001.02(1), 1011.62(1)(r) FS.

LAW IMPLEMENTED: 1011.62(1) FS.

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

DATE AND TIME: September 30, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: 325 West Gaines Street, Room 1721, Tallahassee, FL 32399 or by calling 1(866)305-2303 and entering code: 62824319

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Holly Edenfield, Executive Director of Legislative and Public Affairs, Division of Public Schools, 325 West Gaines Street #514, Tallahassee, FL 32399, (850)245-0659

TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

(1) The program in which the student is in membership shall be one of the programs listed in Section 1011.62(1)(c), Florida Statutes.

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

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

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

(5) The "Course Code Directory and Instructional Personnel Assignments 2008-2009," and supplement, as amended November 2008, is hereby incorporated by reference and made a part of this rule. The Commissioner may publish the document in appropriate and useful formats such as printed copy, electronic database access, or electronic disc. The directory may be obtained from K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. The Commissioner of Education may approve additional courses and course descriptions for which funding could be generated through the Florida Education Finance Program. Such additional course listings will be made available as approved.

Specific Authority 1001.02(1), 1009.53(3), 1011.62(1)(r) FS. Law Implemented 1009.531, 1009.534, 1009.535, 1009.536, 1011.62(1) FS. History—New 12-20-83, Formerly 6A-1.9441, Amended 2-6-86, 12-28-86, 4-4-88, 12-13-88, 12-11-89, 1-15-91, 2-20-92, 7-13-93, 10-18-94, 8-28-95, 4-18-96, 7-17-97, 8-12-98, 5-3-99, 5-3-01, 10-15-01, 7-30-02, 4-21-05, 11-21-05, 7-27-06, 1-18-07, 5-19-08,

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09961
 RULE TITLE: Graduation Requirements for Certain Students with Disabilities

PURPOSE AND EFFECT: The purpose of the rule development is to update the portion of the rule that addresses special diploma requirements for certain students with disabilities. The effect will be a rule that aligns with the Sunshine State Standards Access Points for Students with Significant Cognitive Disabilities and deletes terminology that became obsolete with the passage of HB 1313.

SUBJECT AREA TO BE ADDRESSED: Requirements for a special diploma in alignment with the Sunshine State Standards Access Points for Students with Significant Cognitive Disabilities; eligibility categories to reflect changes resulting from HB 1313.

SPECIFIC AUTHORITY: 1001.02(1), 1001.03(1) 1003.438 FS.

LAW IMPLEMENTED: 1003.02(1)(a), 1003.438 FS.

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

DATES AND TIME: October 2, 2008; October 28, 2008, 9:00 a.m. – 2:30 p.m.

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 1721, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, 325 W. Gaines Street, Suite 614, Tallahassee, FL 32399

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.: 12B-5.130, 12B-5.150
 RULE TITLES: Refunds, Public Use Forms

PURPOSE AND EFFECT: Section 206.8745(6), F.S., grants a refund for undyed tax-paid diesel fuel that is consumed by a power take-off unit or engine exhaust for the purpose of unloading bulk cargo by pumping. Subparagraph (2)(a)2. of Rule 12B-5.130, F.A.C. (Refunds), implements this statute and provides for refunds of the fuel tax paid on 10 gallons per full load pump-off of diesel fuel consumed by a power take-off unit or engine exhaust for the purpose of unloading bulk cargo from a pneumatic tank by pumping. Taxpayers are required to complete Form DR-309639 (Application for Refund of Tax Paid on Undyed Diesel Used for Off-road or Other Exempt Purposes) to apply for such refunds of fuel tax paid.

In *Pritchett Trucking, Inc. v. Department of Revenue* (Case No. 04-3093 CA, 2nd Circuit, July 3, 2008), the judge held that Section 206.8745, F.S., and subparagraph 12B-5.130(2)(a)2., F.A.C., requires only pumping is essential to the unloading of bulk cargo, and not whether the means of pumping is by pneumatics, hydraulics, or any other method. The purpose of this rulemaking is to remove the provisions of subparagraph (2)(a)2. of Rule 12B-5.130, F.A.C. (Refunds), and to adopt, by reference, changes to Form DR-309639 which reflect the court's decision. The changes to this rule and form will remove the requirement that a pneumatic pump is necessary to qualify for such refund.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed removal of provisions regarding refunds for undyed tax-paid diesel fuel that is consumed by a power take-off unit or engine exhaust for the purpose of unloading bulk cargo by pumping.

SPECIFIC AUTHORITY: 206.14(1), 206.59(1), 206.8745(6), 213.06(1) FS.

LAW IMPLEMENTED: 206.02, 206.021, 206.022, 206.025, 206.026, 206.027, 206.028, 206.05, 206.055, 206.095, 206.404, 206.41(4), (5), 206.43, 206.64, 206.86, 206.8745, 206.877, 206.90, 206.91, 206.92, 206.9931, 206.994, 206.97 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ronald Gay, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4732

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Published on the department's internet site at: myflorida.com/dor/rules.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-4.001 Application

PURPOSE AND EFFECT: Deletes limitation that Rule 19B-4.001 through Chapter 19B-15, F.A.C., apply to purchasers. These rules apply to all aspects of the Prepaid Plan. Conforms this rule to changes to Rule 19B-5.004, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan New Enrollment Application.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to ~~purchasers of~~ advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the "Program." The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application

period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-5.003 Contract Requirements

PURPOSE AND EFFECT: Provides that each submitted application form must specify the beneficiary of a Prepaid Plan account rather than requiring that the purchaser must specify the beneficiary in an application submitted to the Board. Clarifies requirements for the notice that must be provided prior to the expiration of Prepaid Plan account benefits and escheatment of them to the Trust Fund. Conforms this rule to changes to Rule 19B-5.004, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's advance payment contract requirements.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.003 Contract Requirements.

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

(2) through (4) No change.

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

(b) When the benefits of an advance payment contract have not been used on December 31, nine (9) years after the matriculation date or one (1) year prior to the expiration of any extension of the expiration date for the use of the advance payment contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The procedure to purchaser must request in writing that the Board extend the time period for the use of advance payment contract benefits or to obtain a refund for the contract;

2. That the right to use the advance payment contract benefits will expire on December 31, ten (10) years after the matriculation date or any extension thereof; and

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

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

(c) The benefits from and any refund associated with an advance payment contract for which the benefits have not been used by December 31, ten (10) years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Advance payment contracts that are composed of tuition, local fee and tuition differential fee plans will only be paid if the tuition plan, local fee plans and tuition differential fee plan are in good standing. Local fee payments and tuition differential fee payments shall not be remitted to pay tuition for any beneficiary attending a Florida public university or community college. Local fee payments and tuition differential fee payments may be remitted to pay tuition at private and out-of-state colleges for any qualified beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02, 12-17-07,_____.

STATE BOARD OF ADMINISTRATION**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: RULE TITLE:

19B-5.004 Contract Purchasers

PURPOSE AND EFFECT: Requires that a co-purchaser satisfy the same requirements that a purchaser must meet.

Revises requirements for Tuition Plans purchased on or after February 1, 2009, to: a) Require the co-purchaser's approval for changes of the purchaser, co-purchaser and beneficiary for an account; b) Provide that the purchaser and co-purchaser each enjoy a survivorship right; c) Require the co-purchaser's authorization for requests to terminate a Prepaid Plan and refund requests associated with the termination of Prepaid Plans. Allows purchasers and co-purchasers to revise the requirements for Prepaid Plans purchased prior to February 1, 2009, to include those requirements.

The changes are made applicable to Tuition Plans purchased on or after February 1, 2009, because the 2008-2009 Open Enrollment Period ends January 31, 2009; the Board has been receiving applications under the existing rules for the 2008-2009 Open Enrollment since February 1, 2008. Annually, the Board begins receiving new applications for the next succeeding open enrollment period on the day following the conclusion of prior Open Enrollment Period. February 1, 2009, is the first day the Board will begin receiving applications for the 2009-2010 Open Enrollment. By making the change effective on February 1, 2009, the Board can apply the requirements to all Prepaid Tuition Plan applications received for the 2009-2010 Open Enrollment Period.

SUBJECT AREA TO BE ADDRESSED: The rights and responsibilities of the Florida Prepaid College Plan's advance payment contract's purchaser and co-purchaser.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.004 Contract Purchasers.

(1) Any person, corporation, or organization may purchase an advance payment contract for a qualified beneficiary. Any natural person named as the purchaser or the co-purchaser must be 18 years of age or older and each must be either a United States citizen or a resident alien.

(2) For advance payment contracts for tuition plans purchased prior to February 1, 2009:

(a) Co-purchasers are permitted, and will enjoy only a right of survivorship. However, the purchaser may, without the consent or authorization of the co-purchaser, execute all contract changes, conversions, cancellations, and refund requests.

(b) Any requests to change the purchaser designated on the advance payment contract must be signed by the purchaser and notarized by a notary. Refunds shall be made payable to the purchaser only.

(c) If a purchaser terminates a contract pursuant to Rule 19B-10.002, F.A.C., the co-purchaser must be notified in writing. ~~Any natural person named as the purchaser and co-purchaser must be 18 years of age or older and must be either a United States citizen or a resident alien.~~

(d) Purchasers may elect to change the rights of a co-purchaser to be the same as those for advance payment contracts purchased on or after February 1, 2009, by submitting a written request to the Board. The request must be signed by the purchaser and the co-purchaser and both signatures must be notarized by a notary. If a purchaser changes the rights enjoyed by the co-purchaser to those for advance payment contracts purchased on or after February 1, 2009, the change in the co-purchaser's rights is irrevocable, the provisions of paragraphs 19B-5.004(2)(a), (b) and (c), F.A.C., shall not apply to the advance payment contract and the provisions of subsection 19B-5.004(3), F.A.C., shall apply to the advance payment contract.

(3) For advance payment contracts for tuition plans purchased on or after February 1, 2009:

(a) Co-purchasers are permitted, but are not required. When a co-purchaser is designated on an advance payment contract, the purchaser and co-purchaser each will enjoy a right of survivorship.

(b) Changes to the purchaser, co-purchaser or beneficiary designated on the advance payment contract, requests for voluntary termination of the advance payment contract, and refund requests associated with the termination of an advance payment contract must be in writing and contain the notarized signature of the purchaser and co-purchaser. All other changes to the advance payment contract must be in writing and approved by the purchaser.

(4) The provisions of subsection 19B-5.004(2), F.A.C., also apply to advance payment contracts for dormitory, local fee and tuition differential fee plans, regardless of the date of their purchase, that are associated with tuition plans that were purchased prior to February 1, 2009. The provisions of subsection 19B-5.004(3), F.A.C., apply to advance payment contracts for dormitory, local fee and tuition differential fee plans associated with tuition plans that are purchased on or after February 1, 2009.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 3-19-92, Formerly 4G-5.004, Amended 12-5-93, 6-20-96, 7-28-98, 11-27-02,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

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

PURPOSE AND EFFECT: Revises the requirements for changing the beneficiary of a Prepaid Plan to include authorization by the co-purchaser in addition by the authorization of the purchaser. Conforms this rule to changes to Rule 19B-5.004, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The requirements to change the beneficiary of an advance payment contract.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.001 Qualified Individuals.

Except when an advance payment contract is established by a person purchaser functioning in a custodial capacity, a ~~purchaser may change~~ the qualified beneficiary may be changed to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the person or persons required by Rule 19B-5.004, F.A.C., purchaser directing the Board to change the qualified beneficiary for the contract. “Member of the family” means the same as that term is defined in s. 529 of the Internal Revenue Code. The substitute beneficiary must

meet the residency requirement of a qualified beneficiary at the time of substitution. ~~The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract.~~

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History–New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01, 12-28-03, 3-15-06,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-9.004
 RULE TITLE: Dormitory Transfer to Community Colleges and State University-Held Residences Other than Dormitories

PURPOSE AND EFFECT: Conforms this Rule to the changes to Rule 19B-5.004, F.A.C. The deleted issues are dealt with by Rules 19B-10.002 and 19B-11.002, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The transfer of dormitory benefits from State Universities to Community Colleges and other State University-held residences.

SUBJECT AREA TO BE ADDRESSED: The transfer of dormitory benefits from State Universities to Community Colleges and other State University-held residences.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.004 Dormitory Transfers to Community Colleges and State University-Held Residences Other than Dormitories.

(1) A dormitory plan may be transferred to a community college or community college direct-support organization that operates a residence facility for students attending the community college. Funds transferred to the community college or community college direct-support organization shall not exceed the lesser of the actual fees charged by the community college or the community college direct-support organization for dormitories or residency opportunities or the average fees charged for state university dormitories designated for inclusion in the Program. ~~If the actual dormitory~~

~~fees charged by the community college or community college direct support organization are less than the original purchase price of the dormitory plan, the purchaser may cancel the dormitory plan and receive a refund of the original purchase price or may seek a refund for a two-semester proportionate share of the original purchase price without canceling the balance of the benefits purchased.~~

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History—New 10-20-96, Amended.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-10.002
 RULE TITLE: Voluntary Termination

PURPOSE AND EFFECT: Revises the requirements for signature needed to authorize voluntary termination of a Prepaid Plan.

SUBJECT AREA TO BE ADDRESSED: The requirements to authorize voluntary termination of a Prepaid Plan.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-10.002 Voluntary Termination.

Voluntary termination shall occur within thirty days of receiving a written request for cancellation of an advanced payment contract. A request for the cancellation of an advance payment contract must contain the notarized signature of the person or persons required pursuant to Rule 19B-5.004, F.A.C. be signed by the purchaser designated on the advance payment contract and notarized by a notary.

Specific Authority 1009.971(1), (4), (6) Law Implemented 1009.971, 1009.98(4) FS. History—New 3-29-89, Formerly 4G-10.002, Amended 6-20-96, 7-28-98, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

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

PURPOSE AND EFFECT: Provides that refunds for terminated Prepaid Plans will be provided upon submission of a notarized written request signed by the purchaser and, if the Plan was purchased after February 1, 2009, by the co-purchaser. Conforms this rule to the changes to Rule 19B-5.004, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The signature requirements for refunds of terminated Prepaid Plans.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. ~~Involuntary and voluntary termination pursuant to Rules 19B-10.001 and 19B-10.002, F.A.C., respectively, shall result in a refund to the purchaser after assessment of appropriate fees.~~ Termination of student status after the official drop/add period eliminates the refund option for that semester. The Board will process a refund associated with an account that was terminated pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C., upon the receipt of a notarized, written request that is signed by the person or persons required pursuant to Rule 19B-5.004, F.A.C. The refund will be paid only to the purchaser of the terminated account.

(1) No change.

(2) Refunds may exceed the amount paid for a plan in the following circumstances:

(a) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract. Proof of scholarship shall be given to the Board as required by the Master Covenant.

(b) In the event of death or total disability of the beneficiary, the advance payment contract may be terminated pursuant to Rule 19B-10.002, F.A.C., and the moneys paid for the purchase of an advance payment contract shall be refunded returned to the purchaser in lump sum in an amount not to exceed the redemption value of the advance payment contract. Proof of death or disability shall be in such form as required by the Board.

(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.

(3) For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to paragraph 19B-11.001(2)(a) or (b), F.A.C., for the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of the refund request, for the number of semesters reflected in each purchaser's advance payment contract. For purposes of refunds pursuant to paragraph 19B-11.001(2)(c), F.A.C., for tuition differential fee plans, the redemption value shall be the average amount of tuition differential fees charged by the state educational institution at the time of the refund.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97, 11-6-01, 12-17-07, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-11.005 Other Refunds

PURPOSE AND EFFECT: Revises the requirements for obtaining a refund for Prepaid Plans that have been partially used. Conforms this rule to the changes to Rules 19B-5.004 and 19B-11.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The refund requirements of terminated Prepaid Plans.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.005 Other Refunds.

If a beneficiary does not complete a Community College Plan, University Plan, or a Community College/University Plan for reasons other than those specified in Rules 19B-11.001 through 19B-11.004, F.A.C., the account may be terminated pursuant to Rule 19B-10.002, F.A.C., and the purchaser will have available a pro-rata refund of the amount paid into the fund is available. A refund under this rule will not include funds for any school year partially attended but not completed. A school year partially attended but not completed shall mean any one semester of a two semester school year whereby the student is enrolled at the conclusion of the official drop/add period, but withdraws before the end of such semester.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(5) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.005, Amended _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:

19B-11.007 Unclaimed Refunds

PURPOSE AND EFFECT: Revises the requirements for written notice to purchasers due a refund for a terminated Prepaid Plan account prior to the escheatment of the refund to the Trust Fund. Conforms this rule to the changes to Rules 19B-5.004 and 19B-11.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The written notice requirements of terminated Prepaid Plan accounts prior to the escheatment of the refund to the Trust Fund.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.007 Unclaimed Refunds.

(1) The Board will mail written notice to the purchaser of a terminated advance payment contract when a refund for the account has been available for six (6) years send a refund to any purchaser whose contract is terminated after July 1, 1996, pursuant to Rule 19B-10.001 or 19B-10.002, F.A.C. Such refund will consist of any monies paid into the program minus any applicable fees due against the account. ~~The Board will mail written notice to purchasers when the refund check for a contract terminated after July 1, 1996, has not been negotiated for six years and when a refund is available for a contract that was terminated prior to July 1, 1996.~~ The notice will indicate the procedure which ~~the purchaser~~ must be followed to obtain a refund of the monies held by the Board and that if a refund claim is not timely made that the funds will escheat to the Florida Prepaid College Trust Fund. An alphabetical list of the names and city of residence of such purchasers will be posted on the Board's website on the Internet (www.florida529plans.com). Any refund which remains unclaimed seven (7) years after an account is terminated ~~or on December 31, 2004, whichever is later,~~ will escheat to the Florida Prepaid College Trust Fund.

(2) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.972(5), 1009.98(5) FS. History--New 6-20-96, Amended 12-29-98, 4-15-04,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.002
 RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: Requires a contingent benefactor for an Investment Plan account to satisfy the same requirements as a benefactor. Provides that only one contingent benefactor may be named on an application for an account.

SUBJECT AREA TO BE ADDRESSED: The rights and requirements of The Florida College Investment Plan's contingent benefactors.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) Any person may apply for participation in the Program by submitting a completed Florida Prepaid College Plan and Florida College Investment Plan New Account Application, along with an initial contribution to the Program that meets the requirements of Rule 19B-16.004, F.A.C. Benefactors and designated beneficiaries do not have to be residents of the State of Florida. Any natural person named as the benefactor or contingent benefactor in a completed application must have reached the age of majority and must be a citizen or resident alien of the United States with a valid social security number. Any person named as the beneficiary in a completed application must be a citizen or resident alien of the United States with a valid social security number.

(2) No change.

(3) Only one (1) benefactor, one (1) co-benefactor and one (1) designated beneficiary can be named on an application, except that scholarship accounts may be established for the benefit of one (1) or more beneficiaries identified in the future. A benefactor may submit applications for more than one (1) designated beneficiary. More than one (1) benefactor may submit an application for the same designated beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.004
 RULE TITLE: Payment and Minimum Contributions

PURPOSE AND EFFECT: Provides that a contingent benefactor may not direct the investments of any contributions to the Investment Plan. The same prohibition applies to benefactors and designated beneficiaries. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The investments in the Florida College Investment Plan.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.004 Payment and Minimum Contributions.

(1) No change.

(2) ~~A Neither a benefactor, a contingent benefactor and nor~~ a designated beneficiary shall not direct the investment of any contributions or amounts held in the Program.

(3) through (5) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended 11-27-02, 12-28-03, 4-21-05,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.006
 RULE TITLE: Change of Benefactor

PURPOSE AND EFFECT: Provides that if an account is established after February 1, 2009, that changes of the benefactor will require the notarized authorization of the benefactor and the contingent benefactor. Provides that the benefactor for an account may be changed by the personal representative of the estate of the deceased benefactor only if no contingent benefactor has been designated for the account. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The requirements to change the benefactor of a Florida College Investment Plan.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.006 Change of Benefactor.

(1) ~~The A benefactor may transfer~~ ownership of a participation agreement may be transferred to another person at any time, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity. To complete a change of ownership, the benefactor must submit to the Board a notarized, written request to transfer the ownership of the participation agreement to a person who has achieved the age of majority together with an application executed by the person to whom the participation agreement is to be transferred. If the account was established on or after February 1, 2009, such request also must include the notarized signature of the contingent benefactor.

(2) No change.

(3) A change in the benefactor of an account may also be effected by a court order or if no contingent benefactor has been designated by the notarized, written request from the personal representative of the benefactor's estate accompanied by a certified copy of the death certificate of the benefactor and letters of administration issued to the personal representative. In either case, the successor benefactor must submit to the Board a completed application signed by the successor benefactor.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.007
 RULE TITLE: Change of Designated Beneficiary

PURPOSE AND EFFECT: Provides that the contingent benefactor also must authorize changes of the designated beneficiary for Investment Plan accounts established on or after February 1, 2009. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The requirements to change the designated beneficiary of a Florida College Investment Plan.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.007 Change of Designated Beneficiary.

Except when a participation agreement is established by a benefactor functioning in a custodial capacity, ~~a benefactor may change~~ the designated beneficiary may be changed to any member of the family of the then-current designated beneficiary, at any time, by submitting a written, notarized request signed by the benefactor directing the Board to change the designated beneficiary for the account. If the account was established on or after February 1, 2009, such request also must include the notarized signature of the contingent benefactor.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.008
 RULE TITLE: Contingent Benefactor

PURPOSE AND EFFECT: Revises requirements for Investment Plan accounts established on or after February 1, 2009, to: a) provide that the benefactor and contingent benefactor each enjoy a survivorship right; and b) require the benefactor's and the contingent benefactor's authorization for requests to change the benefactor, contingent benefactor and designated beneficiary, to voluntarily terminate an Investment Plan account and to obtain refunds associated with the termination of an Investment Plan account. Allows benefactors and contingent benefactors to revise the requirements for Investment Plan accounts established prior to February 1, 2009, to include those requirements.

The changes made by this rule for the Investment Plan will apply to Investment Plans established on or after February 1, 2009, because that is the date similar rule changes for the Prepaid Plan will become effective. The changes being made for the Prepaid Plan will apply to applications for the Prepaid Plan received on or after February 1, 2009, the first day the Board will begin receiving Prepaid Plan applications for the 2009-2010 Open Enrollment. That is the earliest practical date the changes for the Prepaid Plan can be made effective. Making the changes to both plans effective on the same day will simplify administration and avoid customer confusion.

SUBJECT AREA TO BE ADDRESSED: The requirements, rights and responsibilities of a contingent benefactor of a Florida College Investment Plan.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.008 Contingent Benefactor.

(1) For accounts established prior to February 1, 2009:

(a) The benefactor may designate a contingent benefactor on the application who will enjoy a right of survivorship in the event of the death of the benefactor and who will become the owner of the account automatically upon the death of the benefactor, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity.

(b) Upon the death of the benefactor, the contingent benefactor shall become the benefactor if the Board receives a certified copy of the death certificate of the deceased benefactor and a completed application signed by the contingent benefactor.

(c) Subject to any applicable limitations associated with the benefactor functioning in a custodial capacity, the benefactor may change the contingent benefactor at any time without the consent of the contingent benefactor by submitting a written request signed by the benefactor to the Board.

(d) The benefactor may elect to change the rights of a contingent benefactor to be the same as those for accounts established on or after February 1, 2009, by submitting a written request to the Board. The request must contain the notarized signatures of the benefactor and the contingent benefactor. If the benefactor changes the rights enjoyed by the contingent benefactor to those for accounts established on or after February 1, 2009, the change in the contingent benefactor's rights is irrevocable, the provisions of paragraphs 19B-16.008(1)(a), (b) and (c), F.A.C., shall not apply to the account, the provisions of subsection 19B-16.008(2), F.A.C., shall apply to the account, and the account shall be deemed to have been established on or after February 1, 2009.

(2) For accounts established on or after February 1, 2009:

(a) The benefactor may designate a contingent benefactor on the application. When a contingent benefactor is designated, the benefactor and the co-benefactor each will enjoy a right of survivorship in the event of the death of the other and, if the Board receives a certified copy of the death certificate of the deceased benefactor or contingent benefactor, the survivor of them will become the sole owner of the account automatically, subject to any applicable limitations associated with the benefactor functioning in a custodial capacity.

(b) Changes to the benefactor, contingent benefactor and designated beneficiary for a participation agreement, requests for the voluntary termination for a participation agreement and requests for refunds associated with the termination of a participation agreement must be in writing and contain the notarized signatures of the benefactor and the contingent benefactor.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended 11-27-02, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.009
 RULE TITLE: Rollover Distributions

PURPOSE AND EFFECT: Requires that contingent benefactors also authorize requests for rollover distributions from Investment Plan accounts that are established on or after February 1, 2009. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The requirements and the rights of a contingent benefactor's authorization to request rollover distributions of a Florida College Investment Plan.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.981 FS.

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

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.009 Rollover Distributions.

Except when functioning in a custodial capacity, a benefactor may make a transfer of funds into an account in the Program or from an account in the Program to the extent permitted by s. 529 of the Internal Revenue Code by submitting a notarized, written request to the Board. For accounts established on or after February 1, 2009, such transfers from an account also must include the notarized signature of the contingent benefactor.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(3) FS. History--New 5-30-02, Amended _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.010
 RULE TITLE: Termination and Withdrawal; Distributions

PURPOSE AND EFFECT: Provides that the contingent benefactor also must authorize requests to voluntarily terminate an Investment Plan account established on or after February 1, 2009, and receive a refund, and must authorize requests to receive a refund of the account balance of an involuntarily terminated Investment Plan account established on or after February 1, 2009. Conforms this rule to the changes to Rule 19B-16.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The requirement for the authorization of the contingent benefactor of a Florida College Investment Plan to be terminated and a refund received.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
 LAW IMPLEMENTED: 1009.981 FS.

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

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.010 Termination and Withdrawal; Distributions.

(1)(a) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request to terminate the participation agreement to the Board and receive a refund. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Any written

request for voluntary termination of a participation agreement shall be processed within thirty (30) days following receipt of the request by the Board. The amount of the refund ~~to the benefactor~~ will be the account balance. The refund shall be paid only to the benefactor.

(b) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request for a rollover distribution of the entire Account Balance. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Any written request for a rollover distribution of the entire Account Balance must indicate the qualified tuition program to which said rollover distribution is to be made and will be processed within thirty (30) days following receipt of the request by the Board.

(c) A participation agreement shall be deemed to have been voluntarily cancelled when the benefactor requests a distribution of all funds in the account so that the account balance is zero. However, the benefactor of an account that has been voluntarily cancelled may reactivate the account and the participation agreement at any time by making a contribution to the account.

(2) through (4) No change.

(5) Upon involuntary termination of a participation agreement, the benefactor may obtain ~~will be entitled to~~ a refund of the account balance by submitting a written notarized request signed by the benefactor to the Board. For accounts established on or after February 1, 2009, such requests also must include the notarized signature of the contingent benefactor. Such refund shall be paid to the benefactor.

(6) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(3) FS. History—New 5-30-02, Amended 11-27-02, 4-21-05, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-16.011
 RULE TITLE: Unclaimed Refunds

PURPOSE AND EFFECT: Revises the requirements for written notice to benefactors that are due a refund for a terminated Investment Plan account prior to the escheatment of the refund to the Trust Fund. Conforms this rule to the changes to Rules 19B-16.008 and 19B-16.010, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The requirement for written notice of a terminated Investment Plan prior to the escheatment of its refund to the Trust Fund.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.981 FS.

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

DATE AND TIME: September 29, 2008, 2:00 p.m.
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.011 Unclaimed Refunds.

(1) The Board ~~will shall~~ mail written notice to ~~the any~~ benefactor of ~~a an account~~ terminated participation agreement when a refund for the account has been available for pursuant to Rule 19B-16.010, F.A.C., when the benefactor has not negotiated the refund check for such account after a period of six (6) years. The notice shall indicate the procedure which ~~the benefactor~~ must be followed to obtain a refund of the monies held by the Board for said accounts and that if a claim for a refund is not made within seven (7) years of the termination of the account that the funds shall be subject to disposition as provided under Section 1009.981(2)(b)10., F.S. An alphabetical list of the names of the account owners of such accounts shall be posted on the Board’s website on the Internet. A ny such refund for any account terminated pursuant to Rule 19B-16.010, F.A.C., which remains unclaimed after seven (7) years shall be subject to disposition pursuant to Section 1009.981(2)(b)10., F.S.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(4) FS. History—New 5-30-02, Amended 1-1-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
 RULE TITLE: Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow designated officers to carry chemical agent dispensers designed for controlling incidents involving numerous inmates in large areas and to require all certified officers to carry a chemical agent dispenser designed for controlling incidents indoors and involving fewer inmates.

SUBJECT AREA TO BE ADDRESSED: Correctional probation officers travel.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jamie Jordan-Nunes, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.210 Use of Force.

(1) though (6) No change.

(7) The warden or, in his absence, the duty warden will be consulted and give her or his permission prior to use of physical force. In spontaneous use of force incidents when circumstances do not permit prior approval, the warden or, in his absence, the duty warden will be notified immediately following any use of force incident. Whenever force is authorized, the employee who was responsible for making the decision to use force pursuant to subsection (1) shall prepare, date and sign ~~the Authorization for Use of Force Report, Form DC6-232,~~ Authorization for Use of Force Report, Form DC6-232, either during, or immediately after, the tour of duty when force was used. If the authorization for force is given after normal working hours, the person authorizing the force shall complete and sign Form DC6-232 within one working day (Monday through Friday) following the incident. Form DC6-232 is incorporated by reference in subsection (22) of this rule.

(8) Whenever force is used the employee initially using force shall complete Form DC6-230, Institutions Report of Force Used, the completed form shall include a detailed written report of force used ~~shall be prepared, dated and signed by the initial employee using force. Form DC6-230, Institutions Report of Force Used, shall be used for this purpose.~~ If more than one employee was involved in the initial use of force, the highest ranking official involved or the most senior employee shall complete the report. Each additional employee involved in the use of force who agrees with the facts and circumstances as reported on Form DC6-230 Section I shall prepare Form DC6-231, an Institutions Report of Force Used Staff Supplement, ~~Form DC6-231.~~ The report shall describe in detail the type and amount of force used by him or her. Each employee shall individually write his or her own report, then submit the completed report to the clerical personnel designated by the warden to type all the reports onto one form to be signed by each employee. Any additional employee who does not agree with the facts and circumstances as reported in Form DC6-230 Section I shall prepare a separate Form DC6-230, Institutions Report of Force Used. Forms DC6-230 and DC6-231 are incorporated by reference in subsection (22) of this rule.

(9) No change.

(10) The warden or acting warden shall immediately conduct a preliminary review of the video tape(s) and all associated reports for signs of excessive force or procedural deviation. If signs of excessive force or procedural deviation

are noted by the warden or assigned inspector, she or he will notify the Office of the Inspector General directly, so that there is no undue delay in initiating an investigation. The warden shall then appoint a staff member of equal or higher rank than those involved in the use of force to collect all pertinent information and required documentation. This information will include the reports of all involved staff and the statements of staff witnesses, inmate witnesses, the inmate subject, and the completed Form DC1-813, Use of Force File Checklist, Form DC1-813. All inmate statements (subject and witnesses) shall be made in writing using Form DC6-112C, the Witness Statement, Form DC6-112C. Form DC6-112C is incorporated by reference in Rule 33-601.313, F.A.C. All employees who witness but do not participate in the use of force shall complete ~~an Incident Report, Form DC6-210, Incident Report.~~ Form DC6-210 is incorporated by reference in subsection (22) of this rule. This process will be completed within 5 working days (Monday through Friday). The warden shall review the information and note any inappropriate actions. The warden shall review ~~the Use of Force File Checklist, Form DC1-813,~~ Use of Force File Checklist and shall forward the videotape(s) and associated reports on the use of force and the warden's review to the institutional inspector within five working days. ~~Form DC1-813 is incorporated by reference in subsection (22) of this rule.~~ The institutional inspector will ensure that all documentation is complete and will forward all materials to the Use of Force Unit within the Office of the Inspector General (OIG) within 5 working days. The Use of Force Unit within the OIG, following its review, will either approve the use of force action or disapprove it. If the Use of Force Unit finds that the use of force was appropriate, the OIG's written determination of the appropriateness of the force used and the reasons therefor, shall be forwarded to the circuit administrator or warden upon completion of the review. If the Use of Force Unit finds that the use of force was inappropriate, the OIG shall conduct a complete investigation into the incident and forward the findings of fact to the appropriate regional director. The OIG shall also advise the warden in writing of the reason for the disapproval so that the warden can take any needed corrective action. If employee disciplinary action appears warranted, the warden shall prepare Form DC6-296, Disapproved Use of Force/Disposition Report, and forward the materials to the service center employee relations supervisor. ~~Form DC6-296, Disapproved Use of Force/Disposition Report, shall be used for this purpose.~~ Form DC6-296 is incorporated by reference in subsection (22) of this rule. The warden shall document all corrective action taken. Copies of the employee's report, the warden's summary and the inspector general's review and determination shall be kept in the inmate's file. ~~A~~ Form DC2-802, Use of Force Log, Form DC2-802, shall be placed in every employee's personnel file. This form will be maintained by the servicing personnel office and shall contain a record of every report of use of force and staff supplement completed by the employee. The warden or his ~~or her~~ designee

shall be responsible for submitting accurate information to the personnel office in order to maintain ~~Form~~ the DC2-802. Any use of force reports completed prior to April 15, 1998 shall ~~also~~ remain in the file. Form DC2-802, ~~Use of Force Log~~, is incorporated by reference in subsection (22) of this rule.

(11) Any employee who witnesses, or has reasonable cause to suspect, that an inmate has been unlawfully abused shall immediately prepare, date and sign ~~an Incident Report~~, Form DC6-210, Incident Report, pursuant to Section 944.35(3)(d), F.S., specifically describing the nature of the force used, the location and time of the incident and the persons involved. The report shall be delivered to the inspector general of the department with a copy delivered to the warden of the institution. The inspector general shall conduct an appropriate investigation and, if probable cause exists that a crime has been committed, notify the state attorney in the circuit in which the institution is located. ~~Form DC6-210, Incident Report, is incorporated by reference in subsection (22) of this rule.~~

(12) Force or restraint may be used to administer medical treatment when ordered by a physician or clinical associate, and only when treatment is necessary to protect the health of other persons, as in the case of contagious and venereal diseases, or when treatment is offered in satisfaction of a duty to protect the inmate against self-inflicted injury or death. The physician or clinical associate shall prepare Form DC6-232, Authorization for Use of Force Report, ~~a report~~ documenting the reasons that force or restraint was authorized. ~~Form DC6-232, Authorization for Use of Force Report, shall be used for this purpose.~~ The physician's or clinical associate's report shall be attached to Form DC6-230, the Institutions Report of Force Used, when actual force is used, or Form DC6-210, the Incident Report, ~~Form DC6-210~~, in cases when restraints are applied without the use of force as described above. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In all cases where physical force is used to manage an inmate, the inmate and any employee who is involved will be required to receive a medical examination or will sign Form DC4-711A, a Refusal of Health Care Services, ~~Form DC4-711A~~, declining the examination. In those cases where an injury is claimed but not substantiated by medical examination, the statement by the medical provider shall indicate this, and the documentation shall be sufficient to support that no injury was found upon examination. Forms DC4-711A, DC4-701C and DC4-708 are incorporated by reference in subsection (22) of this rule. When the use of four-point or five-point psychiatric restraints is authorized and

the inmate does not offer resistance to the application of the restraints, the completion of ~~an Institutions Report of Force Used~~, Form DC6-230, Institutions Report of Force Used, or ~~an Institutions Report of Force Used Staff Supplement~~, Form DC6-231, Institutions Report of Force Used Staff Supplement, will not be required. In these situations, where there is no resistance to the application of psychiatric restraints, the application of the restraints will be videotaped and ~~an Incident Report~~, Form DC6-210, Incident Report, will be completed. The videotape, the completed Incident Report, and the completed ~~Authorization for Use of Force Report~~, Form DC6-232, Authorization for Use of Force Report, will be forwarded to the warden or acting warden for review within one working day. The warden will forward the videotape and associated reports to the institutional inspector within five working days. The institutional inspector will ensure that all documentation is complete and will forward all materials to the Office of the Inspector General, as outlined in subsection (10) above, for review. If at any time prior to or during the application of the psychiatric restraints the inmate offers resistance to the application, the steps outlined in subsection (8) above will be followed.

(13) through (14) No change.

(15) Use of electronic immobilization devices.

(a) through (g) No change.

(h) In any case where electronic immobilization devices are used, ~~an Institutions Report of Force Used~~, Form DC6-230, Institutions Report of Force Used, shall be prepared written and shall include:

1. through 2. No change.

(i) through (l) No change.

(16) Use of Chemical Agents.

(a) The following chemical agents are authorized for use by the department:

1. No change.

2. CS – Orthochlorbenzal Malononitrile or Orthochlorobenzylidene Malononitrile – An irritant agent that causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

a. No change.

b. When documentation is available, e.g., ~~previous Institutional Report of Force Used~~, Form DC6-230, Institutions Report of Force Used, to substantiate that the use of OC has in the past proven ineffective in controlling a specific inmate, the warden or duty warden has the option to authorize the use of CS as the initial/primary chemical agent.

c. through f. No change.

3. No change.

(b) No change.

(c) In controlled situations when time constraints are not an issue, chemical agents can only be used if authorized by the warden or, in his or her absence, the duty warden. Additionally,

in accordance with paragraph (k) below, certified correctional staff will be ~~designated by the warden to carry chemical agents and will be~~ pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) through (f) No change.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of Form DC6-230, ~~the~~ Institutions Report of Force Used, ~~Form DC6-230~~.

(h) through (j) No change.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until its use is authorized. Each stored chemical agent dispenser will be numbered. ~~The Chemical Agent Accountability Log, Form DC6-216, Chemical Agent Accountability Log, will be kept in all areas in which chemical agents are stored and will be utilized to record the weight of each numbered chemical agent dispenser prior to issue and again when it is returned to the secure inventory storage area. The weighing process will be conducted and a verifying entry will be made in the log, including the signature of the shift supervisor authorizing the use of the chemical agent. The chief of security shall monitor the canister weights following each use of chemical agents to ensure the amounts used are consistent with that expected by reviewing and initialing the Chemical Agent Accountability Log, Form DC6-216. Form DC6-216 is incorporated by reference in subsection (22) of this rule.~~

(l) Issuance of chemical agents.

1. Certified officers assigned to major institutions and work camps are ~~Staff~~ designated by the Secretary of the Department as required to carry chemical agents and shall be issued one three or four ounce dispenser of OC pepper spray; ~~with marking dye~~, after being properly trained in chemical agent utilization. These officers are authorized to administer chemical agents in spontaneous circumstances without additional authorization for intervention in self-defense, i.e., when the officer believes that he is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers, or inmates. Certified security officers assigned to armed perimeter posts may be exempted from this requirement by the warden.

2. Certified officers assigned to major institutions and posted to internal security, recreation field, shift supervisor posts, or designated as "A" team response members are authorized by the Secretary to be issued one twelve to thirteen

ounce MK-9, or equivalent, fogger type dispenser of OC in addition to the dispenser issued in accordance with subparagraph (16)(l)1. These officers are authorized to administer the chemical agents listed in this subparagraph in spontaneous disturbance situations involving multiple inmates in locations where large numbers of inmates are present, such as recreation fields, canteen, and meal lines. This option shall only be utilized in disturbance situations rising to the level of inmate involvement where this enhanced option is deemed necessary and shall not be used indoors.

3. The chemical agent dispenser shall be securely encased and attached to the officer's belt. Each MK-4 chemical agent dispenser will be secured within a pouch or to a holstering device by a numbered, breakable seal. Form DC6-213, Individual Chemical Agent Dispenser Accountability Log, will be utilized to document the name of the officer to whom each dispenser is assigned as well as the seal number on the dispenser she or he received. Form DC6-213 is incorporated by reference into subsection (22) of this rule. Upon receiving the dispenser and pouch, the officer will examine the safety seal to ensure that it is intact. If the seal is broken, the Shift Supervisor will be notified immediately and Form DC6-210, an Incident Report, ~~Form DC6-210~~, will be written. ~~Forms DC6-210 and DC6-213 are incorporated by reference in subsection (22) of this rule.~~ The arsenal sergeant shall maintain a mastery inventory of all individual chemical agent dispensers complete with the weight of the dispenser at the time the original seal is attached. Whenever a dispenser is returned with a broken seal, the arsenal sergeant shall document the weight of the dispenser on ~~the~~ Form DC6-216, Chemical Agent Accountability Log, and attach a new seal.

~~(m)(4)~~ In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, person authorized to draw chemical agent when issued from a secure location, person administering the chemical agent, location administered, and reason for use. This information shall be included in Section I of Form DC6-230, ~~the~~ Institutions Report of Force Used, ~~Form DC6-230~~.

~~(n)(m)~~ No change.

~~(o)(n)~~ Medical Requirements. Once the inmate is compliant, he shall be showered as soon as possible but not later than 20 minutes after final application of chemical agents. The inmate shall be examined by medical staff immediately after showering. In each instance a Form DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide

sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination. Medical staff shall, upon completing the medical examination, make a mental health referral for each inmate who is classified S-2 or S-3 on the health profile. The referral shall be made by completing Form DC4-529, Staff Request/Referral, and sending it to mental health staff. ~~Form DC4-529 is incorporated by reference in subsection (22) of this rule.~~ Mental health staff shall evaluate the inmate not later than the next working day, to determine whether a higher level of mental health care (isolation management, transitional or crisis stabilization) is indicated.

~~(p)(6)~~ No change.

~~(q)(7)~~ Inmates exposed to chemical agents shall be ordered by the shift supervisor to shower and change both inner and outer wear within 20 minutes after exposure for decontamination purposes.

1. If an inmate refuses to shower or change, the refusal shall result in a disciplinary report and be documented:

a. On Form DC6-210, Incident Report, by the shift supervisor; or

b. On Form DC6-229, Daily Record of Segregation, by the confinement lieutenant or shift supervisor, if the inmate is in confinement or close management. Form DC6-229 is incorporated by reference in Rule 33-602.220, F.A.C.; or

~~e. On Form DC6-229A, by the close management lieutenant or shift supervisor, if the inmate is in close management. Form DC6-229A is incorporated by reference in Rule 33-601.800, F.A.C.~~

2. through 5. No change.

(17) Specialty Impact Munitions. Specialty impact munitions shall be used primarily by the department's rapid response teams and correctional emergency response teams during riots and disturbances. They are intended as a less lethal alternative to the use of deadly force. Specialty impact munitions shall only be employed by officers trained in their use and effects.

(a) through (g) No change.

(h) In any case where specialty impact munitions are deployed, ~~an Institutions Report of Force Used, Form DC6-230, Institutions Report of Force Used,~~ shall be filed in accordance with use of force procedures set forth in this rule.

(18) through (21) No change.

(22) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, ~~Office of Research, Planning and Support Services,~~ 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (b) No change.

(c) DC4-529, Staff Request/Referral, effective August 25, 2003.

(d) through (n) No change.

Specific Authority 944.09 FS. Law Implemented 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, 10-4-07, 3-3-08, 8-4-08,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-4.004 RULE TITLE: Certification Fees for Foreign Dental Educational Institutions

PURPOSE AND EFFECT: To create a rule setting certification fees for foreign educational institutions.

SUBJECT AREA TO BE ADDRESSED: Certification Fees For Foreign Dental Educational Institutions.

SPECIFIC AUTHORITY: 466.008 FS.

LAW IMPLEMENTED: 456.025, 466.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B-4.004 Certification Fees for Foreign Dental Educational Institutions.

(1) The applicant for certification shall pay an initial nonrefundable registration fee of \$1,000.

(2) The fee for review of the certification application is \$40,000. At the end of the certification process, if any portion of this fee exceeds the documented reasonable costs and expenses actually used in reviewing and evaluating the application, the excess amount shall be refunded to the applicant.

(3) The fee for renewing a certification seven years after it was provisionally or fully granted by the department is \$500.

Specific Authority 466.008 FS. Law Implemented 456.025, 466.008 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-3.003 RULE TITLE:
 Curriculum Requirements for
 Clinical Laboratory Personnel
 Training Programs

PURPOSE AND EFFECT: The purpose of this notice is to amend Rule 64B3-3.003, F.A.C., to account for the fact that Section 229.565, F.S. and Rule 64B3-7.007, F.A.C., no longer exist.

SUBJECT AREA TO BE ADDRESSED: (1) the curriculum standards for clinical chemistry, hematology, immunochemistry, microbiology, serology/immunology, histology, radio assay at the technologist level, blood gas analysis at the technologist level; (2) topics for technologist level training programs.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-6.003 RULE TITLE:
 Personnel Licensure – Temporary
 Permit

PURPOSE AND EFFECT: The purpose of this notice is to amend the rule governing temporary permits for clinical laboratory personnel.

SUBJECT AREA TO BE ADDRESSED: Temporary licensure.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.813, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-4.001 RULE TITLE:
 Trainee Registration

PURPOSE AND EFFECT: The purpose of this amendment is to incorporate a new form to be utilized by applicants for trainee registration.

SUBJECT AREA TO BE ADDRESSED: The form utilized by applicants for trainee registration.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-7.005 RULE TITLE:
 Security and Monitoring Procedures
 for Licensure Examination

PURPOSE AND EFFECT: The purpose of this notice is to delete Rule 64B3-7.005, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Deletion of Rule 64B3-7.005, F.A.C.

SPECIFIC AUTHORITY: 456.017 FS.

LAW IMPLEMENTED: 456.017, 483.809(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-10.005
 RULE TITLE: Scope of Practice Relative to Specialty of Licensure

PURPOSE AND EFFECT: The purpose of this notice is to amend Rule 64B3-10.005, F.A.C., in order to correct two references to other rules.

SUBJECT AREA TO BE ADDRESSED: The specialties of cytology, clinical chemistry, hematology, immunohematology, microbiology and serology/immunology.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-12.001
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: To correct/update several of this Rule's internal statutory references.

SUBJECT AREA TO BE ADDRESSED: The Rule's statutory references.

SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-12.002
 RULE TITLE: Citations

PURPOSE AND EFFECT: The purpose of this notice is to amend the language in subsections (3)(a), (3)(b), and (3)(e).

SUBJECT AREA TO BE ADDRESSED: Certain citation violations.

SPECIFIC AUTHORITY: 456.077(1), 456.077(2), 483.805(4) FS.

LAW IMPLEMENTED: 456.077(1), 456.077(2), 456.077(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-12.004
 RULE TITLE: Mediation Offenses

PURPOSE AND EFFECT: The purpose of this amendment is to change the language in subsection 64B3-12.004(3), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Issuing a bad check to the department.

SPECIFIC AUTHORITY: 456.078, 483.805(4) FS.

LAW IMPLEMENTED: 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-12.005
 RULE TITLE: Notice of Noncompliance
 PURPOSE AND EFFECT: The purpose of this amendment is to change the wording of subsection 64B3-12.005(3), F.A.C.
 SUBJECT AREA TO BE ADDRESSED: Issuing a bad check to the Department.

SPECIFIC AUTHORITY: 456.073(3), 483.805(4) FS.

LAW IMPLEMENTED: 120.695, 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-4.002
 RULE TITLE: Application, Examination and Initial Active Status License Fee for Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the references to the national examination fee.

SUBJECT AREA TO BE ADDRESSED: Examination fees.

SPECIFIC AUTHORITY: 491.004(5), 491.005 FS.

LAW IMPLEMENTED: 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-6.004
 RULE TITLE: Approval of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes to review the rule to delete unnecessary language and to add language to clarify the approval process for continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Providers.

SPECIFIC AUTHORITY: 491.004(5), 491.0085(1), (3), (4) FS.

LAW IMPLEMENTED: 491.0085(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Dental Laboratories

RULE NO.: 64B27-1.003
 RULE TITLE: Continuing Education Requirements

PURPOSE AND EFFECT: To create a rule to implement new 2008 Session legislation relating to dental laboratories and the completion of continuing education biennially.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.

SPECIFIC AUTHORITY: 466.032(5) FS.

LAW IMPLEMENTED: 466.032(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Dental Laboratories

RULE NOS.:	RULE TITLES:
64B27-2.001	Disciplinary Guidelines
64B27-2.002	Notice of Noncompliance for Minor Violations
64B27-2.003	Citation Authority
64B27-2.004	Mediation

PURPOSE AND EFFECT: To update, modify, and eliminate discrepancies between the rules and the governing statute.

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 456.077, 456.078, 466.038 FS.

LAW IMPLEMENTED: 120.695, 456.072(4), 456.073(3), 456.077, 456.078, 456.079, 466.028, 466.037, 466.038 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.707	Family-Related Medicaid Income and Resource Criteria

PURPOSE AND EFFECT: The proposed rule amends income disregards for family-related Medicaid.

SUBJECT AREA TO BE ADDRESSED: The proposed rule eliminates the monthly cap on the deduction for work related cost of care.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.918, 409.919 FS.

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

DATE AND TIME: October 7, 2008, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pat Whitford, Economic Self-Sufficiency Services, telephone (850)410-3479

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-1.707 Family-Related Medicaid Income and Resource Criteria.

(1) No change.

(a) through (c) No change.

(d) Income Disregards. Only the income remaining after the following disregards are applied is counted in the eligibility determination:

1. through 2. No change.

3. Allow the entire monthly amount of work-related cost of care expense to eligible families. Require verification of work-related cost of care deductions of more than \$200 per child or incapacitated adult. If the family does not provide verification of cost of care expense of more than \$200 per child or incapacitated adult, the family is eligible for a \$200 per child or incapacitated adult deduction only. Work-related cost of care disregards of up to \$200 per month are allowed in the budget per child under age two and up to \$175 per month per child age two or over or per incapacitated adult.

4. through 8. No change.

9. Interest and dividends on ~~dividendson~~ countable assets are excluded.

(e) through (f) No change.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.918, 409.919 FS. History—New 10-8-97, Amended 2-15-01, 11-23-04, 2-20-07, 5-6-08,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:	RULE TITLE:
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amends the look back period for Deficit Reduction Act provisions, state beneficiary and other clarifications to policy.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amends language for the look back period, state beneficiary and clarifications to policy.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

DATE AND TIME: October 7, 2008, 2:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, telephone (850)410-3479

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE
6A-1.0014	Comprehensive Management Information System

PURPOSE AND EFFECT: The purpose of this amendment is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information system components.

SUMMARY: DOE information Data Base Requirements, are amended.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was 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: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.23, 1002.22(3)(d)3., 1008.385(2) FS.

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

DATE AND TIME: October 21, 2008, 8:30 a.m.

PLACE: Tampa Airport Marriott, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) Each school district and the Department shall develop and implement an automated information system component which shall be part of, and compatible with, the statewide comprehensive management information system. Each information system component shall contain automated student, staff and finance information systems and shall include procedures for the security, privacy and retention of automated records. The procedures for the security, privacy and retention of automated student records shall be in accordance with the requirements of 20 U.S.C. 1232g(b)(3), 34 C.F.R. Part 99 and Section 1002.22, F.S.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I – Automated Student Information System, 20087," "DOE Information Data Base Requirements: Volume II – Automated Staff Information System, 20087," and "DOE Information Data Base Requirements: Volume III – Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from Education Information and Accountability Services, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(3) If any portion of this rule and reference materials is adversely affected by the courts, the affected portion should be considered, repealed and the rule shall be repromulgated.