

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

RULE NO.: **RULE TITLE:**
 15C-21.001 Application for Certificate of Title
PURPOSE AND EFFECT: The purpose and effect of this rule development is to establish and implement uniform procedures regarding vehicle and vessel titles. The procedures will include the incorporation by reference of an application form for vehicle or vessel certificates of title.

SUMMARY: The purpose of form HSMV 82040, Application for Certificate of Title With/Without Registration (Rev. 12/12), is to allow any person the means for making application for a certificate of title for a motor vehicle or vessel to evidence ownership of the motor vehicle or vessel.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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.

RULEMAKING AUTHORITY: 317.0005, 319.17, 320.011, 328.03(8), 328.44, 328.72(17) FS.

LAW IMPLEMENTED: 92.525, 212.06, 317.0004, 317.0006, 317.0007, 317.0008, 317.0011, 317.0012, 317.0014, 317.0017, 319.14, 319.21, 319.22, 319.225, 319.23, 319.24, 319.27, 319.28, 319.29, 319.324, 319.33, 319.34, 319.35, 319.40, 320.001, 320.02, 320.0605, 320.0609, 320.0657, 327.50, 327.53, 328.01, 328.03, 328.07, 328.09, 328.11, 328.13, 328.16, 328.30, 328.48, 328.68, 328.72 FS.

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

DATE AND TIME: January 3, 2013, 2:30 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room B130A, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Gail Eppler, 2900 Apalachee Parkway, Room A334, Tallahassee, FL 32399, GailEppler@flhsmv.gov, (850)617-3001. 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 IS: Gail Eppler, 2900 Apalachee Parkway, Room A334, Tallahassee, FL 32399, GailEppler@flhsmv.gov, (850)617-3001

THE FULL TEXT OF THE PROPOSED RULE IS:

15C-21.001 Application for Certificate of Title.

(1) Any person applying for a certificate of title to evidence ownership of a motor vehicle or vessel, shall apply to the department on Form HSMV 82040, Application for Certificate of Title With/Without Registration (Rev. 12/12), incorporated herein by reference and available on the web at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-02096>.

(2) Upon receipt of the completed Form DHSMV 82040 and payment of appropriate title fees, the Department shall issue a certificate of title.

Rulemaking Authority 317.0005, 319.17, 320.011, 328.03(8), 328.44, 328.72(17) FS. Law Implemented 92.525, 212.06, 317.0004, 317.0006, 317.0007, 317.0008, 317.0011, 317.0012, 317.0014, 317.0017, 319.14, 319.21, 319.22, 319.225, 319.23, 319.24, 319.27, 319.28, 319.29, 319.324, 319.33, 319.34, 319.35, 319.40, 320.001, 320.02, 320.0605, 320.0609, 320.0657, 327.50, 327.53, 328.01, 328.03, 328.07, 328.09, 328.11, 328.13, 328.16, 328.30, 328.48, 328.68, 328.72 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Baker, Bureau Chief, Department of Highway Safety and Motor Vehicles

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 1, 2012

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.:	RULE TITLES:
60S-1.002	Statements of Policy
60S-1.004	Participation
60S-1.0045	Renewed Membership in the Regular Class and Senior Management Service Class
60S-1.0055	Elected Officers' Class
60S-1.0057	Senior Management Service Class (SMSC)
60S-1.007	Admission of Cities, Independent Special Districts, Metropolitan Planning Organizations, Public Charter Schools and Public Charter Technical Career Centers to the Florida Retirement System

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session; deleting obsolete language, incorporating by reference ten revised State Board of Administration plan election forms and making technical correction to the division’s website address throughout these rules.

SUMMARY: The amendments set forth changes the term “enrollment” in subsection 60S-1.002(3), F.A.C., to “reporting” to coincide with statutory changes resulting from chapter law 2009-209, which closed renewed membership to retirees initially reemployed in a regularly established position on or after July 1, 2010, but requires employers to report contributions on these reemployed retirees who are not eligible to be enrolled and makes other corresponding changes throughout rule resulting from the closure of renewed membership; makes gender specific changes throughout rule; incorporates by reference ten revised State Board of Administration plan election forms; makes changes to the references to regularly established position and temporary position in accordance with statutory changes (chapter law 2012-126); updates division’s website address throughout rule; changes the term “city” to “municipality” to coincide with such terminology changes resulting from chapter law 2011-69, and makes miscellaneous technical changes in rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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

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.

RULEMAKING AUTHORITY: 121.031, 121.052(14), 121.4501(8)(a) FS.

LAW IMPLEMENTED: 27.701, 121.011, 121.021, 121.021(34), 121.021(39), 121.031, 121.051, 121.051(1), (2), 121.051(2)(b)6., 121.051(2)(b), (3), 121.0511, 121.0511(6), 121.052, 121.053, 121.055, 121.081, 121.091, 121.091(8), (13), 121.122, 121.35, 121.355, 121.4501, 240.3195, 1012.875 FS.

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

DATE AND TIME: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director’s Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. 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 IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

- 60S-1.002 Statements of Policy.
- (1) through (2) No change.

(3) Upon a person's employment or reemployment, the employer shall furnish to the Division such information as may be required on the Monthly Retirement Report, for the proper reporting enrollment of the officer or employee into the Florida Retirement System.

Rulemaking Authority 121.031 FS. Law Implemented 121.031, 121.051, 121.053, 121.091, 121.122 FS. History—New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 1-16-77, 7-1-79, 8-26-81, 1-19-82, 2-6-84, 11-6-84, Formerly 22B-1.02, Amended 3-11-87, 5-15-91, 11-14-91, Formerly 22B-1.002, Amended 9-17-03, _____.

60S-1.004 Participation.

(1) Compulsory Membership – Participation in the Florida Retirement System (FRS) shall be compulsory as a condition of employment for all officers and employees enumerated in the following paragraphs who are filling a regularly established position as described in subsection 60S-1.004(4), F.A.C., and defined in Rule 60S-6.001, F.A.C., (exceptions are provided in subsection 60S-1.004(2) or (3), F.A.C.). Such officers and employees shall participate in one of the five Florida Retirement System classes of membership. Members shall be assigned to the Regular Class unless eligible or required by virtue of the position held to be in the Special Risk Class as provided in Rule 60S-1.005, F.A.C., the Special Risk Administrative Support Class as provided in Rule 60S-1.0054, F.A.C., the Elected Officers' Class as provided in Rule 60S-1.0055, F.A.C., or the Senior Management Service Class as provided in Rule 60S-1.0057, F.A.C. All such officers or employees initially enrolled into the FRS or initially enrolled as renewed members of the FRS as provided in Sections 121.122 and 121.053, F.S., shall be enrolled, by default, into the defined benefit plan of the FRS more commonly referred to as the FRS Pension Plan as provided in Part I of Chapter 121, F.S., and may, by the last business day of the fifth month following his or her month of hire as provided in Section 121.4501, F.S., choose to elect enrollment into the defined contribution plan of the FRS more commonly referred to as the FRS Investment Plan as provided in Part II of Chapter 121, F.S. Such election may be filed with the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., using one of the following State Board of Administration forms applicable to his or her membership class in the Florida Retirement System. The forms are: Form ELE-1-EZ (Rev. 7-12 07-11) <http://www.flrules.org/Gateway/reference.asp?No=Ref-01922>, an EZ Retirement Plan Enrollment form which is only for Regular Class, Special Risk Class, and Special Risk Administrative Support Class members; Form ELE-1 (Rev. 10-12 10-11) <http://www.flrules.org/Gateway/reference.asp?No=Ref-01923>, a General Retirement Plan Enrollment form for Regular Class, Special Risk Class, and Special Risk Class Administrative Support Class

members; Form EOC-1 (Rev. 10-12 10-11) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01924>, a form for Elected Officers' Class members; Form OCC-1 (Rev. 10-12 10-11) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01925>, a form for members eligible for participation in the State Community College Optional Retirement Program; Form ORP-16 (Rev. 10-12 10-11) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01926>, a form for members eligible for participation in the State University System Optional Retirement Plan; Form SMS-1 (Rev. 10-12 10-11) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01927>, a form for members eligible for participation in the Senior Management Service Optional Annuity Plan; and Form SMS-3 (Rev. 10-12 10-11) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01928>, a form for members eligible for participation in a local retirement plan in lieu of the Senior Management Service Class all of which are herein incorporated by reference. The form appropriate to the employee's membership class is available in the enrollment package which is sent to the employee's address of record after the employee's first reported payroll or by accessing the Division's Web site (www.frshttp://FRS.MyFlorida.com); or by calling toll free 1(866)446-9377, or for the hearing impaired 1(888)429-2160, or alternatively the employee may choose to submit a separate document in lieu of the form to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election. After the period of initial FRS plan choice has expired, or the month following the receipt of the eligible employee's plan election, if sooner, the employee's plan choice is irrevocable except that the employee shall have one opportunity, at the employee's discretion, to change plans as provided in Section 121.4501, F.S. Such election to change FRS plans may be made using one of the following State Board of Administration forms for ease of use for employees in the several membership classes of the Florida Retirement System. These forms are: Form ELE-2 (Rev. 10-12 10-11) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01929>, 2nd Election Retirement Plan Enrollment Form; and Form ELE-2-EZ (Rev. 07-12 07-11) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01930>, 2nd Election Retirement Plan Enrollment Form both of which are herein incorporated by reference. These forms can be obtained by accessing the Division's Web site (www.frshttp://FRS.MyFlorida.com); or by calling toll free 1(866)446-9377, or for the hearing impaired 1(888)429-2160,

or alternatively the employee may choose to submit a separate document in lieu of the form to file their election with the Plan Choice Administrator which at minimum shall provide the employee's name, social security number and his or her plan election.

(a) through (c) No change.

(d) Any member, as provided in paragraph 60S-1.004(2)(f), F.A.C., who fails within 6 months of reemployment to make written notification to the Division of his or her intention to remain in the existing system.

(e) Officers and employees of a covered group of a municipality city, independent special district, metropolitan planning organization, public charter school or public charter technical career center which is approved for participation in the Florida Retirement System. Such officers and employees shall be compulsory members as follows:

1. If the participating municipality city, independent special district, metropolitan planning organization, public charter school or public charter technical career center did not have a local retirement system at the time it was approved for participation in the Florida Retirement System, all present and future officers and employees shall be covered.

2. If the participating municipality city, independent special district, metropolitan planning organization, participating public charter school or public charter technical career center had a local retirement system at the time it was approved for membership in the Florida Retirement System, all officers and employees who elect to transfer to the Florida Retirement System shall be covered and all future officers and employees shall be covered.

(f) All officers or employees of a covered group of a municipality city or independent special district, who are members of a local retirement system established in accordance with Chapter 175 or 185, F.S., may elect coverage under the Florida Retirement System by a majority of such officers and employees in a referendum held for that purpose. Upon establishing membership in the Florida Retirement System for the covered group, all officers or employees hired thereafter shall be compulsory members of the FRS. Existing officers and employees shall be subject to paragraph 60S-1.004(2)(h), F.A.C.

(g) through (i) No change.

(j) All members who were employed with a municipality city, independent special district, or hospital when such employer revoked its participation in the Florida Retirement System on January 1, 1996, as provided by Section 121.0511 or 121.051(2)(b)5., F.S. Such members shall remain as members of the Florida Retirement System for as long as they are continuously employed with that same employer.

(k) through (l) No change.

(2) Optional Membership – Participation in the Florida Retirement System shall be optional for all officers and employees enumerated in the following paragraphs who are

filling a regularly established position as described in subsection 60S-1.004(4) and defined in Rule 60S-6.001, F.A.C.

(a) through (g) No change.

(h) Officers or employees of a covered group of a municipality city or independent special district who are members of a local retirement system established in accordance with Chapter 175 or 185, F.S. All such officers and employees who elect coverage under the Florida Retirement System shall be compulsory members of the Florida Retirement System, provided a majority of such officers and employees elect such coverage in a referendum held for that purpose.

(i) No change.

(j) Any employee filling a position classified as eligible for participation in the State Community College System Optional Retirement Program (CCORP) as provided in Sections 121.051 and 1012.875, F.S.

1.a. No change.

b. On or after July 1, 2003 and through December 31, 2008, an active CCORP participant, having made election to participate in the CCORP prior to July 1, 2003, may file an election in writing with the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., to transfer the sum representing the Present Value of the FRS Pension Plan service credit that resulted from that period(s) of time when the participant first became eligible to transfer to the CCORP and the effective date of such election as provided in Section 121.051(2)(c)7., F.S. Transfer of this sum will nullify service credit for that period under the FRS Pension Plan. Such election may be filed in writing to the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., in accordance to Section 121.4501, F.S., and Rule 19-11.006, F.A.C., using the State Board of Administration designed form for ease of use; Form OCC-2 (Rev. 10-12 40-44) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01931> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00329~~, “Retirement Plan Conversion Form for Community College Optional Retirement Program (CCORP) Members”, herein incorporated by reference. This form is available on the Division’s Web site (~~www.frs~~<http://FRS.MyFlorida.com>); or by calling toll free (866) 446-9377, or for the hearing impaired (888)429-2160, or alternatively the employee may choose to submit a separate document in lieu of Form OCC-2, to file their election with the Plan Choice Administrator which at minimum shall provide the employee’s name, social security number and his or her plan election.

2. through 3. No change.

(k) No change.

(3) Membership Not Permitted – Participation in the Florida Retirement System shall not be permitted for:

(a) through (i) No change.

(j) Any person initially employed on or after January 1, 1996, by a municipality ~~city~~, independent, special district, or hospital that revoked its participation in the Florida Retirement System on that date. Such person shall participate in a retirement plan established by the employer in accordance with Section 121.0511, or 121.051(2)(b)5., F.S.

(k) through (o) No change.

(4) Membership in the Florida Retirement System shall be compulsory if the employee is filling a full-time or part-time regularly established position; except for State University System Optional Retirement Program (SUSORP)-eligible and mandatory SUSORP employees as provided in Section 121.35, F.S., and paragraph 60S-1.004(2)(c), F.A.C.; Senior Management Service Optional Annuity Program (SMSOAP)-eligible employees as provided in Section 121.055 and 121.4501, F.S., and paragraph 60S-1.004(2)(d), F.A.C.; elected officers eligible for membership in the Elected Officers' Class as provided in Section 121.052, F.S., and paragraph 60S-1.004(2)(e), F.A.C.; and CCORP-eligible employees as provided in Sections 121.051 and 1012.875, F.S., and paragraph 60S-1.004(2)(j), F.A.C. An employee filling a regularly established position shall be enrolled on the first day of employment, even if the employee is serving a probationary period, or working part-time. A position meeting the definition below shall be considered a regularly established position. An elected official (with the exception of those listed in subparagraph 60S-1.004(5)(d)7., F.A.C.), shall be considered to be filling a regularly established position on the date he or she is commissioned or assumes office.

(a) A regularly established position in a state agency is a position as defined in Section 121.021(52)(a), F.S. ~~that is authorized and established pursuant to law and is compensated from a salaries and benefits appropriation pursuant to Section 216.011(1)(mm), F.S., or a position established pursuant to Section 216.262(1)(a) and (b), F.S., and is compensated from either a salaries and benefit appropriation pursuant to Section 216.011(1)(mm), F.S., or from a salaries account as provided for in Section 216.011(1)(nn), F.S.~~

(b) A regularly established position in a local agency (district school board, county agency, Florida College System institution ~~community college~~, municipality ~~city~~, independent special district, metropolitan planning organization, or participating public charter school or charter technical career center) is an employment position which will be in existence beyond 6 consecutive calendar months except that effective October 1, 2012, a regularly established position in a water management district operating pursuant to chapter 373, F.S., shall be as defined in Section 121.021(52)(c), F.S. A local agency, when establishing an employment position, except for positions identified in sub-subparagraphs 60S-1.004(4)(c)7.a. and 8.a., F.A.C. or paragraph 60S-1.004(5)(d), F.A.C., should determine if the position will exist beyond 6 consecutive calendar months. If it will, then it is a regularly established

position. If it will not, then it is a temporary position. A position which exists for any part of a month is considered to be in existence for the entire month. A local agency shall not use the 6 month period as a means for not making the required retirement contributions into the Florida Retirement System trust fund. Records documenting the intended length of a temporary position and the dates of employment of an employee in such position must be maintained by the agency.

(c) The following shall apply to all members employed by a local agency except that effective October 1, 2012, such shall not apply to members employed by a water management district operating pursuant to Chapter 373, F.S.:

1. through 8. No change.

(5) An employee who is filling a temporary position shall not be eligible for membership in the Florida Retirement System. Records documenting the intended length of a temporary position and the dates of employment of an employee in such position must be maintained by the agency. An employer employing a person in a temporary position shall advise the employee at the time of his or her employment that he or she is filling a temporary position and cannot participate in the Florida Retirement System or claim this temporary employment later for retirement purposes. A position shall not be considered temporary due to the uncertainty of the employee's intention to continue employment. A position meeting the definition below shall be a temporary position.

(a) A temporary position in a state agency is a position as defined in Section 121.021(53)(a), F.S. ~~an employment position which is compensated from an other personal services (OPS) account as provided for in Section 216.011(1)(dd), F.S.~~

(b) A temporary position in a local agency except as provided in paragraph (c) is:

1. through 3. No change.

(c) Effective October 1, 2012, a temporary position in a water management district is a position as defined in Section 121.021(53)(c), F.S.

(6) through (7) No change.

Rulemaking Authority 121.031, 121.4501(8)(a) FS. Law Implemented 121.011, 121.021, 121.021(39), 121.051(1), (2), 121.051(2)(b)6., 121.0511, 121.0511(6), 121.052, 121.053, 121.055, 121.081, 121.091(8), (13), 121.122, 121.35, 121.355, 121.4501, 240.3195, 1012.875 FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 10-2-78, 7-1-79, 7-1-80, 8-26-81, 1-19-82, 10-11-82, 1-18-83, 11-6-84, 4-17-85, Formerly 22B-1.04, Amended 2-4-86, 1-12-87, 3-11-87, 2-7-89, 9-5-90, 5-15-91, 11-14-91, Formerly 22B-1.004, Amended 3-18-93, 8-4-94, 4-5-95, 3-12-96, 12-12-96, 2-24-99, 9-17-03, 1-1-06, 4-5-12, _____.

60S-1.0045 Renewed Membership in the Regular Class and Senior Management Service Class.

(1) through (3) No change.

(4) Renewed membership in the FRS is closed to any retiree of a state administered retirement system initially reemployed on or after July 1, 2010. The employer of a

reemployed retiree employed in a regularly established position not eligible for renewed membership in the FRS shall be required to make the applicable contributions as provided in subsections 60S-3.003(6) and (7), F.A.C.

Rulemaking Authority 121.031 FS. Law Implemented 121.091, 121.122 FS. History—New 11-14-91, Formerly 22B-1.0045, Amended 3-18-93, 5-10-99, 9-17-03, 4-5-12, _____.

60S-1.0055 Elected Officers’ Class.

(1) through (3) No change.

(4) Renewed membership in the Elected Officers’ Class –

(a) through (f) No change.

(g) Renewed membership in the Florida Retirement System is closed to any retiree of a state administered retirement system who is initially reemployed on or after July 1, 2010. The employer of a reemployed retiree not eligible for renewed membership shall make the applicable contributions as required in Sections 121.71(5) and 121.76, F.S.

Rulemaking Authority 121.031, 121.052(14) FS. Law Implemented 121.052, 121.053 FS. History—New 11-6-84, Amended 4-17-85, Formerly 22B-1.055, Amended 3-11-87, 11-14-91, Formerly 22B-1.0055, Amended 3-18-93, 2-24-99, 9-17-03, 4-5-12, _____.

60S-1.0057 Senior Management Service Class (SMSC).

(1) Compulsory Membership – Membership in the Senior Management Service Class shall be compulsory, except as provided in subsection 60S-1.0057(7), F.A.C., for any member of the Florida Retirement System or an existing system who holds any of the following positions:

Position	Effective date
(a) through (b) No change.	
(c) Certain local agency positions as follows:	January 1, 1990
<ul style="list-style-type: none"> • The president of each community college. • The manager of each participating <u>municipality</u> city or county. • All appointed district school superintendents. 	
(d) through (k) No change.	

(2) through (6) No change.

(7) Optional Membership – Membership in the Senior Management Service Class shall be optional for certain eligible members according to the following:

(a) through (e) No change.

(f)1. Effective July 1, 1997, within 6 months of assuming office or within 6 months of July 1, 1997, the following elected officers eligible for membership in the Elected Officers’ Class as provided in subsection 60S-1.0055(1), F.A.C., and who have not previously retired from a State of Florida administered

retirement plan, may elect membership in the Senior Management Service Class in lieu of the Elected Officers’ Class:

a. No change.

b. Any elected county, municipality ~~city~~, or independent special district officer.

2. Such elected officer may file their election in writing to the Plan Choice Administrator as defined in subsection 60S-6.001(50), F.A.C., no later than the last business day of the 6th month after assuming elected office as provided in Sections 121.055, and 121.4501, F.S. and Rule 19-11.006, F.A.C., using the SBA designed form for ease of use; Form EOC-1, Elected Officers’ Class Retirement Plan Enrollment Form adopted by reference in subsection 60S-1.004(1), F.A.C., or alternatively the employee may choose to submit a separate document in lieu of Form EOC-1 to file their election with the Plan Choice Administrator which at minimum shall provide the employee’s name, social security number and his or her election.

(g) No change.

(8) No change.

Rulemaking Authority 121.031, 121.4501(8)(a) FS. Law Implemented 27.701, 121.051, 121.055 FS. History—New 1-12-87, Amended 2-7-89, 9-5-90, 11-14-91, Formerly 22B-1.0057, Amended 1-25-94, 8-4-94, 12-12-96, 2-24-99, 9-17-03, 4-5-12, _____.

60S-1.007 Admission of Cities, Independent Special Districts, Metropolitan Planning Organizations, Public Charter Schools and Public Charter Technical Career Centers to the Florida Retirement System.

(1) Social Security Coverage Required – Any municipality ~~city~~ or independent special district or unit thereof, or metropolitan planning organization, public charter school or public charter technical career center desiring to participate in the Florida Retirement System must be approved for social security coverage by the United States Secretary of Health and Human Services and the Administrator prior to participating in the Florida Retirement System. Application for social security coverage shall be made to the Administrator in accordance with Chapter 650, F.S.

(2) Request for Membership – The governing body of the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center desiring to participate in the Florida Retirement System shall submit a request to the Administrator. This request must indicate whether or not the present officers and employees are covered by a retirement system and whether or not they are covered by social security.

(3) Ordinance or Resolution – The Administrator shall furnish the governing body of the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center a sample ordinance or resolution, whichever is applicable, which may be used by the governing body of the

municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center in setting forth the terms under which the benefits of the Florida Retirement System will be extended to the officers and employees of the covered group.

(4) The ordinance adopted by a municipality ~~city~~ and the resolution adopted by an independent special district, metropolitan planning organization, public charter school or public charter technical career center shall include the following:

(a) Designation of those officers and employees who are eligible and those officers and employees who are not eligible for participation in the Florida Retirement System.

(b) A declaration of the intent of the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center to extend the benefits of the Florida Retirement System to all eligible officers and employees as of a specific date.

(c) Designation of an official of the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center to execute agreements and amendments thereto with the Director of the Division of Retirement.

(d) Provisions for withholding from employees' compensation each pay period the social security contributions required by Rule 60S-3.010, F.A.C.

(e) Provisions for the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center to remit to the Division each pay period in accordance with Rule 60S-3.011, F.A.C., the contributions required to be paid pursuant to Rule 60S-3.003, F.A.C.

(f) Provisions for the establishment, maintenance, and submission of such records relating to the Florida Retirement System as are required by the Administrator.

(g) Certification of the effective date of the ordinance or resolution.

(5) Agreement – The governing body of each municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center not participating in an existing retirement system on November 30, 1970, which desires to participate in the Florida Retirement System shall be required to enter into an agreement with the Director of the Division of Retirement. The agreement shall include the following provisions:

(a) That benefits shall be provided for all eligible officers and employees in accordance with the provisions of Chapter 121, F.S., and these rules and regulations.

(b) That the required contributions for social security shall be deducted from the compensation of all members each pay period and shall be remitted as required by Rule 60S-3.010, F.A.C.

(c) That the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center shall remit to the Division each pay period in accordance with Rule 60S-3.011, F.A.C., the contributions required to be paid pursuant to Rule 60S-3.003, F.A.C.

(d) That failure of the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center to comply with the agreement with regard to the payment of employer and employee retirement contributions when due shall be the basis for the Administrator invoking the applicable provisions of Rule 60S-3.011, F.A.C.

(e) That the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center shall establish and maintain such records and make such reports relating to the Florida Retirement System as may be required by the Administrator.

(f) That the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center shall or shall not provide for all or any part of the past service of its employees. This part of the agreement shall be binding and irrevocable effective with the date of coverage in the Florida Retirement System.

1. If past service is to be provided, the agreement must stipulate the amount of past service to be provided by the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center. The cost of such past service shall be computed by the Division of Retirement. If the agency does not wish to pay the entire cost immediately, a 10% down payment shall be required and the balance shall be paid in yearly installments amortized over a period determined by the following formula: The average age of the employees of the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center joining the system is subtracted from ~~the 62~~ (normal retirement age for a Regular Class member of the Florida Retirement System as defined in Section 121.021(29), F.S. and the difference shall be the maximum number of years, not to exceed 15 years, over which the payments may be amortized. The agency may elect to amortize payments over a shorter period of time than the maximum years allowed. Interest charged shall be 4 percent compounded annually until July 1, 1975 and 6.5 percent compounded annually thereafter until date of payment.

2. At the time the agency begins participating in the Florida Retirement System, the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center shall

provide certification of monthly service and earnings for all employees eligible to claim past service credit, whether or not the past service credit is purchased by the employer.

(g) That the agreement may not be revoked, except as provided in subsection 60S-1.007(8), F.A.C., and that all officers and employees employed on or after the effective date of the agreement shall be compulsory members of the Florida Retirement System as a condition of employment.

(6) Certified Financial Statement – The governing body of a municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center which has a local retirement system shall, prior to the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center being approved for participation in the Florida Retirement System, submit to the Administrator a certified financial statement showing the condition of the local retirement system as of a date within 3 months prior to the effective date of membership in the Florida Retirement System. The statement shall be certified by a recognized accounting firm which is independent of the local retirement system.

(7) Referendum – The governing body of a municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center which has an existing retirement system covering the employees in the units that are to be brought under the Florida Retirement System shall, prior to the municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center being approved for participation in the Florida Retirement System may participate only after holding a referendum as provided in and in accordance with Section 121.051(2)(b)2., F.S.

(8) All required documents necessary for extending Florida Retirement System coverage shall be delivered to the Division of Retirement for consideration at least 15 days prior to the effective date of coverage. If this is not complied with, the Division of Retirement may require that the effective date of coverage be changed.

(9) The governing body of a municipality ~~city~~ or independent special district that participates in the Florida Retirement System may revoke its election to participate with an effective date of January 1, 1996, in accordance with the provisions of Section 121.0511 or 121.051(2)(b)5, F.S.

Rulemaking Authority 121.031 FS. Law Implemented 121.021(34), 121.051(2)(b), (3), 121.051, 121.0511 FS. History—New 1-1-72, Amended 12-31-74, 1-16-77, 8-26-81, 1-19-82, 11-6-84, Formerly 22B-1.07, Amended 5-19-91, Formerly 22B-1.007, Amended 3-12-96, 4-5-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 19, 2012, Vol., 38/54

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.:	RULE TITLES:
60S-2.003	Credit for Past Service
60S-2.005	Credit for Military Service
60S-2.006	Credit for Leaves of Absence Under the Florida Retirement System
60S-2.007	Credit for Out-of-State and In-State Service
60S-2.015	Value of Each Year of Creditable Service
60S-2.016	Credit for Periods of Suspension Without Pay or Rescinded Dismissal

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session; deleting obsolete language, making technical corrections to rule and to incorporate by reference two revised division forms.

SUMMARY: The amendments set forth changes the term “city” to “municipality” in accordance with such terminology changes in statute resulting from chapter law 2011-68; updates normal retirement age based upon date of initial enrollment in accordance with statutory changes resulting from chapter law 2011-68; updates the division’s website address throughout rule chapter; incorporates by reference two revised division forms, updates accrual values of service based upon initial enrollment date in the Florida Retirement System in accordance with statutory changes resulting from chapter law 2011-68; deletes rule paragraph 60S-2.006(1)(f), F.A.C., as such paragraph is unnecessary in rule which results in renumbering of the remaining paragraphs; and amends subsection 60S-2.016(2), F.A.C., to enhance clarity in rule that eligibility to receive retirement service credit for periods of dismissal when such dismissal is rescinded does not apply to members who retired prior to reinstatement and adds ending year to the Persian Gulf War inadvertently omitted from rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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.

RULEMAKING AUTHORITY: 112.363(7), 121.031, 121.052(14) FS.

LAW IMPLEMENTED: 112.363, 121.011(3)(e), (g), 121.021, 121.021(18), 120.045, 121.051(6)(a), 121.0515, 121.052, 121.052(5)(d), 121.052(10), 121.052(14), 121.055, 121.055(3), 121.061, 121.071, 121.071(3), (5), 121.081(1), 121.091, 121.091(1), (7), (9), 121.111, 121.113, 121.1115, 121.1122, 121.121, 121.122, 121.30, 121.65(2), 121.70, 121.71, 121.72, 121.73, 121.74, 121.75, 121.76, 122.07, 238.06(4) FS.

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

DATE AND TIME: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director's Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. 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 IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-2.003 Credit for Past Service.

Past service credit in the Florida Retirement System is available to the member for service rendered in seven different sets of circumstances, with the particular set of circumstances under which the service is rendered determining the cost for claiming past service credit. The conditions and circumstances under which the past service credit may be claimed are as follows:

(1) Past service may be claimed by a member who was an officer or employee of a municipality ~~city~~, independent special district, metropolitan planning organization, charter school, or charter technical school on the date it was approved for participation in the Florida Retirement System, subject to the following:

(a) The member must have been in the active employ of the municipality ~~city~~, independent special district, metropolitan planning organization, charter school, or charter technical school on the date the municipality ~~city~~, independent special district or metropolitan planning organization, charter school, or charter technical school commenced participating in the Florida Retirement System, and must have selected membership in the Florida Retirement System if such option was given;

(b) through (f) No change.

(g) Past service under this subsection may be claimed as Special Risk Class service valued at 2% per year by current or former Special Risk Class members of the Florida Retirement System. Such additional credit may be purchased at the time the employee becomes a member of the Florida Retirement System or at any time prior to retirement. In addition to conditions (a) through (f), the following conditions must be met:

1. The service must satisfy the criteria established for the Special Risk Class as provided in Rule 60S-1.0051, 60S-1.0052, 60S-1.0053, 60S-1.00535 or 60S-1.00539, F.A.C., of these rules, except that a certificate or waiver of certificate shall not be required. Verification that the service satisfies the criteria shall be provided by the municipality ~~city~~, or independent special district, metropolitan planning organization, charter school, or charter technical school on Form FRS-401 (Rev. 07/99), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00338>, Florida Retirement System Special Risk Credit for Past Service, herein adopted by reference, and must be approved by the Division. Form FRS-401 may be obtained from the Forms page of the Division's website, [www.http://frs.MyFlorida.com](http://frs.MyFlorida.com), or by calling the Division's Bureau of Enrollment Toll Free at (877)377-3675, if calling outside the Tallahassee calling area or locally at (850)488-8837. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.

2. The member will be notified of the additional contributions required in accordance with paragraph 60S-3.004(1)(d), F.A.C. Such contributions may be paid by the member or by the employer on behalf of the member.

(2) A member who has service with a municipality ~~city~~, independent special district or metropolitan planning organization, charter school, or charter technical school of the state which cannot be claimed under subsection (1) above, because the municipality ~~city~~, independent special district, metropolitan planning organization, charter school, or charter technical school has not joined the Florida Retirement System, because the member was not an employee of the municipality ~~city~~, independent special district, metropolitan planning organization, charter school, or charter technical school, at the time it commenced participating in the Florida Retirement System, or because the member rejected the Florida Retirement System at the time the municipality ~~city~~, independent special district, metropolitan planning organization, charter school, or charter technical school began participating in the Florida Retirement System, may receive past service credit for employment with any municipality ~~city~~, independent special district, metropolitan planning organization, charter school, or charter technical school of the state, subject to the following:

(a) through (d) No change.

(3) Past service credit may be claimed by a person who becomes a member of the Florida Retirement System by virtue of the transfer, consolidation or merger of governmental units or functions at any level of government or through the assumption of functions or activities by an employer under the system from an employing entity that was not an employer under the system. A person who, prior to becoming a member of the Florida Retirement System, became a member of an existing system prior to December 1, 1970 by virtue of a transfer, consolidation, merger or assumption of functions or activities as described herein, shall also be eligible to claim past service in accordance with this subsection. The following conditions shall apply to past service credit under this subsection:

(a) through (f) No change.

(g) Past service credit under this subsection may be claimed as Special Risk Class service valued at 2% per year by current or former Special Risk Class members of the Florida Retirement System. Such additional credit may be purchased at the time the employee becomes a Special Risk Class member of the Florida Retirement System or at any time prior to retirement. In addition to conditions (a) through (f), the following conditions must be met:

1. The service must satisfy the criteria established for the Special Risk Class as provided in Rule 60S-1.0051, 60S-1.0052, 60S-1.0053, 60S-1.00535, or 60S-1.00539, F.A.C., of these rules, except that a certificate or waiver of certificate shall not be required. Verification that the service satisfies the criteria shall be provided by the municipality ~~city~~,

independent special district, metropolitan planning organization, charter school, or charter technical school on the forms provided by the Division. Such verification is subject to approval by the Division.

2. No change.

(4) through (8) No change.

Rulemaking Authority 121.031 FS. Law Implemented 121.021(18), 121.0515, 121.65(2), 121.081(1) FS. History—New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 1-16-77, 8-26-81, 1-19-82, 1-18-83, 4-17-85, Formerly 22B-2.03, Amended 5-15-91, Formerly 22B-2.003, Amended 4-5-95, 12-12-96, 4-5-12,_____.

60S-2.005 Credit for Military Service.

(1) No change.

(2) Wartime Military Service – A member whose initial date of employment in a regularly established position is before January 1, 1987, who has full-time, active “wartime” military service, other than active duty for training or attendance at a military academy, in the Armed Forces of the United States or in the Allied Forces for which he or she is not eligible to receive retirement credit as provided in subsection 60S-2.005(1), F.A.C., may receive retirement credit for such active wartime military service, not to exceed a total of 4 years, provided that:

(a) The member served one or more days of his or her military service during one of the following periods:

1. through 3. No change.

4. Persian Gulf War: Service from August 2, 1990 through January 2, 1992.

5. through 6. No change.

(b) through (h) No change.

(i) Any member claiming credit in accordance with this subsection shall certify on Form MF-1 (Rev. 06/12 07/06), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01934>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00340>, Florida Retirement System Pension Plan Statement of Military Eligibility, herein adopted by reference, that credit for such service has not and will not be claimed for retirement purposes under any federal or state retirement or pension system where “length of service” is a factor in determining the amount of compensation received, except where credit for such service has been granted in a pension system providing retired pay for non-regular (i.e. Reserve and National Guard) service in accordance with paragraph 60S-2.005(2)(h), F.A.C. In the event of the member’s death prior to retirement, the member’s beneficiary shall make the required certification. If such certification is not made by the member or the member’s beneficiary, credit for wartime military service will not be allowed. Form MF-1 may be obtained from the Forms page of the Division’s website, ~~www~~<http://frs.MyFlorida.com>, or by calling the Division’s Bureau of Enrollment Toll Free at (877)377-3675, if calling outside the Tallahassee calling area

or locally at (850)488-8837. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.

(j) No change.

Rulemaking Authority 121.031, 121.052(14) FS. Law Implemented 121.021, 121.052(5)(d), 121.111 FS. History—New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 1-16-77, 7-1-79, 1-19-82, 4-17-85, Formerly 22B-2.05, Amended 2-4-86, 2-7-89, 11-14-91, Formerly 22B-2.005, Amended 3-18-93, 4-5-95, 12-12-96, 2-24-99, 8-13-03, 4-5-12_____.

60S-2.006 Credit for Leaves of Absence Under the Florida Retirement System.

(1) A member may receive retirement credit for a total of two work years of creditable service for authorized leaves of absence under the Florida Retirement System, subject to the following:

(a) through (e) No change.

~~(f) Such leave of absence shall include an unpaid leave as provided under the federal Family and Medical Leave Act of 1993 granted for up to 12 weeks to care for children at birth or adoption, or to care for a seriously ill child, spouse, or parent, or for the member's own serious illness.~~

~~(f)(g)~~ The member shall make application to the Division for leave of absence retirement credit on Form FR-28 (Rev. 06/04), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00334>, Florida Retirement System Pension Plan Application to Purchase Retirement Credit for a Pension Plan Leave of Absence, herein adopted by reference which may be obtained from the Forms page of the Division's website, [www.http://frs.MyFlorida.com](http://frs.MyFlorida.com), or by calling the Division's Bureau of Retirement Calculations Toll Free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.

(2) through (7) No change.

Rulemaking Authority 121.031 FS. Law Implemented 121.071, 121.121 FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 1-16-77, 7-1-79, 8-26-81, 1-18-83, Formerly 22B-2.06, Amended 3-11-87, 2-7-89, 11-14-91, Formerly 22B-2.006, Amended 8-4-94, 2-24-99, 12-30-99, 8-13-03, 4-5-12_____.

60S-2.007 Credit for Out-of-State and In-State Service.

(1) through (2) No change.

(3) A member of the Florida Retirement System may purchase credit for up to 5 years of out-of-state public employment; employment with the federal government (which may include military service not claimed under Rule 60S-2.005, F.A.C.); non-FRS, in-state public employment; or in-state employment in charter schools, charter technical career centers, or nonpublic schools and colleges accredited by the Southern Association of Colleges and Schools; as follows:

(a) through (d) No change.

1. through 2. No change.

(e) A member of the Florida Retirement System Pension Plan who wishes to claim such service shall obtain the following from the out-of-state or in-state employer's retirement or pension plan on Form FR-30 (Rev. 06/12 07/04), <http://www.flrules.org/Gateway/reference.asp?No=Ref-01933>, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00335>, Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit, herein adopted by reference which may be obtained from the Forms page of the Division's website, [www.http://frs.MyFlorida.com](http://frs.MyFlorida.com), or by calling the Division's Bureau of Retirement Calculations Toll Free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491; or on Form FR-30a (Rev. 07/04), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00336>, Florida Retirement System Pension Plan Out-of-State Employer Request, herein adopted by reference, which is sent to the member's address of record by the Division's Bureau of Retirement Calculations if the information provided by the out-of-state in-state employer's retirement or pension plan on Form FR-30 is incomplete; or in the case of a deceased member, a beneficiary who wishes to claim such service on the behalf of the member shall obtain the following from the out-of-state or in-state employer's retirement or pension plan on Form FR-30b (Rev. 07/99), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00337>, Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit, herein adopted by reference which may be obtained by calling the Division's Survivor Benefits Section Toll Free at (877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771:

(f) through (h) No change.

(i) A member claiming military service under these provisions must also complete and submit to the Division, Form MF-2 (Rev. 07/06), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00341>, Florida Retirement System Pension Plan Statement of Military Eligibility to Purchase Military Service under the Out-of-State Provisions, herein adopted by reference, attesting to the fact that the military service for which he or she requests credit has not and will not be claimed for retirement purposes under any other public pension plan. Form MF-2 may be obtained from the Forms page of the Division's website, [www.http://frs.MyFlorida.com](http://frs.MyFlorida.com), or by calling the Division's Bureau of Retirement Calculations Toll Free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.

Rulemaking Authority 121.031 FS. Law Implemented 120.045, 121.021, 121.051(6)(a), 121.1115, 121.1122, 122.07, 238.06(4) FS. History—New 1-1-72, Amended 8-20-75, 8-5-76, 7-1-79, Formerly 22B-2.07, 22B-2.007, Amended 3-18-93, 4-5-95, 12-12-96, 2-24-99, 8-13-03, 4-5-12, _____.

60S-2.015 Value of Each Year of Creditable Service.

(1) No change.

(2) Each complete year of creditable service earned and claimed under the Florida Retirement System shall have the percentage value indicated below, which shall represent the percentage of the member's average final compensation (AFC) that each complete year of creditable service having that same percentage value shall entitle him to receive under Option 1 upon his or her normal retirement:

(a) Each year of creditable service as a Regular Class member shall be worth:

1. For members initially enrolled in the FRS before July 1, 2011:

- 1.60% of AFC when retiring at age 62
- 1.63% of AFC when retiring at age 63
- 1.65% of AFC when retiring at age 64
- 1.68% of AFC when retiring at age 65 or over, not to exceed 1.68%;

OR

- 1.60% of AFC when retiring with 30 years of creditable service
- 1.63% of AFC when retiring with 31 years of creditable service
- 1.65% of AFC when retiring with 32 years of creditable service
- 1.68% of AFC when retiring with 33 years of creditable service or more, not to exceed 1.68%

2. For members initially enrolled in the FRS on or after July 1, 2011:

- 1.60% of AFC when retiring at age 65
- 1.63% of AFC when retiring at age 66
- 1.65% of AFC when retiring at age 67
- 1.68% of AFC when retiring at age 68 or over, not to exceed 1.68%;

OR

- 1.60% of AFC when retiring with 33 years of creditable service
- 1.63% of AFC when retiring with 34 years of creditable service
- 1.65% of AFC when retiring with 35 years of creditable service
- 1.68% of AFC when retiring with 36 years of creditable service or more, not to exceed 1.68%

(b) Each year of creditable service earned as a Special Risk Class member shall be worth:

2% of AFC for service from December 1, 1970 through September 30, 1974;

3% of AFC for service from October 1, 1974 through September 30, 1978;

2% of AFC for service from October 1, 1978 through December 31, 1988;

2.2% of AFC for service from January 1, 1989 through December 31, 1989;

2.4% of AFC for service from January 1, 1990 through December 31, 1990;

2.6% of AFC for service from January 1, 1991 through December 31, 1991;

2.8% of AFC for service from January 1, 1992 through December 31, 1992; and

3% of AFC for service on and after January 1, 1993. Effective July 1, 2000, for members retiring after that date, 3% of AFC for service on and after October 1, 1978.

(c) Each year of creditable service as a Special Risk Administrative Support Class member shall be worth:

1. For members initially enrolled in the FRS before July 1, 2011:

When the member has satisfied the vesting requirements for the Special Risk Class but has less than 25 years of creditable Special Risk Administrative Support Class and Special Risk Class service, the Special Risk Administrative Support Class service shall be worth:

- 1.60% of AFC at age 55
- 1.63% of AFC at age 56
- 1.65% of AFC at age 57
- 1.68% of AFC at age 58 or over, not to exceed 1.68%;

OR

When retiring with 25 or more years of creditable Special Risk Administrative Support Class and Special Risk Class service that includes credit for military service, the Special Risk Administrative Support Class service shall be worth the greater of:

- 1.60% of AFC with a minimum of 25 years of creditable service at age 52 or older, or
- 1.63% of AFC with a minimum of 26 years of creditable service at age 53 or older, or
- 1.65% of AFC with a minimum of 27 years of creditable service at age 54 or older, or
- 1.68% of AFC with a minimum of 28 years of creditable service at age 55 or older, not to exceed 1.68%;

OR

When retiring with 25 or more years of creditable Special Risk Administrative Support Class and Special Risk Class service, regardless of age, the Special Risk Administrative Support Class service shall be worth:

- 1.60% of AFC with 25 years of creditable service
- 1.63% of AFC with 26 years of creditable service
- 1.65% of AFC with 27 years of creditable service
- 1.68% of AFC with 28 or more years of creditable service, not to exceed 1.68%

2. For members initially enrolled in the FRS on or after July 1, 2011:

When the member has satisfied the vesting requirements for the Special Risk Class but has less than 30 years of creditable Special Risk Administrative Support Class and Special Risk Class service, the Special Risk Administrative Support Class service shall be worth:

- 1.60% of AFC at age 60
- 1.63% of AFC at age 61
- 1.65% of AFC at age 62
- 1.68% of AFC at age 63 or over, not to exceed 1.68%:

OR

When retiring with 30 or more years of creditable Special Risk Administrative Support Class and Special Risk Class service that includes credit for military service, the Special Risk Administrative Support Class service shall be worth the greater of:

- 1.60% of AFC with a minimum of 30 years of creditable service at age 57 or older, or
- 1.63% of AFC with a minimum of 31 years of creditable service at age 58 or older, or
- 1.65% of AFC with a minimum of 32 years of creditable service at age 59 or older, or
- 1.68% of AFC with a minimum of 33 years of creditable service at age 60 or older, not to exceed 1.68%:

OR

When retiring with 30 or more years of creditable Special Risk Administrative Support Class and Special Risk Class service, regardless of age, the Special Risk Administrative Support Class service shall be worth:

- 1.60% of AFC with 30 years of creditable service
- 1.63% of AFC with 31 years of creditable service
- 1.65% of AFC with 32 years of creditable service
- 1.68% of AFC with 33 or more years of creditable service, not to exceed 1.68%

(d) through (e) No change.

Rulemaking Authority 121.031 FS. Law Implemented 121.091(1), 121.021, 121.052(10), 121.055 FS. History—New 10-20-72, Amended 12-31-74, 7-21-75, 7-1-79, 1-18-83, 5-11-83, 2-6-84, 4-17-85, Formerly 22B-2.15, Amended 1-12-87, 2-7-89, 9-5-90, 5-15-91, Formerly 22B-2.015, Amended 1-25-94, 4-5-95, 8-13-03, 4-5-12,_____.

60S-2.016 Credit for Periods of Suspension Without Pay or Rescinded Dismissal.

(1) No change.

(2) A member who has been or is dismissed from employment shall be considered terminated from active membership. However, if the member has not retired and such dismissal is subsequently rescinded or changed, the following shall apply:

(a) through (b) No change.

Rulemaking Authority 121.031 FS. Law Implemented 121.011(3)(e), (g) FS. History—New 1-16-77, Formerly 22B-2.16, 22B-2.016, Amended 2-24-99, 4-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, State Retirement Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 08, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 19, 2012, Vol. 38/54

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

<p>RULE NOS.:</p> <p>60S-3.003</p> <p>60S-3.004</p> <p>60S-3.011</p>	<p>RULE TITLES:</p> <p>Retirement Contributions for Regular, Special Risk, Elected Officer, Special Risk Administrative Support and Senior Management Service Classes of the Florida Retirement System; Contributions for the Retiree Health Insurance Subsidy; and Contributions for the Deferred Retirement Option Program</p> <p>Retirement Contributions for Past Service Credit</p> <p>Payment of Contributions</p>
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PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session and making one technical correction to rule.

SUMMARY: The amendments set forth update the rule to reflect the statutory contribution rates for fiscal years 2011 and 2012; change the term “city” to “municipality” to coincide with such terminology changes in statute resulting from chapter law 2011-68, and to make miscellaneous technical corrections to rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on

economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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.

RULEMAKING AUTHORITY: 112.363(7), 121.031 FS.

LAW IMPLEMENTED: 112.363, 121.052, 121.052(14), 121.055, 121.055(3), 121.061, 121.071, 121.071(3), (5), 121.081(1), 121.091, 121.091(7), (9), 121.113, 121.122, 121.30, 121.70, 121.71, 121.72, 121.73, 121.74, 121.75, 121.76 FS.

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

DATE AND TIME: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director’s Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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 days before the workshop/meeting by contacting: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. 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 IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-3.003 Retirement Contributions for Regular, Special Risk, Elected Officer, Special Risk Administrative Support and Senior Management Service Classes of the Pension and Investment Plans of the Florida Retirement System; Contributions for the Retiree Health Insurance Subsidy; and Contributions for the Deferred Retirement Option Program.

The following tables state the required retirement and Retiree Health Insurance Subsidy contribution rates for members of the Florida Retirement System and their employers in terms of percentages of members’ gross compensation as defined in Rule 60S-6.001, F.A.C.; however, effective July 1, 1990,

retirement contributions shall not be made on fiscal year compensation in excess of the Internal Revenue Code (IRC) section 401(a)(17) maximum as provided in the definition of Compensation in Rule 60S-6.001, F.A.C. Contribution rates for both members and employers have changed since they were originally established and these changes are reflected in these tables. Employer contribution rates for the Florida Retirement System Investment Plan are effective on and after July 1, 2002. Changes in the contribution rates are always effective with the first salary paid on or after the beginning date of a change. Contributions are required to be made or deducted as may be appropriate, each pay period.

Effective July 1, 2002, contribution rates represent a blended rate actuarially determined to combine the Pension Plan and Investment Plan rates, by class, (including the Investment Plan disability rates), reduced by application of funds from the surplus in the Florida Retirement System Trust Fund.

(1) Retirement contributions for Regular Class members are as follows:

Dates of Rate Changes	Members	Employers
December 1, 1970 through December 31, 1974, for state agencies, state universities, community colleges and district school boards	4%	4%
December 1, 1970 through September 30, 1975, for county agencies, cities and independent special districts	4%	4%
January 1, 1975 through September 30, 1978, for state agencies and state universities	0%	9%
January 1, 1975 through July 31, 1978, for community colleges and district school boards	0%	9%
October 1, 1975 through September 30, 1978, for county agencies, cities and independent special districts	0%	9%
August 1, 1978 through September 30, 1981, for community colleges and district school boards	0%	9.1%
October 1, 1978 through September 30, 1981, for state agencies, state universities, county agencies, cities, independent and special districts	0%	9.1%
October 1, 1981 through September 30, 1984	0%	10.93%
October 1, 1984 through September 30, 1986	0%	12.24%
October 1, 1986 through December 31, 1988	0%	13.14%
January 1, 1989 through December 31, 1989	0%	13.90%

January 1, 1990 through December 31, 1990	0%	14.66%	October 1, 1981 through September 30, 1984	0%	13.91%
January 1, 1991 through December 31, 1991	0%	15.72%	October 1, 1984 through September 30, 1986	0%	14.67%
January 1, 1992 through December 31, 1992	0%	16.51%	October 1, 1986 through December 31, 1988	0%	15.11%
January 1, 1993 through December 31, 1993	0%	17.27%	January 1, 1989 through December 31, 1989	0%	17.50%
January 1, 1994 through December 31, 1994	0%	17.10%	January 1, 1990 through December 31, 1990	0%	19.90%
January 1, 1995 through December 31, 1995	0%	16.91%	January 1, 1991 through December 31, 1991	0%	25.52%
January 1, 1996 through June 30, 1996	0%	17.00%	January 1, 1992 through December 31, 1992	0%	26.35%
July 1, 1996 through June 30, 1998	0%	16.77%	January 1, 1993 through December 31, 1993	0%	27.14%
July 1, 1998 through June 30, 1999	0%	15.51%	January 1, 1994 through December 31, 1994	0%	27.03%
July 1, 1999 through June 30, 2000	0%	9.21%	January 1, 1995 through December 31, 1995	0%	26.83%
July 1, 2000 through June 30, 2001	0%	8.11%	January 1, 1996 through June 30, 1996	0%	26.84%
July 1, 2001 through June 30, 2002	0%	6.09%	July 1, 1996 through June 30, 1998	0%	26.44%
July 1, 2002 through June 30, 2004	0%	4.50%	July 1, 1998 through June 30, 1999	0%	24.38%
July 1, 2003 through June 30, 2004	0%	6.18%	July 1, 1999 through June 30, 2000	0%	20.22%
July 1, 2004 through June 30, 2005	0%	6.20%	July 1, 2000 through June 30, 2001	0%	19.25%
July 1, 2005 through June 30, 2006	0%	6.67%	July 1, 2001 through June 30, 2002	0%	17.23%
July 1, 2006 through June 30, 2010	0%	8.69%	July 1, 2002 through June 30, 2003	0%	14.75%
<u>Effective July 1, 2010 through June 30, 2011</u>	0%	9.63%	July 1, 2003 through June 30, 2004	0%	17.32%
<u>July 1, 2011 through June 30, 2012</u>	3%	3.77%	July 1, 2004 through June 30, 2005	0%	17.34%
<u>Effective July 1, 2012</u>	3%	4.04%	July 1, 2005 through June 30, 2006	0%	17.37%
(2) Retirement contributions for Special Risk Class members are as follows:			July 1, 2006 through June 30, 2010	0%	19.76%
Dates of Rate Changes	Members	Employers	<u>Effective July 1, 2010 through June 30, 2011</u>	0%	22.11%
December 1, 1970 through September 30, 1974	6%	6%	<u>July 1, 2011 through June 30, 2012</u>	3%	12.96%
October 1, 1974 through December 31, 1974, for state agencies, state universities, community colleges, and district school boards	8%	8%	<u>Effective July 1, 2012</u>	3%	13.76%
October 1, 1974 through September 30, 1975, for county agencies, cities and independent special districts	8%	8%	(3) Retirement contributions for Special Risk Administrative Support Class members are as follows:		
January 1, 1975 through September 30, 1978, for state agencies, state universities, community colleges, and district school boards	0%	13%	Dates of Rate Changes	Members	Employers
October 1, 1975 through September 30, 1978, for county agencies, cities, and independent special districts	0%	13%	July 1, 1982 through September 30, 1984	0%	11.14%
October 1, 1978 through September 30, 1981	0%	13.95%	October 1, 1984 through September 30, 1986	0%	13.09%
			October 1, 1986 through December 31, 1988	0%	15.44%
			January 1, 1989 through December 31, 1989	0%	14.76%
			January 1, 1990 through December 31, 1990	0%	14.09%
			January 1, 1991 through December 31, 1991	0%	20.16%
			January 1, 1992 through December 31, 1992	0%	19.51%
			January 1, 1993 through December 31, 1993	0%	18.83%

January 1, 1994 through December 31, 1994	0%	18.59%	Justice or Judge	0%	22.55%
January 1, 1995 through December 31, 1995	0%	17.81%	October 1, 1984 through September 30, 1986		
January 1, 1996 through June 30, 1996	0%	17.80%	Justice or Judge	0%	21.79%
July 1, 1996 through June 30, 1998	0%	17.20%	County Elected Officers	0%	16.97%
July 1, 1998 through June 30, 1999	0%	14.64%	All Other Members	0%	10.98%
July 1, 1999 through June 30, 2000	0%	11.53%	October 1, 1986 through December 31, 1988		
July 1, 2000 through June 30, 2001	0%	10.64%	Justice or Judge	0%	20.94%
July 1, 2001 through June 30, 2002	0%	8.62%	County Elected Officers	0%	17.19%
July 1, 2002 through June 30, 2003	0%	5.30%	All Other Members	0%	11.50%
July 1, 2003 through June 30, 2004	0%	8.71%	January 1, 1989 through December 31, 1989		
July 1, 2004 through June 30, 2005	0%	8.73%	Justice, Judge	0%	22.58%
July 1, 2005 through June 30, 2006	0%	8.76%	County Elected Officers	0%	18.44%
July 1, 2006 through June 30, 2010	0%	11.39%	All Other Members	0%	13.70%
<u>Effective July 1, 2010 through June 30, 2011</u>	0%	12.10%	January 1, 1990 through December 31, 1990		
<u>July 1, 2011 through June 30, 2012</u>	3%	4.90%	Justice, Judge	0%	24.22%
<u>Effective July 1, 2012</u>	3%	4.77%	County Elected Officers	0%	19.71%
(4) Retirement contributions for Elected Officers' Class members are as follows:			All Other Members	0%	15.91%
Dates of Rate Changes	Members	Employers	January 1, 1991 through December 31, 1991		
July 1, 1972 through September 30, 1977			Justice, Judge	0%	26.63%
Legislators	8%	8%	County Elected Officers	0%	23.32%
All Other Members	8%	8%	All Other Members	0%	17.73%
October 1, 1977 through September 30, 1978			January 1, 1992 through December 31, 1992		
Legislators	8%	8%	Justice, Judge	0%	28.27%
All Other Members	4%	12%	County Elected Officers	0%	24.59%
October 1, 1978 through September 30, 1979			All Other Members	0%	19.94%
Legislators	8%	10.57%	January 1, 1993 through December 31, 1993		
All Other Members	4%	16.78%	Justice, Judge	0%	29.91%
October 1, 1979 through September 30, 1981			County Elected Officers	0%	25.84%
Legislators	8%	10.57%	All Other Members	0%	22.14%
Governor, Lt. Governor, Cabinet Officer	4%	16.78%	January 1, 1994 through December 31, 1994		
All Other Members	0%	20.78%	Justice, Judge	0%	30.52%
July 1, 1981 through June 30, 1984			County Elected Officers	0%	26.07%
County Elected Officers	0%	19.30%	All Other Members	0%	22.65%
July 1, 1984 through September 30, 1984			January 1, 1995 through December 31, 1995		
County Elected Officers	0%	20.25%	Justice, Judge	0%	30.21%
October 1, 1981 through September 30, 1984			County Elected Officers	0%	27.48%
Legislators	0%	19.30%	All Other Members	0%	22.80%
Governor, Lt. Governor, Cabinet Officer	0%	21.03%	January 1, 1996 through June 30, 1996		
State Attorney, Public Defender	0%	20.95%	Justice, Judge	0%	30.15%
			County Elected Officers	0%	27.54%
			All Other Members	0%	22.90%
			July 1, 1996 through June 30, 1998		
			Justice, Judge	0%	29.55%
			County Elected Officers	0%	27.33%
			All Other Members	0%	23.07%
			July 1, 1998 through June 30, 1999		
			Justice, Judge	0%	27.21%
			County Elected Officers	0%	26.99%
			All Other Members	0%	22.33%
			July 1, 1999 through June 30, 2000		

Justice, Judge	0%	20.48%	December 31, 1990		
County Elected Officers	0%	17.05%	January 1, 1991 through	0%	18.39%
All Other Members	0%	14.31%	December 31, 1991		
July 1, 2000 through June 30, 2001			January 1, 1992 through	0%	19.48%
Justice, Judge	0%	19.38%	December 31, 1992		
County Elected Officers	0%	15.95%	January 1, 1993 through	0%	20.55%
All Other Members	0%	13.21%	December 31, 1993		
July 1, 2001 through June 30, 2002			January 1, 1994 through	0%	23.07%
Justice, Judge	0%	17.35%	December 31, 1994		
County Elected Officers	0%	13.93%	January 1, 1995 through	0%	23.88%
All Other Members	0%	11.19%	December 31, 1995		
July 1, 2002 through June 30, 2003			January 1, 1996 through	0%	24.14%
Justice, Judge	0%	14.60%	June 30, 1996		
County Elected Officers	0%	10.60%	July 1, 1996, through June	0%	21.58%
All Other Members	0%	8.15%	30, 1998		
July 1, 2003 through June 30, 2004			July 1, 1998 through June 30,	0%	23.10%
Justice, Judge	0%	17.44%	1999		
County Elected Officers	0%	14.02%	July 1, 1999 through June 30,	0%	11.19%
All Other Members	0%	11.28%	2000		
July 1, 2004 through June 30, 2005			July 1, 2000 through June 30,	0%	10.09%
Justice, Judge	0%	17.46%	2001		
County Elected Officers	0%	14.04%	July 1, 2001 through June 30,	0%	8.07%
All Other Members	0%	11.30%	2002		
July 1, 2005 through June 30, 2006			July 1, 2002 through June 30,	0%	4.80%
Justice, Judge	0%	17.49%	2003		
County Elected Officers	0%	14.07%	July 1, 2003 through June 30, 2004	0%	8.16%
All Other Members	0%	11.33%	July 1, 2004 through June 30, 2005	0%	8.18%
July 1, 2006 through June 30, 2010			July 1, 2005 through June 30, 2006	0%	9.29%
Justice, Judge	0%	18.40%	July 1, 2006 through June 30, 2010	0%	11.96%
County Elected Officers	0%	15.37%	Effective July 1, 2010 through June 30, 2011	0%	13.43%
All Other Members	0%	13.32%	<u>July 1, 2011 through June 30, 2012</u>	<u>3%</u>	<u>5.13%</u>
<u>Effective July 1, 2010 through June 30, 2011</u>			<u>Effective July 1, 2012</u>	<u>3%</u>	<u>5.16%</u>
Justice, Judge	0%	20.65%	(6) through (7) No change.		
County Elected Officers	0%	17.50%	(8) Retirement contributions for all participants in the		
All Other Members	0%	15.20%	Deferred Retirement Option Program are as follows:		
<u>July 1, 2011 through June 30, 2012</u>			July 1, 1998 through June 30,	0%	11.56%
<u>Justice, Judge</u>	<u>3%</u>	<u>10.55%</u>	2002		
<u>County Elected Officers</u>	<u>3%</u>	<u>10.00%</u>	July 1, 2002 through June 30,	0%	8.00%
<u>All Other Members</u>	<u>3%</u>	<u>7.90%</u>	2005		
<u>Effective July 1, 2012</u>			July 1, 2005 through June 30, 2006	0%	8.22%
<u>Justice, Judge</u>	<u>3%</u>	<u>10.79%</u>	July 1, 2006 through June 30, 2010	0%	9.80%
<u>County Elected Officers</u>	<u>3%</u>	<u>9.09%</u>	Effective July 1, 2010 through June 30, 2011	0%	11.14%
<u>All Other Members</u>	<u>3%</u>	<u>7.39%</u>	<u>July 1, 2011 through June 30, 2012</u>	<u>0%</u>	<u>3.31%</u>
(5) Retirement contributions for Senior Management Service Class members are as follows:			<u>Effective July 1, 2012</u>	<u>0%</u>	<u>4.33%</u>
Dates of Rate Changes	Members	Employers	Rulemaking Authority 112.363(7), 121.031 FS. Law Implemented		
February 1, 1987 through	0%	13.88%	112.363, 121.052, 121.055, 121.071, 121.091, 121.122, 121.30,		
December 31, 1988			121.70, 121.71, 121.72 FS. History--New 1-1-72, Amended 10-20-72,		
January 1, 1989 through	0%	14.95%	12-31-74, 7-1-79, 8-26-81, 10-12-82, 11-6-84, 9-24-85, Formerly		
December 31, 1989			22B-3.03, Amended 1-12-87, 5-18-88, 2-7-89, 5-15-91, Formerly		
January 1, 1990 through	0%	16.04%	22B-3.003, Amended 8-4-94, 3-12-96, 12-12-96, 2-24-99, 8-13-03,		
			4-5-12,_____.		

60S-3.004 Retirement Contributions for Past Service Credit.

The cost of claiming past service credit varies with the kind of past service credit claimed. Each of the contribution formulas below corresponds to a Rule of 60S-2.003, F.A.C., which authorizes retirement credit for a particular kind of past service credit.

(1) Past service claimed in accordance with subsection 60S-2.003(1), F.A.C., shall require a contribution as follows:

(a) through (b) No change.

(c) The payment of contributions for past service credit under this subsection shall be subject to the following additional requirements:

1. A municipality ~~city~~, independent special district, metropolitan planning organization, public charter school or public charter technical career center may elect to make the required contributions for past service for its members; however, it must provide past service for all members on an equal basis.

2. through 4. No change.

(d) No change.

(2) through (6) No change.

Rulemaking Authority 121.031 FS. Law Implemented 121.081(1) FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 1-16-77, 1-19-82, 11-6-84, 4-17-85, Formerly 22B-3.04, Amended 2-7-89, 5-15-91, Formerly 22B-3.004, Amended 4-5-12,_____.

60S-3.011 Payment of Contributions.

(1) through (4) No change.

(5) If the agency fails to pay the total amount due within 120 calendar days from the date of the Division’s invoice, the following action shall be taken:

(a) No change.

(b) In the case of a county, municipality ~~city~~, independent ~~of~~ special district, metropolitan planning organization, public charter school or public charter technical career center, the Administrator shall request the Department of Banking and Finance or the Department of Revenue to withhold the amount owed to the Florida Retirement System Trust Fund or the Social Security Contribution Trust Fund from any State funds allocated to the county, municipality ~~city~~, independent ~~of~~ special district, metropolitan planning organization, public charter school or public charter technical career center. If existing funds do not equal the amount owed to the trust funds, the Administrator shall certify to the local tax collector the amount owed, and the tax collector shall deduct the amount so certified from any taxes collected for the employer and pay the amount to the proper trust fund.

(6) through (9) No change.

Rulemaking Authority 121.031 FS. Law Implemented 121.052(14), 121.055(3), 121.061, 121.071(3), (5), 121.091(7), (9), 121.113, 121.71, 121.72, 121.73, 121.74, 121.75, 121.76 FS. History—New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 7-1-79, 1-19-82, 10-12-82, 11-6-84, 9-24-85, Formerly 22B-3.11, Amended 5-15-91, Formerly 22B-3.011, Amended 12-30-99, 8-13-03, 4-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, Retirement Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 08, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 19,2012, Vol. 38/54

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.:	RULE TITLES:
60S-4.002	Statements of Policy
60S-4.003	Retirement Eligibility
60S-4.004	Benefits Payable Upon Normal Retirement
60S-4.005	Benefits Payable Upon Early Retirement
60S-4.006	Benefits Based on Dual Retirement Ages
60S-4.009	Benefits Payable After Termination
60S-4.012	Employment After Retirement
60S-4.013	Cost-of-Living Adjustments
60S-4.015	Deductions from Monthly Benefits
60S-4.020	Retiree Health Insurance Subsidy

PURPOSE AND EFFECT: To amend the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session; remove duplicative sentence from rule, expound upon power of attorney agent designation procedure, make one technical correction to rule, and to incorporate by reference two revised division forms and one revised State Board of Administration form.

SUMMARY: The amendments set forth removes a redundant sentence from rule; expands upon the procedure for power of attorney agent to require the agent to also submit and complete an affidavit in accordance with Section 709.2119, F.S.; updates rules to coincide with statutory changes resulting from chapter law 2011-68, which redefined the terms “average final compensation,” “normal retirement date,” and “vesting” for members initially enrolled on or after July 1, 2011, and also redefined “termination” and changed the Cost-of-Living Adjustments on retirements effective after July 1, 2011. In addition, the amendments set forth updates the request for refund of employee contributions procedure incorporating by reference one new division form; updates deductions that may be made from monthly benefits to include health insurance

premiums from the State Group Health Insurance plan and removes the requirement that deductions from monthly benefits must be authorized in writing as such authorization may be done electronically or through PeopleFirst and updates the name of the trust fund for the State Group Insurance Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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.

RULEMAKING AUTHORITY: 112.363(7), 121.031, 121.031(1), (2), 121.052(14), 121.091, 121.091(14), 121.30(9), 121.1001(4) FS.

LAW IMPLEMENTED: 61.1301, 112.363, 121.021, 121.021(30), 121.031, 121.046 (4), 121.051, 121.052, 121.052 (2), (3), (5), 121.052(5)(c), 121.053, 121.055, 121.091, 121.091(1), (2), (3), (9), 121.101, 121.133, 121.23, 121.30, 222.21, 238.181 FS.

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

DATE AND TIME: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director's Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. 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 IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-4.002 Statements of Policy.

(1) through (8) No change.

(9) To ensure the removal of names of deceased retirees or beneficiaries from the benefit payroll, the Division shall, at least once each year, conduct an audit of the benefit payroll to determine that the persons to whom benefits are being paid are still living. ~~The Division shall suspend the benefits payable to any retiree or beneficiary not confirmed to be living.~~ The benefit payment recipient may be sent Form SAPS (Rev. 10/02), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00370>, Florida Retirement System Statement Attesting to Payee Status, or Form AAPS (Rev. 08/00), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00344>'s Survivor Benefits Section Toll Free at (877)377-4347, if calling from outside the Tallahassee calling area or locally at (850)488-5207. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. The Division shall suspend the benefits payable to any retiree or beneficiary not confirmed to be living.

(10) through (11) No change.

(12) A member or payee may designate an attorney in fact agent to handle his or her affairs by properly executing a power of attorney in accordance with Chapter 709, F.S.'s signature properly witnessed, and must designate the authorized attorney in fact agent to act on his or her behalf. The document must clearly state the specified acts to be performed on behalf of the member or payee. The division also requires the agent to submit a properly executed affidavit in accordance with Section 709.2119, F.S. Upon receipt of the properly executed power of attorney and affidavit, the division will determine if the power of attorney document clearly specifies the acts required for payment of pension benefits. The division will notify the payee and the agent of its determination. A power of attorney may be revoked by either written notification from the member or payee, death of the member or payee, or acts deemed to be inconsistent with authority. Once a power of attorney has been filed with the Division, the Division must be notified if the power of attorney is ever revoked.

(13) through (14) No change.

Rulemaking Authority 121.031(1), 121.052(14), 121.091, 121.091(14), 121.30(9), 121.1001(4) FS. Law Implemented 121.021, 121.051, 121.052 121.053, 121.055, 121.091, 121.23, 121.133, 121.30 FS. History—New 1-1-72, Amended 10-20-72, Repromulgated 12-20-74, Amended 12-31-74, 1-16-77, 7-1-79, 12-22-80, 8-26-81, 2-6-84, 11-6-84, 4-17-85, Formerly 22-2.02, Amended 2-4-86, 3-11-87, 9-5-90, Formerly 22-B-2.002, Amended 2-24-99, 8-13-03, 4-5-12, _____.

60S-4.003 Retirement Eligibility.

(1) An FRS Pension Plan member shall be eligible to receive a retirement benefit based on age and service provided:

(a) He or she terminates all employment with all employers participating in the Florida Retirement System as provided in Rule 60S-6.001, F.A.C., (termination) or subsection (3) of this Rule, except as provided in subsection 60S-4.012(8), F.A.C., and

(b) He or she satisfies vesting requirements by completing creditable service as follows:

1. Eight years of creditable service for members initially enrolled in the FRS on or after July 1, 2011.

~~2.~~ Six years of creditable service for members initially enrolled in the FRS prior to July 1, 2011, subject to the following:

a. A member who is employed in a covered position on July 1, 2001 or a new member who begins employment in a covered position ~~between~~ on or after July 1, 2001 and June 30, 2011, shall satisfy the vesting requirement for retirement eligibility upon completion of a total of 6 years of creditable service in any membership class;

b. A member with service before July 1, 2001 who is not employed on July 1, 2001 must be employed in a regularly established position for one work year after that date to become eligible for 6-year vesting as provided in sub-subparagraph a. However, when such member completes the vesting requirements in sub-subparagraphs 60S-4.003(1)(b)~~3.2~~a.-c., F.A.C., prior to completing the one work year, such member shall be vested.

~~3.2.~~ Any member initially enrolled in the FRS prior to July 1, 2001, who does not satisfy the requirement of sub-subparagraph ~~2.4~~ a. or b. shall remain subject to the following vesting requirements:

a. through c.No change.

(c) He or she attains one of the following:

1. Normal retirement age with benefits payable according to Rule 60S-4.004, F.A.C., as follows:

a. If initially enrolled in the FRS prior to July 1, 2011, he He or she has completed 30 years of creditable service, regardless of age; (all creditable service, including military service is applicable); or

b. If initially enrolled in the FRS on or after July 1, 2011, he or she has completed 33 years of creditable service, regardless of age; (all creditable service, including military service is applicable); or

~~c.b.~~ If initially enrolled in the FRS prior to July 1, 2011, all All ' Class, and/or the Senior Management Service Class, and he or she has reached age 62; or

d. If initially enrolled in the FRS on or after July 1, 2011, all of his or her creditable service is in the Regular Class, the Elected Officers' Class and/or the Senior Management Service Class, and he or she has reached age 65; or

~~e.e.~~ All of his or her creditable service is Special Risk Class service or a combination of Special Risk Class service and Special Risk Administrative Support Class service, State and County Officers and Employees' Retirement System high-hazard service, Highway Patrol Pension System service, or service as provided in Rule 60S-2.0041, F.A.C., and:

(I) He or she has satisfied vesting requirements in paragraph (b) but:

(A) If initially enrolled in the FRS prior to July 1, 2011, has completed less than 25 years of such creditable service and has reached age 55; or

(B) If initially enrolled in the FRS on or after July 1, 2011, has completed less than 30 years of such creditable service and has reached age 60; or

(II) He or she has ~~completed 25 years of such~~ creditable service that includes credit for military service, and:

(A) If initially enrolled in the FRS prior to July 1, 2011, has completed 25 years of such service and has reached age 52; or

(B) If initially enrolled in the FRS on or after July 1, 2011, has completed 30 years of such service and has reached age 57; or

(III) ~~Regardless He or she has completed 25 years of such creditable service, regardless of age;:-~~

(A) If initially enrolled in the FRS prior to July 1, 2011, he or she has completed 25 years of such creditable service; or

(B) If initially enrolled in the FRS on or after July 1, 2011, he or she has completed 30 years of such creditable service.

2. Early retirement age with benefits payable in accordance with Rule 60S-4.005, F.A.C., as follows:

a. All of his or her creditable service is in the Regular Class, the Elected Officers' Class, and/or the Senior Management Service Class and:

(I) If initially enrolled in the FRS prior to July 1, 2011, he or she has neither reached age 62, nor completed 30 years of service; or

(II) If initially enrolled in the FRS on or after July 1, 2011, he or she has neither reached age 65, nor completed 33 years of service; or

b. All of his or her creditable service is in the Special Risk Class and the Special Risk Administrative Support Class, the State and County Officers and Employees' Retirement System High-Hazard service, the Highway Patrol Pension System, or service as provided in Rule 60S-2.0041, F.A.C., and:

(I) He or she has satisfied vesting requirements in paragraph (b) but:

(A) If initially enrolled in the FRS prior to July 1, 2011, has completed less than 25 years of such creditable service and has not reached age 55; or

(B) If initially enrolled in the FRS on or after July 1, 2011, has completed less than 30 years of such creditable service and has not reached age 60; or

(II) He or she has ~~completed 25 years of such~~ creditable service that includes credit for military service, but:

(A) If initially enrolled in the FRS prior to July 1, 2011, has completed 25 years of such service, but has not reached age 52; or-

(B) If initially enrolled in the FRS on or after July 1, 2011, has completed 30 years of such service, but has not reached age 57.

3. Dual retirement ages ith benefits payable in accordance with Rule 60S-4.006, F.A.C., when he or she has creditable service as Regular Class, Elected Officers' Class or Senior Management Service Class member; and as a Special Risk Class member, or a Special Risk Class member with high-hazard or Highway Patrol service.

(2) A member who becomes totally and permanently disabled may be eligible for a disability retirement benefit in accordance with Rule 60S-4.007, F.A.C.

(3) through (5) No change.

Rulemaking Authority 121.031, 121.052(14) FS. Law Implemented 121.021, 121.052(2), (3), 121.055 FS. History--New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 7-1-79, 9-9-82, 2-6-84, Formerly 22B-4.03, Amended 2-4-86, 1-12-87, 9-5-90, 11-14-91, Formerly 22B-4.003, Amended 3-18-93, 1-25-94, 8-13-03, 4-5-12,_____.

60S-4.004 Benefits Payable Upon Normal Retirement.

(1) The maximum normal monthly retirement benefit for a member who retires with creditable service only under the Florida Retirement System shall be calculated by multiplying the years of service times the percentage value per year of service times the average final compensation, and dividing the product by 12, as follows:

(a) For a member who has creditable service only as a Regular Class member:

$$\text{Normal Monthly Benefit} = \frac{A \times B \times AFC}{12}$$

Where:

If initially enrolled in the FRS prior to July 1, 2011,

1.60% at age 62

1.63% at age 63

1.65% at age 64

1.68% at age 65

or over, not to exceed 1.68% Or

1.60% with 30 years of creditable service

1.63% with 31 years of creditable service

1.65% with 32 years of creditable service

1.68% with 33 years of creditable service or more, not to exceed 1.68%

If initially enrolled in the FRS on or after July 1, 2011, A is -

1.60% at age 65

1.63% at age 66

1.65% at age 67

1.68% at age 68

or over, not to exceed 1.68% Or

1.60% with 33 years of creditable service

1.63% with 34 years of creditable service

1.65% with 35 years of creditable service

1.68% with 36 years of creditable service or more, not to exceed 1.68%

The sum of all complete years and fractions of a year of creditable Regular Class service under the Florida Retirement System.

AFC (Average Final Compensation) is – If initially enrolled in the FRS prior to July 1, 2011, the ~~The~~ average annual compensation of the 5 highest years of compensation of creditable service prior to retirement, termination or death. If initially enrolled in the FRS on or after July 1, 2011, the AFC is the average annual compensation of the 8 highest years of compensation of creditable service prior to retirement, termination or death.

Average Final Compensation shall be figured in the following manner:

1. through 2. No change.

3.a. If initially enrolled in the FRS prior to July 1, 2011, total ~~Total~~ salaries to complete 5 years of creditable service. salaries to complete 8 years of creditable service.

b. If initially enrolled in the FRS on or after July 1, 2011, total the actual salary received for the highest 8 years. If the highest 8 fiscal years do not constitute 8 complete years of creditable service, add the necessary percentage of the next highest fiscal years' salaries to complete 8 years of creditable service.

4. The average final compensation shall be the annual average of the total obtained in 3.

(b) For a member who has creditable service only as a Special Risk Class member:

Normal Monthly Benefit =

$$\frac{\text{Product of } A_i \times B_i}{12} \times AFC, \text{ as } i \text{ varies from 1 to 6}$$

Where Ai corresponds to Bi as follows:

A₁– 2% at any age.

B₁– The sum of all complete years and fractions of a year of creditable Special Risk Class service under the Florida Retirement System prior to October 1, 1974 and all creditable Special Risk Class service performed October 1, 1978 through December 31, 1988.

A₂- 3% at any age.

B₂- The sum of all complete years and fractions of a year of creditable Special Risk Class service under the Florida Retirement System October 1, 1974 through September 30, 1978 and all creditable Special Risk Class service performed on and after January 1, 1993; and for Special Risk Class members who retire on or after July 1, 2000, all creditable Special Risk Class service performed on and after October 1, 1974.

A₃- 2.2% at any age.

B₃- The sum of the complete year or fraction of the year of creditable Special Risk Class service under the Florida Retirement System January 1, 1989 through December 31, 1989.

A₄- 2.4% at any age.

B₄- The sum of the complete year or fraction of the year of creditable Special Risk Class service under the Florida Retirement System January 1, 1990 through December 31, 1990.

A₅ 2.6% at any age.

B₅- The sum of the complete year or fraction of the year of creditable Special Risk Class service under the Florida Retirement System January 1, 1991 through December 31, 1991.

A₆- 2.8% at any age.

B₆- Computed the same as in paragraph 60S-4.004(1)(a), F.A.C.

(c) through (e) No change.

(2) No change.

Rulemaking Authority 121.031 FS. Law Implemented 121.021, 121.052, 121.055, 121.091(1) FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 7-1-79, 2-6-84, 4-17-85, Formerly 22B-4.04, Amended 1-12-87, 2-7-89, 9-5-90, 5-15-91, Formerly 22B-4.004, Amended 8-13-03, 4-5-12,_____.

60S-4.005 Benefits Payable Upon Early Retirement.

(1) No change.

(2)(a) The maximum early retirement benefit for FRS Pension Plan member shall be calculated as follows:

1. Compute the normal benefit in accordance with Rule 60S-4.004, F.A.C.

2. This normal retirement benefit is multiplied by the applicable early retirement factor found in the Early Retirement Factors table in Rule 60S-7.003, F.A.C., to determine the maximum early retirement benefit.

a. If initially enrolled in the FRS prior to July 1, 2011, the ~~The~~ early retirement factor shall be selected by determining the number of complete months that the member's early retirement date precedes his or her normal retirement age of 62 for a Regular Class member or Senior Management Service Class member, and age 55 for a Special Risk Class member.

b. If initially enrolled in the FRS on or after July 1 2011, the early retirement factor shall be selected by determining the number of complete months that the member's early retirement date precedes his or her normal retirement age of 65 for a Regular Class member, Elected Officers' Class member or Senior Management Service Class member, and age 60 for a Special Risk Class member.

3. Notwithstanding the above, if:

a. The ~~the~~ employment of a member initially enrolled prior to July 1, 2011, is terminated by reason of death after the completion of 20 years of creditable service, s beneficiary shall be calculated in accordance with Rule 60S-4.004, F.A.C., but based on the average monthly compensation and creditable service as of the date of death. The benefit computed shall be reduced by five-twelfths of 1 percent of each complete month by which death precedes normal retirement age or the date on which the member would have attained 30 years of creditable service had he or she survived and continued his or her employment, whichever provides a higher benefit; ~~or—This paragraph shall not apply to a member who dies after he or she has terminated employment.~~

b. The employment of a member initially enrolled on or after July 1, 2011, is terminated by reason of death after the completion of 23 years of creditable service, s beneficiary shall be calculated in accordance with Rule 60S-4.004, F.A.C., but based on the average monthly compensation and creditable service as of the date of death. The benefit computed shall be reduced by five-twelfths of 1 percent of each complete month by which death precedes normal retirement age or the date on which the member would have attained 33 years of creditable service had he or she survived and continued his or her employment, whichever provides a higher benefit.

c. This subparagraph shall not apply to a member who dies after he or she has terminated employment.

(b) through (c) No change.

Rulemaking Authority 121.031, 121.052(14) FS. Law Implemented 121.021(30), 121.091(3), 121.052(5), 121.055 FS. History—New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 8-26-81, Formerly 22B-4.05, Amended 1-12-87, Formerly 22B-4.005, Amended 12-12-96, 8-13-03, 4-5-12,_____.

60S-4.006 Benefits Based on Dual Retirement Ages.

(1) No change.

(2) An FRS Pension Plan member shall be eligible to receive a benefit based on dual retirement ages equal to the normal benefit for his or her Regular Class, Elected Officers' Class, or Senior Management Service Class service as calculated in accordance with paragraph 60S-4.004(1)(a), (c) or (d), F.A.C., and the normal benefit for his or her Special Risk Class service as calculated in accordance with paragraph 60S-4.004(1)(b), F.A.C., if he or she has satisfied the service requirements for vesting as provided in paragraph 60S-4.003(1)(b), F.A.C., and has attained normal retirement age as follows:

(a) If initially enrolled in the FRS prior to July 1, 2011, he or she has either reached age 62 or has completed 30 years of creditable service, regardless of age; or

(b) If initially enrolled in the FRS on or after July 1, 2011, he or she has either reached age 65 or has completed 33 30 years of creditable service, regardless of age.

(3) An FRS Pension Plan member shall be eligible to receive a benefit based on dual retirement ages equal to the sum of the early benefit for his or her Regular Class, Elected Officers' Class, or Senior Management Service Class service as calculated in accordance with Rule 60S-4.005, F.A.C., and the normal benefit for his or her Special Risk Class service as calculated in accordance with paragraph 60S-4.004(1)(b), F.A.C., if he or she has satisfied the service requirements for vesting as provided in paragraph 60S-4.003(1)(b), F.A.C., and has not attained normal retirement age as listed in paragraphs 60S-4.006(2)(a) and (b), F.A.C., but has attained normal Special Risk Class retirement age as follows:

(a) If initially enrolled in the FRS prior to July 1, 2011, he or she has either reached age 55 or has completed 25 years of creditable service that includes credit for military service, and has reached age 52; or

(b) If initially enrolled in the FRS on or after July 1, 2011, he or she has either reached age 60 or has completed 30 years of creditable service that includes credit for military service, and has reached age 57; or

(c) If initially enrolled in the FRS prior to July 1, 2011, he or she has completed 25 years of creditable service, regardless of age; or

(d) If initially enrolled in the FRS on or after July 1, 2011, he or she has completed 30 years of creditable service, regardless of age.

(4) No change.

Rulemaking Authority 121.031, 121.052(14) FS. Law Implemented 121.021, 121.052(5), 121.055, 121.091(2) FS. History—New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 7-1-79, Formerly 22B-4.06, Amended 1-12-87, Formerly 22B-4.006, Amended 1-25-94, 8-13-03, 4-5-12, _____.

60S-4.009 Benefits Payable After Termination.

(1) through (2) No change.

(3) In order to receive a refund of contributions under the Florida Retirement System, an FRS member must terminate all employment relationships with all FRS participating employers for three calendar months as provided in section 121.021(39)(c), F.S., as provided in the definition of termination in Rule 60S-6.001, F.A.C., and submit a request for refund on Form FRS-M81 (Rev. 05/11), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00358>, Florida Retirement System Pension Plan Request for Refund, herein adopted by reference, to the division Administrator through his or her employer, containing a certification by his or her employer of his or her termination of employment. Form

FRS-M81 may be completed and submitted online from the Refund Application page of the member's Online Services account accessible from the Division's website (www.frs.MyFlorida.com) or may be obtained from the Forms page of the Division's website, [www.http://frs.MyFlorida.com](http://www.frs.MyFlorida.com), or by calling the Division's DROP Termination and Refund Payment Section Toll Free at (877)738-3767, if calling from outside the Tallahassee calling area, or locally at (850)487-4856, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. The division shall acknowledge the receipt of the FRS-M81 and send the member Form REF-PAYT (05/11) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01937>, Florida Retirement System (FRS) Pension Plan Refund Payout Selection, herein adopted by reference, which may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at (877)738-3767, if calling from outside the Tallahassee calling area, or locally at (850)487-4856, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. The member shall complete and return Form REF-PAYT to the division, indicating his or her refund payout selection. By obtaining a refund of contributions a member waives all rights under the Florida Retirement System to the service credit represented by the refunded contributions, except the right to purchase his or her prior service credit in accordance with Rule 60S-2.004, F.A.C. No refund of employee contributions shall be made until the employer has reported the employee's termination through the payroll reporting process.

(4) through (5) No change.

Rulemaking Authority 121.031, 121.052(14) FS. Law Implemented 121.021, 121.052(5)(c), 121.055, 121.091 FS. History—New 1-1-72, Amended 10-10-72, 12-31-74, 1-16-77, 8-26-81, Formerly 22B-4.09, Amended 1-12-87, 2-7-89, 11-14-91, Formerly 22B-4.009, Amended 8-4-94, 2-24-99, 4-5-12, _____.

60S-4.012 Employment After Retirement.

(1) No change.

(2) The following reemployment limitations shall apply to any retiree of a state-administered retirement system who is reemployed by a Florida Retirement System employer in either a regularly established position or a temporary position, during the first 12 calendar months of retirement. For service retirements without DROP participation this 12 calendar month reemployment limitation period shall commence the month of the retiree's effective date of retirement. For DROP participants such reemployment limitation period shall apply and commence in the calendar month following the participant's DROP termination date. Any person employed in violation of any of the limitations in this section, and any employing agency which knowingly employs or appoints such person without notifying the Division to suspend retirement benefits shall be jointly and severally liable for reimbursement

to the retirement trust fund of any benefits paid during the reemployment limitation period. Such employing agency shall have a written statement from the retiree that he or she is not retired from a state-administered retirement system or may use the State Board of Administration Form CERT (Rev. 02/2012 06/2014) <http://www.flrules.org/Gateway/reference.asp?No=Ref-01935> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-00345>~~, Florida Retirement System (FRS) – Certification Form, created for such purpose and herein adopted by reference, which may be obtained from the Employer page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations Toll Free at 1 (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing of speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771.

- (a) No change.
- (b) 1. through 2. No change.

3. If a retiree is reemployed during the calendars months of the reemployment limitation period applicable to his or her effective retirement date or DROP termination date as provided in sub paragraphs 1. or 2., above, he or she shall:

a. Notify the Division in writing of such employment and have his or her benefits suspended effective the first day of the first month of reemployment which may be done utilizing Form FR-23 (Rev. 07/10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00355>, Florida Retirement System Pension Plan Notification of Reemployment for Suspension of Retirement Benefits, herein adopted by reference, which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations Toll Free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. This suspension shall remain in effect for the balance of the reemployment limitation period or for every month of the reemployment limitation period in which he or she is employed, and benefits that would have been paid during the period of suspension are forfeited;

- b. No change.
- c. Upon expiration of the reemployment limitation period or upon termination of employment prior to expiration of the reemployment limitation period, notify the Division in writing that his or her reemployment limitation period has been completed or that he or she is no longer employed and desires to have his or her benefits reinstated which may be done utilizing Form FR-23a (Rev. 05/05), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00356>, Florida Retirement System Pension Plan Application to Reactivate Retirement Benefits, herein adopted by reference,

which may be obtained from the Forms page of the Division’s website, ~~www.frs.MyFlorida.com~~, or by calling the Division’s Bureau of Retirement Calculations Toll Free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771. Upon verification by his or her employer, his or her retirement benefits will then be reinstated effective the first day of the month following termination of employment or expiration of the reemployment limitation period;

- 4. No change.
- (c) No change.
- (3) through (9) No change.

Rulemaking Authority 121.031 FS. Law Implemented 121.021, 121.053, 121.091(9), 121.046(4), 238.181 FS. History–New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 7-1-79, 8-26-81, 9-9-82, 10-11-82, 11-6-84, 4-17-85, 9-24-85, Formerly 22B-4.12, Amended 3-11-87, 2-7-89, 9-5-90, 11-14-91, 9-8-92, Formerly 22B-4.012, Amended 3-18-93, 4-5-95, 12-12-96, 2-24-99, 8-13-03, 4-5-12, _____.

60S-4.013 Cost-of-Living Adjustments.
 (1) Effective July 1, 1980, and each July 1 thereafter, a cost-of-living adjustment in retirement benefits shall be made to the benefits of all retired members or the annuitants of retired members of state-supported systems in accordance with Chapter 121.101, F.S.

~~(2) The amount of adjustment, which shall be added to the member’s or annuitant’s benefit, shall be computed as follows:~~

~~(a) For members who have previously received such adjustment— The benefit effective immediately preceding the adjustment, excluding the health insurance subsidy, shall be multiplied by 3 percent.~~

~~(b) For members who have never received such adjustment— The initial benefit (as defined in Rule 60S-6.001, F.A.C.) shall be multiplied by a percentage equal to three times the number of months the member has received a benefit, divided by twelve. If the member elected a benefit payment option which provided for a percentage of the benefit to be continued to the member or a beneficiary after the death of either, the initial benefit shall be adjusted, upon such a death, in accordance with the provisions of the option, and the cost of living adjustment under this paragraph shall be based on such adjusted initial benefit.~~

~~(3) In no case shall a person’s benefit be reduced below the minimum benefit as provided in Rule 60S-4.0025, F.A.C., as a result of this cost of living adjustment.~~

Rulemaking Authority 121.031 FS. Law Implemented 121.101 FS. History–New 1-1-72, Amended 12-31-74, 7-1-79, 1-19-82, Formerly 22B-4.13, Amended 5-18-88, Formerly 22B-4.013, Amended 12-12-96, _____.

60S-4.015 Deductions from Monthly Benefits.

Subject to approval by the Division, a payee (retiree or beneficiary) receiving retirement benefits under the Florida Retirement System, State and County Officers' and Employees' Retirement System and the Teachers' Retirement System may have certain payments deducted from his or her monthly benefit as follows:

(1) through (2) No change.

(3) Life insurance premiums for the State Group Life Insurance Plan and health insurance premiums for the State Group Health Insurance Plan may be deducted, provided deductions are authorized in writing by the payee and the Division of State Group Insurance or its designated agent.

(4) Repayment of overpayments from the Florida Retirement System Trust Fund or the State Employees' Group Health Self-Insurance Trust Fund may be deducted upon notification to the payee by the Division of Retirement or the Division of State Group Insurance.

(5) through (6) No change.

Rulemaking Authority 121.031 FS. Law Implemented 61.1301, 121.031, 222.21 FS. History—New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Formerly 22B-4.15, Amended 5-15-91, Formerly 22B-4.015, Amended 8-4-94, 8-13-03, 4-5-12, _____.

60S-4.020 Retiree Health Insurance Subsidy.

(1) No change.

(2) Eligible retired members or beneficiaries must make application to the Division for the Health Insurance Subsidy and certify their health insurance coverage in accordance with procedures established by the Division in order to receive the Health Insurance Subsidy. FRS Pension Plan retirees or beneficiaries shall make application and certify their health insurance coverage to the Division on Form HIS-1 (Rev. 07/05) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00403>, Florida Retirement System Pension Plan Health Insurance Subsidy Certification Form, herein adopted by reference, which is mailed to the FRS Pension Retiree's address of record when placed on retired payroll and may also be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Retired Payroll Section Toll Free at (888)377-7687, if calling from outside the Tallahassee calling area or locally at (850)488-4742, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. FRS Investment Plan retirees or beneficiaries shall make application to the Division for the Health Insurance Subsidy on Form HIS-IP (Rev. 03/12 4044) <http://www.flrules.org/Gateway/reference.asp?No=Ref-01936> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00404>, Florida Retirement System (FRS) Application for Health Insurance Subsidy for Investment Plan Members, herein adopted by reference, and shall certify their health insurance coverage to the Division on Form HIS-IP-2 (Rev 10/11)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-00405>, Florida Retirement System (FRS) Health Insurance Subsidy Certification for Investment Plan Members, herein adopted by reference. Both of these forms may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations Toll Free at (888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. If the Division receives such application and certification of health insurance coverage within 6 months after retirement FRS benefits commence, the Retiree Health Insurance Subsidy may be paid retroactive up to the effective retirement date. If the Division receives the certification of insurance coverage 6 or more months after retirement benefits commence, the member will be eligible to receive retroactive payments for a maximum of 6 months only. Retroactive Retiree Health Insurance Subsidy benefits can only be paid for the months of certified health insurance coverage.

(3) No change.

Rulemaking Authority 112.363(7), 121.031(2) FS. Law Implemented 112.363 FS. History—New 5-18-88, Amended 11-14-91, Formerly 22B-4.020, Amended 3-18-93, 2-24-99, 4-17-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarabeth Snuggs, Retirement Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 19, 2012, Vol. 38/54

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: 60S-6.001 RULE TITLE: Definitions

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session.

SUMMARY: The amendments set forth amend the definitions of Average Final Compensation, Covered Group, Employer, Investment Plan, Local Agency Employer, Normal Retirement Age or Date, Officer or Employee, Past Service, Regularly Established Position, Temporary Position and Termination in accordance with statutory changes to these definitions resulting from chapter law 2011-68 and 2012-126.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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.

RULEMAKING AUTHORITY: 121.031, 121.052(14) FS.

LAW IMPLEMENTED: 121.021, 121.031, 121.051, 121.0511(6), 121.0515, 121.052, 121.091(5)(e), 112.215, 121.4501, 121.70, 943.22(2)(e) FS.

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

DATE AND TIME: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director's Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. 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 IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-6.001 Definitions.

Whenever used in these rules, unless otherwise expressly stated, or unless the context or subject matter requires a different meaning, the following words and terms shall have the respective meanings indicated:

(1) through (5) No change.

(6) AVERAGE FINAL COMPENSATION – For members initially enrolled in the Florida Retirement System before July 1, 2011, average final compensation means ~~Means~~ the average of the 5 highest fiscal years of compensation for creditable service prior to retirement, termination or death calculated in accordance with subsection 60S-4.004(1), F.A.C. For members initially enrolled in the Florida Retirement System on or after July 1, 2011, average final compensation means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, termination or death calculated in accordance with subsection 60S-4.004(1), F.A.C.

(a) through (b) No change.

(7) through (18) No change.

(19) COVERED GROUP – Means a municipality ~~city~~-or independent special district or a unit thereof, a metropolitan planning organization, public charter school or a public charter technical career center that is approved for Social Security coverage by the United States Secretary of Health and Human Services and approved by the Administrator for membership in the Florida Retirement System.

(20) through (26) No change.

(27) EMPLOYER – Means any agency, branch, department, institution, university, institution of higher education, or board of the state, or any county agency, branch, department, board, district school board, or independent special district, metropolitan planning organization, public charter school or public charter technical career center of the state or any municipality ~~city~~ of the state which participates in the system for the benefit of certain of its employees. This term shall also apply to any hospital, municipality or independent special district that withdrew from the Florida Retirement under Sections 121.051(2)(b) and 121.0511, F.S., until such time their last remaining employee who retained membership in the Florida Retirement System terminates employment.

(28) through (34) No change.

(35) INVESTMENT PLAN – Means the Florida Retirement System defined contribution plan, ~~otherwise known as the Public Employee Optional Retirement Program~~, as provided in Part II of Chapter 121, F.S.

(36) through (38) No change.

(39) LOCAL AGENCY EMPLOYER – Means any of the following entities that participate in the system for the benefit of certain of its employees: The board of county commissioners or other legislative governing body of a county, including that of a consolidated or metropolitan government; a clerk of the circuit court; a sheriff, property appraiser, tax collector, or supervisor of elections, provided that such officer

is elected or has been appointed to fill a vacancy in an elective office; a community college board of trustees or district school board; a public charter school; a public charter technical career center, the governing body of any municipality or independent special district of the state; a metropolitan planning organization; or the governing body of any council, commission, authority, or other governmental entity that is created or authorized by general or special law, and that is independent of any other local agency employer. This term shall also apply to any hospital, municipality or independent special district that withdrew from the Florida Retirement System under Sections 121.051(2)(b) and 121.0511, F.S., until such time their last remaining employee who retained membership in the Florida Retirement System terminates employment.

(40) through (42) No change.

(43) NORMAL RETIREMENT AGE OR DATE – Means the time at which a member is first eligible to receive a normal retirement benefit without actuarial reduction to such benefit because of early retirement as provided in subparagraph 60S-4.003(1)(c)1, subsection 60S-4.003(23), F.A.C.

(44) OFFICER OR EMPLOYEE – Means any person receiving compensation for work performed in a regularly established position with any agency, branch, department, institution, university, institution of higher education, or board of the state, or any county agency, branch department, board, district school board, or any municipality or independent special district, or metropolitan planning organization, or participating public charter school or public charter technical career center of the state that participates in the Florida Retirement System. (See definition of “regularly established position”.)

(45) No change.

(46) PAST SERVICE – Means the number of years, complete months and any fractional part of a month of employment during which an employee is in the active employ of a municipality, independent special district, metropolitan planning organization, public charter school or public charter technical career center prior to the time such municipality, independent special district, metropolitan planning organization, public charter school or public charter technical career center becomes a covered group under the Florida Retirement System, or service prior to January 1, 1968, in the Cuban Refugee Assistance Program administered by the Florida State Department of Public Welfare or other service as described in Rule 60S-2.003, F.A.C. Credit for past service can be purchased in accordance with applicable conditions and circumstances as set forth in Rule 60S-2.003, F.A.C.

(47) through (57) No change.

(58) REGULARLY ESTABLISHED POSITION – A regularly established position in a State agency is a position as defined in Section 121.021(52)(a), F.S. which is authorized and established pursuant to law and is compensated from a salaries and benefits appropriation pursuant to Sections 216.011(1)(e)

and (dd), F.S., or an established position which is authorized pursuant to Sections 216.262(1)(a) and (b), F.S., and is compensated from a salaries and benefit appropriation pursuant to Sections 216.011(1)(e) and (dd), F.S., as defined in Section 216.011(1)(mm), F.S. A regularly established position in a local agency (district school board, county agency, Florida College System Institution ~~community college~~, participating municipality, independent special district, metropolitan planning organization, public charter school or charter technical career center) is an employment position as defined in Section 121.021(52)(b), F.S. except, effective October 1, 2012, a regularly established position in a water management district operating pursuant to Chapter 373, F.S., is a position as defined in Section 121.021(52)(c), F.S. which will be in existence for a period beyond 6 consecutive calendar months, except as provided in paragraph 60S-1.004(5)(d), F.A.C.

(59) through (67) No change.

(68) TEMPORARY POSITION – A temporary position in a state agency is an employment position as defined in Section 121.021(53)(a), F.S. that is compensated from an other personal services (OPS) account as provided for in Section 216.011(1)(dd), F.S. A temporary position in a local agency is an employment position as defined in Section 121.021(53)(b), F.S. except, effective October 1, 2012, a temporary position in a water management district operating pursuant to Chapter 373, F.S., is a position as defined in Section 121.021(53)(c), F.S. that will exist for less than 6 consecutive calendar months, or an instructional position which is established with no guarantee of continuation beyond one term to teach in a community college, district school board public school or participating public charter school or participating public charter technical career center as provided in subparagraph 60S-1.004(5)(b)2., F.A.C., or an employment position that is listed in subparagraph 60S-1.004(5)(b)3., F.A.C., regardless of whether it will exist for 6 consecutive calendar months or more

(69)(a) TERMINATION – Termination occurs, except as provided in paragraphs (b) and (c), when a member of the Florida Retirement System or an existing system ceases all employment relationships with all covered employers which includes employment relationships with an employer that withdrew under Sections 121.051(2)(b) and 121.0511, F.S. However:

1. through 2. No change.

(b) No change.

(c) Effective July 1, 2011, termination for a member receiving a refund of employee contributions occurs when a member ceases all employment relationships with participating employers for 3 calendar months. A leave of absence constitutes a continuation of the employment relationship.

(70) through (72) No change.

Rulemaking Authority 121.031, 121.052(14) FS. Law Implemented 121.021, 121.031, 121.051, 121.0511(6), 121.0515, 121.052, 121.091(5)(e), 112.215, 121.4501, 121.70, 943.22(2)(e) FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 1-16-77, 10-3-78, 7-1-79, 8-26-81, 1-19-82, 9-9-82, 10-12-82, 1-18-83, 2-6-84, 11-6-84, 4-17-85, Formerly 22B-6.01, Amended 2-4-86, 1-12-87, 3-11-87, 2-7-89, 9-5-90, 5-15-91, 11-14-91, Formerly 22B-6.001, Amended 1-25-94, 8-4-94, 4-5-95, 3-12-96, 7-4-96, 12-12-96, 2-24-99, 8-13-03, 4-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Sarabeth Snuggs, Retirement Director
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 08, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 19, 2012, Vol. 38/54

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: 60S-9.001 RULE TITLE: Approved Forms

PURPOSE AND EFFECT: To delete one obsolete form and add one new form to listing of forms in rule; and enhance the user friendliness of listing by providing more information on how a copy of each form listed in this rule may be obtained.

SUMMARY: The amendments set forth removes one obsolete division form from list of forms in rule; adds one new division form to list of forms in rule and enhances the list to reflect how each form may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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.

RULEMAKING AUTHORITY: 121.031 FS.
 LAW IMPLEMENTED: 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 122.021, 121.031(2), 121.051, 121.0515, 121.053, 121.081, 121.091, 121.111, 121.115, 121.1122, 121.121, 121.125, 121.35, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 FS.

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

DATE AND TIME: January 4, 2013, 10:00 a.m., ET
 PLACE: Division of Retirement of the Department of Management Services, Director’s Conference Room, Suite 208, 1317 Winewood Blvd., Bldg 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. 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 IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are incorporated by reference throughout Chapter 60S, F.A.C., providing form number, form title, form description and how to obtain a copy of each form listed. ~~A copy of these forms may be obtained from the Division’s website (<http://frs.myflorida.com>) or by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, Florida 32315 9000. You may also call the Division to request a copy of these forms by calling (850)488-5706. If calling from outside the Tallahassee calling area, you may call the Division toll free at (877)377-1737.~~

(1)(a) Bureau of Enrollment and Contributions.

FORM NO.	TITLE/DESCRIPTION/HOW TO OBTAIN
1. BEN-001	Florida Retirement System Pension Plan Beneficiary Designation Form Active Members Only – a one-page form <u>which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850)488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
2. FRS-400	Florida Retirement System Application for Special Risk Membership Law Enforcement/Correctional Officers – a one-page form <u>which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
3. FRS-401	Florida Retirement System Special Risk Credit for Past Service – a one-page form <u>which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
4. FRS-402	Florida Retirement System Application for Special Risk Equivalent Credit – a one-page form <u>which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
5. FRS-404	Florida Retirement System Application for Special Risk Administrative Support Class – a one-page form <u>which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
6. FRS-405	Florida Retirement System Application for Special Risk Membership Firefighters/Paramedics/EMTs – a one-page form <u>which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
7. ERQ-1	Florida Retirement System Pension Plan Employment Relationship Questionnaire for Retirees Within the 2nd – 12th Months – a five-page form <u>which may be obtained by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
8. BLE-1	Florida Retirement System Pension Plan Ballot for Member of an Existing Retirement System – a one-page form <u>which may be obtained by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
9. SMSD-1	Florida Retirement System Senior Management Service Class Designated Position Form – a two-page document consisting of one-page of instruction and a one-page form <u>which may be obtained from the Employer page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>

10. FRS-410 Florida Retirement System Application for Special Risk Class Membership Forensic Discipline from October 2005 through June 2008 – a one-page form which may be obtained by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
11. FRS-415 Florida Retirement System Application for Special Risk Class Membership for Forensic Discipline effective July 2008 – a one-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Enrollment Section toll free at (877) 377-3675, or (850) 488-8837 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (b) State Board of Administration – Enrollment and Election forms.
- FORM NO. TITLE/DESCRIPTION/HOW TO OBTAIN
1. OCC-1 Community College Optional Retirement Program (CCORP) Enrollment Form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
2. OCC-2 Community College Optional Retirement Program (CCORP) Retirement Plan Conversion Form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
3. SMS-1 State Senior Management Service Employees Retirement Plan Enrollment Form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
4. SMS-3 Local Senior Management Service Employees Retirement Plan Enrollment Form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
5. EOC-1 Elected Officers’ Class Retirement Plan Enrollment Form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
6. ELE-1 GENERAL Retirement Plan Enrollment Form for Regular, Special Risk, and Special Risk Administrative Support Class Employees which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
7. ELE-1-EZ EZ Retirement Plan Enrollment Form for Regular, Special Risk, and Special Risk Administrative Support Class Employees which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
8. ELE-2 2nd Election Retirement Plan Enrollment Form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
9. ELE-2-EZ 2nd Election EZ Retirement Plan Enrollment Form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

10. ORP-16 State University System Optional Retirement Program (SUSORP) Retirement Plan Enrollment Form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
11. CERT Florida Retirement System (FRS) – Certification Form which may be obtained from the Employer page of the Division's website, www.frs.MyFlorida.com, or by calling the MyFRS Guidance Line toll free at (866) 446-9377. If hearing or speech impaired, call the MyFRS Guidance Line via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

(2) Bureau of Retirement Calculations.

- | FORM NO. | TITLE/DESCRIPTION/HOW TO OBTAIN |
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| (a) FR-11 | Florida Retirement System Pension Plan Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form <u>which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |
| (b) SR-11 | State and County Officers' and Employees' Retirement System Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form <u>which may be obtained by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |
| (c) TR-11 | Teachers' Retirement System Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form <u>which may be obtained by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |
| (d) FR-28 | Division of Retirement Pension Plan Application to Purchase Retirement Credit for a Pension Plan Leave of Absence – a two-page document consisting of one page of information and a one-page form <u>which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |
| (e) MF-1 | Florida Retirement System Pension Plan Statement of Military Eligibility – a two-page document consisting of one-page of information and a one-page form <u>which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |
| (f) TR-4 | Florida Retirement System Verification of Out-of-State Teaching Service – a two-page document consisting of one page of instruction and a one-page form <u>which may be obtained by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |
| (g) MF-2 | Florida Retirement System Pension Plan Statement of Military Eligibility to Purchase Military Service Under the Out-of-State Provisions – a two-page document consisting of one-page of information and one-page form <u>which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |

- (h) FR-23 Florida Retirement System Pension Plan Notification of Reemployment or Suspension of Retirement Benefits – a one-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (i) FR-23a Florida Retirement System Pension Plan Application to Reactivate Retirement Benefits – a one-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (j) FR-30 Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit – a three-page document consisting of one-page of instruction and a two-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (k) FR-30a Florida Retirement System Pension Plan Out-of-State Employer Request – a one-page form which may be obtained by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (l) FRS-110 Florida Retirement System Pension Plan Option Selection for FRS Members – a one-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (m) FST-110 Option Selection for TRS and SCOERS Members – a one-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (n) DP-ELE Florida Retirement System Pension Plan Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment – a two-page document with one-page of information and a one-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (o) DP-11 Florida Retirement System Pension Plan Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a two-page form consisting of one page of instruction and a one page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (p) DT-11 Teachers’ Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a two-page document consisting of two page of information and a one-page form which may be obtained by calling the Division’s Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

- (q) DS-11 State and County Officers' and Employees' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a two-page document consisting of two page of instruction and a one-page form which may be obtained by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (r) DP-EXT Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel – a one page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (s) PRO-1 Florida Retirement System Pension Plan (401(a) Plan) Pretax Direct Rollover/Transfer Form – a one-page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (t) HIS-IP Florida Retirement System (FRS) Application for Health Insurance Subsidy for Investment Plan Members – a two-page document consisting of one-page of instruction and a one-page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (u) HIS IP-2 Florida Retirement System Health Insurance Subsidy Certification for Investment Plan Members – a one-page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (v) SA-1 Division of Retirement Spousal Acknowledgement – a one-page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Bureau of Retirement Calculations toll free at (888) 738-2252, or (850) 488-6491 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

(3) Bureau of Benefit Payments.

- | FORM NO. | TITLE/DESCRIPTION/HOW TO OBTAIN |
|------------|---|
| (a) FR-13 | Florida Retirement System Pension Plan Application for Disability Retirement – a four-page document consisting of two pages of instruction and a two-page form <u>which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |
| (b) FR-13a | Florida Retirement System Statement of Disability by Employer – a two-page form <u>which may be obtained from the Employer page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u> |

- (c) FR-13b Florida Retirement System Physician's Report of Disability a two-page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (d) TR-13 Teachers' Retirement System of Florida Application for Disability Retirement – a one-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (e) TR-13a Teachers' Retirement System of Florida Member's Statement of Disability – a one-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (f) TR-13b Teachers' Retirement System of Florida Physician's Report of Disability – a one-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (g) SR-13 State and County Officers' and Employees' Retirement System Application for Disability Retirement – a one-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (h) SR-13a State and County Officers' and Employees' Retirement System Member's Statement of Disability – a one-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (i) SR-13b State and County Officers' and Employees' Retirement System Physician's Report of Disability – a one-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (j) FR-13e Florida Retirement System Retiree's Report of Continuing Disability – a two-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (k) FR-13f Florida Retirement System Physician's Report of Reexamination – a two-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (l) TR-13e Teachers' Retirement System Retiree's Report of Continuing Disability – a four page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (m) TR-13f Teachers' Retirement System Physician's Report of Reexamination – a four-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

- (n) SR-13e State and County Officers' and Employees' Retirement System Retiree's Report of Continuing Disability – a four-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (o) SR-13f State and County Officers' and Employees' Retirement System Physician's Report of Reexamination – a four-page form which may be obtained by calling the Division's Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (p) FRS-M81 Florida Retirement System Pension Plan Request for Refund – a one page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's DROP Termination and Refund Payment Section toll free at (877) 738-3767, or (850) 487-4856 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (q) HIS-1 Florida Retirement System Pension Plan Health Insurance Subsidy Certification Form – a two-page document consisting of one page of instruction and a one-page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Retired Payroll Section toll free at (888) 377-7687, or (850) 488-4742 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (r) FST-12 Florida Retirement System Pension Plan Beneficiary Designation Form (Retired Members Only) – a one-page form which may be obtained from the Forms page of the Division's website, www.frs.MyFlorida.com, or by calling the Division's Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (s) JA-1 Florida Retirement System Pension Plan Change of Joint Annuitant Form (Retired Members Only) – a one-page form which may be obtained by calling the Division's Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (t) AAPS Florida Retirement System Pension Plan Affidavit Attesting to Payee Status – a one-page form which may be obtained by calling the Division's Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (u) FST-11b Florida Retirement System Pension Plan Application of Beneficiary for Monthly Retirement Benefits – a one-page form which may be obtained by calling the Division's Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (v) FST-11g Florida Retirement System Pension Plan Application of Beneficiary for Benefit Payment – a one-page form which may be obtained by calling the Division's Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (w) TR-11c Teachers' Retirement System Application for Survivor Benefits – a two-page document consisting of one-page of information and a one-page form which may be obtained by calling the Division's Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

- (x) SRF-2 Florida Retirement System Pension Plan Student Report Form – a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (y) SRF-3 Florida Retirement System Pension Plan Authorization for Release of Information – a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (z) SVF-2 Florida Retirement System Pension Plan Affidavit Attesting to Eligibility – a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (aa) DIS-1 Florida Retirement System Pension Plan Disclaimer of Benefits – a two-page document consisting of one-page of instruction and a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (bb) JA-NUL Florida Retirement System Pension Plan Joint Annuitant Nullification Form – a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (cc) FR-30b Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit – a two-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (dd) DP-TERM Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Termination Notification – a one-page form which may be obtained by calling the Division’s DROP Termination and Refund Payment Section toll free at (877) 738-3767, or (850) 487-4856 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (ee) DP-PAYT Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Selected Payout Method – a one-page form which may be obtained by calling the Division’s DROP Termination and Refund Payment Section toll free at (877) 738-3767, or (850) 487-4856 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (ff) DP-JOINT Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Joint Annuitant Verification – a one-page form which may be obtained by calling the Division’s DROP Termination and Refund Payment Section toll free at (877) 738-3767, or (850) 487-4856 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (gg) DP-12 Florida Retirement System Pension Plan Beneficiary Designation Form for the Alternate Payee of a DROP Participant – a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- (hh) SB-13b Florida Retirement System Pension Plan Physician’s Report – a two-page form which may be obtained by calling the Division’s Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

- (ii) FST-11so2 Florida Retirement System Pension Plan Application for Survivor Benefits – a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- ~~(jj)~~ DP-TEOC Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officers’ Termination Notification – a one page form.
- ~~(jj)~~~~(kk)~~ DIS-2 Florida Retirement System Pension Plan Disclaimer of Benefits – a two-page document consisting of one page of instruction and a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- ~~(kk)~~~~(ll)~~ DIS-3 Florida Retirement System Pension Plan Disclaimer of Benefits – a two-page document consisting of one page of instruction and a one-page form which may be obtained by calling the Division’s Survivor Benefits Section toll free at (877) 377-4347, or (850) 488-5207 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- ~~(ll)~~~~(mm)~~ DP-VOID Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Void Form – a one-page form which may be obtained by calling the Division’s DROP Termination and Refund Payment Section toll free at (877) 738-3767, or (850) 487-4856 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- ~~(mm)~~~~(nn)~~ SRA-1 Rev. Florida Retirement System Pension Plan Service Retirement Agreement – a one-page form which may be obtained by calling the Division’s Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- ~~(nn)~~~~(oo)~~ PR-13 Florida Retirement System Investment Plan Application for Disability Retirement – a four-page form consisting of two pages of instruction and a two-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- ~~(oo)~~~~(pp)~~ PR-11o Florida Retirement System Investment Plan Option Selection for FRS Members – a one-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- ~~(pp)~~~~(qq)~~ DP-TEOC-2 Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer DROP Termination Notification – a one-page form which may be obtained by calling the Division’s DROP Termination and Refund Payment Section toll free at (877) 738-3767, or (850) 487-4856 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.
- ~~(qq)~~~~(rr)~~ DP-TEOC-3 Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer Employment Termination Notification – a one-page form which may be obtained by calling the Division’s DROP Termination and Refund Payment Section toll free at (877) 738-3767, or (850) 487-4856 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

~~(rr)~~(ss) SA-2 Florida Retirement System Investment Plan Spousal Acknowledgment Form for Disability Retirement – a one-page form which may be obtained from the Forms page of the Division’s website, www.frs.MyFlorida.com, or by calling the Division’s Disability Determination Section toll free at (877) 738-3725, or (850) 488-2968 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

(ss) REF-PAYT Florida Retirement System (FRS) Pension Plan Refund Payout Selection – a one-page form which may be obtained by calling the Division’s DROP Termination and Refund Payment Section Toll Free at (877) 738-3767, if calling from outside the Tallahassee calling area, or locally at (850) 487-4856, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

(4) Administration.

FORM NO. SAPS	<u>TITLE/ DESCRIPTION/HOW TO OBTAIN</u> Florida Retirement System Statement Attesting to Payee Status – a one-page form <u>which may be obtained by calling the Division’s Research and Education Section toll free at (877) 377-173, or (850) 488-5706 in the Tallahassee calling area. If hearing or speech impaired, call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.</u>
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Rulemaking Authority 121.031 FS. Law Implemented 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 122.021, 121.031(2), 121.051, 121.0515, 121.053, 121.081, 121.091, 121.111, 121.115, 121.1122, 121.121, 121.125, 121.35, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 FS. History– New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99, 1-24-00, 12-19-00, 2-6-01, 3-18-02, 10-23-05, 9-18-07, 5-22-08, 4-2-12, _____.

provisions of rule to coincide with the statutory changes resulting from Chapter 2011-68 and Chapter 2012-222, Laws of Florida; updates the division’s website address; incorporates by reference four revised division forms and deletes one obsolete form along with corresponding paragraph of rule where the obsolete form was adopted and renumbers remaining paragraphs accordingly; and expands upon the DROP distribution direct rollover provisions of rule to enhance clarity with respect to after-tax employee contributions.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, State Retirement Director
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 08, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 19, 2012, Vol. 35/54

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NOS.:	RULE TITLES:
60S-11.001	Definitions
60S-11.002	Participation
60S-11.004	Benefits

PURPOSE AND EFFECT: Amending the rules of the Division of Retirement to correspond with statutory changes up through the 2012 Legislative session; deleting obsolete language, correcting a form reference, deleting one obsolete form, incorporating by reference four revised division forms and clarifying direct rollover provisions.

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.

SUMMARY: The amendments set forth updates the definition of DROP Eligibility to coincide with statutory changes resulting from Chapter 2011-68 and Chapter 2012-222, Laws of Florida and corrects a F.A.C., reference within this definition; updates the DROP Participation and DROP benefits

RULEMAKING AUTHORITY: 121.031, 121.091(13), 121.091(13)(k) FS.

LAW IMPLEMENTED: 121.021, 121.091, 121.091(13), 121.131, 1012.01 FS.

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

DATE AND TIME: January 4, 2013, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director's Conference Room, Suite 208, 1317 Winewood Blvd., Bldg. 8, Tallahassee, Florida 32399-1560

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: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.MyFlorida.com. 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 IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-11.001 Definitions.

The definitions in Rule 60S-6.001, F.A.C., apply to this section unless otherwise expressly stated, and when used in this section, the following words and terms have the meaning indicated:

(1) No change.

(2) DROP ELIGIBILITY DATE – means the first day of the month in which a vested member becomes eligible to elect to participate in DROP by virtue of reaching either his or her normal retirement date or a deferred eligibility date, if a deferred eligibility date is applicable and elected by the member. Both the 12-month period during which the member may elect to participate in the DROP (except for instructional personnel as provided in subparagraph 60S-11.001(2)(b)5.4., F.A.C.) and the 60-month period that a member is allowed to participate in DROP begin on the member's DROP eligibility date.

(a) The normal retirement date is achieved as follows:

1. For members initially enrolled in the FRS prior to July 1, 2011, normal retirement date is achieved when the member becomes age 62 (or age 55 for a Special Risk member); or when the member completes 30 years of service (or 25 years of Special Risk service). The member may either include or

exclude optional service credit in determining the date on which 30 years of any service (or 25 years of Special Risk service) has been attained.

2. For members initially enrolled in the FRS on or after July 1, 2011, normal retirement date is achieved when the member becomes age 65 (or age 60 for a Special Risk member); or when the member completes 33 years of service (or 30 years of Special Risk service). The member may either include or exclude optional service credit in determining the date on which 33 years of any service (or 30 years of Special Risk service) has been attained.

(b) A deferred eligibility date is achieved as follows:

1. For members initially enrolled in the FRS prior to July 1, 2011, when a member who has completed 30 years of service prior to age 57 (or 25 years of Special Risk service prior to age 52), the DROP eligibility date may be deferred to age 57, or age 52 for a Special Risk member.

2. For members initially enrolled in the FRS on or after July 1, 2011, when a member who has completed 33 years of service prior to age 60 (or 30 years of Special Risk service prior to age 55), the DROP eligibility date may be deferred to age 60, or age 55 for a Special Risk member.

3.2. For a member with dual normal retirement dates, the DROP eligibility date may be determined by the member as the first day of the month in which normal retirement is achieved in either class.

4.3. For an elected officer member who has reached normal retirement date during a term of office, the DROP initial eligibility date may be deferred to later in that term or during the next succeeding term of office.

5.4. Effective February 1, 2003, for a member who satisfies the definition of instructional personnel for grades K-12 as adopted in Section 1012.01(2), F.S., (Chapter 2002-387, Laws of Florida), the DROP eligibility date may be deferred to the first of any month after the member first reaches normal retirement date.

(3) through (10) No change.

Rulemaking Authority 121.031, 121.091(13) FS. Law Implemented 121.021, 121.091(13) FS. History—New 9-16-03, Amended 4-5-12,

60S-11.002 Participation.

(1) No change.

(2) ELECTION TO PARTICIPATE – An eligible member must elect to participate in DROP within a 12-month period beginning on the member's DROP eligibility date as defined in Rule 60S-11.001, F.A.C., subject to one of the following conditions:

(a) A member who reaches his or her initial eligibility date based on years of service as follows:

1. A member initially enrolled in the FRS prior to July 1, 2011, who reaches his or her initial eligibility date based on years of service before reaching age 57, or age 52 for a Special

Risk Class member, and is therefore eligible to defer the DROP election period as defined in subparagraph 60S-11.001(2)(b)1., F.A.C., may defer his or her election to join DROP to anytime during the period from the initial eligibility date through the end of the twelfth month after he or she attains age 57, or age 52 for a Special Risk Class member.

2. A member initially enrolled in the FRS on or after July 1, 2011, who reaches his or her initial eligibility date based on years of service before reaching age 60, or age 55 for a Special Risk Class member, and is therefore eligible to defer the DROP election period as defined in subparagraph 60S-11.001(2)(b)2., F.A.C., may defer his or her election to join DROP to anytime during the period from the initial eligibility date through the end of the twelfth month after he or she attains age 60, or age 55 for a Special Risk Class member.

(b) through (e) No change.

(3) No change.

Rulemaking Authority 121.031, 121.091(13) FS. Law Implemented 121.021, 121.091, 1012.01 FS. History--New 9-16-03, Amended 4-5-12, _____.

60S-11.004 Benefits.

(1) through (2) No change.

(3) Accrual of DROP Benefits.

(a) No change.

(b) Interest shall accrue as follows:

1. For members who began their DROP participation prior to July 1, 2011, interest shall accrue at an effective annual rate of 6.5 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of the DROP participant's termination or death.

2. For members who began their DROP participation on or after July 1, 2011, interest shall accrue at an effective annual rate of 1.3 percent compounded monthly, on the prior month's accumulated ending balance, up to the month of the DROP participant's termination or death.

(c) No change.

(4) through (8) No change.

(9) Termination of Employment for Participants Other than Elected Officers – A DROP participant, except for an elected officer participating in any membership class, must terminate employment on or before the preselected resignation date specified on Form DP-ELE or if applicable on Form DP-EXT and will be required to submit to the Division a completed Form DP-TERM (Rev. 02/12 ~~04/10~~) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01977> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-00398>~~, Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Termination Notification, herein adopted by reference, upon termination from DROP. Form DP-Term may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at (877)738-3767, if calling from outside the Tallahassee calling

area or locally at (850)487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771. If a participant fails to terminate on or before the DROP termination and resignation date:

(a) through (f) No change.

(10) Termination of Employment for Participants in the Elected Officers' Class – A member of the Elected Officers' Class participating in the DROP may continue to serve in elected office upon reaching the DROP end date as follows:

~~(a) For such officer who began participating in the DROP prior to July 1, 2002:~~

~~1. Such officer shall be required to submit to the Division a completed Form DP-TEOC (09/01) <http://www.flrules.org/Gateway/reference.asp?No=Ref-00397>, Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officers' Termination Notification, herein adopted by reference, upon termination from DROP. Form DP-TEOC may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at (877)738-3767, if calling from outside the Tallahassee calling area or locally at (850)487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.~~

~~2. Payment of the accumulated DROP benefits shall be made as provided in subsection (12).~~

~~3. Beginning the first month following the DROP end date, monthly retirement benefits shall be paid to the officer in addition to compensation received as an elected officer.~~

~~4. The officer shall be a renewed member in the Elected Officers' Class as provided in subsection 60S 1.0055(4), F.A.C., effective the first day of the month following the DROP end date.~~

~~(a)(b) For such officer who began participating in the DROP on or after July 1, 2002 through June 1, 2010:~~

~~1. Such officer shall be required to submit to the Division a completed Form DP-TEOC-2 (Rev. 06/12 ~~10/07~~) <https://www.flrules.org/Gateway/reference.asp?No=Ref-01975> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-00395>~~, Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer DROP Termination Notification, herein adopted by reference, upon termination from DROP. Form DP-TEOC-2 may be obtained by calling the Division's DROP Termination and Refund Payment Section Toll Free at (877)738-3767, if calling from outside the Tallahassee calling area or locally at (850) 487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800)955-8771.~~

~~2. through 5. No change.~~

~~(b)(e) For such officer who began participating in the DROP on or after July 1, 2010:~~

1. Such officer shall be required to submit to the Division a completed Form DP-TEOC-2, Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer DROP Termination Notification, as adopted by reference in paragraph ~~(a)(b)~~, upon termination from DROP.

2. through 5. No change.

(11) No change.

(12) DROP Distribution – Upon the participant’s termination of all employment as defined in paragraph 60S-6.001(69)(b), F.A.C., the deferred resignation becoming effective, and the conclusion of the DROP participation period, or upon the death of the participant, or for an elected officer as provided in subsection paragraph (10)(a) benefits shall be paid or distributed as follows:

(a) The previously determined normal monthly retirement benefits, plus applicable cost-of-living increases, will commence in accordance with the method of payment chosen by the participant at the time he or she began DROP participation; and

(b) The total accumulated DROP benefits will be distributed to the participant, or, if deceased, to the participant’s joint annuitant or beneficiary as appropriate, provided the Division receives:

1. From the non-elected participant, the Form DP-TERM, Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Termination Notification, adopted in subsection ~~(9)(10)~~, signed by both the participant and employer or employers, verifying termination of employment.

2. From the elected officer participant, Form DP-TEOC-3 ~~(06/12) (10/07)~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-01976> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00396~~, Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Elected Officer Employment Termination Notification, herein adopted by reference, signed by both the participant and employer or employers, verifying termination of employment. This form may be obtained by calling the Division’s DROP Termination and Refund Payment Section Toll Free at (877)738-3767, if calling from outside the Tallahassee calling area or locally at (850) 487-4856. Individuals with a hearing or speech impairment may call the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771.

3. No change.

4. From all participants, Form DP-PAYT (Rev. 10/12) ~~(Rev. 05/11)~~ <https://www.flrules.org/Gateway/reference.asp?No=Ref-01974> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-00394~~, Florida Retirement System Pension Plan Deferred Retirement Option Program (DROP) Selected Payout Method, herein adopted by reference, submitted by the participant which may be obtained by calling the Division’s DROP Termination and Refund Payment Section Toll Free at (877) 738-3767, if calling from outside the Tallahassee calling area or locally at (850) 487-4856, or if hearing or speech

impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or (800) 955-8771, or if the participant has died, Form FST-11g, Florida Retirement System Pension Plan Application of Beneficiary for Benefit Payment, as adopted in paragraph 60S-4.008(1)(a), F.A.C., must be completed by his or her beneficiary, notifying the Division as to which of the following methods of payment he or she has chosen:

- a. Lump sum,
- b. Direct rollover, or
- c. Combined partial lump sum and rollover.

A DROP participant or beneficiary who submits all required forms, but fails to elect a method of payment within 60 days of termination of DROP, will automatically receive a lump sum distribution, less applicable withheld taxes.

5. If a direct rollover or a partial lump sum and rollover are requested, Form DP-PAYT must be submitted to the Division. A participant who elects a rollover must have the rollover paid directly to the custodian of an eligible retirement plan as defined in s. 402(c)(8)(B) of the Internal Revenue Code. Eligible retirement plans include:

- a. An Individual Retirement Account as described in s. 408(a), Internal Revenue Code.
- b. An Individual Retirement Annuity as described in s. 408(b), Internal Revenue Code, excluding an endowment contract.
- c. A Qualified Plan – a stock bonus, pension, or profit sharing plan of an employer (both defined contribution and defined benefit plans) established in accordance with s. 401(a), or 401(k), Internal Revenue Code, for the sole and exclusive benefit of employees or their beneficiaries, excluding designated 401(k) and 403(b) Roth Individual Retirement Accounts.
- d. An Annuity Plan as described in s. 403(a), Internal Revenue Code.
- e. An eligible deferred compensation plan described in s. 457(b), Internal Revenue Code which is maintained by an eligible employer as described in s. 457(e)(1)(A), Internal Revenue Code.
- f. An annuity contract as described in s. 403(b) of the Internal Revenue Code.

For purposes of the above direct rollover provisions, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions which are not includible in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in s. 408(a) or (b) of the Internal Revenue Code, or to a qualified defined contribution plan described in s. 401(a) or 403(a) of the Internal Revenue Code that agrees to separately account for amounts so transferred, including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible.

If the DROP participant dies and the surviving spouse wishes to roll over the DROP account, it can only be rolled over into an arrangement as cited in sub-subparagraphs a.-f. of this subparagraph as described in s. 402(c)(9), Internal Revenue Code. However, if the DROP participant dies and the surviving non-spouse beneficiary wishes to roll over the DROP account, it can only be rolled over into an Inherited Individual Retirement account arrangement as cited in sub-subparagraph a. of this subparagraph as described in s. 402(c)(11), Internal Revenue Code.

(13) through (14) No change.

Rulemaking Authority 121.031, 121.091(13)(k) FS. Law Implemented 121.091, 121.131 FS. History--New 9-16-03, Amended 4-5-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarabeth Snuggs, State Retirement Director
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Craig J. Nichols, Secretary, Department of Management Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 19, 2012, Vol., 38/54

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-64.005
 RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The purpose of the amendment is to adjust the firefighter death benefits provided in Section 112.191(2), F.S., for the 2012-2013 year based on the Consumer Price Index (CPI) for All Urban Consumers published by the United States Department of Labor.

SUMMARY: In June 2012, the CPI for All Urban Consumers increased 1.7 percent over the last 12 months. The proposed amendments will adjust the firefighter death benefits provided in Section 112.191(2), F.S., for the 2012-2013 year, based on the CPI for All Urban Consumers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department conducted an economic analysis of the

potential impact of the proposed changes and determined that there will be no adverse economic impact or regulatory increases that would require legislative ratification.

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.

RULEMAKING AUTHORITY: 112.191(2)(i) FS.

LAW IMPLEMENTED: 112.191 FS.

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

DATE AND TIME: January 3, 2013, 9:30 a.m.

PLACE: Division of State Fire Marshal, 3rd Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jason Fryar at (850)413-3647 or Jason.Fryar@MyFloridaCFO.com. 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 IS: Jason Fryar, Government Analyst II, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, FL 32399-0342, (850)413-3647 or Jason.Fryar@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment.

(2) The amounts payable for the period from July 1, ~~2012~~ through June 30, ~~2012~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for June, 2012 ~~March, 2011~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: ~~\$62,910.14~~ \$63,979.61.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: ~~\$63,979.61~~ ~~\$62,910.14~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: ~~\$178,200.57~~ ~~\$175,221.80~~.

Rulemaking Authority 112.191(2)(i) FS. Law Implemented 112.191 FS. History—New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08, 4-13-09, 11-22-09, 9-9-10, 5-21-12, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jason Fryar, Government Analyst II, Division of State Fire Marshal

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer and State Fire Marshal, Division of State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 26, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.:	RULE TITLE:
61H1-26.002	Minimum Capitalization or Adequate Public Liability Insurance for Florida Firms with the Exception of a Sole Proprietorship

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 34, August 24, 2012 issue of the Florida Administrative Register.

Although the Notice of Proposed Rulemaking stated that a Statement of Estimated Regulatory Costs (SERC) had been prepared and available, and a summary of the SERC was provided, a revised SERC has been provided to meet the requirements of subsection 120.541(2), Florida Statutes. The following is a Summary of the Statement of Estimated Regulatory Costs approved by the Board of Accountancy at a meeting held on November 16, 2012:

- The rule is not likely to directly or indirectly have an adverse impact on economic growth; private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- The rule is not likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- The rule is not likely to directly or indirectly to increase regulatory costs, including any transaction costs, in excess of \$1 million in the aggregate within 5 years after the implementation of this rule.

- The number of individuals and entities likely to be required to comply with the rule based on the number of applicants for CPA firm licensure over the last three fiscal years will be approximately 464 applicants annually.

- The department will not incur any costs for implementing or enforcing the proposed rule.

- There will be no cost to any other state and local government entities of implementing the proposed rule.

- Costs to the licensees to comply with the rule should be minimal because only a potential licensee who elects the letter of credit option would need to comply.

- The estimated number of small businesses that would be subject to the rule is 100-499.

- There is no small county or small city that will be impacted by the rule.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, Florida 32607.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.:	RULE TITLE:
61H1-26.004	Changes by Firms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38 No. 34, August 24, 2012 issue of the Florida Administrative Register.

Although the Notice of Proposed Rulemaking stated that a Statement of Estimated Regulatory Costs (SERC) had been prepared and available, and a summary of the SERC was provided, a revised SERC has been provided to meet the requirements of subsection 120.541(2), Florida Statutes. The following is a Summary of the Statement of Estimated Regulatory Costs approved by the Board of Accountancy at a meeting held on November 16, 2012:

- The rule is not likely to directly or indirectly have an adverse impact on economic growth; private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- The rule is not likely to directly or indirectly have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

- The rule is not likely to directly or indirectly to increase regulatory costs, including any transaction costs, in excess of \$1 million in the aggregate within 5 years after the implementation of this rule.

- The number of individuals and entities likely to be required to comply with the rule based on the number of applicants for CPA firm licensure over the last three fiscal years will be approximately 166 sole practitioner applicants annually.

- The department will not incur any costs for implementing or enforcing the proposed rule.

- There will be no cost to any other state and local government entities of implementing the proposed rule.

- Costs to the licensees to comply with the rule should be minimal because the sole practitioner must allocate minimal time and resources to recordkeeping and licensure certification, the fee for which is \$45.00 for initial licensure and \$45.00 for biennial renewal.

- The estimated number of small businesses that would be subject to the rule is 100-499.

- There is no small county or small city that will be impacted by the rule.

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Veloria A. Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Drive, Suite A, Gainesville, Florida 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-2.027
 RULE TITLE: Applications by Individuals
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 63, November 1, 2012 issue of the Florida Administrative Register.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 16, 2012. The corrections are as follows:

The DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: is corrected to read as June 1, 2012

61J2-2.027(1)(b)(i), (ii), and (iii) shall be corrected to read as 61J2-2.027(1)(b)1., 2., and 3.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juana Watkins, Executive Director, Florida Real Estate Commission, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

**Section IV
 Emergency Rules**

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: 2ER12-1	RULE TITLE: Pentedrone (2-(methylamino)-1-phenyl-1-penta none), Fluoroamphetamine, Fluoromethamphetamine, Methoxetamine, Methiopropamine, 4-Methylbuphedrone (2-Methylamino-1-(4-methylphenyl)butan-1-one), APB ((2-aminopropyl)benzofuran), APDB ((2-aminopropyl)-2,3-dihydrobenzofuran), UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone), (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone, AKB48 (1-pentyl-N-tricyclo[3.3.1.1 ^{3,7}]dec-1-yl-1H-indazole-3-carboxamide), AM-2233 ((2-iodophenyl)[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-methanone, STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1 ^{3,7}]dec-1-yl-1H-indole-3-carboxamide), URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-cyclohexylcarbamate), URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester), URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one), 2C-D (2-(2,5-Dimethoxy-4-methylphenyl
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)ethanamine), 2C-H
 (2-(2,5-Dimethoxyphenyl)ethanamine), 2C-N
 (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine), 2C-P
 (2-(2,5-Dimethoxy-4-(n)propylphenyl)ethanamine),
 25I-NBOMe(4-iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: In written findings published on the date this emergency rule was filed with the Secretary of State's Office, Attorney General Bondi has found that there is a need to immediately place the above-mentioned psychoactive substances classifiable as Synthetic Cannabinoids, Cathinones, and Synthetic Phenethylamines under Schedule I, Subsection 893.03(1)(c), F.S., in order to curtail their abuse by Florida's children, young adults, and others. These substances are ostensibly legal and often perceived as a safer alternative to illegal drugs such as marijuana, MDMA ("ecstasy"), cocaine, and amphetamines. In many cases, however, they are more dangerous. Due to their chemical design, they are commonly available for purchase in specialty smoke shops, over the internet, in convenience stores and from other retailers, making them easily obtainable. These circumstances present an immediate and imminent hazard to the public health, safety, and welfare which requires emergency action. In addition the Attorney General has found that the above-mentioned compounds meet the statutory criteria for placement as a controlled substance in Schedule I, Subsection 893.03(1)(c), F.S.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The above-mentioned Synthetic Cannabinoids, Cathinones, and Synthetic Phenethylamines present an immediate and imminent hazard to the public health, safety, and welfare which requires emergency action. The Attorney General will ask the Florida Legislature to memorialize this action through legislation in its 2013 legislative session. The Attorney General will immediately begin rulemaking procedures if the Legislature fails to act. A copy of the Attorney General's findings in support of this emergency rule may be obtained by contacting the Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; (850)245-0145.

SUMMARY: Under the authority of Section 893.05, Florida Statutes, additional substances are being added to Schedule I, Subsection 893.03(1)(c), F.S.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Emery Gainey, Director, Law Enforcement Relations, Victim Services & Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE EMERGENCY RULE IS:

Addition of
Pentedrone (2-(methylamino)-1-phenyl-1-pentanone)
Fluoroamphetamine
Fluoromethamphetamine
Methoxetamine
Methiopropamine
4-Methylbuphedrone
(2-Methylamino-1-(4-methylphenyl)butan-1-one)
APB ((2-aminopropyl)benzofuran)
APDB ((2-aminopropyl)-2,3-dihydrobenzofuran)
UR-144
((1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)
XLR11
((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)
(1-(5-chloropentyl)-1H-indol-3-yl)
(2,2,3,3-tetramethylcyclopropyl)methanone
AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide)
AM-2233
((2-iodophenyl)[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-methanone)
STS-135
(1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indole-3-carboxamide)
URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-cyclohexylcarbamate)
URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester)
URB-754
(6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one)
2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine)
2C-H (2-(2,5-Dimethoxyphenyl)ethanamine)
2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine)
2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine)
25I-NBOMe(4-iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine)
 to Schedule I, Subsection 893.03(1)(c), F.S.
 (1) Under the authority of Section 893.035, F.S., the following substances are hereby controlled substances, added to Schedule I, subsection 893.03(1)(c), F.S.:
 (a) Pentedrone (2-(methylamino)-1-phenyl-1-pentanone)
 (b) Fluoroamphetamine
 (c) Fluoromethamphetamine
 (d) Methoxetamine
 (e) Methiopropamine
 (f) 4-Methylbuphedrone(2-Methylamino-1-(4-methylphenyl)butan-1-one)
 (g) APB ((2-aminopropyl)benzofuran)

- (h) APDB ((2-aminopropyl)-2,3-dihydrobenzofuran)
- (i) UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)
- (j) XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone)
- (k) (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone
- (l) AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide)
- (m) AM-2233 ((2-iodophenyl)[1-(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-methanone)
- (n) STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indole-3-carboxamide)
- (o) URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-cyclohexylcarbamate)
- (p) URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester)
- (q) URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one)
- (r) 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine)
- (s) 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine)
- (t) 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine)
- (u) 2C-P (2-(2,5-Dimethoxy-4-(n-propylphenyl)ethanamine)
- (v) 25I-NBOMe(4-iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine)

(2) All provisions of Chapter 893, F.S., applicable to controlled substances listed in Schedule I shall be applicable to the substances listed in subsections (1)(a) through (v), above.

Rulemaking Authority 893.035 FS. Law Implemented 893.035 FS. History—New 12-11-12.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: December 11, 2012

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS
South Florida Water Management District
RULE NO.: RULE TITLE:

40E-6.221: Conditions for Issuance of Standard Permits
NOTICE IS HEREBY GIVEN that on December 3, 2012, the South Florida Water Management District (“District”), received a petition for waiver from Collier County Transportation Engineering Department, Application No.

12-0813-2, for utilization of Works or Lands of the District known as the Cypress Canal, for the proposed replacement of a pile-supported bridge; Sections 11, 12, 13 & 14, Township 49 South, Range 26 East, Collier County. This petition seeks relief from Rules 40E-6.221(2)(j) and 40E-6.011(4) and (6), Fla Admin. Code, which governs low member elevation of pile-supported crossings within Works or Lands of the District. A copy of the Petition for Variance or Waiver may be obtained by contacting: Juli Russell at (561)682-6268 or email at jurussel@sfwmd.gov. The District will accept comments concerning the petition received by end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1414, West Palm Beach, FL 33406, Attn: Juli Russell, Office of Counsel.

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice
RULE NO.: RULE TITLE:

64B17-3.001: Licensure as a Physical Therapist by Examination

The Board of Physical Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Victoria Jaramillo, filed on August 10, 2012. The Notice of Petition for Variance and Waiver was published in Vol. 38, No. 34, of the August 24, 2012, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting held on September 17, 2012, by telephone conference call. The Petitioner was seeking a permanent variance or waiver of Rule 64B17-3.001, Florida Administrative Code, and with regards to the requirement that foreign graduates have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

The Board’s Order, filed on October 2, 2012, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that she meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

A copy of the Order or additional information may be obtained by contacting Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.001: Licensure as a Physical Therapist by Examination

The Board of Physical Therapy hereby gives notice of an Order regarding the Petition for Variance or Waiver for Heather Hartsell, filed on August 10, 2012. The Notice of Petition for Variance and Waiver was published in Vol. 38, No. 34, of the August 24, 2012, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting held on September 17, 2012, by telephone conference call. The Petitioner was seeking a permanent variance or waiver of Rule 64B17-3.001(3), Florida Administrative Code, and with regards to the requirement that foreign graduates have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

The Board's Order, filed on October 2, 2012, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that she meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

A copy of the Order or additional information may be obtained by contacting Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.001: Licensure as a Physical Therapist by Examination

The Board of Physical Therapy hereby gives notice of an Order regarding the Petition for Variance or Waiver for Angelica M. Garcia, filed on July 26, 2012. The Notice of Petition for Variance and Waiver was published in Volume 38, No. 32, of the August 10, 2012, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting

held on September 17, 2012, by telephone conference call. The Petitioner was seeking a permanent variance or waiver of Rule 64B17-3.001, Florida Administrative Code, and with regards to the requirement that foreign graduates have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

The Board's Order, filed on October 2, 2012, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that she meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

A copy of the Order or additional information may be obtained by contacting Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.001: Licensure as a Physical Therapist by Examination

The Board of Physical Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for David Barouche, filed on July 2, 2012. The Notice of Petition for Variance and Waiver was published in Vol. 38, No. 32, of the August 10, 2012, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting held on August 10, 2012. The Petitioner was seeking a permanent variance or waiver of Rule 64B17-3.001, Florida Administrative Code, and with regards to the requirement that foreign graduates have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

The Board's Order, filed on September 7, 2012, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that he meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

A copy of the Order or additional information may be obtained by contacting Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.001: Licensure as a Physical Therapist by Examination

The Board of Physical Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Antoinette Ohlson, filed on June 27, 2012. The Notice of Petition for Variance and Waiver was published in Vol. 38, No. 28, of the July 13, 2012, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting held on August 3, 2012. The Petitioner was seeking a permanent variance or waiver of Rule 64B17-3.001, Florida Administrative Code, and with regards to the requirement that foreign graduates have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

The Board's Order, filed on September 4, 2012, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that she meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

A copy of the Order or additional information may be obtained by contacting Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.003: Licensure by Endorsement

The Board of Physical Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Mohamed Zaky Torky, filed on July 6, 2012. The Notice of Petition for Variance and Waiver was published in

Vol. 38, No. 32, of the August 10, 2012, Florida Administrative Register. The Board considered the Petition at a duly-noticed public meeting held on August 3, 2012. The Petitioner was seeking a permanent variance or waiver of Rule 64B17-3.003, Florida Administrative Code, and with regards to the requirement that an applicant demonstrates that he or she meets the requirements of Rule 64B17-3.001, F.A.C., may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida.

The Board's Order, filed on September 4, 2012, grants the Petition for Variance or Waiver. The Petitioner has demonstrated that the Petition for Variance and Waiver was in substantial compliance with the provisions of Section 120.542, Florida Statutes, and Chapter 28-104, Florida Administrative Code. Petitioner has demonstrated that he meets the purpose of the underlying statute. Further, Petitioner has demonstrated that application of the rule would cause a substantial hardship and would violate the principles of fairness.

Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

A copy of the Order or additional information may be obtained by contacting Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.003: Licensure by Endorsement

NOTICE IS HEREBY GIVEN that on November 20, 2012, the Board of Physical Therapy Practice, received a petition for a variance or waiver of Rules 64B17-3.001(3) and 64B17-3.003, F.A.C., filed by Michael A. Siefman, P.T., which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy. And the requirement that an applicant demonstrates that he or she meets the requirements of Rule 64B17-3.001, F.A.C., and may be licensed to practice physical therapy by endorsement by presenting evidence satisfactory to the Board that the applicant has active licensure in another jurisdiction and has passed an examination before a similar, lawful, authorized examining board in physical therapy in such other jurisdiction if their standards for licensure are as high as those maintained in Florida.

Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF HEALTH
Board of Physical Therapy Practice

RULE NO.: RULE TITLE:

64B17-3.001: Licensure as a Physical Therapist by Examination

NOTICE IS HEREBY GIVEN that on November 20, 2012, the Physical Therapy Practice, received a petition for a variance or waiver of Rule 64B17-3.001, F.A.C., filed by Ernesto Hernandez De Armas, which requires for foreign graduates to have received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States as determined by the Foreign Credentialing Commission on Physical Therapy.

Comments on this petition should be filed with the Board of Physical Therapy Practice at the above address within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Family Safety and Preservation Program

RULE NO.: RULE TITLE:

65C-31.004: Road to Independence Scholarship

NOTICE IS HEREBY GIVEN that on November 15, 2012, the Department of Children and Families, received a petition for waiver of paragraphs 65C-31.004(1)(a), (4) and 65C-31.005(2)(d), Florida Administrative Code, from R. D., assigned Case No. 12-027W. Paragraph 65C-31.004(1)(a), (4), F.A.C. provides in part that a person must have spent at least six months in foster care, prior to reaching their 18th birthday, which may include the time the youth spent in shelter status in state custody in order to qualify for the Road to Independence Program and paragraph 65C-31.005(2)(d), F.A.C., provides that a youth must have spent at least six months in foster care before his or her 18th birthday in order to qualify for Transitional Support Services (TSS).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation hereby gives notice of the entry of an Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Amistad Apartments, Ltd

DATE PETITION WAS FILED: November 15, 2012.

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rules 67-48.004(14)(g), FAC, which is in regard to the "Development Type" designation identified by Petitioner in its original housing credit application.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 15, 2012, Vol. 38, No.73.

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 7, 2012

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order or additional information may be obtained by contacting Della Harrell, Corporation Clerk, telephone (850)488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at floridahousing.org.

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: RULE TITLE:

67-48.010: Terms and Conditions of SAIL Loans

The Florida Housing Finance Corporation hereby gives notice of the entry of a Corrected Order Granting a Petition for Waiver or Variance.

NAME OF THE PETITIONER: Avon Park Housing Authority

DATE PETITION WAS FILED: September 7, 2012

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Rule 67-48.010(21), which requires APHA to provide Florida Housing an annual budget of income and expenses for Lakeside Park I Apartments.

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: Florida Administrative Weekly, November 15, 2012, Vol. 38, No. 72

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION APPROVED THE VARIANCE OR WAIVER: December 7, 2012.

THE GENERAL BASIS FOR THE DECISION: The purpose of the underlying statute is to make loans to Eligible Housing Providers and Eligible Home Buyers for the construction of affordable housing. The waiver will further this purpose.

A copy of the Order or additional information may be obtained by contacting Della Harrell, Corporation Clerk, telephone (850) 488-4197 or e-mail to Della.Harrell@floridahousing.org. The Final Order is posted on Florida Housing's website at floridahousing.org.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF TRANSPORTATION

The Florida Transportation Commission announces a telephone conference call to which all persons are invited.

DATE AND TIME: ****CANCELLED**** December 13, 2012, 10:00 a.m. (EST).

PLACE: Florida Transportation Commission, 605 Suwannee Street, Room 176, Tallahassee, Florida 32399-0450.

GENERAL SUBJECT MATTER TO BE CONSIDERED: FTC General Business and Expressway Authority Study Review.

A copy of the agenda may be obtained by contacting: Lisa O. Stone at (850)414-4316.

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: Lisa O. Stone at (850)414-4316. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Florida Transportation Commission, 605 Suwannee Street, MS #9, Room 176, Tallahassee, FL 32399-0450 or phone (850)414-4105.

PUBLIC SERVICE COMMISSION

The Florida Public Service Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 9, 2013, 6:00 p.m.

PLACE: City of Tavares Civic Center, 100 East Caroline Street, Tavares, Florida 32778.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 120183-WU – Application for staff-assisted rate case in Lake County by TLP Water, Inc. The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting: N/A

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Office of Commission Clerk, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800) 955-8770 (Voice).

For more information, you may contact: Martha Golden at (850)413-7015.

AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

RULE NO.: RULE TITLE:

59G-4.002: Medicaid Provider Reimbursement Schedule

The Agency for Health Care Administration announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, December 19, 2012, 3:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency is scheduling a hearing in Tallahassee, FL for the purpose of discussing the Florida Medicaid provider reimbursement fee schedules. The Agency proposes to modify the title of the rule and clarify access to each separate fee schedule.

A copy of the agenda may be obtained by contacting: Fred Lawrence, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308-5407, telephone: (850)412-4208, e-mail: fred.lawrence@ahca.myflorida.com.

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: Fred Lawrence, Bureau of Medicaid Services at (850)412-4208. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800) 955-8770 (voice).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

The Department of Business and Professional Regulation, Division of Hotels and Restaurants announces a public meeting to which all persons are invited.

DATE AND TIME: January 22, 2013, 9:00 a.m. – 11:00 a.m.

PLACE: Professions Board Room, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL, or by conference call to (888)670-3525, conference code 9003077628#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Hotels and Restaurants Advisory Council meeting.

A copy of the agenda may be obtained by contacting: Suzanne Keele, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399; (850)717-1274.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Suzanne Keele, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe St., Tallahassee, FL 32399; (850)717-1274. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800) 955-8770 (voice).

For more information, you may contact: Suzanne Keele, Division of Hotels and Restaurants, (850)717-1274.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

The Florida Board of Professional Engineers Application Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2013, 8:30 a.m. (EST) or soon thereafter

PLACE: Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review applications for licensure and other general business of the committees.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Rebecca Sammons, rsammons@fbpe.org.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
The Department of Children and Family Services announces a public meeting to which all persons are invited.

DATE AND TIME: January 9, 2013, 10:00 a.m. – 11:30 a.m. (CST)

PLACE: Anchorage Children's Home, 2121 Lisenby Ave., Panama City, FL 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Circuit 14 Community Alliance Meeting.

A copy of the agenda may be obtained by contacting: Felicia_Sims@dcf.state.fl.us after January 1, 2013.

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 7 days before the workshop/meeting by contacting: Felicia_Sims@dcf.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

The Division of Workers' Compensation announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 9, 2013, 1:00 p.m.

PLACE: Room 116, Larson Bldg., 200 E. Gaines St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pursuant to Section 440.13(12)(a), F.S., the Three-Member Panel is required to annually adopt schedules of maximum reimbursement allowances for physicians, hospital inpatient care, hospital outpatient care, ambulatory surgical centers, work-hardening programs, and pain programs. Specifically, the Three-Member Panel will consider:

- Adoption of a methodology for reimbursing hospitals 60% and 75% of usual and customary charges for outpatient services.
- Re-adoption of the schedule of per-diem rates for hospital inpatient care or a revision to the current schedule of rates.
- Re-adoption of the ambulatory surgical center schedule of rates.
- Re-adoption of the 2012 Health Care Provider Reimbursement Manual, which is still pending ratification by the Legislature.

Additionally, the Three-Member Panel will review and issue the 2013 Biennial Report to the President of the Senate and the Speaker of the House of Representatives pursuant to Section 440.13(12)(e)4., F.S.

A copy of the agenda may be obtained by contacting: Sam Willis at (850)413-1898.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Vicky Fletcher at (850)413-4185. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Sam Willis at (850)413-1898.

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII

Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI
Notices Regarding Bids, Proposals and Purchasing

NONE

Section XII
Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Cycle Exchange, LLC, for the LMLL line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Cycle Exchange LLC, as a dealership for the sale of motorcycles manufactured by LML Limited (line-make LMLL) at 14540 N Florida Avenue, Tampa, (Hillsborough County), Florida 33613, on or after January 11, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Exchange, LLC, are dealer operator(s): Pat Clark, 14540 North Florida Avenue, Tampa, Florida 33613; principal investor(s): Pat Clark, 14540 North Florida Avenue, Tampa, Florida 33613.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Dorothy Hanley, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Cycle Exchange, LLC, for the MOTI line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Cycle Exchange, LLC, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (line-make MOTI) at 14540 North Florida Avenue, Tampa, (Hillsborough County), Florida 33613, on or after January 11, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Exchange, LLC, are dealer operator(s): Pat Clark, 14540 North Florida Avenue, Tampa, Florida 33613; principal investor(s): Pat Clark, 14540 North Florida Avenue, Tampa, Florida 33613.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Dorothy Hanley, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Interlake Gulf Corporation, d/b/a Supreme Auto Sales Vespa Naples for the LMLL line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Interlake Gulf Corporation, d/b/a Supreme Auto Sales Vespa Naples as a dealership for the sale of motorcycles manufactured by LML Limited (line-make LMLL) at 938 4th Avenue North, Naples, (Collier County), Florida 34102, on or after January 11, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Interlake Gulf Corporation, d/b/a Supreme Auto Sales Vespa Naples are dealer operator(s): Johnny R. Nocera, Sr., 938 4th Avenue North, Naples, Florida 33040; principal investor(s): Johnny R. Nocera, Sr., 938 4th Avenue North, Naples, Florida 33040.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Dorothy Hanley, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Interlake Gulf Corporation, d/b/a Supreme Auto Sales Vespa Naples for the MOTI line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Interlake Gulf Corporation, d/b/a Supreme Auto Sales Vespa Naples as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (line-make MOTI) at 938 4th Avenue North, Naples, (Collier County), Florida 34102, on or after January 11, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Interlake Gulf Corporation, d/b/a Supreme Auto Sales Vespa Naples are dealer operator(s): Johnny R. Nocera, Sr., 938 4th Avenue North, Naples, Florida 33040; principal investor(s): Johnny R. Nocera, Sr., 938 4th Avenue North, Naples, Florida 33040.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Dorothy Hanley, Genuine Scooters LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Keith Yarborough ScooterVille, LLC, for the establishment of BASH line

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Industry Group (USA), Inc., intends to allow the establishment of Keith Yarborough Scooterville, LLC, d/b/a Scooterville of Tallahassee, as a dealership for the sale of motorcycles manufactured by Chongqing Astronautical Basha Motorcyle Manufacturer Co. Ltd. (line-make BASH) at 1408 Capital Circle Northeast, #8, Tallahassee, (Leon County), Florida 32308, on or after January 11, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Keith Yarborough Scooterville, LLC, d/b/a Scooterville of Tallahassee are dealer operator(s): Keith Yarborough, 1408 Capital Circle Northeast, #8, Tallahassee, Florida 32308, principal investor(s): Keith Yarborough, 1408 Capital Circle Northeast, #8, Tallahassee, Florida 32308.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Meireديث Huang, Peace Industry Group (USA), Inc., 6600 B Jimmy Carter Boulevard, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Motor Vehicles

Skipper Limited, Inc. for the BASH line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Peace Power Sports, Inc., intends to allow the establishment of Skipper Limited, Inc., as a dealership for the

sale of motorcycles manufactured by Chongqing Astronautical Bashan Motorcycle Manufacturer Co. Ltd. (line-make BASH) at 990 White Avenue, Graceville, (Jackson County), Florida 32440, on or after January 11, 2013.

The name and address of the dealer operator(s) and principal investor(s) of Skipper Limited, Inc., are dealer operator(s): Judy Bell, P.O. Box 301, Graceville, Florida 32440, principal investor(s): Judy Bell, P.O. Box 301, Graceville, Florida 32440.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Fang Liu, Peace Power Sports, Inc., 2533 Royal Lane, Suite 505, Dallas, Texas 75229.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid

State Plan Amendment

The Agency for Health Care Administration announces that it is requesting an amendment to the Medicaid State Plan. The amendment will be to clarify the post-eligibility treatment of institutionalized individuals' incomes for the purpose of:

1. Deducting expenses of medically necessary services or items incurred no earlier than the 3 months preceding the month of application; and
2. Limiting the deduction for expenses incurred as the result of imposition of a transfer of assets penalty period to zero.

Interested parties may contact the following staff for further information:

Kathy Austin, Medicaid Services, located at 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407; by telephone at: (850)412-4193 or by e-mail at: kathy.austin@ahca.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Building Commission

Notice of Florida Building Code Binding Interpretation

RULE NO.: RULE TITLE:

61G20-1.001: Florida Building Code Adopted

NOTICE IS HEREBY GIVEN THAT the Building Officials Association of Florida has issued a binding interpretation pursuant to Section 553.775, Florida Statutes, filed by Beachlen Development Company, LLC, on November 2, 2012. The following is a summary of the interpretation:

Section 3109, Florida Building Code, Building Volume (2007) as it applies to a building constructed within the Coastal Construction Control Line requires the lowest horizontal structural member to meet the minimum requirements of the Flood Insurance Rate Map as well as the Florida Department of Environmental Protection Coastal Construction Control Line elevation. The lowest horizontal structural member is permitted to be enclosed pursuant to FBC 3109.4.2(9), but cannot be considered a habitable space.

A copy of the Interpretation may be obtained from: http://www.floridabuilding.org/Upload/Binding_Interpretations.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On December 7, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Heather Marlise Carmichael, A.R.N.P. License # RN 2967652. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On December 7, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Debra Kay De Cesari, R.N. License # RN 9206578. This Emergency Suspension Order was predicated upon the State

Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On December 7, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Christina L. Santiago, C.N.A. License # CNA 171285. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6) Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On December 7, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Angela L. Thornton, C.N.A. License # CNA 108400. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On December 7, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Gregory Michael Carmichael, R.N. License # RN 9269029. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011).

The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On December 7, 2012, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Gregory Michael Orrange, RN. License # RN 9269029. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

Final Order No. DEO-12-151

STATE OF FLORIDA

DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY THE CITY OF MARATHON,
FLORIDA, ORDINANCE NO. 2012-07

FINAL ORDER

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and 380.0552(9), Fla. Stat., approving land development regulations adopted by the City of Marathon, Florida, Ordinance No. 2012-07 (the “Ordinance”).

FINDINGS OF FACT

1. The Florida Keys Area is designated by § 380.0552, Fla. Stat., as an area of critical state concern. The City of Marathon is a local government within the Florida Keys Area.

2. The Ordinance was adopted by the City of Marathon on August 14, 2012, and rendered to the Department on November 26, 2012.

3. The Ordinance amends Section 104.25 and Chapter 107, Article I, of the City of Marathon Land Development Regulations to establish a Building Permit Allocation System (BPAS) for Transient Residential Units (TRUs). Section 104.25 is amended to delete the prohibition on development of new hotel or motel units in the City. Section 107.01 provides that the City Council will evaluate the BPAS on an as-needed basis or no less frequently than at two year intervals. Section 107.01 is further amended to provide that the allocation for

TRUs may take place every (2) months. The Ordinance amends Section 107.02 to provide up to 200 TRUs (100 authorized by the Administration Commission on January 18, 2012, and up to 100 that can be borrowed forward at the City Council’s discretion). Finally, the Ordinance amends Sections 107.04 and 107.06 to create an allocation pool for TRUs limited to the 200 TRUs identified and to establish conditions; Section 107.07 to provide that no BPAS application that does not comply with all applicable provisions of the land development regulations shall receive an allocation; and Sections 107.09 and 107.10 to address scoring and banking of allocations for TRUs.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11) and § 380.0552(9), Fla. Stat. The City of Marathon is a local government in the Florida Keys Area of Critical State Concern.

2. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

3. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and 380.0552(9), Fla. Stat. The Principles for Guiding Development for the Florida Keys Area of Critical State Concern are set forth in § 380.0552(7), Fla. Stat.

4. The Ordinance is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any provision.

5. The Ordinance is consistent with Policy 1-3.2.6 of the City of Marathon Comprehensive Plan.

WHEREFORE, IT IS ORDERED that City of Marathon Ordinance No. 2012-07 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.

_____/s/_____

J. THOMAS BECK, AICP
 Director, Division of Community Development
 Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION, DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE

DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS FINAL ORDER. A PETITION IS FILED WHEN IT IS **RECEIVED** BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11th day of December, 2012.

/s/ _____
Miriam Snipes, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128

By U.S. Mail:
Honorable Mike Cinque
Mayor, City of Marathon
9805 Overseas Highway
Marathon Florida 33050

George Garrett, Planning Director
City of Marathon
9805 Overseas Highway
Marathon Florida 33050

John R. Herin, Jr., Esq.
Marathon City Attorney
Gray-Robinson, P.A.
401 E. Las Olas Blvd., Suite 1850
Fort Lauderdale, FL 33301

By Hand Delivery or Interagency Mail:
Rebecca Jetton, ACSC Administrator, DEO Tallahassee
Sherry A. Spiers, Assistant General Counsel, DEO Tallahassee

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
