

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF LEGAL AFFAIRS**

**Florida Elections Commission**

RULE NO.: 2B-1.002  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Commission proposes the development of rule amendments to include Chapter 106, F.S., in its definitions.

SUBJECT AREA TO BE ADDRESSED: The inclusion of Chapter 106, F.S., in the definitions rule.

SPECIFIC AUTHORITY: 106.26 FS.

LAW IMPLEMENTED: 106.25(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Linthicum, Executive Director, Florida Elections Commission, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2B-1.002 Definitions.

For purposes of imposing a civil penalty for violating Chapter 104 or 106, F.S., the following definitions shall apply:

(1) A person acts “willful” or “willfully” when he or she knew that, or showed reckless disregard for whether his or her conduct was prohibited or required by Chapter 104 or 106, F.S.

(2) “Knew” means that the person was aware of a provision of Chapter 104 or 106, F.S., understood the meaning of the provision, and then performed an act prohibited by the provision or failed to perform an act required by the provision.

(3) “Reckless disregard” means that the person disregarded the requirements of Chapter 104 or 106, F.S., or was plainly indifferent to its requirements, by failing to make any reasonable effort to determine whether his or her acts were prohibited by Chapter 104 or 106, F.S., or whether he or she failed to perform an act required by Chapter 104 or 106, F.S.

Specific Authority 106.26 FS. Law Implemented 106.25(3) FS. History—New 9-11-06, Amended.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09432  
 RULE TITLE: Assessment of Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to review the assessment of English language learners to ensure consistency with other rules and governing statutes.

SUBJECT AREA TO BE ADDRESSED: Assessment.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: October 24, 2007, 8:30 a.m. – 5:00 p.m.

October 25, 2007, 8:30 a.m. – 5:00 p.m.

October 26, 2007, 8:30 a.m. – 5:00 pm.

PLACES: October 24, 2007

Florida Department of Education, 325 West Gaines Street, Suite 1703/07, Tallahassee, Florida

October 25, 2007

Miami Dade College, Wolfson Campus, 300 N.E. 2nd Avenue, Room 2106, Miami, Florida

October 26, 2007

Orange County Public Schools, Educational Leadership Center, Board Room, 445 West Amelia Street, Orlando, Florida

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

Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.: 6A-6.0900  
 RULE TITLES: Programs for Limited English Proficient Students

6A-6.0901  
 Definitions Which Apply to Programs for Limited English Proficient Students

6A-6.0902  
 Requirements for Identification, Assessment and Programmatic Assessment of Limited English Proficient Students

6A-6.0903  
 Requirement for Classification, Reclassification, and Post Reclassification

- 6A-6.0904 Equal Access to Appropriate Programming for Limited English Proficient Students
- 6A-6.0905 Requirements for the District Limited English Proficient Plan
- 6A-6.0906 Monitoring of Programs for Limited English Proficient Students
- 6A-6.0907 Inservice Requirements for Personnel of Limited English Proficient Students
- 6A-6.0908 Equal Access for Limited English Proficient Students to Programs Other Than ESOL
- 6A-6.0909 Exemptions Provided to Limited English Proficient Students
- 6A-6.09091 Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate new assessment standards for English language learners as well as review rule and governing statutes to ensure consistency between law and rule.

SUBJECT AREA TO BE ADDRESSED: Identification, assessment, and reclassification of students classified as English language learners.

SPECIFIC AUTHORITY: 1003.56 FS.

LAW IMPLEMENTED: 1003.56 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

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Orange County Public Schools, Educational Leadership Center, Board Room, 445 West Amelia Street, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Bureau of Academic Achievement through Language Acquisition, 325 West Gaines Street, Suite 501C, Tallahassee, Florida; (850)245-5074

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

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: RULE TITLE:

19B-4.001 Application

PURPOSE AND EFFECT: To amend the advance payment contract enrollment application and application process with updated terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan enrollment application.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

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

applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization. The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule.

(2) No change.

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

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-4.002  
 RULE TITLE: Contract Prices

PURPOSE AND EFFECT: To amend the advance payment contract prices with updated percentages for the annual increases to fees and updated terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan advance payment contract plan prices and the determination of each type of plan's annual increase.

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

LAW IMPLEMENTED: 1009.98 FS.

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

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

The Board will evaluate the advance payment contract prices for revision annually. All advance payment contract prices will be published annually in the Florida Administrative Weekly. The advance payment contract prices for tuition plans are based on the actuarial assumption that university tuition will rise at an average of 6.5 percent per annum, community college

tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee plan contract prices are based on the actuarial assumption that university local fees will rise at an average of 5 ~~6~~ percent per annum and community college local fees will rise at an average of 6 percent per annum. The tuition differential fee plan prices are based on the actuarial assumption that the tuition differential fee will rise an average of 8.5 percent per annum until such time as the tuition differential fee reaches forty percent (40%) of tuition at Funding Level 1 schools and thirty percent (30%) of tuition at Funding Level 2 schools. Once the tuition differential fee reaches the maximum level, the actuarial assumption is that the tuition differential fee will rise an average of 6.5% per annum.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-4.005  
 RULE TITLE: Maximum Account Balance Limit

PURPOSE AND EFFECT: To amend the maximum account balance limit of a beneficiary's advance payment contract to include the new tuition differential fee plan and to update terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan enrollment application and master covenant maximum account balance permitted and the determination of its redemptive value in compliance with s. 529 of the Internal Revenue Code.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.005 Maximum Account Balance Limit.

(1) No change.

(2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:

(a) Tuition, ~~and~~ local fee, ~~and~~ tuition differential fee plans shall be the most expensive lump-sum contract price for the university then-current average amount of tuition, university and local fee and university tuition differential fee plans, as determined annually by the Board's actuary respectively, charged by the state universities or community colleges for the number of semester credit hours reflected in the contract.

(b) Dormitory plans shall be the most expensive lump-sum four (4) year dormitory contract price (8 semesters) as determined annually by the Board's actuary then-current average of the state university dormitory fees for the dormitories specified for inclusion in the Prepaid Program and the number of semesters reflected in the contract.

(3) If the Board receives an application for an advance payment contract or an additional plan as an addendum to an advance payment contract for a beneficiary and the sum of the redemption value of that application's benefit(s) contract, the redemption value of any existing advance payment contract for that beneficiary and the account balance of an Florida College Investment Plan account ~~in the Florida College Investment Plan~~ for that beneficiary exceeds the maximum account balance limit, the Board will notify the purchaser that the Board cannot accept the application.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended 12-28-03.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: RULE TITLE:

19B-5.001 Contract Types

PURPOSE AND EFFECT: To amend the number and types of plans offered through the advance payment contracts and to update the terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan advance payment contract plans offered by plan type purchased.

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

LAW IMPLEMENTED: 1009.98 FS.

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

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.001 Contract Types.

The Florida Prepaid College Board's advance payment contracts program offers purchasers four (4) three different plans: types of tuition, and local fees, plan contracts, tuition differential fees and dormitory respectively, with an addendum dormitory plan to the university plan or community college plus university plan. However, a purchaser may purchase a dormitory plan contract for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a tuition plan contract for that beneficiary. All advance payment contracts include a tuition plan, unless the advance payment contract is an exception, pursuant to the Rules of this Chapter 19B, F.A.C. Purchasers may add corresponding local fee, tuition differential fee and/or dormitory plans in conjunction with or as addendums to advance payment contracts. The All types of tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee plans contracts cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee plans purchased after July 1, 1999 also cover the technology fee imposed by the community colleges. Tuition differential fee plans cover the supplemental fee charged by public universities in the state pursuant to Section 1009.24(15), F.S. The dormitory plan covers the housing rate specified by the university for inclusion in the plan of a double occupancy, air-conditioned room.

(1) Tuition plans consist of three (3) separate plans:

(a) University Plan – The university plan specifies that 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Plan – The community college plan specifies that 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology, tuition differential or student activity fees.

(2) Local fee plans consist of three (3) separate plans:

(a) University Local Fee Plan – The university local fee plan specifies that local fees for 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

Local fee plans may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the application is filed. The local fee plan does not cover the tuition differential fee.

(3) Tuition Differential Fee Plans consist of two (2) separate plans: Beneficiaries for whom advance payment contracts were in effect prior to July 1, 2007 and consist of the university tuition plan or the community college plus university tuition plan, are exempt from the tuition differential fee.

(a) University Tuition Differential Fee Plan – The university tuition differential fee plan specifies that 120 credit hours at a state university authorized to assess the tuition differential fee are purchased for the benefit of the qualified beneficiary. The 120 credit hour university tuition differential fee plan may be purchased only in conjunction with a university tuition plan.

(b) Community College Plus University Tuition Differential Fee Plan – The community college plus university tuition differential fee plan specifies that only 60 credit hours at a state university authorized to assess the tuition differential fee are purchased for the benefit of the qualified beneficiary. The 60 credit hour tuition differential fee plan may be purchased only in conjunction with a community college plus university tuition plan.

Tuition differential fee plans may be purchased only for those qualified beneficiaries who are four (4) or more years away from their anticipated matriculation date at the time the application is received by the Board, contract that

(4)(3) Dormitory Plan –

(a) The dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time the contract application is filed. Effective for enrollment periods beginning after July 1, 1997, the dormitory plan is not available unless the sale of dormitory contracts is specifically authorized by the Board prior to the enrollment period for that year and the sale

of dormitory plan contracts will not adversely affect the status of the program as a “qualified state tuition program” under Section 529 of the Internal Revenue Code.

(b) A dormitory plan purchased in conjunction with or as an addendum to the community college plus university plan is intended for use after the beneficiary is admitted to a state university. A dormitory plan only may be transferred for use at a community college pursuant to Rule 19B-9.004, F.A.C.

(c) A purchaser may purchase a dormitory plan for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a tuition plan contract for that beneficiary.

(5)(4) The contracts do not cover fees and costs related to books, meals, transportation, ~~graduate school~~, and institutionally-imposed fees such as laboratory fees.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History–New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00, 8-27-02, \_\_\_\_\_.

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

RULE NO.: 19B-5.002  
RULE TITLE: Contract Benefits  
PURPOSE AND EFFECT: To amend the advance payment contract benefits to include the types of plans and to update the terminology.  
SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan advance payment contract benefits offered by plan type purchased.  
SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.  
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.002 Contract Benefits.

(1) A qualified beneficiary may begin to receive benefits during the Summer Semester of the scheduled matriculation year. The benefits of the purchaser’s advance payment fees contracted for the purchaser shall be paid at the time a qualified beneficiary of enrollment of the qualified beneficiary in a state

postsecondary institution except in the event of legislative action pursuant to Section 1009.98(5), F.S. The credit hours purchased may be used during any semester of postsecondary ~~undergraduate~~ enrollment. To receive benefits under this program, a qualified beneficiary whose advance payment contract is in good standing will be issued an identification card prior to each postsecondary Fall enrollment period. No identification card will be issued to a beneficiary unless the beneficiary submits a social security number. Benefits under each advance payment contract are available for use by the specified beneficiary for one (1) matriculation each semester; however, a beneficiary may matriculate more than once a semester if required by law or policy of the postsecondary institution.

(2)(a) To be eligible to receive dormitory plan benefits, qualified beneficiaries must file a complete and timely residence application with the applicable postsecondary institution. Beneficiaries must comply with all housing authority rules and regulations. The housing prepayment fee will be waived for the first housing application. Subsequent applications to alternate housing authorities will require payment by the purchaser of the appropriate prepayment fee. The dormitory residence plan is not available for use during the summer term.

(b) The dormitory plan provides payment for a double-occupancy, air-conditioned room in a dormitory specified by the state university. Where a state university does not offer a double-occupancy, air-conditioned dormitory room, the dormitory plan will pay the university, on behalf of the qualified beneficiary, the average cost of an eligible double-occupancy, air-conditioned dormitory room in the State University System. ~~The provisions of this paragraph do not apply to qualified beneficiaries who began utilization of the benefits of a dormitory contract prior to January 1, 1999, at a state university that has no double occupancy, air-conditioned dormitory rooms.~~

(3) Local fee and tuition differential fee plans are contracts ~~will be~~ tied to tuition contracts for matriculation purposes. Payment for the local and tuition differential fees will be remitted with the tuition payment upon the receipt of a tuition invoice for a beneficiary whose advance payment contract is account composed of these both fee plans contracts. If the state university does not charge a tuition differential fee, payment for only the local fees will be remitted with the tuition payment, upon receipt of a tuition invoice for a beneficiary whose advance payment contract is composed of these fee plans.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-5.003  
 RULE TITLE: Contract Requirements

PURPOSE AND EFFECT: To amend the contract requirements of advance payment contracts to include the tuition differential fee, to clarify how disbursements are made to colleges and universities and to update terminology.

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

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.003 Contract Requirements.

(1) No change.

(2) Only one (1) qualified beneficiary is allowed per advance payment contract, and a specific beneficiary can be named in only one (1) advance payment contract, provided however, a second advance payment prepaid contract may be purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C. If a second advance payment prepaid contract is purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the purchaser of the original prepaid contract may receive a refund pursuant to paragraph 19B-11.001(2)~~)-(a)~~, F.A.C. In the event duplicate advance payment contracts for the same beneficiary are processed and the second advance payment prepaid contract was not purchased by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the advance payment contract processed first shall be deemed valid and the remaining advance payment contract shall be deemed terminated.

(3) No change.

(4) The benefits of an advance payment contract may be used within three (3) years in advance of the selected matriculation date indicated in the application with no penalty

or additional cost. However, to utilize the benefits a contract prior to the selected matriculation date, the purchaser must pay the advance payment contract in full before changing such matriculation date.

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

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

1. The purchaser must request in writing that the Board extend the time period for the use of advance payment contract benefits or to obtain a refund for the contract;
2. That the right to use the advance payment contract benefits will expire on December 31, ten (10) years after the matriculation date or any extension thereof; and
3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

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

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

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

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

## STATE BOARD OF ADMINISTRATION

### Florida Prepaid Postsecondary Education Expense Board

RULE NO.: 19B-5.006  
 RULE TITLE: Limitations on Plan Option Changes  
 PURPOSE AND EFFECT: To amend the limitations on plan option changes with updated terminology.  
 SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan payment options and plan options for advance payment contracts.  
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.98 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: October 15, 2007, 2:00 p.m.  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.006 Limitations on Plan Option Changes.

(1) A purchaser of an advance payment contract ~~purchaser~~ must notify the Board of a change to the payment option or plan option delineated on such contract before the end of the official contract change period, such dates to be published in the Florida Administrative Weekly. Except as provided in Rule 19B-11.002, F.A.C., no changes in enrollment or payment options will be allowed after this change period.

(2)(a) Advance payment c~~Contract~~ purchasers may make a lump sum prepayment to fully prepay an installment contract with no prepayment penalty.

(b) Advance payment c~~Contract~~ purchasers may make one (1) or more partial prepayments on an installment contract. For purposes of this ~~R~~rule, a partial prepayment is a payment made on an installment contract which is received by the Board prior to the regularly scheduled time for a payment and which is less than the lump sum amount required to fully prepay the installment contract at the time such payment is received by the Board. An advance payment contract purchaser shall not receive any refund or reduction of the total amount due on an

installment contract, including any amount for implied interest pursuant to subsection 19B-4.003(2), F.A.C., as the result of one (1) or more partial prepayments.

(3) No plan option, including a dormitory, ~~or~~ local fee or tuition differential fee plan, may be added or deleted except during this change period, during an open enrollment period, or by approval of the Board in cases of hardship and pursuant to the special petition procedure outlined in Rule 19B-12.001, F.A.C.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 2-6-90, Formerly 4G-5.006, Amended 6-20-96, 3-20-97, 2-18-99.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-6.001  
 RULE TITLE: Fee Schedule

PURPOSE AND EFFECT: To amend the fee schedule with updated fee provisions and terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's fee schedule and the process of assessing fees.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee –

(a) A fifty dollar (\$50.00) nonrefundable application fee will be collected at the time an application is submitted ~~to~~ for the Board Program.

(b) If the purchaser named on the application for the advance payment contract Program has a Florida College Investment Plan account and the designated beneficiary of that account is the same as beneficiary named on the application for the advanced payment contract, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

(c) If an application for both the advance payment contract Program and the Florida College Investment Plan is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.

(d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

(f) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding tuition differential fee plan to the previously purchased tuition plan.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the tuition plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any tuition plan purchased, unless:

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two (2) years immediately preceding the request for termination and refund.

~~The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.~~

(3) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.

(4) Late Fee.

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this ~~R~~rule. If ~~both~~ the tuition, ~~and~~ local fee and tuition differential fee payments are received twenty (20) or more days past the due date, only the tuition plan account will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days' grace period when a federal holiday occurs within the twenty (20) days mentioned above.



(b) When an advance payment contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the advance payment contract.

(c) When an advance payment contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) Insufficient Funds – Purchasers will automatically be assessed a twenty dollar (\$20.00) fee for all payments returned for insufficient funds.

(6) Outstanding Fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the advance payment contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the advance payment contract benefits.

(7) Reinstatement Fee – A fifty dollar (\$50.00) fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled plan account. This fee shall be due on each tuition, local fee, tuition differential fee and dormitory plan account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account plan current.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-9.001  
 RULE TITLE: Flexibility

PURPOSE AND EFFECT: To amend the flexibility with which advance payment contract beneficiaries may use their benefits, to include the restriction on the new tuition differential fee plan and to update terminology.

SUBJECT AREA TO BE ADDRESSED: The flexibility of the Florida Prepaid College Plan’s advance payment contract benefits.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.001 Flexibility.

The benefits of advance payment contracts are ~~plan~~ is designed to be flexible in order to allow beneficiaries to attend the postsecondary institutions of their choice regardless of the type of plans included in the advance payment contracts purchased.

(1) Plan benefits will be automatically converted upon receipt of a valid postsecondary institution invoice based upon the respective tuition rate at the time of the qualified beneficiaries’ actual matriculation dates. For example, if the community college tuition rate is two-thirds (2/3) of the university rate at the time of matriculation, three community college credit hours will be used to pay for two (2) university credit hours.

(2) A dormitory plan may not be transferred to a community college plan.

(3) A tuition differential fee plan may not be transferred to a community college plan.

~~(4)~~(3) For the purchaser to convert plan benefits and receive a refund, pursuant to Rule 19B-11.002, F.A.C., a written conversion/ refund request must be received from the purchaser no earlier than one (1) year and before April 1 of the year of matriculation of the qualified beneficiary.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98(3) FS. History–New 3-29-89, Amended 3-19-92, Formerly 4G-9.001, Amended 6-20-96, 8-18-97, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-9.002  
 RULE TITLE: Transfer to In-State Independent College or University

PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to in-state independent colleges or universities to include the transfer of the new tuition differential fee and to update terminology.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan’s transfer of advance payment contract benefits to in-state independent colleges or universities.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.002 Transfer to In-State Independent College or University.

In the event the beneficiary matriculates in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of the tuition, ~~and~~ local fee and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local fees, and tuition differential fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Formerly 4G-9.002, Amended 2-6-90, 12-5-93, 6-20-96, 10-20-96, 2-18-99, 10-9-01,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-9.003  
 RULE TITLE: Transfer to Out-of-State Schools  
 PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to out-of-state colleges or universities to include the transfer of the new tuition differential fee and to update terminology.  
 SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's transfer of advance payment contract benefits to out-of-state colleges or universities.  
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.98 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: October 15, 2007, 2:00 p.m.  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.003 Transfer to Out-of-State Schools.

A qualified beneficiary may transfer the benefits of an advance payment contract to an eligible out-of-state community college, college or university. The amount transferred shall not exceed the redemption value of the advance payment contract. For purposes of such transfers of the tuition, ~~and~~ local and tuition differential fee plans, the redemption value shall be the average amount of tuition, ~~and~~ local and tuition differential fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History—New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-3-01, 10-9-01,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: 19B-9.005  
 RULE TITLE: Transfer to In-State Vocational-Technical Schools  
 PURPOSE AND EFFECT: To amend the transfer of advance payment contract benefits to in-state vocational-technical schools to include the transfer of the new tuition differential fee and to update terminology.  
 SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's transfer of advance payment contract benefits to in-state vocational-technical schools.  
 SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.  
 LAW IMPLEMENTED: 1009.98 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: October 15, 2007, 2:00 p.m.  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.005 Transfer to In-State Vocational-Technical Schools.

A qualified beneficiary of the Florida Prepaid College Program may transfer the benefits of an advance payment contract to an applied technology diploma program or a vocational certificate program conducted by a community college listed in Section 1000.21(3), F.S., or an area technical center operated by a district school board. The amount of such benefits that may be transferred shall not exceed the redemption value. For purposes of a transfer to an applied technology diploma program or vocational certificate program conducted by a community college, the redemption value shall be the amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, charged by the community college at the time of matriculation. For purposes of a transfer to an area technical center operated by a district school board, the redemption value shall be the average amount of tuition, ~~and~~ local fees and tuition differential fees, respectively, charged by the state universities or community colleges at the time of matriculation. If the cost of the fees charged by the community college or area technical center is less than the corresponding fees charged by a state postsecondary education institution, the amount transferred shall not exceed the cost of the fees charged by the community college or area technical center. The amount transferred may only cover the number of semester credit hours stipulated in the original advance payment contract.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3) FS. History--New 1-3-01, Amended.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE NO.: RULE TITLE:

19B-11.001 General

PURPOSE AND EFFECT: To permit beneficiaries who attend state educational institutions which do not charge a tuition differential fee to receive a refund at the current redemptive value of the tuition differential fee plan.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan's advance payment contract refund policy and process.

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

LAW IMPLEMENTED: 1009.98 FS.

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

DATE AND TIME: October 15, 2007, 2:00 p.m.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.001 General.

Except as provided herein, refunds shall not exceed the amount paid for any plan included in the advance payment contract bought by the purchaser, except for conversions pursuant to Rule 19B-11.002, F.A.C., and dormitory ~~residence~~ plan refunds due to insufficient housing pursuant to Rule 19B-11.004, F.A.C. Involuntary and voluntary termination pursuant to Rules 19B-10.001 and 19B-10.002, F.A.C., respectively, shall result in a refund to the purchaser after assessment of appropriate fees. Termination of student status after the official drop/add period eliminates the refund option for that semester. ~~However, refunds may exceed the amount paid into the fund in the following circumstances:~~

(1) For participants in the Florida Prepaid College Board Program's advance payment contracts, a scholarship is defined as:

(a) A financial or in-kind award or grant given to an individual for study, training, or research, and which does not constitute compensation for personal services, or

(b) The refund of a tuition differential fee plan of an advance payment contract if the advance payment contract's designated qualified beneficiary does not attend a state educational institution that meets the criteria for Funding Level 1 or Funding Level 2 pursuant to Section 1004.635(3), F.S.

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

~~(a)(1)~~ If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract. Proof of scholarship shall be given to the Board as required by the Master Covenant.

~~(b)(2)~~ In the event of death or total disability of the beneficiary, moneys paid for the purchase of an advance payment contract shall be returned to the purchaser in lump sum in an amount not to exceed the redemption value of the advance payment contract. Proof of death or disability shall be in such form as required by the Board.

(c) If a beneficiary with a tuition differential fee contract attends a state educational institution that does not charge a tuition differential fee, moneys paid for purchase of the tuition

differential fee contract shall be returned to the purchaser in an amount not to exceed the redemption value of the tuition differential fee plan.

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

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-4.091  
RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: To incorporate by reference the delegation agreement between the South Florida Water Management District and Collier County for a portion of the Environmental Resource Permitting Program. The agreement delegates to Collier County the authority to review and issue environmental resource permits in uplands within the designated boundaries of delegation within Collier County. Activities requiring a Joint Coastal Permit, sovereignty submerged lands, mining, electrical distribution lines, natural gas or petroleum distribution lines within the permitting responsibility of the District; mitigation banks, and certain other activities will not be delegated to the County and will remain with the South Florida Water Management District.

SUBJECT AREA TO BE ADDRESSED: The Agreement delegates to Collier County, certain permitting, compliance and enforcement responsibilities within the geographic area of Collier County, under authority in Sections 373.103(8) and 373.441, F.S., associated with implementation of the Environmental Resource Permit (ERP) Program under Part IV, Chapter 373, F.S. This delegation includes responsibilities for the Management and Storage of Surface Waters (MSSW) permit programs under subsection 373.414(11)-(16), F.S. (referred to as surface water management (SWM) permits) and describes the guidance and oversight responsibilities of the District as they relate to the delegated programs. Further, the

Agreement establishes the responsibilities of Collier County regarding maintaining adequate levels of administrative, technical and financial capabilities to implement and enforce the ERP and MSSW programs, and responsibilities for reporting to, and maintaining communication with the District. SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS.

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

DATE AND TIME: October 18, 2007, 10:00 a.m.  
PLACE: Collier County Government, Building B, Human Resources, Human Resources Training Center, 3301 E. Tamami Trail, Naples, FL 34112

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: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Damon Meiers, Deputy Department Director, Environmental Resource Regulation Department, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(1) “Delegation Agreement between the South Florida Water Management District and Collier County (\_\_\_\_\_ (date) \_\_\_\_\_)”.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly

16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-400.315  
 RULE TITLE: No Notice General Permit for Activities in Uplands

PURPOSE AND EFFECT: To delete language containing a partial delegation to Collier County as a new delegation will be addressed through the Delegation Agreement between the South Florida Water Management District and Collier County.

SUBJECT AREA TO BE ADDRESSED: Thresholds and additional conditions within Collier County for no notice general permits for activities in uplands.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

DATE AND TIME: October 18, 2007, 10:00 a.m.  
 PLACE: Collier County Government, Building B Human Resources, Human Resources Training Center, 3301 E. Tamami Trail, Naples, FL 34112

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: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Damon Meiers, Deputy Department Director, Environmental Resource Regulation Department, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.315 No Notice General Permit for Activities in Uplands.

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

~~(e) Thresholds and Additional Conditions Within Collier County:~~

- ~~1. The project must have less than 40 acres total land area.~~
- ~~2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

Specific Authority 373.044, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 4-14-03, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-5.020  
 RULE TITLE: Provider Requirements

PURPOSE AND EFFECT: The purpose of this proposed rule amendment to is to incorporate by reference update January 2008 to the Florida Medicaid Provider General Handbook. The handbook was updated to include the Medicaid Program Integrity policy, procedures, and sampling methodology for Medicaid compliance reviews. The effect of the rule amendment to Rule 59G-5.020, F.A.C., will be to incorporate by reference in rule update January 2008 to the Florida Medicaid Provider General Handbook.

SUBJECT AREA TO BE ADDRESSED: Provider Requirements.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Monday, October 15, 2007, 3:00 p.m.  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)488-9711, girardk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.020 Provider Requirements.

- (1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the

provisions of the Florida Medicaid Provider General Handbook, January 2007, updated July 2007 and January 2008, which is incorporated by reference and available from the fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. A paper copy of the handbook may be obtained by calling Provider Enrollment at (800)377-8216.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03, 1-19-05, 5-24-07,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-9.0045  
 RULE TITLE: Approval of Proctored Telecourses and Interactive Distance Learning Courses

PURPOSE AND EFFECT: The Board proposes to amend the rule regarding continuing education courses and providers to comply with Section 455.2178, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: One and Two Family Dwelling Inspector Certification.

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.609(2),(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-28.0052  
 RULE TITLE: Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Number of Sitzings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

SPECIFIC AUTHORITY: 455.217(1), 473.304, 473.306 FS.

LAW IMPLEMENTED: 455.217(7), 473.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.0032  
 RULE TITLE: Board Approval of CPA Ethics Continuing Education by Providers

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to add that the fee is not refundable if an application for Board approval of CPA Ethics continuing education is withdrawn or denied.

SUBJECT AREA TO BE ADDRESSED: Board Approval of CPA Ethics Continuing Education by Providers.

SPECIFIC AUTHORITY: 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.0032 Board Approval of CPA Ethics Continuing Education by Providers.

(1) through (2) No change.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) through (h) No change.

(i) The fee as established in subsection 61H1-31.001(15), F.A.C. If such application is withdrawn or denied, no portion of the fee will be refundable.

(4) through (6) No change.

Specific Authority 120.55(1)(a)4., 455.213(6), 455.2178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2178, 455.2179, 473.312(1)(a), (c) FS. History—New 6-30-05, Amended 9-24-07, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-37.002	Definitions
67-37.005	Local Housing Assistance Plans
67-37.006	Review of Local Housing Assistance Plans and Amendments
67-37.007	Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.008	Local Housing Assistance Trust Fund
67-37.010	Local Affordable Housing Incentive Strategies
67-37.011	Interlocal Entities

**PURPOSE AND EFFECT:** This Rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the State Housing Initiatives Partnership (SHIP) Program which provides funds to local governments as an incentive to create partnerships to produce and preserve affordable housing. Revisions to the Rule are required to implement technical and clarifying changes. The adoption of these revisions will increase the efficiency and effectiveness of local program service delivery and will provide greater clarification of the program.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshops will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-37, Florida Administrative Code.

**SPECIFIC AUTHORITY:** 420.907 FS.

**LAW IMPLEMENTED:** 420.9071, 420.9072, 420.9073, 420.9075, 420.9076, 420.9078, 420.9079 FS.

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

**DATE AND TIME:** October 16, 2007, 11:00 a.m.

**PLACE:** Tampa Hyatt (downtown location), 211 North Tampa Street, A/K/A/ Two Tampa City Center, Tampa, Florida 33602 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: Darlene Raker at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Robert Dearthuff, SHIP Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE ON FLORIDA HOUSING FINANCE CORPORATION'S WEB SITE:** [www.floridahousing.org](http://www.floridahousing.org).

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NOS.:	RULE TITLES:
69I-72.001	Definitions
69I-72.002	Threshold for Recording Tangible Personal Property for Inventory Purposes
69I-72.003	Recording of Property
69I-72.004	Marking of Property
69I-72.005	Disposition of Property
69I-72.006	Inventory of Property
69I-72.007	Capitalization of Property

**PURPOSE AND EFFECT:** The purpose of the proposed rules is to implement: (1) Section 273.02, F.S., which requires the Chief Financial Officer to adopt rules regarding the requirements for recording of state-owned tangible personal property in the state's financial system and for the periodic review of such property for inventory purposes; and (2) Section 273.055, F.S., which requires custodians to maintain records to identify property items for disposition in accordance with rules issued by the Chief Financial Officer. The Auditor General's Office had been responsible for issuing such rules; however, Chapter 2006-122, Laws of Florida, transferred those responsibilities to the Chief Financial Officer. Chapter 2006-122, Laws of Florida, also created Section 273.025, F.S., which requires the Chief Financial Officer to adopt rules regarding the requirements for the capitalization of property that has been recorded in the state's financial system.

SUBJECT AREA TO BE ADDRESSED: Recording and inventory requirements for state-owned tangible personal property. Capitalization requirements for state-owned tangible personal property.

SPECIFIC AUTHORITY: 273.02, 273.025, 273.055 FS.

LAW IMPLEMENTED: 273.01, 273.02, 273.025, 273.03, 273.04, 273.05, 273.055 FS.

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

DATE AND TIME: October 16, 2007, 2:00 p.m.

PLACE: Room 430, Fletcher Building, Tallahassee, Florida

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: Molly Merry, (850)413-3097 or molly.merry@fldfs.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Molly Merry, Chief, Bureau of Accounting, 200 East Gaines Street, Tallahassee, Florida 32399-0354 (850)413-3097 or molly.merry@fldfs.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69I-72.001 Definitions.

(1) “Capital Asset” means real or personal property that has a cost equal to or greater than an established capitalization threshold and has a useful life extending beyond one year. Capital assets are reported in the statement of net assets in financial reporting.

(2) “Class Code” means a classification number used to commonly identify similar items of property which is established by the State’s Chief Financial Officer in the State’s financial system.

(3) “Control Accounts” means summary accounts designed to control accountability for individual property records. Unlike individual property records which establish accountability for particular items of property, control accounts accumulate the total cost or value of the custodian’s property and through entries to the control accounts documenting acquisitions, transfers and dispositions, provide evidence of the change in that total cost or value over periods of time as well as the total cost or value at any point in time.

(4) “Cost” means acquisition or procurement cost (i.e., invoice price plus freight and installation charges less discounts). In determining cost, the value of property

exchanged by a custodian in satisfaction of a portion of the purchase price of new property shall not be deducted from the full purchase price regardless of any property “traded in” on the new property.

(5) “Custodian” means, without limitation, any elected or appointed State officer, board, commission or authority, or any other entity or agency entitled to lawful custody of property owned by the State.

(6) “Custodian’s Delegate” means a person acting under the supervision of the custodian to whom the custody of property has been delegated by the custodian and from whom the custodian receives custody receipts.

(7) “Depreciated Cost” means acquisition cost less accumulated depreciation.

(8) “Depreciation” is the systematic and rational allocation of the acquisition cost of an asset over the expected useful life of the asset.

(9) “Financial System” means the Florida Accounting Information Resource (FLAIR) or its successor.

(10) “Fiscal Year” means the State’s fiscal year established in Section 215.01, F.S., to begin on the first day of July and to end on the following thirtieth day of June, both dates inclusive, in each and every year; or the fiscal year established by other law applicable to a particular custodian.

(11) “Identification Number” means a unique number assigned and affixed to each item of property to identify it as property held by the custodian and for the purpose of differentiating one item of property from another.

(12) “Property” has the meaning set forth in Section 273.02, F.S.

(13) “Unaccounted for Property” means property held by a custodian subject to the accountability provisions of Rule 69I-72.002, F.A.C., which cannot be physically located by the custodian or custodian’s delegate which property has not been otherwise lawfully disposed of.

(14) “Value” means the worth or fair market value at the date of acquisition for donated property.

Specific Authority 273.02, 273.025 FS. Law Implemented 273.01, 273.02, 273.025, 273.03, 273.04, 273.05, 273.055 FS. History—New \_\_\_\_\_.

69I-72.002 Threshold for Recording Tangible Personal Property for Inventory Purposes.

All tangible personal property with a value or cost of \$1,000 or more and having a projected useful life of one year or more shall be recorded in the state’s financial system as property for inventory purposes. Any hardback book with a value or cost of \$25 or more and having a useful life of one year or more that is circulated to students or the general public, and any hardback book with a value or cost of \$250 or more that is not circulated shall be recorded in the state’s financial system as property for inventory purposes. For the purpose of this rule chapter, “cost” is used if the property is purchased and represents the purchase



price of the property item; “value” is used if the property is donated and represents the fair market value of the property item at the date of donation.

Specific Authority 273.02, 273.025 FS. Law Implemented 273.01, 273.02, 273.025 FS. History–New \_\_\_\_\_.

#### 69I-72.003 Recording of Property.

(1) Maintenance of Property Records – Custodians shall maintain adequate records of property in their custody. The records shall contain at a minimum, the information required by these rules.

(2) Individual Records Required for Each Property Item – Each item of property shall be accounted for in a separate property record. Related individual items which constitute a single functional system may be designated as a property group item. A property group item may be accounted for in one record if the component items are separately identified within the record. Examples of property items subject to group accountability include, but are not limited to: modular furniture, computer components, book sets and similar associations of items. All property group items, the total value or cost which is equal to or greater than \$1,000, shall be inventoried under these rules.

(3) Content of Individual Property Records – Each property record shall include the following information:

(a) Identification number.

(b) Description of item or items.

(c) Physical location (the city, county, address or building name and room number therein).

(d) Name of custodian or custodian’s delegate with assigned responsibility for the item.

(e) Class Code.

(f) In the case of a property group, the number and description of the component items comprising the group.

(g) Name, make or manufacturer, if applicable.

(h) Year and/or model(s), if applicable.

(i) Manufacturer’s serial number(s), if any, and if an automobile, vehicle identification number (VIN) and title certificate number, if applicable.

(j) Date acquired.

(k) Cost or value at the date of acquisition for the item or the identified component parts thereof. When the historical cost of the purchased property is not practicably determinable, the estimated historical cost of the item shall be determined by appropriate methods and recorded. Estimated historical costs shall be so identified in the record and the basis of determination established in the custodian’s public records. The basis of valuation for property items constructed by custodian personnel shall be the costs of material, direct labor and overhead costs identifiable to the project. Donated items, including federal surplus tangible personal property, shall be valued at fair market value at the date of acquisition. Regardless of acquisition method, the cost or value of a

property item shall include ancillary charges necessary to place the asset into its intended location and condition for use. Ancillary charges include expenditures that are directly attributable to asset acquisition and placing the asset in service, such as freight and transportation charges, site preparation costs, and professional fees.

(l) Method of acquisition and, for purchased items, the statewide document (voucher) number obtained from the State’s financial system.

(m) Date the item was last physically inventoried and the condition of the item at that date.

(n) If certified as surplus, the information prescribed in Section 273.05(5), F.S.

(o) If disposed of, the information prescribed in Rule 69I-72.005, F.A.C.

(p) Any other information on the individual property record that the custodian may care to include.

(4) Control Accounts – A custodian-wide control account showing the total cost or value of the custodian’s property shall be maintained. A custodian may keep additional control accounts for property to the extent deemed necessary for different funds and sub-funds. Control totals may not be established by periodically summarizing the costs or values recorded on the individual property records. Rather, entries to control accounts shall be derived from documents evidencing transactions resulting from the acquisition, transfer, or disposition of property items and shall be posted contemporaneously with entries to the individual property records.

(5) Depreciation shall be recorded to meet financial reporting requirements relating to depreciation accounting. However, depreciation shall not be recorded on the individual property records or in control accounts in such a manner as to reduce the recorded acquisition cost or value (i.e., depreciation shall be recorded as an item separate from the acquisition cost).

Specific Authority 273.02, 273.025, 273.055 FS. Law Implemented 273.02, 273.025, 273.04, 273.055 FS. History–New \_\_\_\_\_.

#### 69I-72.004 Marking of Property.

(1) Marking of Property – Each property item shall be permanently marked with the identification number assigned to that item to establish its identity and ownership by the custodian holding title to the item. The marking shall visually display the property identification number of the item and may include an electronic scanning code (“barcode”) to facilitate electronic inventory procedures.

(2) Exemptions for Marking Property – Any item of property whose value or utility would be significantly impaired by the attachment or inscription of the property identification number is exempt from the requirement for physical marking. However, the custodian’s property records shall contain sufficient descriptive data to permit positive identification of such items.

(3) Location of Marking – Items with the same class code shall be marked in a similar manner to facilitate identification. In determining a marking location, careful consideration shall be given to the intended use of the items; the probability that the marking could be obliterated by wear, vandalism or routine maintenance functions; and, the appropriateness of the marking method chosen. Additionally, the location of the marking and the marking method chosen shall not mar the appearance of the item. When utilizing an electronic scanning format system, electronic codes shall be placed on property in the same manner as other markings specified in this section.

Specific Authority 273.02 FS. Law Implemented 273.02 FS. History–New\_\_\_\_\_.

#### 69I-72.005 Disposition of Property.

(1) Methods of Disposition – Property within the meaning of these rules may be lawfully disposed of as provided in Sections 273.04, 273.05 and 273.055, F.S. Property assigned to a custodian or a custodian’s delegate which is not accounted for during regular or special inventories shall be subject to the rules regarding unaccounted for property (See subsection 69I-72.006(7), F.A.C.).

(2) Required Information – The following information shall be recorded on the individual property record for each item lawfully disposed of pursuant to Section 273.04, 273.05 or 273.055, F.S.:

(a) Date of disposition.

(b) Authority of disposition (custodian certification as surplus property, agency resolution, etc., as appropriate).

(c) Manner of disposition (sold, donated, transferred, cannibalized, scrapped, destroyed, traded).

(d) Identity of the employee(s) witnessing the disposition, if cannibalized, scrapped or destroyed.

(e) For items disposed of, a notation identifying any related transactions (such as receipt for sale of the item, insurance recovery, trade-in).

(f) For property certified as surplus, reference to documentation evidencing that such property was disposed of in the manner prescribed by Section 273.055(3), F.S.

(3) Transfer of Property Records – The individual property record for each item lawfully disposed of as described in this rule shall be, upon disposition of the item, transferred to a disposed property file. Destruction of such records shall be governed by the provisions of Chapter 119, F.S.

(4) Control Account – The cost or value of items lawfully disposed of shall be removed from the control account at the time of disposition.

Specific Authority 273.02, 273.025, 273.055 FS. Law Implemented 273.02, 273.025, 273.04, 273.05, 273.055 FS. History–New\_\_\_\_\_.

#### 69I-72.006 Inventory of Property.

(1) Physical Inventory Required – Each custodian shall ensure that a complete physical inventory of all property is taken at least once each fiscal year. Each custodian shall ensure that a complete physical inventory of all property under the control of the custodian or custodian’s delegate is taken whenever there is a change of custodian or custodian’s delegate.

(2) Inventory Forms – The form used to record the physical inventory shall be at the discretion of the custodian. However, the form shall display, at a minimum, for each property item the following information:

(a) Date of the current inventory.

(b) Name and signature of the person who conducted the current inventory.

(c) Identification number.

(d) Existence of item (or indication that the item was not located).

(e) Description of the item or items.

(f) Present condition of the item or items.

(g) Physical location (the city, county, address or building name and room number therein).

(h) The name of the custodian or the custodian's delegate with assigned responsibility for the item.

(i) State standard class code.

(j) In the case of a property group, the number and description of the component items comprising the group.

(k) Name, make or manufacturer, if applicable.

(l) Year and/or model(s), if applicable.

(m) Manufacturer’s serial number(s), if any, and if an automobile, vehicle identification number (VIN) and title certificate number, if applicable.

(n) Date acquired.

(3) Unrecorded Property – Any property item found during the conduct of an inventory which meets the requirements for accounting and control as defined in Rule 69I-72.002, F.A.C., and which item is not included on the inventory forms described above, shall have an inventory form created for the item when located. After appropriate investigation to establish the ownership of the item, it shall be added to the custodian's property records or, if ownership cannot be reasonably established, the item may be disposed of as surplus property pursuant to Section 273.05, F.S.

(4) Custodian’s Delegate Shall Not Inventory Certain Items – The custodian's delegate shall not personally inventory items for which they are responsible.

(5) Property Assigned to Other Custodians – In some instances, it may not be cost effective to make a physical inventory of property that has been temporarily assigned to another custodian at an off-site location. In such instances, the

custodian's delegate may, in lieu of a physical inventory, obtain a certified statement from the other custodian's delegate attesting to the existence and condition of the property.

(6) Reconciliation of Inventory to Property Records – Upon completion of a physical inventory:

(a) The data listed on the inventory forms shall be compared with the individual property records. Noted differences such as location, condition, and custodian's delegate shall be investigated and corrected as appropriate or, alternatively, the item shall be relocated to its assigned location and custodian or custodian's delegate shown in the individual property record.

(b) Items not located during the inventory process shall be promptly reported to the custodian or the custodian's designee (who shall be an individual other than the custodian's delegate responsible for the unaccounted for property) and the custodian shall cause a thorough investigation to be made. If the investigation determines that the item was stolen, the individual property record shall be so noted and a report filed with the appropriate law enforcement agency describing the missing item and the circumstances surrounding its disappearance.

(7) Unaccounted for Property – For items identified as unaccounted for, recording the items as dispositions or otherwise removing the items from the property records shall be subject to approval of the State's Chief Financial Officer as provided in Section 17.04, F.S., and Rule 69I-21.002, F.A.C.

Specific Authority 273.02 FS. Law Implemented 273.02 FS. History–New \_\_\_\_\_.

69I-72.007 Capitalization of Property.

For statewide financial reporting purposes, all tangible personal property with a value or cost of \$1,000 or more and having a projected useful life of one year or more must be capitalized. Any hardback book with a value or cost of \$25 or more and having a useful life of one year or more that is circulated to students or the general public, and any hardback book with a value or cost of \$250 or more that is not circulated must be capitalized.

Specific Authority 273.025 FS. Law Implemented 273.025 FS. History–New \_\_\_\_\_.

Section II  
Proposed Rules

**DEPARTMENT OF TRANSPORTATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
14-28.0011	Definitions
14-28.0012	Forms
14-28.002	Public Use of Rest Areas and Welcome Centers
14-28.003	Procedures for Use of Rest Areas and Wayside Parks for Non-Profit Organizations to Assemble for Safety Purposes
14-28.005	Solicitation Within Rest Areas and Welcome Centers
14-28.006	Notification
14-28.007	Solicitation Restrictions
14-28.008	Suspension or Revocation of a Solicitation Permit

**PURPOSE AND EFFECT:** This rule chapter is being amended and restructured, including repealing six of the existing rules. The repeal of rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The remaining two rules are simplified. The rule chapter title also is amended.

**SUMMARY:** Six of the existing rules are being repealed and the remaining two rules are simplified. The rule chapter title also is amended.

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

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

**SPECIFIC AUTHORITY:** 334.044(2), 337.405, 337.406, 496.425 FS.

**LAW IMPLEMENTED:** 316.130, 334.044(13), (28), 335.02(1), 337.405, 337.406, 496.425 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

**THE FULL TEXT OF THE PROPOSED RULES IS:**