

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.024
 RULE TITLE: School Entry Health Examination
 PURPOSE AND EFFECT: The purpose of this rule development is to implement the requirements of Sections 1001.02(1), 1003.22(1), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: School entry health exam requirement.

SPECIFIC AUTHORITY: 1001.02(1), 1003.22(1) FS.

LAW IMPLEMENTED: 1001.02(1), 1003.22(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.024 School Entry Health Examination.

This rule implements the school entry health examination required by Section 1003.22, Florida Statutes.

(1) Any health professional who is licensed in Florida or in the state where the student resided at the time of the health examination and who is authorized to perform a general health examination under such licensure shall be acceptable to certify that health examinations have been completed.

(2) Certification that a health examination has been completed may be documented on the State of Florida, Department of Health and Rehabilitative Services, ~~HRS-DH~~ Form 3040, "School Entry Health Student Physical Examination," which is incorporated by reference in this rule, or a signed statement by authorized professionals that indicates the results of the components included in the health examination. ~~HRS-DH~~ Form 3040 may be obtained from the local county health departments ~~ASCAGJ Warehouse, 5107 University Boulevard, West, Jacksonville, Florida 32216.~~

(3) Transfer of all student health records shall be in accordance with paragraphs 6A-1.0955(7)(a), (b), F.A.C.

Specific Authority 1001.02(1), 1003.22(1) FS. Law Implemented 1003.22 FS. History--New 7-1-81, Amended 12-6-84, Formerly 6A-6.24, Amended _____.

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

| RULE NOS.: | RULE TITLES: |
|------------|------------------------------------------------------------------------------------------------------------------|
| 11D-8.002 | Definitions |
| 11D-8.003 | Approval of Breath Test Methods and Instruments |
| 11D-8.0035 | Approval of Alcohol Reference Solution and Sources |
| 11D-8.0036 | Approval of Dry Gas Standards Source |
| 11D-8.004 | Department Inspection and Registration of Breath Test Instruments |
| 11D-8.006 | Agency Inspection of Breath Test Instruments |
| 11D-8.007 | Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures |
| 11D-8.0075 | Agency Retention of Records |
| 11D-8.008 | Breath Test Operator and Agency Inspector |
| 11D-8.010 | Qualifications for Instructors |
| 11D-8.011 | Approval of Blood Alcohol Test Methods |
| 11D-8.012 | Blood Samples – Labeling and Collection |
| 11D-8.013 | Blood Alcohol Permit – Analyst |
| 11D-8.014 | Blood Alcohol Permit – Analyst: Renewal |
| 11D-8.015 | Denial, Revocation, and Suspension of Permits |
| 11D-8.017 | Forms |

PURPOSE AND EFFECT: To conform and comply with new developments in the field of alcohol testing and with the needs of those affected by these rules.

SUBJECT AREA TO BE ADDRESSED: The Department’s rules chapter concerning regulation and implementation of Florida’s implied consent and alcohol testing program. The program rules govern definitions of terminology; issuance and regulation of alcohol test permits; approval and evaluation of breath and blood alcohol test methods; approval, use and inspection of breath test instruments and records; collection and preservation of blood samples for alcohol testing; training requirements and qualifications for alcohol test permit holders.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

DATE AND TIME: Tuesday, July 15, 2008, 10:00 a.m.

PLACE: Florida Department of Law Enforcement, 2729 Ft. Knox Boulevard, Building 2, Suite 1200, Conference Room, 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: Sharon S. Traxler at (850)617-1290. 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: Sharon S. Traxler, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Tel. (850)617-1290

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

| | |
|-----------|-------------------------------------------------------------------------|
| RULE NO.: | RULE TITLE: |
| 12B-8.006 | State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount |

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-8.006, F.A.C. (State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount), is to: (1) update the percentages used to determine the premium applicable to the peril of fire for the state fire marshal regulatory assessment; and (2) provide technical changes to correct the title of the "Crop Hail" premium to "Multiple Peril Crop," as currently named by the National Association of Insurance Commissioners.

SUBJECT AREA TO BE ADDRESSED: The subject of the rule development workshop is the new percentages that will be used to compute the state fire marshal regulatory assessment and surcharge, starting with the 2008 insurance premium tax return (Form DR-908).

SPECIFIC AUTHORITY: 213.06(1) FS.

LAW IMPLEMENTED: 213.05, 624.509, 624.510, 624.511, 624.515, 624.516 FS.

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

DATE AND TIME: July 15, 2008, 2:00 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-8.006 State Fire Marshal Regulatory Assessment and Surcharge; Levy and Amount.

(1) through (2) No change.

(3) For purposes of the regulatory assessment, every insurer issuing policies of insurance covering the peril of fire on properties located in this State shall determine the gross amount of premium applicable to the peril of fire by multiplying the premium amounts reported on the "Exhibit of Premiums and Losses," Annual Statement, as follows:

(a) Fire, Line 1 – ninety-~~three~~ percent (93 ~~90~~%).

(b) Allied Lines, Line 2, 1 – five percent (5%).

(c) Multiple Peril Crop ~~Crop Hail~~, line 2.2 – zero percent (0%).

(d) Farmowners multiple peril, Line 3 – fifteen ~~twenty~~ percent (15 ~~20~~%).

(e) Homeowners multiple peril, Line 4 – twenty-five ~~thirty~~ percent (25 ~~30~~%).

(f) Commercial multiple peril, Lines 5.1 and 5.2 – fifteen ~~twenty~~ percent (15 ~~20~~%).

(g) Ocean Marine, Line 8 – ten ~~twelve~~ percent (10 ~~12~~%).

(h) Inland Marine, Line 9 – twelve ~~fifteen~~ percent (12 ~~15~~%).

(i) through (k) No change.

(4) No change.

Specific Authority 213.06(1) FS. Law Implemented 213.05, 624.509, 624.510, 624.511, 624.515, 624.516 FS. History—New 2-3-80, Formerly 12B-8.06, Amended 4-10-91, 2-18-93, 12-9-97, 7-31-03, _____.

DEPARTMENT OF TRANSPORTATION

| | |
|-------------------|---------------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 14-10.004 | Permits |
| 14-10.0043 | Outdoor Advertising License and Permit Fees |

PURPOSE AND EFFECT: Rule 14-10.0043, F.A.C., is amended to increase the annual fee from \$44.00 to \$62.00 for each sign facing 200 square feet or less and from \$64.00 to \$82.00 for each sign facing more than 200 square feet. The pro rata fees for partial year renewals also are revised based upon the full year annual fees. The application form also is being amended.

SUBJECT AREA TO BE ADDRESSED: Rule 14-10.0043, F.A.C., is being amended to increase annual permit fees and Rule 14-10.004, F.A.C., is being amended to incorporate a revised permit application form.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 339.05, 479.02, 479.07(9) 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: July 18, 2008, 9:00 a.m.

PLACE: Department of Transportation, Suwannee Room (Room 250), 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of (c), above, when a valid permit is being conditionally canceled pursuant to Rule subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in Rule

subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(g) through (2)(d) No change.

(3) Notwithstanding any other provisions of this rule chapter, an outdoor advertising sign existing at a location which previously was not subject to the permitting requirements of this chapter, but which has become subject to the requirements of this chapter due to changes in the jurisdictional designation of highways, shall be granted a state permit in accordance with the process outlined below:

(a) through (c) No change.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 07/01, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 06/08 ~~10/06~~, together with all items required by Section 479.07(3)(b), F.S. For existing signs, the written statement required by Section 479.07(3)(b), F.S., shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) through (12)(b) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History—(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05, 12-31-06,_____.

14-10.0043 Outdoor Advertising License and Permit Fees.

(1) The annual fee for an Outdoor Advertising License is \$300.00. Licenses expire on January 15 of each year.

(2) The annual permit fee for each sign facing is \$62.00 ~~\$44.00~~ for 200 square feet or less, and \$82.00 ~~\$64.00~~ for more than 200 square feet. A permittee shall notify the Department in writing prior to making any changes in the dimensions of a conforming sign which would increase the area of the sign facing to over 200 square feet, and shall submit an additional \$20.00.

(3) Permit fees for the year in which application is made may be prorated by paying one-fourth of the annual fee for each whole or partial quarter remaining in that year. Applications received after September 30 must include fees for

the last quarter plus fees for the following year. The fee schedule is based on the date the application is received by the Department as follows:

(a) January 16 through April 15: ~~\$62.00~~ ~~\$44.00~~ for each sign facing of 200 square feet or less; ~~\$82.00~~ ~~\$64.00~~ for each facing greater than 200 square feet;

(b) April 16 through July 15: ~~\$46.50~~ ~~\$33.00~~ for each sign facing of 200 square feet or less; ~~\$61.50~~ ~~\$48.00~~ for each facing greater than 200 square feet;

(c) July 16 through September 30: ~~\$33.00~~ ~~\$22.00~~ for each sign facing of 200 square feet or less; ~~\$41.00~~ ~~\$32.00~~ for each facing greater than 200 square feet;

(d) October 1 through January 15: ~~\$77.50~~ ~~\$55.00~~ for each sign facing of 200 square feet or less; ~~\$102.50~~ ~~\$80.00~~ for each facing greater than 200 square feet.

(4) All payment instruments must be made out to the Department of Transportation. Payment of fees may be made by cash, postal money order, bank draft, cashier's check, or a personal or business check. In the event a payment document is not honored for any reason by the bank on which it is drawn, a service fee of \$15.00 or five percent of the amount payable, whichever is greater will be assessed. If an individual or company issues two checks to the Department which are not honored, no further personal or business checks will be accepted regardless of whether restitution has been made on previous checks.

Specific Authority 334.044(2), 479.02(7), 479.07(3)(c) FS. Law Implemented 215.34, 479.04, 479.07 FS. History—New 1-25-04, Amended _____.

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

| RULE NOS.: | RULE TITLES: |
|------------|-----------------------------------------------------------------------|
| 19-11.002 | Beneficiary Designation for FRS Investment Plan |
| 19-11.004 | Excessive Trading in the FRS Investment Plan |
| 19-11.006 | Enrollment Procedures for New Hires |
| 19-11.007 | Second Election Enrollment Procedures for the FRS Retirement Programs |
| 19-11.008 | Forfeitures |
| 19-11.009 | Reemployment with an FRS-covered Employer after Retirement |

PURPOSE AND EFFECT: To amend existing rules to provide updated procedures for the FRS Investment Plan.

SUBJECT AREA TO BE ADDRESSED: The subject areas are: beneficiary designations; excessive trading policy; procedures for new hires; procedures for second election; procedures for forfeitures; and procedures for re-employment with an FRS employer after retirement.

SPECIFIC AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 121.021(29),(39), 121.051, 121.055, 121.35, 121.091(5), (8), (9)(b), (c), 121.4501(2), (3), (4), (5), (6), (8), (13), (14), (15), (20), 121.591(1)(a)4., (3), 121.73, 121.74, 121.78, 215.44(8)(b), 744.301, 1012.875(3) FS.

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

DATE AND TIME: July 14, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

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 hours before the workshop/meeting by contacting: Cindy Morea, Office of Defined Contribution Programs, State Board of Administration, 1801 Hermitage Blvd.Suite 100, Tallahassee, Florida 32308; tel: (850)413-1491; or cindy.morea@sbafla.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, IF AVAILABLE, IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308; tel. (850)413-1199; cindy.gokel@sbafla.com

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602
 RULE TITLE: Community Release Programs
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-118C, Personalized Program Progress Review, to allow for monthly rather than biweekly progress reviews.
 SUBJECT AREA TO BE ADDRESSED: Personalized program progress review for community release programs.
 SPECIFIC AUTHORITY: 945.091, 946.002 FS.
 LAW IMPLEMENTED: 945.091, 946.002 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

- (1) No change.
- (2) Inmate Conduct While on Community Release.
 - (a) through (c) No change.

(d) The work release center classification officer or contract facility counselor shall complete a Personalized Program Plan for Work Release Centers, Form DC6-118A, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification officer and the correctional officer major or the facility counselor and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (16) of this rule. The inmate’s progress towards achieving the goals of the personalized program plan shall be reviewed ~~monthly bi-weekly~~ with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan ~~Biweekly~~ Progress Review or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed on form WRIMS and given to the inmate. Form DC6-118C is incorporated by reference in subsection (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

- (e) No change.
- (3) through (15) No change.

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

- (a) through (f) No change.
- (g) DC6-118C, Personalized Program Plan ~~Biweekly~~ Progress Review, effective _____ 2-7-05.
- (h) through (j) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08,_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-1.901
 RULE TITLE: General

PURPOSE AND EFFECT: The purpose of the rule development is to revise and simplify forms 40B-1.901(10) and (12), F.A.C., which are respectively Notice of Intent to Construct a Minor Surface Water Management System pursuant to subsection 40B-4.2010(1) or paragraph (2)(a), F.A.C., and Petition for a Formal Wetland and Surface Water Determination. The effect of the rule development will provide for a better understanding of the forms by the public and staff.

SUBJECT AREA TO BE ADDRESSED: This proposed rule development will revise and simplify these forms incorporated by reference, thereby allowing for better understanding by the public and staff.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.: 40E-2.051, 40E-2.061, 40E-2.091
 RULE TITLES: Exemptions, No-Notice General Permit by Rule, Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendments will: 1) eliminate exemptions for water used at single family dwellings or duplexes for home lawn and ornamental irrigation, car washing, and other incidental uses; 2) institute provisions for a general permit by rule for outdoor residential consumptive use of water; and 3) amend water conservation requirements consistent with ongoing rule amendments for mandatory year-round landscape irrigation measures.

SUBJECT AREA TO BE ADDRESSED: Exemptions for water used at single family dwellings or duplexes for home lawn and ornamental irrigation, car washing, and other incidental uses and No-Notice General Permit by Rule.

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

LAW IMPLEMENTED: 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 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: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-2.051 Exemptions.

(1) through (2) No change.

~~(3) Water used at a single family dwelling or duplex including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from one withdrawal facility for each single family dwelling or duplex.~~

Specific Authority 373.044, 373.113, 373.171, FS. Law Implemented 373.219 FS. History–New 9-3-81, Formerly 16K-2.025, Amended 2-24-85, 4-20-94,_____.

40E-2.061 No-Notice General Permit by Rule.

(1) The Board hereby grants a general water use permit by rule to each person within the District to use, withdraw, or divert water at a single family dwelling including but not limited to home lawn and ornamental irrigation, car washing, and other incidental uses provided that water is obtained from one withdrawal facility for each single family dwelling or duplex.

(2) The filing of an application for a permit under this rule is not required.

(3) Persons using or proposing to use water in a manner not authorized under this section must obtain a permit pursuant to Chapters 40E-2 and 40E-20, F.A.C.

(4) Permits issued pursuant to this rule shall comply with Rules 40E-21, 40E-24, F.A.C.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.219, 373.223 FS. History–New _____.

40E-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~February 13, 2008~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.109, 373.196, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239, 373.250 FS. History–New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, 9-10-01, 12-19-01, 8-1-02, 6-9-03, 8-31-03, 4-23-07, 9-13-07, 2-13-08,_____.

“Basis of Review for Water Use Permit Applications Within the South Florida Water Management District” Section 2.6.1(A)

All public water supply utilities applying for an individual permit are required to develop and implement a water conservation plan. The water conservation elements of each plan need to be identified as part of the application. A timetable outlining the implementation schedule of each of the required water conservation elements will be required to be submitted or shown to already exist prior to issuance or renewal of a public water supply water use permit. The conservation plan shall be prepared and implemented for the service area incorporating, at a minimum, the following mandatory components. For those components which require ordinance adoption, such ordinance should incorporate the entire boundary of the enacting jurisdiction. The Permittee shall provide a copy of the ordinances for each of the mandatory elements for which ordinances are adopted. The mandatory water conservation elements are as follows:

A. ~~The limitation of all lawn and ornamental irrigation to the hours and days specified in Rule 40E-24.201, F.A.C., at a minimum, of 4:00 p.m. to 10:00 a.m. The permit Applicant or enacting local government may adopt an ordinance which includes exemptions from the irrigation hour restrictions for the following circumstances, irrigation systems and/or users:~~

- ~~1. Irrigation using a micro-irrigation system;~~
- ~~2. Reclaimed water end-users;~~
- ~~3. Preparation for or irrigation of new landscape;~~
- ~~4. Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides when required by law, recommended by the manufacturer, or constituting best management practices;~~
- ~~5. Maintenance and repair of irrigation systems;~~
- ~~6. Irrigation using low volume hand watering, including watering by one hose attended by one person, fitted with a self-canceling or automatic shutoff nozzle or both or~~
- ~~7. Users irrigating with 75% or more water recovered or derived from an aquifer storage and recovery system.~~

B. through I. No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-20.091
 RULE TITLE: Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendments will: 1) eliminate exemptions for water used at single family dwellings or duplexes for home lawn and ornamental irrigation, car washing, and other incidental uses; 2) institute provisions for a general permit by rule for outdoor residential consumptive use of water; and 3) amend water conservation requirements consistent with ongoing rule amendments for mandatory year-round landscape irrigation measures.

SUBJECT AREA TO BE ADDRESSED: Exemptions for water used at single family dwellings or duplexes for home lawn and ornamental irrigation, car washing, and other incidental uses and No-Notice General Permit by Rule.

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

LAW IMPLEMENTED: 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 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: Jesus Rodriguez, Lead Water Conservation Officer, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 6060 or (561)682-6060, email: jerodrig@sfwmd.gov. For procedural issues contact Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-20.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~February 13, 2008~~”, is hereby published by reference and incorporated into this chapter. A current version of this document is available upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.223, 373.229 FS. History–New 8-14-02, Amended 8-31-03, 4-23-07, 9-13-07, 2-13-08, _____.

(For proposed amendments to the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District”, see Rule 40E-2.091, F.A.C.)

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective July 1, 2008. The proposed rule is in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 236 and House Bill 5085, Section 5 which amended Section 408.908(23), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED:

1. The Agency shall implement a recurring methodology in the Title XIX Nursing Home Reimbursement Plan to reduce nursing home rates to achieve a \$163,664,945 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.
2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.
3. Removal of obsolete plan language as requested by the Centers for Medicare and Medicaid Services (CMS).
4. Clarification of interim rate issues.

SPECIFIC AUTHORITY: 409.909 FS.

LAW IMPLEMENTED: 409.908 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: July 24, 2008, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at stephene@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.020
RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2008, in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriations 206, 207, 238, and 239 and House Bill 5085, Section 5, which amended Section 409.908(23), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED:

1. The Agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve a \$154,333,435 rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.
2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.
3. Any hospital will be exempt from the inpatient targets and ceilings if that hospital was identified by the Agency for Health Care Administration as qualifying for the exemption pursuant to Section 409.905(5)(c), Florida Statutes in fiscal year 2007-08 and did not receive funding in the final General Appropriations Act for Fiscal Year 2007-08. Any hospital that was exempt under Section 409.905(5)(c), Florida Statutes, in state fiscal year 2007-08 is not eligible to receive funds under this provision.
4. Hospitals will be exempt from the inpatient reimbursement ceilings whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equals or exceeds 11 percent. The Agency shall use the average of the 2002, 2003, and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available. For those hospitals qualifying using audited DSH data received between January 30, 2008, and March 1, 2008, and who were excluded from the LIP Council recommendations may be exempt from the inpatient ceilings.

5. The inpatient reimbursement ceilings will be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

6. The inpatient hospital reimbursement ceilings will be eliminated for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2008, and any hospitals that become a designated or provisional trauma center during state fiscal year 2008-2009. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 12, Chapter 2007-326, Laws of Florida. The Agency shall use the average of the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003, and 2004 that are available.

7. The inpatient reimbursement ceilings will be eliminated for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Included in these funds are the annualized amounts to offset the reductions taken against hospitals defined in Section 408.07(45), Florida Statutes, that are not certified trauma centers, as identified in Section 12, Chapter 2007-326, Laws of Florida.

8. A buy back provision will be applied to the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for the following three categories of hospitals. Of these funds, \$34,484,976 is provided to the first category of hospitals, which are those hospitals that are part of a system that operates a provider service network in the following manner: \$20,000,000 is for Jackson Memorial Hospital; \$3,968,662 is for hospitals in Broward Health; \$2,376,638 is for hospitals in the Memorial Healthcare System; and \$3,428,386 is for Shands Jacksonville and \$4,711,290 is for Shands Gainesville. In the event the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, the excess funds will be used to buy back other Medicaid reductions in the inpatient rate. Of the above funds, \$18,125,729 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment,

then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. Of the above funds, \$3,420,570 shall be used for the third category to buy back the additional Medicaid trend adjustment that is being applied to rural hospitals under Specific Appropriation 206 for fiscal year 2008-2009. In the event the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. For this provision the Agency shall use the 2002, 2003, and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003, and 2004 that are available.

9. A buy back provision for public hospitals, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have 70 or more full-time equivalent resident physicians and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The Agency shall use the average of 2002, 2003, and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

10. \$148,382,079 is provided for disproportionate share payments to public hospitals.

11. \$58,231,172 is provided for disproportionate share payments to defined statutory teaching hospitals; prior to the distribution of these funds to the statutorily defined teaching hospitals, \$6,487,220 shall be allocated to Shands Jacksonville Hospital, \$2,660,440 shall be distributed to Tampa General Hospital, and \$1,083,512 shall be distributed to Shands Teaching Hospital.

12. \$12,000,000 is provided for disproportionate share payments to family practice teaching hospitals.

13. \$62,290,337 is provided for disproportionate share payments to mental health programs.

14. 2,444,444 is provided for specialty disproportionate share programs.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 24, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-6.030

RULE TITLE:

Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2008, in accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 211 and House Bill 5085, Section 5, which amended Section 409.908(23), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED:

1. As a result of implementing a reduction in outpatient hospital reimbursement rates, the Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve a \$36,403,451 rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.

3. Outpatient reimbursement ceilings for hospitals will be eliminated for those hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. The Agency shall use the average of the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003, and 2004 that are available.

4. Outpatient reimbursement ceilings will be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

5. Outpatient hospital reimbursement ceilings will be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2008, or become a designated or provisional trauma center during Fiscal Year 2008-2009.

Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 13, Chapter 2007-326, Laws of Florida. The Agency shall use the average of the 2002, 2003, and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

6. A buy back provision for the Medicaid trend adjustment will be applied against the Medicaid outpatient rates for the following three categories of hospitals. Of these funds \$3,515,024 is provided to the first category of hospitals, which are those hospitals that are part of a system that operate a provider service network in the following manner: \$831,338 is for hospitals in Broward Health; \$823,362 is for hospitals in the Memorial Healthcare System; and \$601,863 to Shands Jacksonville and \$1,258,461 to Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, the excess funds will be used to buy back other Medicaid reductions in the outpatient rate. Of the above funds, \$5,203,232 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, the excess funds will be used to buy back other Medicaid reductions in the inpatient rate. Of the above funds, \$2,170,197 shall be used for the third category to buy back the additional Medicaid trend adjustment that is being applied to rural hospitals under Specific Appropriation 211 for Fiscal Year 2008-2009. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buyback other Medicaid reductions in the outpatient rate for those individual hospitals. For this provision the Agency shall use the average of 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

7. A buy back provision will be applied for teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have 70 or more full-time equivalent resident physicians and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The Agency shall use the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 24, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, Florida 32308, (850)414-2759 or stephense@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-6.090

RULE TITLE:
Payment Methodology for County Health Departments

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan (the Plan) effective July 1, 2008. In accordance with House Bill 5001, 2008-09 General Appropriations Act, Specific Appropriation 229, and House Bill 5085, Section 5, which amended Section 409.908(23), Florida Statutes, the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan will be amended.

SUBJECT AREA TO BE ADDRESSED:

1. As a result of modifying the reimbursement for county health department rates, the Agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve a \$7,426,780 recurring rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit

cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009. Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 24, 2008, 11:00 a.m. – 12:00 Noon

PLACE: 2727 Mahan Drive, Conference Room D, Building 3, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, Florida 32308, (850)414-2756 or at stephene@ahca.myflorida.com

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement – Local Retirement

| | |
|------------|-------------------------------------------------------------|
| RULE NOS.: | RULE TITLES: |
| 60T-1.001 | Scope and Purpose |
| 60T-1.002 | Definitions |
| 60T-1.003 | Actuarial Reports |
| 60T-1.004 | Actuarial Impact Statements |
| 60T-1.005 | Review of Actuarial Reports and Actuarial Impact Statements |
| 60T-1.006 | Defined Contribution Plans |
| 60T-1.007 | Funding |
| 60T-1.008 | Additional Benefits Funded by Experience |
| 60T-1.009 | Additional Filing Requirements |

PURPOSE AND EFFECT: Amend this chapter which sets forth the rules under which municipal and special district units of government are to provide information on their retirement systems plans to the Department of Management Services, Division of Retirement, (Bureau of Program Services) pursuant to Part VII of Chapter 112, Florida Statutes (F.S.). The provisions of this chapter is applicable to all counties, municipal governments, and special districts (or agencies and

instrumentalities thereof), which state universities, community colleges and district schools that operate or administer a retirement system or plan for public employees funded in whole or in part by public funds.

SUBJECT AREA TO BE ADDRESSED: The participation of local governments in the Florida State Retirement System, as provided in Part VII, Chapter 112, Florida Statutes.

SPECIFIC AUTHORITY: 112.665(1) FS.

LAW IMPLEMENTED: 112.661(9), 112.61, 112.625, 112.63, 112.665, 112.64, 112.661(9) 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: July 14, 2008, 9:00 a.m.

PLACE: Department of Management Services, Director’s Conference Room Suite 208, 1317 Winewood Blvd., Building 8, Tallahassee, Florida 32399-1560, (850)488-5706

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 at (850)488-5706, or Toll Free (877)377-1737. If you are hearing or speech impaired, please contact the agency by calling (800)877-1113. 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: 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60T-1.001 Scope and Purpose.

(1) This chapter sets forth the rules under which municipal and special district units of government are to provide information on their retirement plans systems to the Department of Management Services, Division of Retirement, (~~Bureau of Program Services~~) pursuant to Part VII of Chapter 112, ~~F.S. Florida Statutes~~. The provisions of this chapter shall be applicable to all counties, municipal governments, ~~and~~ special districts (or agencies and instrumentalities thereof), state universities, community colleges and district schools that ~~which~~ operate or administer a retirement ~~system or~~ plan for public employees funded in whole or in part by public funds. This chapter shall not apply to counties, municipalities, special districts, state universities, community colleges, or district schools ~~or~~ with respect to any of their employees which

participate as a covered group in the Florida Retirement System, except that this chapter shall apply to any defined benefit promise that may be offered by any Florida Retirement System participating agency which promise is not otherwise provided by the Florida Retirement System. This chapter shall apply to counties, municipalities, state universities, community colleges, or district schools with respect to any of their employees for whom early retirement annuities are provided pursuant to Section 121.182, 1001.64(21), 1001.74(19), 1012.685, or 1012.87, F.S.

(1) The objectives of this chapter are to ~~enhance and further~~ clarify the intent of Part VII, of Chapter 112, F.S. Florida Statutes, so that governmental retirement plans are systems may be managed, administered, operated, and funded in such manner as to maximize the protection of public employee retirement benefits. Inherent in this intent is the recognition that the pension liabilities attributable to the benefits promised public employees be fairly, orderly, and equitably funded by the current, as well as future, taxpayers. Accordingly, except as herein provided, it is the intent of these rules to prohibit the use of any procedure, methodology, or assumptions, the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably be expected to be paid by the current taxpayers.

Specific Authority 112.665(1) FS. Law Implemented 112.61 FS. History—New 5-6-81, Amended 9-19-83, Formerly 22D-1.01, Amended 11-14-91, Formerly 22D-1.001, Amended _____.

60T-1.002 Definitions.

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

(1) “Actuarial Accrued Liability” means the portion of the actuarial present value of the projected benefits (and expenses, if applicable), as determined under a particular actuarial cost method, which is not provided for by future normal costs.

(2) “Actuarial Asset Value” or “Statement Value” means the value of assets in accordance with Section 112.625(7)(l), F.S. Assets for which a fair market value is not provided shall be excluded from the assets used in the determination of the annual funding cost.

(3) “Actuarial Experience” means the difference (i.e., “gain” or “loss”) between expected and actual actuarial liabilities in successive actuarial valuations, excluding the differences attributable to changes in benefits, assumptions and actuarial methodologies (e.g., valuation, cost-funding, asset valuation and other “mechanical” determinations).

(4)(4) “Actuarial Impact Statement” means a statement setting forth the actuarial liabilities and contribution requirements of a proposed change in the provisions of a local

retirement plan system certified by an enrolled actuary. The statement may be or prepared by an enrolled actuary, the plan administrator, or the plan sponsor.

(5)(2) “Actuarial Report” means a report prepared and certified by an enrolled actuary based on an actuarial evaluation of a local retirement system or plan.

(6) “Applicable Mortality Table” means a table of mortality rates that produces liability and cost funding results not less than the liability and cost-funding results that would be produced by use of the following tables:

(a) For healthy active and retired members, and beneficiaries: the sex-distinct rates for healthy lives used by the Pension Benefit Guaranty Corporation pursuant to ERISA Section 4044 for 2008 valuation dates. (UP’94 projection AA to 2018.)

(b) For disabled members: the table in paragraph (a) set forward 3 years.

(c) The referenced tables in paragraphs (a) and (b) may be used on a static basis.

(7)(3) “Benefit Increase” means a change or amendment in the retirement plan design or benefit structure that which results in increased benefits or increased value of benefits for plan members or beneficiaries.

(8) “Board,” “Board of Trustees,” or “Named Fiduciary” means the person or persons so designated by the terms of the legal enactments under which the retirement plan is operated.

(9) “Cash Equivalents” means short-term highly liquid investments that are readily convertible to known amounts of cash and that are not subject to a material risk of change in value. Only those investments maturing within one year of the actuarial valuation date may be included in this asset class.

(10) “Closed Plan” means a retirement plan that, effective with the applicable stated date as of which the plan is “closed” and unless otherwise provided, no longer accepts new members but all other plan provisions continue, and funding by the members and the plan sponsor continues.

(11)(4) “Concurrent Funding” means payment of the required contributions to fund:

(a) The benefit changes that shall begin no later than the first day of the next fiscal year coincident with or next following the enactment date of the legal instrument providing the after benefits change, and

(b) A plan year, that are paid no later than the end of the one-year period immediately following the end of the plan year.

(12)(5) “Division” means the Department of Management Services, Division of Retirement, Bureau of Program Services.

(13) “DROP” is an acronym for a deferred retirement option program as defined by the applicable retirement plan.

(14) “Enactment Date” means the date a legal instrument is adopted, which date may or may not be the same as any effective date stated in the instrument.

(15)(6) “Enrolled Actuary” means an actuary who is a member of the Society of Actuaries or the American Academy of Actuaries, and who is enrolled under subtitle C of Title III of the Employee Retirement Income Security Act of 1974.

(16) “Fiscal Year” means the 12-month period in which the plan-sponsor contributions are to be paid for a plan year. The fiscal and plan years may be coincident.

(17) “Frozen Plan” means a retirement plan that, effective with the applicable stated date as of which the plan is “frozen” and unless otherwise provided, does not accept new members, does not provide any additional new benefits, current plan members keep their accrued benefits which no longer increase, service credits continue for vesting and benefit eligibility, and members no longer contribute but the plan sponsor funding continues.

(18) “Fully Funded” means that 110% of the sum of the accrued liability and the normal cost is less than the value of the retirement plan’s present assets. For this purpose: the normal cost and the accrued liability are determined according to the individual actuarial entry-age cost-funding method if such items cannot be directly calculated under the funding method used for the plan; the entry age is the member’s current age reduced to reflect the number of years of credited prior service; the value of the plan’s present assets is the lesser of the fair market value and the value determined according to the plan’s actuarial asset-valuation method; and, all determinations shall be as of the same date.

(19)(7) “Governmental Entity” or “Local Government Entity” means the state, for the Florida Retirement System, and the county, municipality, or special district, state university board, community college board, or district school board that which is the employer of the member of a local retirement system or plan.

(20) “Illiquid Investment” means an investment for which a generally recognized public market is not available (e.g., the New York Stock Exchange, AMEX, NASDAQ) or for which there is no consistent or generally accepted pricing mechanism.

(21)(8) “Local Retirement System or Plan” means any employee pension or retirement benefit plan supported in whole or in part by public funds that which is not specifically exempt by Section 112.625(1), F.S. Florida Statutes.

(22) “Material” or “Materially” means:

(a) A rate or other numerical result that, when correctly and/or completely determined, differs from the rate or other numerical result disclosed in an actuarial valuation report, actuarial impact statement and/or other statement of information provided to the Division and such difference is at least one basis point (one hundredth of one percent); and/or

(b) Any information necessary or required to satisfy Part VII of Chapter 112, F.S., Chapter 60T-1, F.A.C., or any additional information requested by the Division to complete its review of the actuarial valuation report, actuarial impact

statement, or other statement of information necessary to satisfy the Division’s duties pursuant to Section 112.665(1), F.S.

(23) “Normal Cost” means the portion of the cost of projected benefits established for a plan year. It is computed differently under different actuarial cost-funding methods.

(24) “Pensionable Compensation” means the total of all items of allowance, compensation, earnings, pay, reimbursement and remuneration that are used to determine the pension benefit under the terms of the retirement plan.

(25)(9) “Plan Administrator” means the person so designated by the terms of the instrument or instruments, ordinance, or statute under which the retirement plan is operated; or the plan sponsor where no plan administrator is designated.

(26)(10) “Plan Sponsor” means the local governmental entity that which has established or that which may establish a local retirement system or plan.

(27) “Plan Year” means the 12-month period for which an annual actuarial-funding cost is determined. The plan and fiscal years may be coincident.

(28) “Reserved Fund” means an amount of assets reserved for a special purpose.

(29)(44) “Significant Plan Amendment” means any change or changes in the retirement plan or system the net effect of which would require a current or potential increase or decrease in the annual funding cost contribution rate.

(12) “Statement Value” means the value of assets in accordance with Section 302(e)(2), Florida Statutes of the Employee Retirement Income Security Act of 1974, and as permitted under regulations prescribed by the Secretary of the Treasury.

(30) “Terminated Plan” means a retirement plan that, effective with the applicable stated date as of which the plan is “terminated” and unless otherwise provided, does not accept new members, all existing active members are considered to be 100% vested in their accrued benefits that no longer increase, and members no longer contribute but the plan sponsor funding continues.

(31) “Unfunded Actuarial Accrued Liability”, or “Unfunded Liability”, or the acronym “UAAL” means the excess, if any, of the actuarial accrued liability over the actuarial value of the assets.

Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.625 FS. History—New 5-6-81, Amended 9-19-83, Formerly 22D-1.02, Amended 11-14-91, Formerly 22D-1.002, Amended _____.

60T-1.003 Actuarial Reports.

(1) Each retirement plan sponsor shall on its own or through the administrator or trustees of the plan’s board have an actuarial report prepared for each of its defined benefit retirement plans or systems by an enrolled actuary at least every three (3) years commencing from the date of the last

actuarial report of the plan or system on October 1, 1980, if no actuarial report has been issued within the three year period prior to October 1, 1979. In addition, actuarial cost determinations recommending the contribution amount, rate or other basis applicable to periods for which an actuarial valuation has not been specifically prepared are to be also provided to the Division within 60 days of receipt by the plan administrator. No actuarial report is required for defined contribution retirement plans ~~or systems~~. However, the plan sponsor of each defined contribution plan shall provide such information ~~and financial statements~~, as is ~~are~~ necessary to gather, catalog, and maintain complete information on all public employee retirement plans ~~systems~~ to the Division upon its request.

(2) The results of each actuarial report shall be filed with the plan administrator within 60 days after completion and certification by the actuary and made available for inspection upon request. Also, the ~~retirement system~~ or plan shall provide a copy of each actuarial report to the Division ~~of Retirement~~ within 60 days of receipt from the actuary.

(3) Actuarial reports shall minimally disclose all the data required by Section 112.63(1), F.S., and Chapter 60T-1, F.A.C., as follows: ~~Florida Statutes, which consist of the following~~

(a) The values of the present assets, as of the actuarial valuation date, based on market value and actuarial asset value. Disclosure by investment types is required only as follows if one or more, but not all, investment values are established using an actuarial asset value method: "statement value"

a. Investments

Cash

Cash equivalents

Contributions in collection (see items 2 & 3 below)

Bonds: U.S. Government and its agencies

U. S. Government agencies

Other: Domestic

Foreign

Total

Equities: Common \$stocks: Domestic

Foreign

Other (specify)

Total

Other (specify)

Illiquid investments (list each)

Foreign investments, other than Bonds and Equities

Total

b. Assets not available for funding

Illiquid investments for which a fair market value is not available (list each)

Amounts payable (list each and describe). Includes benefit payments with a payment due date on or before the end of the plan year but paid thereafter, excluding any expense for which the payment date was not on or before the end of the plan year.

Other (list each and describe)

Total

c. Assets available for funding (A-B)

Not reserved funds

Reserved funds (list each)

Other

Total

2. If the assets include contributions paid after the end of the plan year, complete and provide the following exhibit:

| <u>For Plan Year Ended</u> | <u>Date Paid</u> | <u>Amount Paid</u> | |
|-----------------------------|------------------|--------------------|---------------------|
| | | <u>Members</u> | <u>Plan Sponsor</u> |
| <u>Total (by plan year)</u> | | | |

3. If the assets include contributions for a plan year prior to the plan year just ended that have not been previously included in the assets, complete and provide the following exhibit:

| <u>Paid for Plan Year Ended</u> | <u>Paid by Member</u> | | <u>Paid by Sponsor</u> | |
|---------------------------------|-----------------------|---------------|------------------------|---------------|
| | <u>Date</u> | <u>Amount</u> | <u>Date</u> | <u>Amount</u> |
| <u>Total (by plan year)</u> | | | | |

4. Disclose the derivation of the actuarial asset value used in determining the annual funding requirement.

(b) A plan to amortize any unfunded liability pursuant to Section 112.64, F.S. ~~Florida Statutes~~.

(c) A schedule illustrating the amortization of unfunded liabilities as they exist on the date of the valuation, on an annual basis for the three years immediately following the current valuation date and the final year of the amortization schedule must be disclosed, as well as a statement as to how the method was derived.

(d) A description of actions taken by the governmental entity to reduce the unfunded liability, especially those taken since the last actuarial report.

(e) A description and explanation of all actuarial assumptions and methods.

1. Describe each assumption and method change since the immediate prior actuarial valuation report; if none, so state.

2. Describe completely the actuarial methodologies for determining the benefit liabilities, annual funding cost and asset values so that another actuary could, using the same methods, arrive at similar results. Alternatively, disclose the specific Internal Revenue Service provision (e.g., section, example, and/or paragraph number, and the applicable IRS publication(s)) that exactly describe(s) the actuarial methodology used for determining each of the benefit liabilities, the funding thereof, including administrative expenses, and the asset values. Describe the method(s) in use if not as exactly described in a current IRS publication.

3. Describe completely the determination of the pensionable compensation amount used in the current valuation. Also, state when the salary increase assumption commences (e.g., with the current valuation date, one year later).

(f) A comparative review illustrating the rates of salary increases granted and investment return realized, minimally, over the three-year period preceding the current actuarial report with the assumptions used.

1. The actual salary increase rate may be determined for the period between the immediately preceding actuarial valuation date and the current valuation date; however, such rate shall be shown on an annualized basis. For each period, the rate of actual salary increases shall be determined by using the aggregate of actual pensionable compensation paid salary increases granted, excluding new members entrants and terminations.

2. Investment return rates shall be determined on both the market value and actuarial value bases for each year and reported on a consistent basis for each year in the three-year period. Consistent use of either of the two following methods should be considered. If a different method is used, explain There should also be an explanation of how the investment return rate was determined.

a. The investment return rate may be determined using the formula “ $i = 2I/(A+B-I)$ ”, where:

- “i” is the return rate,
- “I” is the total investment income (net of all investment related expenses, if offset against investment income),
- “A” is the asset value at the beginning of the year, and
- “B” is the asset value at the end of the year.

b. Alternatively, the return rate may be determined weighting deposits and disbursements by date. On this basis, the report is to include an exhibit disclosing the deposits and disbursements for the year by date.

3. All amounts included as a receivable for such year and excluded as a payable for such year are to be included and excluded, respectively, in the return rate determination.

4. All assets owned by the retirement plan are to be included in the return rate determination.

5. For valuations using differing pre- and post- retirement interest rates, or “segment” interest rates (as provided in the Pension Protection Act of 2006), determine – and disclose the determination of – the effective annual interest rate for the expected liability duration period.

(g) A statement by the enrolled actuary, in the form of a certification signed and dated by the actuary, as follows:

Statement by Enrolled Actuary

“This actuarial valuation report and/or cost determination was prepared and completed by me or under my direct supervision, and I acknowledge responsibility for the results. To the best of my knowledge, the results are complete and accurate, and in my opinion, the techniques and assumptions used are reasonable and meet the requirements and intent of Part VII, Chapter 112, F.S. Florida Statutes, and Chapter 60T-1, F.A.C. There is no benefit provision or related expense to be provided by the retirement plan and/or paid from the plan’s assets for which liabilities or current costs have not been established or otherwise taken into account in the valuation. All known events or trends that which may require a material increase in plan costs or required contribution rates have been taken into account in the valuation.”

| | |
|---------------------------|------------------|
| _____ | _____ |
| <u>Print or Type Name</u> | <u>Signature</u> |
| _____ | _____ |
| <u>Enrollment Number</u> | <u>Date</u> |

(4) Actuarial valuation reports shall, at a minimum, disclose such information that another actuary, unfamiliar with the situation, would find the information sufficient to appraise the reports’ conclusions and to arrive at reasonably similar results. In order for the Division to determine the completeness, accuracy, and reasonableness of the assumptions, such information shall, at a minimum, include the following items:

(a) The date as of which the valuation was prepared, and the beginning and ending dates of the period(s) for which the recommended contributions are applicable; and the period(s) in which such contributions are to be paid.

(b) The overall valuation results, the adequacy of the retirement-plan sponsor employer and member employee contribution rates in meeting the levels of member employee benefits provided in the plan system and changes, if any, needed in such rates to achieve or preserve a level of funding deemed adequate to enable payment through the indefinite future of the benefit amounts prescribed by the plan system.

(c) A brief summary of the retirement plan provisions. Additionally, disclose:

1.a. The components of pensionable compensation (e.g., W-2 remuneration, unused accrued compensatory time (e.g., vacation, sick-leave, overtime, other compensatory time), expense reimbursement).

b. The limit, if any, on the amounts of unused accrued compensatory time includable in pensionable compensation.

c. How the payment for unused accrued compensatory time, regardless of when paid, is used in determining benefits.

d. For contributory plans, the components of pensionable compensation on which the member does not contribute; if none, so state.

2. The normal benefit payment form, and any differences based on type of benefit payable (e.g., normal retirement, disability retirement).

3. All optional benefit-payment forms, including lump sum payments, the actuarial equivalence assumptions and, based on the option, each different assumption.

4. If any amendment to an existing benefit provision or the addition of a new benefit provision applicable thereafter to members who retire or who terminate with benefits deferred to commence at a later date that, pursuant to an existing plan provision, automatically applies the benefit change or addition to already retired members and beneficiaries and/or members terminated with rights to benefits deferred to commence at a later date.

5. Those benefit provisions that are to be funded solely by additional member contributions, and the additional member contribution rate.

6. The details applicable to a DROP including, but not limited to, eligibility requirements, duration, interest, and payment options.

7. State if all plan members are covered by Social Security; if not, disclose the parameters describing the members covered by Social Security, and those not covered.

8. All changes since the immediate prior report; if none, so state.

9. All legal instruments applicable to the plan adopted since the immediate prior report.

(d) Revised actuarial valuation reports shall clearly indicate each changed item, or include an appendix stating each changed item or a clear indication of the changed items. Provide a historical exhibit by plan year disclosing the required plan sponsor contribution for such year for, separately, normal cost, administrative expense, amortization of unfunded liability, adjustments to reflect the delay in payment or if applicable to a plan year beginning at a later date, and the total. Also disclose the amount paid and the amount that would have been paid for such plan year had the plan sponsor contributed the amount determined by applying the recommended contribution rate to the pensionable compensation during such plan year. Additionally, disclose the members' contributions paid for such plan year. The funding method explained in sufficient detail so that another actuary could, using the same method, arrive at similar results.

(e) For actuarial valuation reports that which cover more than one employee group, benefit program, and/or more than one plan, and the assets are accounted for separately, and the valuation calculations are made separately, the applicable valuation results shall be disclosed separately.

(f) Disclosure of each ~~any~~ benefit provision and related expense to be provided by the plan and/or paid from the plan's assets for which no liabilities or current costs have been established or otherwise provided for, including an explanation of the omission and the cost effect thereof.

(g) Disclosure of any event that ~~which~~ the actuary has not taken into account and any trend that ~~which~~, for purposes of the actuarial assumptions used, was not assumed to continue in the future, but only if, to the best of the actuary's knowledge, such event or trend may require a material increase in plan costs or required contribution rates.

(h) Disclosure, for each plan year, of the derivation of the current ~~unfunded actuarial accrued liability (UAAL)~~ from the amount established as of the immediately preceding valuation date. (UAALs ~~Unfunded actuarial accrued liabilities~~ are amortized by non-employee member contributions in excess of normal cost and interest requirements.) The disclosure shall, minimally, include the following:

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1. UAAL at Total unfunded actuarial accrued liability for the immediately prior actuarial valuation date (state date) | \$ _____ |
| 2. Plan sponsor normal cost <u>expected</u> for this plan year: a. + b. a. For benefits \$ _____ b. For administrative expense \$ _____ | \$ _____ |
| 3. Interest accrued on 1. and 2 <u>Disclose interest determination or explain determination</u> | \$ _____ |
| 4. Plan sponsor contributions for this plan year (including amounts expected to be paid): a. + b. a. Amounts paid during such year _____ \$ _____ b. Amounts paid after such year _____ \$ _____ <u>(discounted from the payment date to the ending date of the fiscal year in which the contribution was due to be paid using the plan's valuation interest rate assumption used for the active member liabilities)</u> | \$ _____ |
| 5. Interest <u>accrued</u> on 4.a. | \$ _____ |
| 6. Changes due to a. + b. + c. + d. a. assumptions \$ _____ b. <u>actuarial funding</u> methods \$ _____ c. plan amendments \$ _____ d. <u>actuarial experience</u> gain/loss \$ _____ | \$ _____ |
| 7. <u>UAAL as of the current valuation date: Total current unfunded actuarial accrued liability 1. + 2. + 3. - 4. - 5. + 6.</u> | \$ _____ |

8. Provide an exhibit of all current unamortized UAAL amounts disclosing the amount, date and amortization period at establishment, and the cause of the establishment (i.e., new plan, amendment, assumption change, actuarial method change (identify if asset or other), and actuarial experience gain/loss). Disclose each UAAL amount as of the immediate prior valuation date, the amortization payment credited to the immediate prior UAAL amount, the current unamortized UAAL amount, the remaining amortization period and the expected amortization payment, including column totals.

9. Disclose the determination of the amount available to amortize the UAALs.

(i) Provide demographic and financial data statistics on the active members, members (active; terminated with rights to deferred benefits, disabled, retired, retired in DROP, and

| Age | Termination Experience | | | | | | | | |
|-----------------------|------------------------|--------|------------|--------|-------------|--------|----------|--------|--|
| | Death | | Disability | | Termination | | Total | | |
| | Expected | Actual | Expected | Actual | Expected | Actual | Expected | Actual | |
| Provide column totals | | | | | | | | | |

3. For active members, a retirement and DROP experience exhibit for each plan year since the immediate prior actuarial valuation report. Depending on the plan's retirement provisions (e.g., by age, years of service and/or age and years of service) in separate juxtaposed columns disclose: the number of members eligible for retirement; the number expected to retire; the number of them electing to retire; and of the latter, the number eligible for DROP, and the number electing DROP.

4. A reconciliation between current demographic data and such data in the most recent prior actuarial valuation report of those: active; terminated with deferred benefits; line-of-duty disabled; non-line-of-duty disabled; DROP; retired; and beneficiaries. Add categories as needed depending on the

beneficiaries) in the plan, as follows: retirement system including but not limited to an age and service distribution table for active members. This section shall provide a reconciliation between current data and data in the most recent state approved valuation of the active, terminated with rights to deferred benefits, and retired membership (and beneficiaries):

1. For active members, an age/service array, including compensation, using appropriate age and service groupings.

2. For active members, complete the following termination experience exhibit for each plan year since the immediate prior actuarial report. Ages may be individual or in the same 5-year age groups used for disclosing other demographic and financial data.

plan's provisions. The reconciliation is to be in the form of an array with the foregoing groups disclosing, as applicable: the ending number from the immediate prior report (if different from the beginning number, enter difference); vested terminated; non-vested terminated; line-of-duty disabled; non-line-of-duty disabled; line-of-duty death; non-line-of-duty death; lump sum payment; DROP; retired; transfers; corrections; new members; and ending number. Add other causes, as applicable. Provide line and column totals.

5. For vested terminated members, retirees and beneficiaries, provide the following exhibit:

| Age | Annual Benefit Payable To | | | | | | | | | | | |
|-----------------------|---------------------------|---------|-------------------|---------|------|---------|---------|---------|---------------|---------|-------|---------|
| | Disabled | | Vested Terminated | | DROP | | Retired | | Beneficiaries | | Total | |
| | # | Benefit | # | Benefit | # | Benefit | # | Benefit | # | Benefit | # | Benefit |
| Provide column totals | | | | | | | | | | | | |

6. (A projection of emerging liabilities/cash flow needs for the next 10 – 15 years is recommended ~~would be beneficial.~~)

7. A determination and disclosure of the actuarial gains and losses, by source, is recommended.

(j) An annual reconciliation of the plan's assets from the balance determined as of the immediately preceding valuation date to the balance as of the current valuation date on both the market and actuarial value bases. If the reconciliation is done on a basis other than that used for annual funding requirements, the reconciliation shall show the dollar relationship to the actuarial value of assets as used in determining the annual funding requirements. The reconciliations shall ~~show~~ show separately, at a minimum: Beginning balance (if different than immediate prior ending balance; explain and enter difference).

- Contributions by source (separately disclose special purpose contributions: e.g., "buy-back")
- Interest and dividends
- Realized gains (losses)
- Increase (decrease) in unrealized appreciation, if applicable (net)
- Pension payments other than lump sum payments
- Lump sum payments other than member contribution refunds
- Member contribution ~~Contribution~~ refunds
- Expenses: Administrative
- Investment related
- Other receipts (identify)
- Other disbursements (identify)
- Increase/decrease to reserve fund (list each and

- amount
- Ending balance

(l) A comparative summary of principal valuation results, essentially in the following format:

(k) The amount of active members accumulated contributions (with interest, if provided by plan).

| COMPARATIVE SUMMARY OF PRINCIPAL VALUATION RESULTS | | |
|------------------------------------------------------------------|------------------------------------|------------|
| (Not a required format – to be used as a guide only) | | |
| | Actuarial Valuation Prepared as of | |
| | Current Date | Prior Date |
| I. Participant Member Data | | |
| Active members | # _____ | # _____ |
| Total annual pensionable payroll | \$ _____ | \$ _____ |
| Pensionable compensation below assumed retirement | \$ _____ | \$ _____ |
| Retired members and beneficiaries (other than disabled and DROP) | # _____ | # _____ |
| Total annualized benefit | \$ _____ | \$ _____ |
| <u>Beneficiaries</u> | # _____ | # _____ |
| Total annualized benefit | # _____ | # _____ |
| Total annualized benefit | \$ _____ | \$ _____ |
| <u>DROP</u> | # _____ | # _____ |
| Total annualized benefit | \$ _____ | \$ _____ |
| Accumulated value | \$ _____ | \$ _____ |
| Disabled members receiving benefits | # _____ | # _____ |
| Total annualized benefit | \$ _____ | \$ _____ |
| Terminated vested members | # _____ | # _____ |
| Total annualized benefit | \$ _____ | \$ _____ |
| 2. Assets | | |
| Actuarial value of all assets | \$ _____ | \$ _____ |
| Market value of all assets | \$ _____ | \$ _____ |
| 3. Liabilities | | |
| a. Present value of all future expected benefit payments: | \$ _____ | \$ _____ |
| Active members: | \$ _____ | \$ _____ |
| Retirement benefits | \$ _____ | \$ _____ |
| Vesting benefits | \$ _____ | \$ _____ |
| Disability benefits | \$ _____ | \$ _____ |
| Death benefits | \$ _____ | \$ _____ |
| Return of contribution | \$ _____ | \$ _____ |
| Total | \$ _____ | \$ _____ |
| <u>Inactive Members</u> | \$ _____ | \$ _____ |
| Terminated vested members | \$ _____ | \$ _____ |
| Retired members and beneficiaries: | \$ _____ | \$ _____ |
| Retired members (other than disabled), DROP, and beneficiaries) | \$ _____ | \$ _____ |
| Disabled members | \$ _____ | \$ _____ |
| DROP (excluding accumulated balances) | \$ _____ | \$ _____ |
| DROP accumulated balance | \$ _____ | \$ _____ |
| <u>Beneficiaries</u> | \$ _____ | \$ _____ |
| <u>Total</u> | \$ _____ | \$ _____ |
| Total present value of all future expected benefit payments | \$ _____ | \$ _____ |
| Liabilities due and unpaid | \$ _____ | \$ _____ |
| Unfunded actuarial accrued liability | \$ _____ | \$ _____ |
| Reserved funds (as applicable): | \$ _____ | \$ _____ |
| DROP accumulated balance | \$ _____ | \$ _____ |
| Excess plan sponsor contributions | \$ _____ | \$ _____ |
| Actuarial experience for additional benefits | \$ _____ | \$ _____ |
| Excess Ch. 175 and/or 185 assets required for Ch. 99-1 | \$ _____ | \$ _____ |
| Other Ch. 175 and/or 185 assets not required for Ch.99-1 | \$ _____ | \$ _____ |
| Other (add as needed) | \$ _____ | \$ _____ |
| <u>Total</u> | \$ _____ | \$ _____ |

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|----------|
| b. Actuarial accrued liability (required if an immediate-gain funding method (see Revenue Rule 81-213) is used for any purpose in completing report) | \$ _____ | \$ _____ |
| Active members: | \$ _____ | \$ _____ |
| Retirement benefits | \$ _____ | \$ _____ |
| Vesting benefits | \$ _____ | \$ _____ |
| Disability benefits | \$ _____ | \$ _____ |
| Death benefits | \$ _____ | \$ _____ |
| Return of contribution | \$ _____ | \$ _____ |
| Total | \$ _____ | \$ _____ |
| Inactive Members: Total from a. | \$ _____ | \$ _____ |
| Total (³ Refers to liabilities not funded by future normal cost contributions. Show amount, date and amortization period at establishment, and current amount of each such liability not amortized.) | \$ _____ | \$ _____ |
| 4. Actuarial present value of accrued benefits (to be determined in accordance with a. and b. below) | | |
| Statement of actuarial present value of all accrued benefits | | |
| Vested accrued benefits | | |
| Inactive members and beneficiaries | \$ _____ | \$ _____ |
| DROP accumulated balance | \$ _____ | \$ _____ |
| Active members (includes non-forfeitable accumulated member contributions in the amount of ____) | \$ _____ | \$ _____ |
| Total value of all vested accrued benefits | \$ _____ | \$ _____ |
| Non-vested accrued benefits | \$ _____ | \$ _____ |
| Total actuarial present value of all accrued benefits | \$ _____ | \$ _____ |
| Statement of changes in total actuarial present value of all accrued benefits | | |
| Actuarial present value of accrued benefits at beginning of year | \$ _____ | \$ _____ |
| Increase (decrease) during year attributable to (where applicable): | | |
| Plan amendment | \$ _____ | \$ _____ |
| Changes in actuarial assumptions | \$ _____ | \$ _____ |
| Increase for interest and probability of payment due to decrease in discount period and benefits accrued | \$ _____ | \$ _____ |
| Benefits paid | \$ _____ | \$ _____ |
| Other changes (identify and state amount) | \$ _____ | \$ _____ |
| Net increase (decrease) | \$ _____ | \$ _____ |
| Actuarial present value of accrued benefits at end of year | \$ _____ | \$ _____ |
| a. Accrued benefits are those future promised benefits that are determined in accordance with the plan's provisions based on the service members have rendered to the actuarial valuation date. Accrued benefits are those payable under all applicable plan circumstances – retirement, death, disability, and termination of employment – to the extent they are deemed attributable to member service rendered to the valuation date. Benefits to be provided by insured contracts for which the plan sponsor has no future liability and which are excluded from plan assets are to be excluded from plan benefits. | | |
| b. All determinations are to be on a consistent basis. Any change is to be disclosed, together with an explanation. The exhibit entries for the actuarial valuation date as of which a change is made shall show the entries on a before and after change basis. | | |
| 5. Pension cost (specify plan year and applicable funding period) | \$ _____ | \$ _____ |
| a. Normal cost to be paid by plan sponsor (for immediate gain-funding methods, disclose show cost for each benefit if so calculated and amount for administrative expenses, if applicable; exclude interest) | \$ _____ | \$ _____ |
| Payment to amortize unfunded liability | \$ _____ | \$ _____ |
| Expected plan sponsor contribution (include including normal cost, amortization payment, and interest and salary increase / payroll growth, as applicable) | \$ _____ | \$ _____ |
| As % of payroll | _____ % | _____ % |
| Amount to be contributed by members | \$ _____ | \$ _____ |
| Expected member contribution | \$ _____ | \$ _____ |
| As % of payroll | _____ % | _____ % |
| b. If a different funding method is used for any other purpose with results provided in the report that may affect the determination of the cost in a. (e.g., a spread-gain method is used for establishing the annual funding cost and the individual entry-age method is used for full-funding determinations or other requirements), disclose the method's normal cost for each benefit and amount for administrative expense, if applicable; exclude interest. | | |
| 6. Past contributions | | |
| For each plan year since last report: | | |

| | | |
|-----------------------------------------------------------------------------------|----------|----------|
| Required plan sponsor contribution by: | | |
| Plan sponsor | \$ _____ | \$ _____ |
| Members Required member contribution | \$ _____ | \$ _____ |
| Actual contributions made by: | | |
| Plan's sponsor | \$ _____ | \$ _____ |
| Members | \$ _____ | \$ _____ |
| Other (e.g., Chapters 175/ or 185, F.S.) | \$ _____ | \$ _____ |
| Total | \$ _____ | \$ _____ |
| Members | \$ _____ | \$ _____ |
| 7. Net actuarial <u>experience</u> gain (loss) (if applicable) | \$ _____ | \$ _____ |
| 8. Other disclosures (where applicable) | | |
| Present value of active member: | | |
| Future salaries | | |
| At attained age | \$ _____ | \$ _____ |
| At entry age | \$ _____ | \$ _____ |
| Future contributions | | |
| At attained age | \$ _____ | \$ _____ |
| At entry age | \$ _____ | \$ _____ |
| Present value of future contributions from other sources (identify) | \$ _____ | \$ _____ |
| Present value of future expected benefit payments for active members at entry age | \$ _____ | \$ _____ |

(5) Provide a historical exhibit by plan year disclosing the charged and credited plan-sponsor contributions disclosing the following: actuarial valuation date, plan-year beginning date, fiscal-year ending date, normal cost (including administrative expense if paid from the plan's assets), amortization cost, interest on the charge items to the end of the fiscal year, total charges with interest, amount paid by the plan sponsor, allowable premium-tax refund, interest on all paid amounts to the end of the fiscal year, total of all credits and the excess or deficiency of the credit total less the charge total. Contributions paid after the end of the fiscal year are to be discounted from the payment date to the immediately preceding fiscal-year ending date. The amount of any such discount is to be disclosed in an additional column as an offset against the

credits. All interest determinations shall use the plan's valuation interest assumption used for the active member liabilities.

(6) Provide a historical exhibit by plan year, similar to 5. above, disclosing the plan-sponsor amount that is or would have been paid for such plan year had the plan sponsor contributed the amount determined by applying the recommended contribution rate to the pensionable compensation during such plan year. Additionally, disclose the members' contributions paid for such plan year.

(7) For Chapter 175/185 plans only, please provide a historical exhibit by plan year of all state premium tax revenues received since the Chapter 99-1, Laws of Florida, base year distribution (1997). The exhibit should, at a minimum, include the information presented in Exhibit A that follows. (Not a required format – to be used as a guide only.)

Chapter 60T-1.003(7), Exhibit A
Chapter 175/185 Premium Tax Disclosure

| Year | Police | | | Fire | | | Fire Supplemental | | | Benefit Improvements | | | | Current Year |
|------|--------------|--------------|---------------------------------|--------------|--------------|----------------------------------|-------------------|--------------|----------------------------------|----------------------|------------------------|----------|--------------------|---------------------------------------------------------|
| | Actual | Base Year | Increase Over | Actual | Base Year | Increase Over | Actual | Base Year | Increase Over | Current Year | Cumulative | One-Time | Total M = K + L | Additional Premium Tax Revenues N = C + F + I - M |
| | Distribution | Distribution | Base C = A - B (not < \$) | Distribution | Distribution | Base F = D - E (not < \$0) | Distribution | Distribution | Base I = G - H (not < \$0) | Recurring * | Recurring K = Σ J's | Use | | |
| 1997 | BASE | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| 1998 | | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| 1999 | | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| 2000 | | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| 2001 | | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| 2xxx | | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____ |
| | | | | | | | | | | | | | | Σ N's |

Cumulative Additional Premium Tax Revenues as of Actuarial Valuation Date

* For each benefit improvement enacted, please disclose the ordinance number and actuarial impact separately, in a separate exhibit, if necessary.

NOTE: Not all plans will receive police, fire and fire supplemental checks. Please omit any superfluous columns in your submissions.

~~(5) The actuarial cost methods utilized for establishing the amount of the annual actuarial normal cost to support the promised benefits shall only be those methods approved in the Employee Retirement Income Security Act of 1974, and as permitted under regulations prescribed by the Secretary of the Treasury. The funding method utilized for the actuarial report and the resulting recommendation for contributions required to fund the retirement plan shall minimally provide a contribution sufficient to meet the normal cost, and to amortize the unfunded liability, if any, in accordance with Section 112.64, Florida Statutes.~~

~~(6) Actuarial assumptions selected for the actuarial valuation report should reflect the actuary's best judgment of future events. They should take into account the actual experience of the covered group. The actuary should consider the impact of inflation on appropriate assumptions. The preferred approach in selecting actuarial assumptions is the use of explicit assumptions which more nearly represent the actuary's best estimate of anticipated plan experience under each assumption. Actuarial assumptions which consistently generate experience gains or losses are prima facie indications of unreasonable actuarial assumptions.~~

~~(7) Whenever an actuarial valuation is based on actuarial assumptions, or cost methods different from those used in the preceding valuation, the current valuation must clearly indicate the effect on projected liabilities and costs resulting from the new assumptions and/or funding methods.~~

~~(8) Each report shall include an annual reconciliation of each reserved fund starting with the ending balance in the immediate prior actuarial report disclosing each of the items of income, disbursement, interest credits and debits, other adjustments as applicable, and the ending balance. Administrative expenses paid from the funds being accumulated to support the promised benefits shall be paid on a current basis in addition to the annual funding costs otherwise determined.~~

~~(9) All reconciliations (e.g., UAAL, asset, reserved fund, demographic data) are to start with the immediate prior reported ending balance. Annual funding costs or cost contribution rates determined as of a valuation date but to be paid at a later date or applicable to a period beginning at a later date are to be appropriately adjusted to reflect the intervening~~

~~time interval. The adjustment shall provide for, but not be limited to, adjustments to account for interest and/or salary increase, as appropriate.~~

~~(10) Please disclose: Recommended changes in contributions or contribution rates determined as of a valuation date shall be effective not later than the first of the next fiscal year following the valuation date.~~

~~(a) Plan administrator, address and phone number.~~

~~(b) Asset custodian(s), with address(es) and phone number(s).~~

~~(c) Investment manager(s), with address(es) and phone number(s).~~

~~(11) Unless otherwise indicated or contrary to Chapter 112, Florida Statutes all actuarial procedures and determinations are to be in accordance with commonly accepted procedures and determinations. Internal Revenue Service publications should be used as the standard.~~

~~Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.63 FS. History—New 5-6-81, Amended 9-19-84, Formerly 22D-1.03, Amended 11-14-91, Formerly 22D-1.003, Amended 2-23-95,~~

~~60T-1.004 Actuarial Impact Statements.~~

~~(1) Regardless of funding source, no unit of local government shall agree to a proposed change in the retirement benefits or liabilities of a local retirement plan system subsequent to October 1, 1980, unless the administrator of the plan system, prior to adoption of the change by the governing body, has issued a statement of actuarial impact of the proposed change upon the plan local retirement system prior to the last public hearing thereon and has furnished a copy of such statement to the Division. Also, such statement shall incorporate by reference and have attached a copy of the proposed ordinance, amendment, resolution, collective bargaining agreement, insurance contract, or other legal instrument necessary to implement the proposed change to the plan retirement system. The adoption of a new plan shall require submission of an impact statement.~~

~~(2) The statement of actuarial impact may be based upon an actuarial valuation that has been prepared within 12 months of the proposed effective date for the amendments. The statement may be prepared by an enrolled actuary, either the plan administrator, or the plan sponsor or an enrolled actuary. The plan administrator shall transmit such statement to the~~

Division along with the administrator's his/her statement that the prepared information reflects the estimated costs of the proposed amendment(s).

(3) The statement of actuarial impact required by Section 112.63(3), F.S., should be in the form of a certification signed and dated by the plan administrator, including the administrator's typed or printed name, and contain the following information:

(a) The name of the local retirement plan;

~~(b)(a)~~ A description of the proposed amendment(s), identification of the applicable legal instrument necessary to implement the proposed amendment(s), the proposed effective date for the proposed amendment(s), and a statement that the actuary was provided the information necessary to evaluate the proposed amendment(s);

~~(c)(b)~~ An estimate of the cost of implementing the amendment(s), signed and dated by an enrolled actuary, that which discloses, at a minimum, sufficient information on both the before and after amended amendment basis, so that another actuary, unfamiliar with the situation, would be able to appraise the estimate. If any actuarial assumptions, techniques or methods are also changed, additional information disclosing the effect of such actuarial changes must be provided separately; and

(d) A determination and disclosure of the cost effect of material favorable and/or unfavorable actuarial experience is recommended.

~~(e)(a)~~ A statement indicating whether the proposed change is in compliance with Part VII, Chapter 112, Florida Statutes and Section 14, Article X of the State Constitution.

(4) Actuarial impact statements supporting benefit changes shall provide for contribution amount and contribution rate changes to be effective as follows:

(a) For prospective or retroactive increases in the benefit formula of active or inactive members – not later than the ~~first day of the~~ fiscal year next following the enactment date of the legal instrument providing the benefit increase.

(b) For retroactive retiree benefit increases required by litigation or federal or state regulations – not later than the ~~first day of the~~ fiscal year next following the effective date of the order or the regulation.

(c) For retroactive retiree benefit increases not required by litigation or federal or state regulation – not later than the ~~first day of the~~ fiscal year next following the enactment date of the legal instrument providing the benefit increase. A lump sum payment shall be required to fund the retroactive portion of the contribution increase from the effective date of such increase to the date of the contribution rate change and shall also be paid no later than the ~~first day of the~~ fiscal year next following such enactment date.

Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.63(3), (4) FS. History–New 5-6-81, Amended 8-15-84, Formerly 22D-1.04, Amended 11-14-01, Formerly 22D-1.004, Amended 8-4-94, _____.

60T-1.005 Review of Actuarial Reports and Actuarial Impact Statements.

(1) ACTUARIAL REPORTS:

(1)(a) If the Division does not receive the actuarial valuation report required by Section 112.63(1), (2), F.S., the statement of actuarial impact required by Section 112.63(3), F.S. Florida Statutes; or, upon review, finds that the report or statement actuarial valuation submitted is not complete, accurate, or based on reasonable assumptions and/or methods, or materially fails to satisfy Part VII of Chapter 112, F.S., or the Division requires additional material information necessary to complete its review of the report, statement, or to satisfy its duties pursuant to Section 112.665(1), F.S., it shall notify the administrator of the affected retirement plan and the affected local governmental entity and request appropriate adjustment and the additional material information. The local government shall, within 30 calendar 60 days from the receipt of the request; make the appropriate adjustment; provide the additional material information or the required report or statement; and/or notify the Division of its progress or its refusal to make the requested adjustment, provide the additional material information, report, or statement. The Division may extend the response time if it determines that reasonable progress is being made.

(b) If, after such 30 calendar days, the Division determines that the requested report, statement, adjustments and/or additional material information has with respect to the actuarial valuation have not or will not be made or provided, it shall inform the administrator of the affected retirement plan and the affected governmental entity that the consequences for failure to comply with the requirements of Section 112.63(4), F.S., require the Department of Revenue and the Department of Financial Services be notified of such noncompliance, in which case such Departments shall withhold any funds not pledged for satisfaction of bond debt service that are payable to the affected governmental entity until the adjustment is made, or the report, statement, or additional material information is provided to the Division petition for a hearing under the provision of Section 120.57, Florida Statutes, unless the local government has already done so. The withholding of funds shall commence on the 31st calendar day following receipt by the Departments of such notification from the Division.

(c) Within 21 days after receipt of the notice, the affected governmental entity may petition for a hearing under Sections 120.569 and 120.57, F.S., with the Division. If the administrative law judge recommends for the Division, the Division shall prepare an actuarial valuation report, actuarial impact statement and/or collect the requested material information, the cost of which shall be charged to the affected

governmental entity of which the employees are covered by the retirement plan. If payment of such costs is not received by the Division within 60 calendar days after receipt by the affected governmental entity of the request for payment, the Division shall certify to the Department of Revenue and the Department of Financial Services the amount due, and such Departments shall pay such amount to the Division from any funds not pledged for satisfaction of bond debt service which are payable to the affected governmental entity. If the administrative law judge recommends in favor of the affected governmental entity and the Division prepares a report, statement, and/or collects the requested material information, the cost thereof shall be paid by the Division.

(2) In the case of an affected special district, the Division shall also notify the Department of Community Affairs. Upon receipt of such notification, the Department of Community Affairs shall proceed pursuant to the provisions of Section 189.421 F.S., with regard to the special district. ACTUARIAL IMPACT STATEMENTS:

(a) The Division's review of such statement shall be based primarily on the financial aspects and soundness of the proposed amendment(s).

(b) If the Division finds that such statement is not acceptable, it shall include in its comments the specific reasons therefor, and request an adjustment. Prior to deciding whether to petition for a hearing under the provisions of Section 120.57, Florida Statutes, the local government may undertake one of the following actions: provide additional information to support and justify the previously submitted statement, amend its proposed ordinance or rescind the statement and related ordinance.

(c) If the Division determines that the requested adjustments with respect to the statement of actuarial impact have not or will not be made, it shall petition for a hearing under the provisions of Section 120.57, Florida Statutes, unless the local government has already done so. If the hearing officer recommends in favor of the local retirement system, the Division shall determine if it shall prepare a statement of actuarial impact as set forth in Section 112.63(4), Florida Statutes.

(3) Pursuant to Section 218.503(2), F.S., the Division shall notify the Governor, the Commissioner of Education, as appropriate, and the Legislative Auditing Committee within 30 days after a determination that, due to lack of funds, one or more of the following conditions have occurred or will occur if action is not taken to assist the county, municipality, special district or district school board: failure to transfer at the appropriate time employer and employee contributions for any pension, retirement or benefit plan of an employee, or failure for one pay period to pay retirement benefits owed to former employees.

Specific Authority 112.665(1)(e) FS. Law Implemented 112.63 FS. History--New 5-6-91, Formerly 22D-1.05, 22D-1.005, Amended

60T-1.006 Defined Contribution Plans.

(1) Each plan sponsor of a local retirement system or plan defined as other than those requiring actuarial reports shall provide, on an annual basis, that information necessary to gather, catalog and maintain complete information to the Division.

(2) The disclosure of information may be prepared as of the plan anniversary date or as of the plan sponsor's fiscal year ending date and shall minimally contain the following:

~~(a) Plan Description (For the initial Initial report only):~~

~~1. Contribution formula~~

~~a. Plan sponsor~~

~~b. Member~~

~~2. Vesting schedule~~

~~3. Normal retirement date~~

~~4. Member eligibility~~

~~5. Beginning date of plan year—annually~~

~~6. Plan sponsor~~

~~7. Plan administrator~~

~~8. A copy of the Internal Revenue Service letter approving the plan as tax qualified, and all changes thereto. The specific Internal Revenue Code sections under which the plan operates.~~

~~9. Copy of plan document, ordinances, contracts and any enactment or other legal statement regarding funding and administration.~~

- Copy of all legal instruments affecting member eligibility, benefit provisions, funding and administration.

- Summary plan description per Sections 112.66(1), (2), F.S.

- Disclose if all plan members are covered by Social Security; if not, disclose the parameters describing the members covered by Social Security, and those not covered.

- Plan sponsor address and phone number.

- Plan administrator address and phone number.

- Asset custodian(s) with addresses and phone numbers.

- Investment manager(s) with addresses and phone numbers.

~~(b) Source of funds~~

~~1. Plan Sponsor~~

~~2. Members~~

~~3. Other~~

~~(b)(e) A statement describing each change and/or amendment, if any, to the plan, since the last report, including a copy of all applicable legal instruments and IRS approval letters.~~

~~(c)(d)~~ A signed and dated statement of the plan administrator (including the administrator's typed or printed name) verifying the completeness and accuracy of the report, including a statement that there has been no change since the last report, if applicable.

Specific Authority 112.665(1)(e) FS. Law Implemented 112.665 FS. History--New 8-15-84, Formerly 22D-1.006, Amended 2-23-95,

60T-1.007 Funding.

(1) Member Employee contributions shall be deposited into the retirement ~~system~~ or plan not less frequently than monthly.

(2) Employer contributions shall be deposited into the retirement ~~system~~ or plan not less frequently than quarterly. Consistent with the Legislative intent in s. 112.61, F.S., and the concurrent funding requirement in s. 14, Art. X of the State Constitution, required contributions are to be paid not later than one year following the end of the plan year for which such contributions are due.

(3) Any payment for retroactive contribution rate increases shall be deposited into the retirement ~~system~~ or plan on or before the date such payment is due.

(4) Any revenues received from any source by an employer for allocation to a retirement ~~system~~ or plan shall be deposited into such ~~system~~ or plan not later than 30 days from receipt by the employer.

(5) Administrative expenses, annual funding costs, and contribution rate increases shall be funded in accordance with subsections 60T-1.003(8) through (10) and 60T-1.004(4), Part VII of Chapter 112, F.S., and Chapter 60T-1, F.A.C.

(6) The actuarial cost methods utilized for establishing the amount of the annual actuarial normal cost to support the promised benefits shall only be those methods approved in the Employee Retirement Income Security Act of 1974, and as permitted under the regulations prescribed by the Secretary of the Treasury. Such methods shall minimally provide a contribution sufficient to meet the normal cost, administrative expense and to amortize the unfunded liability, if any, in accordance with Part VII of Chapter 112, F.S., and Chapter 60T-1, F.A.C. All such determinations shall use the applicable mortality tables.

(7) In lieu of fair market value, an actuarial asset-valuation method may be used to establish the asset value for determining annual funding cost. The method used must satisfy Federal Regulation 1.412(c)(2)-1, as modified by Revenue Procedure 2000-40 pursuant to s. 9303(c) of P.L. 100-203, as in effect on August 16, 2006. The associated corridor limits must be disclosed. Additionally, each change in method or corridor limits must be of benefit to the plan, and be approved by the plan sponsor and by the plan's board.

(8) Actuarial assumptions selected for the actuarial valuation report should reflect the actuary's best judgment of future events. They should take into account the actual experience of the covered group. The actuary should consider the impact of inflation on appropriate assumptions. The preferred approach in selecting actuarial assumptions is the use of explicit assumptions that represent the actuary's best estimate of anticipated plan experience under each assumption. Actuarial assumptions that consistently generate experience gains or losses are prima facie indications of unreasonable actuarial assumptions.

(9) Whenever an actuarial valuation is based on actuarial assumptions, cost determination/funding methods or benefit provisions different from those used in the preceding valuation, the current valuation must clearly indicate the effect on projected liabilities and costs resulting from the new assumptions, cost determination/funding methods and/or benefit provisions. This can be accomplished by adding additional columns, as applicable, to item (4)(l), Rule 60T-1.003, F.A.C.

(10) Administrative expenses paid from the funds being accumulated to support the promised benefits shall be paid on a current basis in addition to the annual funding costs otherwise determined. A reasonable assumption/estimate of increase should be used to anticipate the expense amount for the current and/or future plan year(s). Any investment-related expense not netted against investment income is to be included in administrative expense if such investment expense is not paid directly by the plan sponsor. Disclose the assumption, estimate and/or methodology to accomplish this objective in item (3)(e), Rule 60T-1.003, F.A.C.

(11)(a) Annual funding costs or cost contribution rates determined as of a valuation date but to be paid at a later date or applicable to a period beginning at a later date are to be appropriately adjusted to reflect the intervening time interval. The adjustment shall provide for, but not be limited to, adjustments to account for interest and/or salary increase/payroll growth, as appropriate. Disclose the assumptions and/or methodology to accomplish this objective in item (3)(e), Rule 60T-1.003, F.A.C.

(b) For plan years beginning after September 30, 2009, the required dollar contributions for plan years beginning with or subsequent to the actuarial valuation date shall be the product of the required contribution rate and the payrolls during such plan years. The required contribution rate is the required dollar contribution amount for the plan year beginning on the valuation date, including any adjustments for expected benefit changes and interest, divided by the compensation amount used to establish the required dollar contribution amount.

(13) Unless otherwise indicated or contrary to Part VII of Chapter 112, F.S., or Chapter 60T-1, F.A.C., all actuarial procedures and determinations are to be in accordance with commonly accepted procedures and determinations. Internal

Revenue Service publications should be used as the standard.(12) Recommended changes in contributions or contribution rates determined as of a valuation date shall be effective not later than the fiscal year coincident with or next following the valuation date.

(14) A member in a DROP who is not accruing benefits is retired for all plan purposes.

(15) An annual cost shall be determined and paid for each plan year except for a year for which the plan is determined to be fully funded or for which there are no unfunded liabilities for promised benefits.

(16) For closed, frozen, and terminated plans, annual funding contributions shall continue until there are no remaining unfunded promised benefits, consistent with the Legislative intent in Section 112.61, F.S. Liabilities for any new or additional benefits enacted after the adoption date of the legal instrument by which a plan became closed, frozen, or terminated, including the liabilities attributable to actuarial method and assumption changes, and actuarial experience, are to be amortized over the lesser of 15 years and the average number of years of remaining life expectancy.

(17) Changes in the actuarial liability and asset valuation methods and cost-funding methods and determinations, must be consistent with the Legislative intent in Section 112.61, F.S., and of benefit to the plan (e.g., a change solely to reduce annual funding cost due to unfavorable experience without also changing the assumptions yielding such experience neither satisfies Section 112.61 nor benefits the plan). All changes must be approved by the plan sponsor and by the plan's board.

(18) The number of years for amortizing actuarial experience gains and losses, increases and decreases in liabilities due to actuarial method and/or assumption changes, and plan amendments must be consistently applied (e.g., actuarial experience gains cannot be amortized over a lesser number of years than that used for losses). Additionally, each change in the number of years of amortization policy must be approved by the plan sponsor and by the plan's board.

(19) If the amortization of the unfunded actuarial accrued liabilities commences with or is changed to the use of the payroll-growth funding method in Section 112.64(5), F.S., the payroll-growth rate used must satisfy the requirements in such section, and each actuarial valuation report using such funding shall disclose the determination of the 10-year average annual payroll-growth rate and the payroll-growth rate used in the valuation. Additionally, any change in amortization policy to include the use of this method, the payroll-growth rate used and any increase in such rate must be of benefit to the plan, and be approved by the plan sponsor and by the plan's board. Only the pensionable compensation of active members shall be used in determining the 10-year average payroll-growth rate. Additionally, such 10-year average is the tenth root of the ratio that the current pensionable compensation bears to such compensation 10 years earlier.

(20) The awarding of cost-of-living benefit increases continually provided on an ad-hoc basis does not satisfy the Legislative intent in Section 112.61, F.S., if the additional liabilities are then to be funded over future years. If such awards are to continue on an ad-hoc basis, the benefit shall be fully paid for not later than the fiscal year next following the enactment date of the legal instrument providing the benefit increase, or such benefits are to be anticipated and pre-funded the same as all the other pension plan benefits to satisfy the Legislative intent in Section 112.61, F.S.

(21) The plan sponsor or the plan's board may revise actuarial reports and impact statements previously provided to the Division to correct material errors or omissions. Other changes may be made provided that such revisions satisfy the Legislative intent in Section 112.61, F.S., the other requirements of Part VII of Chapter 112, F.S., and Chapter 60T-1, F.A.C., and is in the best interest of the plan and the funding of the plan's benefits, as determined by the Division.

(22) The annually required plan sponsor contribution may be limited to the amount equal to 110% of the excess of the sum of the normal cost and accrued liability over the value of the plan's present assets. For this purpose: the normal cost and the accrued liability are determined according to the individual entry-age actuarial cost-funding method if such items cannot be directly calculated under the funding method used for the plan; the entry age is the member's current age reduced to reflect the number of years of credited prior service; the value of the plan's present assets is the lesser of the fair market value and, if applicable, the value determined according to the plan's actuarial asset-valuation method; and all determinations shall be as of the same date.

(23) The total required plan sponsor contribution for each plan year shall not be reduced to reflect member contributions that exceed the member contribution amount determined when the plan sponsor required contribution amount was established. Any such reduction is contrary to the Legislative intent in Section 112.61, F.S.

(24)(a) For plans providing additional benefits to members satisfying specified requirements, and who have the option of electing such additional benefits, the funding for such additional benefits shall commence not later than the later of the fiscal year coincident with or next following the enactment date of the legal instrument providing the additional benefits and, if applicable, the earliest date the member eligible to elect such additional benefits could have satisfied the applicable requirements to claim the additional benefits. Such additional benefits shall be funded by annual contributions that funds the benefits not later than the member's expected retirement date. A lump sum payment is required equal to the accumulated annual contributions, with interest, that would have been paid from such earliest date the electing member could have

satisfied the applicable requirements to the date when such requirements are satisfied, and shall be paid no later than the fiscal year next following such latter date.

(b) Contributions are required for those retirement plan members who decline to participate in the plan and who subsequently join the plan, or who withdraw from the plan and subsequently rejoin the plan. Consistent with the Legislative intent in Section 112.61, F.S., if credit for pension purposes is awarded for all or any portion of prior service, the plan shall be paid the full actuarial cost for such service. Such cost and any accrued interest shall be paid not later than the fiscal year coincident with or immediately following the date the member first becomes eligible to claim such service. If creditable service commences upon the date of re-entry into the plan with no credit for pension purposes for prior service, there is no additional cost for any prior service.

(25) Contributions are payable to the fund for those members who terminate from a DROP without terminating employment and who receive credit for pension benefits as if never having participated in the DROP. Such contributions shall be the full actuarial cost for the service not credited during the DROP participation period. Such contribution amounts may be offset by the accumulated DROP balance forfeited when the member terminated from the DROP without terminating employment. All such contributions and accrued interest shall be paid not later than the fiscal year coincident with or immediately following the date the member terminates from the DROP.

(26) Pursuant to subsection 60T-1.007(8), F.A.C., actuarial assumptions that consistently generate experience gains or losses are prima facie indications of unreasonable actuarial assumptions. Additionally, Section 112.63(1)(e), F.S., and paragraph 60T-1.003(3)(f), F.A.C., require a comparative review of the actual salary increases granted and the rate of investment return realized over, minimally, the 3-year period preceding the actuarial report with the applicable assumptions used during such period. Also, except as otherwise provided in Part VII of Chapter 112, F.S., Section 112.61, F.S., Legislative intent, among other things, explicitly "prohibit[s] the use of any procedure, methodology, or assumptions the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably have been expected to be paid by the current taxpayers." Accordingly, for each period of at least 3 years of unfavorable actuarial experience immediately preceding the actuarial report, if the actuary elects not to appropriately change the assumption(s) generating such experience, then the actuary shall comment regarding the efficacy of the applicable assumptions versus the experience, and justify how the continuation of such assumptions satisfies the preceding standards, individually and collectively. In the absence of compelling evidence to support such continuation, such report shall be determined to be not state accepted pursuant to Part VII of Chapter 112, F.S.

(27) As of any actuarial valuation date, all existing UAAL amounts ("charges" and "credits") may be combined and have a single amortization payment, provided such payment is not less than the amount payable without the combining, and such that the Legislative Intent in Section 112.61, F.S., is satisfied.

Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.64 FS. History—New 11-14-91, Formerly 22D-1.007, Amended _____.

60T-1.008 Additional Benefits Funded by Experience.

(1) Actuarial experience may be used to fund additional benefits. The present value of such benefits currently awarded or to be awarded shall not exceed the net favorable actuarial experience balance accumulated from all sources of actuarial gains and losses.

(2) Subject to the provisions of Part VII of Chapter 112, F.S., the determination and the payment of additional benefits shall only be in accordance with the provisions of the legal instrument applicable to such benefits adopted by the plan sponsor.

(3) Actuarial experience is determinable under any actuarial cost-funding method. For spread-gain cost-funding methods (see IRS Revenue Rule 81-213), actuarial experience may be determined using a consistently applied individual entry-age cost-funding method, or consistently using the difference in annual normal-cost-funding rates based on the spread-gain-funding method in use. All such determinations are to be disclosed in the actuarial report.

(4) The period for the measurement of net actuarial experience may commence with the effective date of the additional benefits program funded by actuarial experience, or earlier. If earlier, the contribution requirements for the affected prior years must be re-determined to account for the revised treatment of prior actuarial experience. A revised actuarial report is required for each affected prior year.

(5) A net favorable cumulative actuarial experience balance may be reserved or amortized. If reserved, the balance is to be identified and separately disclosed with the plan's other benefit liabilities. A net unfavorable cumulative balance must be amortized. For immediate-gain funding methods, the amortization period must satisfy Section 112.64(4), F.S., and be consistent with the amortization periods amortizing favorable and unfavorable actuarial experience. For spread-gain funding methods, the balance is to be subsumed in the liabilities funded by the funding method's normal cost. The resulting decrease (favorable balance) or increase (unfavorable balance) in the normal cost is the amortization payment.

(6) An exhibit is to be included in each actuarial valuation report disclosing, on an annual basis, the reconciliation of the immediate prior net accumulated actuarial experience balance to the current balance. The reconciliation shall disclose the

actuarial experience, the value of the additional benefits awarded or to be awarded, applicable interest adjustments, and as adjusted by any amortization payments.

Specific Authority 112.665(1) FS. Law Implemented 112.61, 112.63, 112.64. History—New _____.

60T-1.009 Additional Filing Requirements.

(1) Expected rates of return on investments per Section 112.661(9), F.S.

(a) For each actuarial valuation the retirement plan's board shall determine the total expected annual rate of return on the plan's assets (including investment-related expenses) for the current year, separately for each of the next three years, and for the long term thereafter, and file such statement with the Division, the plan sponsor and consulting actuary. The statement shall disclose how such total expected rates of return are determined on the market value basis for the plan's investments as of the current actuarial valuation date and reflect any expected changes in such investments pursuant to the plan's investment policy statement, and shall include all applicable supporting materials including the plan investment advisor's return rate determinations. The following information shall be provided in a historical exhibit with each board's statement of total expected annual rates-of-return. This information will also assist the board in establishing the expected annual rates-of-return.

1. Determine the total required annual rate-of-return as the sum of the investment-related expense ("IRE") rate and the plan's actuarial interest assumption. Determine the IRE rate as the difference between the rates-of-return including and excluding such expense using the formula in subparagraph 60T-1.003(3)(f)2., F.A.C. (For example, if the rate-of-return is 7.83% including expenses, and 6.90% excluding expenses, then the IRE expense rate is 0.93%. If such 0.93% expense rate is assumed to continue, and the plan's actuarial interest assumption is 8.00%, then the annually required total rate-of-return is 8.93%).

2. Determine the weighted-average annual yield rate for the plan's fixed-income investments. This is the ratio "a/b", where "a" is the sum of the expected annual fixed-income of all the fixed-income investments (not in default), and "b" is the market value of all such investments. (For example, if \$45,900 is the total expected annual fixed-income on a \$914,343 market-value fixed-income portfolio, then the weighted-average annual yield rate is 5.02% (\$45,900/\$914,343).)

3. Determine the annual yield rate for the total plan portfolio expected to be produced by the fixed-income portion of the plan's portfolio. This is the product of the fixed-income weighted-average yield rate and the percent that the fixed-income investments are of the total plan portfolio. (For example, if the fixed-income portfolio is 32.2% of the plan's total portfolio; then the yield rate for the total plan portfolio

expected to be produced by the fixed-income portion of the portfolio is 1.62% (5.02% x 32.2%).) (Alternatively, divide the \$45,900 expected annual fixed-income amount by the total plan portfolio (\$2,839,575 in this example).)

4. Determine the total annual rate-of-return to be produced by the balance of the portfolio to achieve the required total rate-of-return. (For example, 7.31% (8.93% – 1.62%) is the required rate-of-return to be produced by the remaining 67.8% (100.0% – 32.2%) of the non-fixed-income portion of the portfolio. Thus, such other assets, specifically equities, must produce 10.78% (7.31%/67.8%).)

5. The historical exhibit shall disclose the following information for each plan year. For plan year ended(date): expected and actual IRE rates; expected and actual rates-of-return each on the fixed-income and equity portions of the total asset portfolio; and the assumed and actual actuarial rates-of-return. For the immediately following plan year: total market value, expected IRE rate, actuarial interest assumption, and total expected rate-of-return; for the fixed-income portfolio, its market value and percent of the total portfolio, the expected annual fixed-income amount, and such amount as a percent of the fixed-income portfolio and of the total portfolio; for the equity portion of the portfolio, its market value and percent of the total portfolio, the excess by which the total expected rate-of-return exceeds the expected rate-of-return on the fixed-income portfolio, and the expected rate-of-return on the equity portion of the portfolio required to achieve the total expected rate-of-return.

(b) For each year, the plan's board shall also provide a statement explaining why the market value return rate is more than 2% less than the assumed actuarial rate for such year, and also state and explain the board's corrective action.

(2) Illiquid investments pursuant to Section 112.661(17), F.S.

(a) For each actuarial valuation that includes illiquid investments in the assets used for establishing the plan's annual funding cost, the board shall disclose:

1. The specific legal provision(s) permitting each such investment.

2. Each such investment and how its fair market value was established.

3. Each valuator(s) of such investment and the valuator(s) qualifications.

(b) For each actuarial valuation as of which date the plan did not own any illiquid investment, or if owned but the fair market value was not determined and that each such investment was excluded from the assets used to establish the annual funding cost, the board is to provide a signed statement so attesting.

(3) Annual statement pursuant to Sections 112.661(9) and (17), F.S. The retirement plan's board shall annually provide to the Division, the plan sponsor and the plan's actuary not later than two months following the beginning of each plan year the

required disclosures in subsections 60T-1.009(1) and (2), F.A.C., together with a statement in the form of a certification signed and dated by each board member, as follows:

Statement by the Board of Trustees of the (name of plan)
(Pursuant to subsection 60T-1.009(3), F.A.C.)

The disclosures attached hereto are, to the best of my knowledge, complete and accurate, and satisfy the requirements of Sections 112.661(9) and (17), F.S., Rule 60T-1.009, F.A.C., and the Legislative intent in Section 112.61, F.S.

| <u>Print or Type Name</u> | <u>Signature</u> | <u>Date</u> |
|---------------------------|------------------|-------------|
| | | |

Specific Authority 112.665(1) FS. Law Implemented 112.661(9) FS. History--New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-36.001
 RULE TITLE: Deficient License Application Files
 PURPOSE AND EFFECT: The purpose and effect of this rule is to promulgate the criteria for the department to close and terminate deficient license application files 2 years after the board or the department notifies the applicant of the deficiency in accordance with Sections 455.203(10)(a), 455.203(10)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Rule 61-36.001, F.A.C., is created to implement the procedures for the department to close and terminate deficient license applications files in accordance with Section 455.203(10)(a), F.S.

SPECIFIC AUTHORITY: 455.203(5), (6), 455.203(10)(a), 455.2035 FS.

LAW IMPLEMENTED: 455.203(10)(a) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: April Dawn M. Skilling, (850)488-0063. 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: April Dawn M. Skilling, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-36.005
 RULE TITLE: Licensure Application Approval
 PURPOSE AND EFFECT: The purpose and effect of this rule is to promulgate the criteria for the department to approve applications for professional licenses that meet all statutory and rule requirements for licensure in accordance with Section 455.203(10)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Rule 61-36.005, F.A.C., is created to implement the procedures for the department to approve applications for professional licenses in accordance with Section 455.203(10)(b) FS.

SPECIFIC AUTHORITY: 455.203(5), (6), 455.203(10)(b), 455.2035 FS.

LAW IMPLEMENTED: 455.203(10)(b) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: April Dawn M. Skilling, (850)488-0063. 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: April Dawn M. Skilling, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-2.027
 RULE TITLE: Applications by Individuals
 PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to application requirements for a real estate broker license.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987).

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

DATE AND TIME: Tuesday, July 15, 2008, 8:30 a.m. or as soon thereafter as possible

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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: Division of Real Estate, (407)481-5662. 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: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.003
 RULE TITLE: Notice of Noncompliance

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule change affects rule provisions relating to notices of non-compliance.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 120.695, 455.225(3) FS.

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

DATE AND TIME: Tuesday, July 15, 2008, 8:30 a.m. or as soon thereafter as possible

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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: Division of Real Estate, (407)481-5662. 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: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-4.050
 RULE TITLE: Procedures to Obtain Permits and Other Authorizations; Applications

PURPOSE AND EFFECT: The Department is initiating rule development to amend the fee schedule in Rule 62-4.050, F.A.C., with two primary objectives. First, it will conform the rule with Senate Bill 1294 (2008), Chapter 2008-150, Laws of Florida, which established new fees and minimum fee requirements for environmental resource permit program activities under Part IV of Chapter 373, F.S., and drinking water fees under Section 403.087, F.S. For activities under Part IV of Chapter 373, F.S., the legislation established a \$250 minimum fee for noticed general permits and individual permits; a new \$100 minimum fee, not to exceed \$500, to verify qualification for an exemption; and a new \$100 minimum fee, not to exceed \$500, to conduct an informal wetland boundary determination. The legislation also established a new annual operation license fee of \$50 for each public water system, automatically increases the minimum fees for drinking water construction or operation permits to \$500, not to exceed \$15,000, and established the permit fee for a drinking water distribution system permit, including a general permit, at \$500, not to exceed \$1,000. The new fees and the minimum fees described above automatically go into effect on July 1, 2008, and remain in effect until the Department adopts new fees by rule.

Secondly, the legislation requires the Department to review all fees authorized under Part IV of Chapter 373, F.S., and Chapter 403, F.S., at least once every five years and adjust the fees to reflect changes in the rate of inflation since the time each fee was established or most recently revised. This includes a requirement to adopt by rule the inflation index or indices to be used for making all fee adjustments. In recognition of this new legislation, the Department will be evaluating appropriate

inflation indicators for all other regulatory program areas under Chapter 403, F.S., and will advise the public of the approach to be taken through future notices.

SUBJECT AREA TO BE ADDRESSED: New fees and minimum fees for activities conducted under Part IV of Chapter 373, F.S., and Chapter 403, F.S., and adjustments to all fees to reflect inflation.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.109, 373.414, 373.418, 373.421, 403.061, 403.087, 403.704(30), 403.805, 403.861 FS., Chapter 2008-150, Laws of Florida.

LAW IMPLEMENTED: 218.075, 373.109, 373.118, 373.309, 373.406, 373.409, 373.413, 373.4135, 373.414, 373.4145, 373.418, 373.421, 403.061, 403.087, 403.0877, 403.088, 403.0885, 403.722, 403.813, 403.861(7), 403.9328 FS., Chapter 2008-150, Laws of Florida.

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: Jim Stoutamire, Florida Department of Environmental Protection, Division of Water Resource Management, 2600 Blair Stone Road, MS 3500, Tallahassee, FL, 32399-2400, telephone (850)245-8490, or e-mail: Jim.Stoutamire@dep.state.fl.us. Further information and updates on development of this rule also may be obtained from the Department’s Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC # 08-1684)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-113.200 **RULE TITLE:** Delegation of Authority by Secretary

PURPOSE AND EFFECT: In accordance with Sections 373.026(7), 373.103, and 403.805, F.S., the Department proposes to delegate to the St. Johns River, Suwannee River, Southwest Florida, and South Florida Water Management Districts the authority to conform their rules establishing fees for environmental resource permit (ERP) program activities under Part IV of Chapter 373, F.S., with Senate Bill 1294 (2008), Chapter 2008-150, Laws of Florida. That legislation established a \$250 minimum fee for noticed general permits and individual permits; a new \$100 minimum fee, not to exceed \$500, to verify qualification for an exemption, and a new \$100 minimum fee, not to exceed \$500, to conduct an informal wetland boundary determination. These minimum fees will remain in place within each District for activities that are the responsibility of the Districts under the Operating Agreements between the Department and the Districts

incorporated by reference in Chapter 62-113, F.A.C., until that District adopts a rule to adjust fees based on the inflation adjuster index. The legislation also required all fees under Part IV of Chapter 373, F.S., to be reviewed at least once every five years and adjusted to reflect changes in the rate of inflation since the time each fee was established or most recently revised. This includes a requirement to adopt by rule the inflation index or indices to be used for making all fee adjustments. This authority is not being delegated to the Northwest Florida Water Management District because, in accordance with Section 373.4145, F.S., the District uses the Department’s rules to implement their responsibilities in the ERP program.

SUBJECT AREA TO BE ADDRESSED: Delegation of rulemaking authority to the St. Johns River, Suwannee River, Southwest Florida, and South Florida Water Management Districts to adopt and amend fees for activities conducted under Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 110.201, 120.53(1)(a), 373.046, 373.103, 373.309, 376.303, 403.061, 403.1815, 403.1823, 403.1832, 403.1838, 403.704 FS., SB 1294 (2008), Chapter 2008-150, Laws of Florida.

LAW IMPLEMENTED: 110.227, 120.53(1)(a), 373.046, 373.103, 373.308, 373.309, 373.4135, 403.088, 403.1821 through 403.1838 FS., SB 1294 (2008), Chapter 2008-150, Laws of Florida.

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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL, 32399-2400, telephone (850)245-8483, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on development of this rule also may be obtained from the Department’s Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC #08-1687)

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-346.071 **RULE TITLE:** Fees

PURPOSE AND EFFECT: The Department is initiating rule development to amend the fee schedule in Rule 62-346.071, F.A.C., for environmental resource permit program activities under Part IV of Chapter 373, F.S., within the geographic area of the Northwest Florida Water Management District (“the

Panhandle”). This rulemaking has two primary objectives. First, it will conform the rule with Senate Bill 1294 (2008), Chapter 2008-150, Laws of Florida, which established a new \$250 minimum fee for noticed general permits and individual permits; a new minimum fee of \$100, not to exceed \$500, to verify qualification for an exemption; and a new \$100 minimum fee, not to exceed \$500, to conduct an informal wetland boundary determination. The new and minimum fees described above automatically go into effect on July 1, 2008, and remain in effect until the Department adopts new fees by rule. The new fees and the minimum fees required by the legislation will be reflected in associated rulemaking to adopt the second phase of the environmental resource permit program in the Panhandle in accordance with Section 373.4145(1)(b), F.S.

Secondly, the legislation requires the Department to review all fees authorized under Part IV of Chapter 373, F.S., at least once every five years and adjust the fees to reflect changes in the rate of inflation since the time each fee was established or most recently revised. This includes a requirement to adopt by rule the inflation index or indices to be used for making all fee adjustments.

These fees will be binding on applications and notices for environmental resource permit activities under Part IV of Chapter 373, F.S., reviewed and acted upon by the Department or the Northwest Florida Water Management District, in accordance with the division of responsibilities established by the Operating Agreement in Chapter 62-113, F.A.C.

SUBJECT AREA TO BE ADDRESSED: New fees, minimum fees, and adjustments to all fees to reflect inflation, for activities conducted under Part IV of Chapter 373, F.S., within the Panhandle.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.4145, 373.418, 403.508(1) FS., SB 1294 (2008), Chapter 2008-150, Laws of Florida.

LAW IMPLEMENTED: 218.075, 373.109, 373.118, 373.406, 373.414, 373.4145, 403.813, 373.418, 373.421 FS., SB 1294 (2008), Chapter 2008-150, Laws of Florida.

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: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL, 32399-2400, telephone (850)245-8483, or e-mail: Mary.VanTassel@dep.state.fl.us. Further information and updates on development of this rule also may be obtained from

the Department’s Internet site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC No. 08-1673)

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.0012
RULE TITLE: English Proficiency Requirement for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to include language for web based testing scores.

SUBJECT AREA TO BE ADDRESSED: Web based testing.

SPECIFIC AUTHORITY: 457.104, 457.105(2)(a) FS.

LAW IMPLEMENTED: 457.105(2)(a) 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: Pamela King, Executive Director, Board of Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.203
RULE TITLE: Licensure by Examination; Application

PURPOSE AND EFFECT: The Board proposes the rule amendment to update information concerning incorporated forms and to update requirements for licensure by examination.

SUBJECT AREA TO BE ADDRESSED: Licensure by Examination; Application.

SPECIFIC AUTHORITY: 456.033, 465.005 FS.

LAW IMPLEMENTED: 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.203 Licensure by Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination.

(1) All applications for licensure by examination must be made on board approved form DOH/MQA/PH101 (Rev 6/08) (~~Rev 1/8/03~~), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable examination fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit proof of having met the following requirements:

(a) Completion of an internship program provided by either an accredited school or college of pharmacy or a state board of pharmacy or jointly by both provided that the program meets requirements of Rule 64B16-26.2032 ~~64B16-26.2031~~, F.A.C.

(b) No change.

(3) through (4) No change.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 FS. History–New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, 1-11-05, 2-18-08,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.204 RULE TITLE Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to update information concerning incorporated forms and to update requirements for licensure by endorsement.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement.

SPECIFIC AUTHORITY: 456.033, 465.005, 465.0075 FS.

LAW IMPLEMENTED: 456.013(1), 456.033, 465.007, 465.0075, 465.022 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.204 Licensure by Endorsement.

An applicant for licensure by endorsement must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education.

(1) All applications for licensure by endorsement shall be made on board approved form DOH/MQA/PH100 (06/08 ~~10-15-04~~). The instructions and application form, entitled Florida Pharmacist Endorsement Application, which is hereby incorporated by reference, effective 06/08 ~~11-8-04~~, shall be accompanied with a non-refundable endorsement application fee and initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) through (3) No change.

(4) Applicants qualifying under the education requirements of Section 465.007(1)(b)2., F.S., (foreign graduates), must complete the requirements of Rule 64B16-26.2031 ~~64B16-26.205~~, F.A.C., prior to certification for the examination required in subsection (6) of this rule.

(5) No change.

(6) Applicants applying under the provisions of Section 465.0075, F.S., must have obtained a passing score on the licensure examination as described in subsection 64B16-26.200(1), F.A.C., ~~not more than 12 years prior to application.~~

(7) through (8) No change.

Specific Authority 456.033, 465.005, 465.0075 FS. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS. History–New 11-8-01, Amended 1-11-05, 2-18-08,_____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-2.001 RULE TITLE: Fees for Application, Re-Application and Initial Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of fee reduction.

SUBJECT AREA TO BE ADDRESSED: Fees for Application, Re-Application and Initial Licensure.

SPECIFIC AUTHORITY: 486.025, 486.041(1), 486.081(2) FS.

LAW IMPLEMENTED: 456.013, 456.065, 486.041, 486.061, 486.081, 486.103, 486.106, 486.107 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-2.005 Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment for consideration of fee reduction.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees.

SPECIFIC AUTHORITY: 486.025, 486.085 FS.

LAW IMPLEMENTED: 456.036(4), (6), 486.085, 486.108(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
64B17-7.002 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment for clarification of citation requirements.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 486.025 FS.

LAW IMPLEMENTED: 456.077 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:
64B24-7.018 Address of Record

PURPOSE AND EFFECT: To define the current mailing address and place of practice for a licensed midwife.

SUBJECT AREA TO BE ADDRESSED: Address of Record.

SPECIFIC AUTHORITY: 456.035, 465.005 FS.

LAW IMPLEMENTED: 456.035 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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:
64B24-8.003 Citation Violations

PURPOSE AND EFFECT: To designate those violations for which a citation is an appropriate penalty and may be issued and the amount of fine or other penalty to be imposed.

SUBJECT AREA TO BE ADDRESSED: Citation Violations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.072(3), 466.077 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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-16.012 RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose is to increase biomedical waste program fees within the statutory limits. The effect will be to reduce the program’s operating deficit.

SUBJECT AREA TO BE ADDRESSED: Biomedical waste program fees.

SPECIFIC AUTHORITY: 381.006, 381.0098(4) FS.

LAW IMPLEMENTED: 381.0098 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: Gina Vallone-Hood, Environmental Manager, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1712, (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-16.012 Fees.

(1) ~~When the facility will be in operation six (6) months or less before the annual renewal date, the annual fee shall be prorated on a quarterly basis.~~ State-owned and operated biomedical waste facilities are exempt from the permit fee.

(2) Fee schedule.

Generator Permit:

(application received by October 1) ~~\$85.00~~ ~~\$55.00~~
(application received after October 1) ~~\$105.00~~ ~~\$75.00~~

Treatment Permit:

(application received by October 1) ~~\$85.00~~ ~~\$55.00~~
(application received after October 1) ~~\$105.00~~ ~~\$75.00~~

Storage Permit:

(application received by October 1) ~~\$85.00~~ ~~\$55.00~~
(application received after October 1) ~~\$105.00~~ ~~\$75.00~~
Transporter Registration (one vehicle):
(application received by October 1) ~~\$85.00~~ ~~\$55.00~~
(application received after October 1) ~~\$105.00~~ ~~\$75.00~~
Additional Vehicle \$10.00

No fee or combination of fees shall exceed the maximum amount established by the statute.

(3) All fees collected pursuant to this section shall be placed in a specially designated account within the individual county health department trust fund to be used to meet the cost of administering the biomedical waste program described in this chapter.

Specific Authority 381.006, 381.0098(4) FS. Law Implemented 381.006, 381.0098 FS. History–New 12-14-92, Amended 1-23-94, 6-3-97, Formerly 10D-104.0078, Amended _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-12.018 RULE TITLE: Fees

PURPOSE AND EFFECT: The Department proposes to review this Chapter to possibly promulgate changes to fees and add fees for new permits authorized by the Florida Legislature. SUBJECT AREA TO BE ADDRESSED: The proposed amendment to Rule 64F-12.018, F.A.C., will change and add the permit fees currently established by Rule 64F-12.018, F.A.C.

SPECIFIC AUTHORITY: 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.015, 499.04, 499.041 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: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Fraud

RULE NO.: 69D-1.003
RULE TITLE: Review Process and Reward Criteria
PURPOSE AND EFFECT: To accommodate the change from three Chapter Presidents of the Florida Association of Special Investigations Units (FASIU) to Five Chapter Presidents; and to reflect an organizational change within the Division of Insurance Fraud.

SUBJECT AREA TO BE ADDRESSED: At the time the original rule was promulgated, there were only three (3) chapters of the Florida Association of Special Investigations Unit, with each chapter represented by a president. Each of the three chapters is represented on the committee that reviews anti-fraud grants in accordance with Section 626.989, Florida Statutes. There are currently five (5) chapters of the FASIU.

SPECIFIC AUTHORITY: 624.308, 626.9892 FS.

LAW IMPLEMENTED: 624.307, 626.9892 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mark Schlein, 200 E. Gaines Street, Tallahassee, Florida 32399; Mark.Schlein@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Schlein, 200 E. Gaines Street, Tallahassee, Florida 32399; Mark.Schlein@myfloridacfo.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69D-1.003 Review Process and Reward Criteria.

(1) No change.

(2) Applications will be reviewed by a committee, consisting of each of the ~~five~~ ~~three~~ chapter presidents of the Florida Association of Special Investigation Units or their designees, ~~three regional supervisors of the Division of Insurance Fraud~~, the Director of the Division of Insurance Fraud, and any personnel appointed by the Director.

(3) through (10) No change.

Specific Authority 624.308, 626.9892 FS. Law Implemented 624.307, 626.9892 FS. History—New 6-6-05, Amended.

FINANCIAL SERVICES COMMISSION

Finance

| RULE NOS.: | RULE TITLES: |
|-------------------|----------------------------------------------------------------------|
| 69V-560.101 | Scope |
| 69V-560.102 | Application Forms, Procedures and Requirements |
| 69V-560.103 | Definitions |
| 69V-560.104 | Application Fees |
| 69V-560.105 | Regulatory Standards for Evaluating Applications |
| 69V-560.107 | Registration of Locations and Authorized Vendors |
| 69V-560.108 | Declaration of Intent to Engage in Deferred Presentment Transactions |
| 69V-560.201 | Requirements |
| 69V-560.302 | Renewal Fees, Deadlines, and Requirements |
| 69V-560.401 | Scope |
| 69V-560.402 | Bond |
| 69V-560.403 | Net Worth |
| 69V-560.501 | Scope |
| 69V-560.601 | Definitions |
| 69V-560.602 | Quarterly Reports |
| 69V-560.606 | Annual Filing of Financial Statements by Part II Registrants |
| 69V-560.701 | General |
| 69V-560.702 | Payment Instrument Sellers |
| 69V-560.703 | Funds Transmitters |
| 69V-560.704 | Records to Be Maintained by Check Cashers |
| 69V-560.705 | Foreign Currency Exchangers |
| 69V-560.706 | Records to be Maintained by Authorized Vendors |
| 69V-560.707 | Records to be Maintained by Deferred Presentment Providers |
| 69V-560.801 | Verification Fee |
| 69V-560.802 | Minimum Disclosure |
| 69V-560.804 | Payment Method |
| 69V-560.805 | Gross Income Test |
| 69V-560.901 | Scope |
| 69V-560.902 | Definitions |
| 69V-560.903 | Deferred Presentment Transactions |
| 69V-560.904 | Transaction Agreement Disclosures and Requirements |
| 69V-560.905 | Transaction Fees |
| 69V-560.906 | Consumer Credit Counseling Services |
| 69V-560.907 | Database Access |
| 69V-560.908 | Database Transaction Requirements |
| 69V-560.909 | Database Availability |
| 69V-560.910 | Database Transaction Fees |
| 69V-560.911 | Database Dispute Resolution for Customers |
| 69V-560.912 | Database Confidentiality |

PURPOSE AND EFFECT: During the regular 2008 legislative session, the Florida Legislature passed Senate Bill 2158, relating to money services businesses. The bill was signed into law on June 17, 2008, and will take effect on January 1, 2009. This law makes significant changes to Chapter 560, Florida Statutes. The new law imposes additional regulatory requirements on money services businesses including money transmitters, payment instrument sellers, foreign currency exchangers, check cashers, and deferred presentment providers. The Office of Financial Regulation will be holding rule workshops in Tallahassee (July 21, 2008), Orlando (July 23, 2008), and Ft. Lauderdale (July 25, 2008) to develop rules to implement the new law. In addition to the existing rules under Rule Chapter 69V-560, F.A.C., that will be amended to reflect the new law, additional rules will be developed to implement disciplinary action guidelines, requirements relating to third-party contractors for examinations, etc.

SUBJECT AREA TO BE ADDRESSED: Money Services Businesses.

SPECIFIC AUTHORITY: 215.405, 560.105, 560.1091, 560.1092, 560.110, 560.1141, 560.118, 560.123, 560.126, 560.128, 560.142, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.309, 560.310, 560.403, 560.404 FS.

LAW IMPLEMENTED: 215.405, 560.103, 560.105, 560.109, 560.1091, 560.1092, 560.110, 560.111, 560.114, 560.1141, 560.118, 560.123, 560.1235, 560.126, 560.127, 560.128, 560.129, 560.140, 560.141, 560.142, 560.204, 560.205, 560.208, 560.2085, 560.209, 560.210, 560.211, 560.213, 560.303, 560.304, 560.309, 560.310, 560.402, 560.403, 560.404 FS.

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

DATE AND TIME: July 21, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: The Larson Building, Room 116, 200 E. Gaines Street, Tallahassee, FL 32399

DATE AND TIME: July 23, 2008, 1:00 p.m. – 5:00 p.m.

PLACE: Florida Office of Financial Regulation, First Floor Conference Room (Room A), 400 W. Robinson St., Hurston South Tower, Orlando, FL 32801-1799

DATE AND TIME: July 25, 2008, 9:00 a.m. – 1:00 p.m.

PLACE: Florida Department of Transportation, Operations Auditorium, 5548 N.W. 9th Avenue, Ft. Lauderdale, FL 33309
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 3 days before the workshop/meeting by contacting: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.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, IF AVAILABLE, IS: Mike Ramsden, Chief, Money Transmitter Regulation, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805, mike.ramsden@flofr.com. The preliminary draft will be posted on the Office of Financial Regulation’s website (www.flofr.com) once it becomes available

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

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:

59G-13.081

59G-13.084

RULE TITLES:

Developmental Disabilities Waiver
Provider Rate Table

Developmental Disabilities Waiver
Residential Habilitation Services in
a Licensed Facility Provider Rate
Table

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.081, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008. The purpose of Rule 59G-13.084, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, July 1, 2008. The rate tables were revised to comply with proviso language following Specific Appropriation 263 of the 2008-2009 General Appropriations Act. The effect of the amendment to Rule 59G-13.081, F.A.C., will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, July 1, 2008. The effect of Rule 59G-13.084, F.A.C., will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Residential Habilitation Services in a Licensed Facility Provider Rate Table, July 1, 2008.