

CHAPTER 77-174

House Bill No. 1571

AN ACT relating to the Florida Statutes; amending various sections and subunits of sections of the Florida Statutes to conform them to bracketed words and phrases editorially inserted or substituted in the interest of clarity in the Florida Statutes 1973, the 1974 Supplement to the Florida Statutes, the Florida Statutes 1975, and the 1976 Supplement to the Florida Statutes.

Be It Enacted by the Legislature of the State of Florida;

Section 1. Sections 13.9984(1) (g)2.d.; 20.17(3) ,(4) ,(7), and (11)(c)l.; 20.19(4)(c)5.,(8)(d), and (9); 20.261(3); 20.315(6) ,(8) (c), and (13) (d); 23.019(1); 23.122(7); 23.123; 28.223(1); 28.241(1); 30.31(1); 39.03(6) (a) and (b); 39.04(2); 63.097; 63.212(4); 65.081(3) and (4); 78.068(1); 83.764(1) and (8); 90.104(1); 90.202(6); 90.407; 90.505(3) (d); 90.803(19),(20), and (21); 90.902(2); 90.952; 90.954(intro); 95.011; 95.051(1) (b) and (2); 95.11(3) (c); 95.16(2) (d); 95.191; 95.21; 95.281(1) (c); 95.35; 95.361(1); 98.051(5) (b); 100.361(1) (intro),(d), and (g); 101.5607; 101.5609(8); 101.5614(3); 101.63; 103.101(11) (b)2.; 103.111(4); 104.013(2); 104.371; 106.011(11); 106.03(2) (h); 106.04(1) (c); 106.05; 106.07(1) (c.); 106.08(1)(a); 106.15(1) (e); 106.17(1); 112.044(1); 112.061(11); 112.20(1); 112.312(11) and (15); 112.313(9) (a); 112.3145(1) (c)1.,(2) (a) and (b),(3)(b) and (d), and (4); 112.322(2) (a) and (d); 120.52(2) and (8); 120.54(1) (a) (intro), (4) (a) and (b), and (11)(a); 120.545(1), (2), (3), (4), (5), (7), and (8); 120.55(1) (g); 120.56(1) and (2); 120.57(1) (b)3.; 120.59(1); 120.60(2) ,(3), and (5); 120.66(3); 120.68(4) and (6); 120.72(1) and (4) (b); 121.011(3) (e); 121.021(38); 121.051(2) (a)3.; 122.34(5); 123.03(5); 125.315; 125.85(1); 154.209(7); 159.03(1); 163.3167(7); 163.3177(4) and (6) (g) (intro), (h), and (i); 163.3181(3) (a); 163.3184(1) (c) ,(3), and (4); 163.3187; 163.3194(2) (a); 163.566(10); 163.602(1) and (3); 163.604(10); 163.611(1) (b) ,(2) (d)4. and 5., and (3); 163.613(2); 163.621(14); 163.622(intro) and (2) (a); 163.623(intro);

163.632(3) ,(4), and (5); 165.052(1) (c) and (3); 166.021(4); 166.231(4); 193.085(4) (a); 193.102(1); 193.122(2) and (4); 194.011(3); 194.032(2) and (6) (a)3.; 194.181(2); 195.062(1); 195.106(1) (c) and (3); 196.131(1); 196.193(5); 196.1975(4) (a) and (5); 196.199(5) and (8) (b); 197.214; 197.256(1); 198.18(1); 199.052(3) and (5); 200.065(9); 200.132(1); 206.93; 212.02(14); 215.422(1); 216.044; 216.151(4); 218.21(6) (a); 228.061(2) (a); 229.8055(6) (d); 229.833(1); 230.7661(1); 230.767(1) (c); 232.07(1) (a) ,(b), and (c)4.; 232.245(3); 232.27; 233.115(3); 233.16(1) and (2); 233.25(10); 233.39; 233.43; 233.46(4) ,(5), and (6); 234.02(2); 235.42(5) and (6); 235.4235(2); 236.081(5) (c) and (7)(c)4.; 236.084(5) and (6); 238.171(3)(a) and (b);239.58(6);240.042(2)(p)2.; 241.735(2); 243.24(4)(e); 243.29; 243.40; 245.07; 252.38(7); 252.43; 252.46(1); 255.245(%); 255.25(2); 258.165(2)(a); and (3)(c); 258.42(3) (a)6.; 265.32(1) (intro); 266.306(15); 283.28(1) (d); 286.23(3) (a); 287.055(5) (a) and (7); 287.29(6); 287.35(2) (a); 288.03(intro) and (13); 288.06; 288.07; 288.08; 288.09; 288.10; 291.325(2) and (3); 295.125(3); 298.02(4); 298.07(5); 298.33(3); 316.003(22) and (64); 316.016(3) (c); 316.026(4); 316.068(1); 316.181(2); 316.183(3); 320.0105(2) (b) and (d); 320.06(1) (d); 320.062(1); 320.065(3); 320.07(1); 320.08(4); 320.13(1) (b)2.; 320.131(1); 320.822(1); 320.8285(5); 320.837(1) ,(2), and (4); 320.838; 320.85(5); 322.125(3); 322.126(1); 322.17(2); 322.21(6); 322.271(2); 322.28(2) (d) and (e); 322.281(2); 322.282(2); 324.051(2) (a)4. and 5.; 330.12(1); 330.52(1); 336.62(8); 337.17; 338.071(5); 339.09(2) and (3); 340.12(2); 340.34; 350.0611(5); 369.01; 370.12(1) (c); 370.14(6) (c); 370.153(4) (d); 370.155(1); 370.172(3) (d); 371.171(1); 371.65(2) and (4); 372.025(4) (a)l.; 373.1962(1) (a) and (b); 373.1963(5); 373.217(4); 373.229(3); 373.563(6) and (7); 376.07(2) (a); 377.19(18); 377.28(3) (e), (4) (a), (5) (b)2., and (9); 377.39(4); 377.606; 377.703(1) and (2); 381.2611(1); 381.272(2) and (3); 381.494(1) ,(5) (c)8. and (e), and (6)(e); 383.18; 383.19(2); 393.13(4)(c)3.,(f)3., and (m)2.a.; 394.458(1); 394.467(2) (intro); 394.69(3); 394.70(2)(c)1.; 395.045(1); 395.105; 395.19; 397.055(1); 397.20; 400.022(1) (j); 400.434; 401.113; 401.34(1) (g); 401.40; 401.45(2); 402.32(3) (d) and (8); 402.33(3) (b) and (4); 403.031(2) and (12); 403.088(5); 403.161(3) and (4); 403.271(1)-(4) ,(6), and (7); 403.504(7);

403.5065(2); 403.508(4) (c) and (6); 403.511(2) and (3); 406.02(1)(b); 406.11(1); 409.166(2) (a); 409.168(1) and (3) (a); 409.2561(2); 409.2567; 409.2571(1); 409.2577; 409.285(2); 409.3623(13); 409.3624(6); 413.035(1); 413.08(5); 420.011(12); 420.204(3); 420.205(2); 420.302(3); 420.322(2) (c); 440.02(8) (b); 440.15(10) (a); 440.185(4); 440.20(5); 443.10(6) (a); 443.11(1) (a); 443.13(1); 443.15(3) (f); 446.031; 446.041(1) and (2) (a) (intro); 446.061; 446.081(3); 446.091; 446.101(2) (d) and (g),(3)(b) and (c), and (6); 447.17(1); 447.203(4) and (6); 447.501(2) (f); 447.503(2), (3) (a), and (7); 447.507(4); 447.603; 449.04; 450.021(4); 450.061(1) (intro) and (2); 450.101(1); 450.121(1); 450.132(1) and (2); 450.151; 450.41; 450.44(2); 455.012(1); 458.056(5); 458.057; 464.041(3); 464.21(1) (d); 465.131(intro); 468.209(2); 468.225(2); 470.30(8) (a); 473.021; 474.031(9) (d); 474.17; 475.482(2); 475.483(1) (e); 475.484(1); 477.03(1) (h); 478.021(2) (g); 478.041(1); 478.121(1) (b) and (e); 479.01(11); 479.24(6); 487.161(2); 487.165; 489.08; 489.09(4); 489.10; 493.01(6)(m) and (7); 493.02(3); 493.12(5); 493.21(2)(b); 494.04(4); 496.11(5) (b); 500.46(2) and (5); 501.136(6) (p) and (8) (f); 501.137; 502.012(12),(26),(38), and (50); 502.161(2) and (5); 509.111(1); 509.201(2) (a); 509.221(2) and (8); 516.031(2); 516.20(1); 516.31(3); 516.34; 518.116(1) (a); 527.15(7); 550.055(2); 550.084; 550.33(7); 550.488; 553.19(7); 562.13(2) (f) and (3) (a); 565.15(1); 578.12; 581.031(20); 581.083; 601.091(2); 601.1515(5); 601.152(1) (d) and (9); 601.159(4) (c) and (d),(6)(b)5. and (d)2.,(8)(b)6. and (d) (intro), and (10)(b); 607.014(1); 607.067(1); 607.091(6); 607.094(3); 607.101(1); 607.111(8); 607.147(3); 607.164(1) (d); 607.167(2); 607.194(1)-(3); 607.231(3) (a); 607.247(2); 607.271(6); 607.294; 607.374(1); 616.258; 617.051(1) (b); 626.9511(1); 626.9541 (intro),(9)(c)4.,(15)(b) and (c)7.,(19)(d), and (23)(a); 626.9551(2); 626.9611; 626.9705(3); 626.988(7); 627.351(5) (b); 627.641(3); 627.643(3); 627.6575(3); 627.668(2) (intro); 627.7263(2); 633.081(1) (c); 633.45(1) (d); 633.521(2) (a); 633.544(1); 633.557; 657.258(2)(j) and (4); 658.10(1)(a); 659.062(8) and (11); 659.14(2); 659.561(4); 659.562(4); 660.012(5); 660.20(1); 665.111(1); 665.701(2) (a) and (c); 665.702(4); 665.706(1) (i); 665.707(1) (b); 665.712(2) (c); 687.03(2) (a)3.; 710.05(4); 713.805(1); 718.104(4) (g); 718.105(1); 718.112(2) (b) and (f);

718.115(2); 718.116(5) (d); 718.201(1); 718.302(1) (d); 718.303(1) (intro); 718.304(1); 718.401(7)(b); 718.501(3) (a); 718.503(1) (g) and (2); 718.504(intro), (8) (c), and (23) (p); 719.103(10); 719.104(4); 719.106(1) (b) and (f)3.; 719.107(2); 719.108(5); 719.201(1); 719.302(1) (d); 719.303(1); 719.401(7) (b); 719.403(4); 719.501(3) (a); 719.503(1) (g) and (2) (intro) and (e); 719.504(intro), (8) (c), and (23) (p); 731.106(1); 731.201(1), (3), (4), and (34); 731.301(1) (c); 731.303(4)(b); 732.103(4) and (5); 732.108(1) (b) and (2)(b); 732.211; 732.402; 732.504(2); 732.801(1) (d)1.; 732.803(2); 732.921(1); 733.103(2); 733.104(2); 733.105(1) and (2); 733.204(2); 733.301(3),(5), and (6); 733.305(3); 733.402(1); 733.501(1); 733.504(9); 733.602(1); 733.611 733.612(6) ,(19), and (26); 733.704; 733.705(2); 733.802(3); 733.805(2); 733.901(1) (b); 734.102(6); 735.103(3); 735.107(3) (b) and (f); 735.203(1) (a) and (2) (c); 735.206(3) (b) and (f); 735.209(1) (a); 735.301(1) and (2); 735.302(1); 737.504(1) (b); 738.14(2); 738.151; 744.103; 744.304(2); 744.308(2); 744.312(3) (b)1; 744.351(1); 744.421; 744.427(3) and (4); 744.441(22); 744.454; 744.464(2) and (4) (a) ; 744.467; 768.42(9) (b); 768.43(2) and (7); 768.44(2); 768.45(2) (c) and (4); 768.48(1) (a); 768.49(2) (intro); 768.54(3) (a) and ,(d)6.; 768.55(1); 775.012(3); 775.021(4); 775.082(5); 775.083(1); 775.084(1) (a)1.; 775.13(4); 775.15(4); 784.07(1) (b); 787.01(1) (a); 787.03; 827.01(intro); 827.09(3) (a); 828.03(2); 832.06(1); 832.07(1) (a); 843.01; 843.02; 843.08; 849.231(2); 861.065(5); 870.04; 877.04(2); 893.02(2) and (10); 893.03(2) (a)2. and 3. and (b) (intro); 893.08(1); 893.09(1); 893.13(1) (e) and (f); 893.14; 901.33; 905.28(2); 921.141(2) (c); 933.02; 934.07; 943.04(2) (c) and (4); 943.05(1); 943.06(2); 943.08(5); 943.09; 943.11(2); 943.14(2); 943.25(3) ,(5), (8), and (9) (a); 943.27(2); 943.29; 943.32; 944.023(3) (intro); 944.025(5); 944.27(2); 944.581(2) (a); 945.045; 945.061(4); 945.09(2); 945.16(1); 945.18; 945.19; 947.01(intro); 947.135(4) (b); 947.17(7); 947.23(1); 948.01(3); and 959.022(2) (b) and (g) and (4), all Florida statutes, are amended to read:

120.54 Rulemaking; adoption procedures.--

(1) Prior to the adoption, amendment, or repeal of any rule not described in subsection (9) (8), an agency shall give notice of its intended action, setting forth a short and plain explanation of the purpose and effect of the proposed rule, a summary of the proposed rule, the specific legal authority under which its adoption is authorized, and a summary of the estimate of the economic impact of the proposed rule on all persons affected by it. The notice shall contain the location where the text of the proposed rule or economic impact statement can be obtained if such text is not included in the notice.

(a) Except as otherwise provided in this paragraph, the notice shall be mailed to the committee, to all persons named in the proposed rule, and to all persons who have made requests of the agency for advance notice of its proceedings at least 14 days prior to such mailing. The agency shall also give such notice as is prescribed by rule to those particular classes of persons to whom the intended action is directed. Notice of intent by an educational unit to adopt, amend, or repeal any rule not described in subsection (9)(8) shall be made: -

(4) (a) Any substantially affected person may seek an administrative determination of the invalidity ~~validity~~ of any proposed rule on the ground that the proposed rule is an invalid exercise of delegated legislative authority.

(b) The request seeking a determination under this subsection shall be in writing and must be filed with the division within 14 days after the date of publication of the notice. It must state with particularity facts sufficient to show that the person challenging the proposed rule would be substantially affected by it and facts sufficient to show the invalidity of the proposed rule grounds, which may be stated in the alternative, on which the proposed rule is alleged to be invalid.

(11) (a) The adopting agency shall file with the committee a copy of each rule it proposes to adopt, a detailed written statement of the facts and circumstances justifying the proposed rule, a copy of the estimate of economic impact required by subsection (1), and the notice required by subsection (1) at least 21 days prior

to the proposed adoption date. After the final public hearing on the proposed rule, or after the time for requesting a hearing has expired, the adopting agency shall file any changes in the proposed rule and the reasons therefor with the committee or advise the committee that there are no changes. This paragraph shall not apply to educational units other than units of the State University System, to local units of government with jurisdiction in only one county or a part thereof, or to emergency rules adopted pursuant to subsection (9) ~~(8)~~. However, agencies adopting emergency rules shall file a copy of each emergency rule with the committee.

120.545 Committee review of agency rules.--

(1) As a legislative check on legislatively created authority, the committee shall examine each proposed rule, except for those proposed rules exempted by paragraph 120.54~~(11)~~ ~~(40)~~(a) , and its accompanying material, and may examine any existing rule, for the purpose of determining whether the rule is within the statutory authority upon which it is based, whether the rule is in proper form, and whether the notice given prior to its adoption was sufficient to give adequate notice of the purpose and effect of the rule. If the committee objects to a proposed or existing rule, it shall, within 5 days of the objection, certify the fact to the agency whose rule has been examined and include with the certification a statement detailing its objections with particularity.

(2) Within 30 days of receipt of the objection, if the agency is headed by an individual, or within 45 days of receipt of the objection, if the agency is headed by a collegial body, the agency shall:

(a) If the rule is a proposed rule:

1. Modify the rule to meet the committee's objection;
2. Withdraw the rule in its entirety; or
3. Refuse to modify or withdraw the rule.

(b) If the rule is an existing ~~effective~~ rule:

1. Notify the committee that it has elected to amend the rule to meet the committee's objection and initiate the amendment procedure;

2. Notify the committee that it has elected to repeal the rule and initiate the repeal procedure; or

3. Notify the committee that it refuses to amend or repeal the rule.

(3) If the agency elects to modify a proposed rule to meet the committee's objection, it shall make only such modifications as are necessary to meet the objection and shall resubmit the rule to the committee. The agency shall give notice of its election to modify a proposed rule to meet the committee's objection in the first available issue of the Florida Administrative Weekly, but shall not be required to conduct a public hearing. If the agency elects to amend an existing ~~effective~~ rule to meet the committee's objection, it shall notify the committee in writing and shall initiate the amendment procedure by giving notice in the next available issue of the Florida Administrative Weekly. The committee shall give priority to rules so modified or amended when setting its agenda.

(4) If the agency elects to withdraw a proposed rule as a result of a committee objection, it shall notify the committee, in writing, of its election and shall give notice of the withdrawal in the next available issue of the Florida Administrative Weekly. The rule shall be withdrawn without a public hearing, effective upon publication of the notice in the Florida Administrative Weekly. If the agency elects to repeal an existing rule as a result of a committee objection, it shall notify the committee, in writing, of its election and shall initiate rulemaking procedures for that purpose by giving notice in the next available issue of the Florida Administrative Weekly.

(5) If an agency elects to amend or repeal an existing rule as a result of a committee objection, it shall complete the process within 90 days after giving notice in the Florida Administrative Weekly.

(7) Failure of the agency to respond to a committee objection to an existing effective rule within the time prescribed in subsection (2) shall constitute a refusal to repeal the rule.

(8) If the committee objects to a proposed or existing rule and the agency refuses to modify, amend, withdraw, or repeal the rule, the committee shall file with the Department of State a notice of the objection, detailing with particularity its objection to the rule. The Department of state shall publish this notice in the Florida Administrative Weekly and shall publish, as a history note to the rule in the Florida Administrative Code, a reference to the committee's objection and to the issue of the Weekly in which the full text thereof appears.

120.55 Publication.--

(1) The Department of State shall:

(g) Make copies of the Florida Administrative Code available for sale at no more than cost and copies of the Florida Administrative Weekly available on an annual subscription basis for not more than \$25.00 per year.

120.56 Administrative determination of rule by hearing officer.--

(1) Any person substantially affected by a rule may seek an administrative determination of the ~~invalidity~~ validity of the rule on the ground that the rule is an invalid exercise of delegated legislative authority.

(2) The petition seeking an administrative determination under this section shall be in writing and shall state with particularity facts sufficient to show the person seeking relief is substantially affected by the rule and facts sufficient to show the invalidity of the rule ~~grounds upon which the rule is alleged to be invalid, which may be stated in the alternative~~. The petition shall be filed with the division which shall, immediately upon filing, forward copies of the petition to the agency whose rule is challenged, the Department of State, and the committee. Within 10 days after receiving the petition, the division director shall, if he determines that the petition complies with the above requirements, assign a

hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn.

120.57 Decisions which affect substantial interests.--The provisions of this section shall apply in all proceedings in which the substantial interests of a party are determined by an agency. Unless waived by all parties, subsection (1) shall apply whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) shall apply in all other cases.

(1). FORMAL PROCEEDINGS.--

(b) In cases to which this subsection is applicable, the following procedures shall apply;

3. Except for proceedings conducted as prescribed in subsection 120.54(4) ~~(3)~~ or s. 120.56, all petitions or requests for hearings under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall notify the division within 10 days of receipt of the petition or request, requesting the assignment of a hearing officer and, with the concurrence of the division, ~~set~~ ~~setting~~ the time, date, and place of the hearing. On request of any agency, the division shall assign hearing officers with due regard to the expertise required for the particular matter. Any party may request the disqualification of any hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

120.59 Orders.--

(1) The final order in a proceeding which affects substantial interests shall be in writing or stated in the record and include findings of fact and conclusions of law separately stated, and it shall be rendered within 90 days;

(a) After the hearing is concluded, if conducted by the agency,

(b) After a recommended order is submitted to the agency and mailed to all parties, if the hearing is conducted by a hearing officer, or

(c) After the agency has received the written and oral material it has authorized to be submitted, if there has been no hearing.

The 90-day period may be waived or extended with the consent of all parties.

120.60 Licensing.--

(2) When an application for a license is made as required by law, the agency shall conduct the proceedings required with reasonable dispatch and with due regard to the rights and privileges of all affected parties or aggrieved persons. Within 30 days after receipt of an application for a license, the agency shall examine the application, notify the applicant of any apparent errors or omissions, and request any additional information the agency is permitted by law to require. Failure to correct an error or omission or to supply additional information shall not be grounds for denial of the license unless the agency timely notified the applicant within this 30 day period. The agency shall notify the applicant if the activity for which he seeks a license is exempt from the licensing requirement and return any tendered application fee within 30 days after receipt of the original application or within 10 days after receipt of the timely requested additional information or correction of error or omissions. Every application for license shall be approved or denied within 90 days after receipt of the original application or receipt of the timely requested additional information or correction of errors or omissions. Any application for a license not approved or denied within the 90-day period or within 15 days after conclusion of a public hearing held on the application, whichever is latest, shall be deemed approved and, subject to the satisfactory completion of an examination, if required as a prerequisite to licensure, the license shall be issued. The Public Service Commission, when issuing a license, and any other agency, if specifically exempted by law, shall be exempt from the time limitations within this subsection. Each agency, upon issuing or denying a license, shall state with particularity the grounds or basis for the issuance or denial of same, except where issuance is a ministerial act. On

denial of a license application on which there has been no hearing, the denying agency shall inform the applicant of any right to a hearing pursuant to s. 120.57.

(3) When a licensee has made timely and sufficient application for the renewal of a license which does not automatically expired by statute, the existing license shall not expire until the application has been finally acted upon by the agency or ~~and~~, in case the application is denied or the terms of the license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.

(5) If the agency finds that immediate serious danger to the public health, safety, or welfare requires emergency suspension of a license, it shall show compliance in its order with the requirements imposed by subsection 120.54(9) ~~(8)~~ on agencies making emergency rules. Summary suspension may be ordered, but a formal suspension or revocation proceeding under this section shall also be promptly instituted and acted upon.

120.66 Ex parte communications.--

(3) Any person who makes an ex parte communication prohibited by subsection (1), and any hearing officer who fails to place in the record any such communication, is in violation of this act and may be assessed a civil penalty not to exceed \$500 or be subjected to ~~by~~ such other disciplinary action as his superiors may determine.

120.68 Judicial review.--

(4) Judicial review of any agency action shall be confined to the record transmitted and any additions made thereto in accordance with subsection (6) ~~(7)~~.

(6) When there has been no hearing prior to agency action and the reviewing court finds that the validity of the action depends upon disputed facts, the court shall order the agency to conduct a prompt, factfinding proceeding under this act after having ~~giving~~ a reasonable opportunity to reconsider its determination on the record of the proceedings.

120.72 Legislative intent; prior proceedings and rules; exception.--

(1) The intent of the legislature in enacting this complete revision of chapter 120, Florida Statutes, is to make uniform the rulemaking and adjudicative procedures used by the administrative agencies of this state. To that end, it is the express intent of the legislature that the provisions of this act shall replace all other provisions in the Florida Statutes, 1973, relating to rulemaking, agency orders, administrative adjudication, or judicial review of administrative action, except for marketing orders adopted pursuant to chapters 573 and 601.

(4)

(b) Any rule ~~All rules~~ in effect on, or filed with the Department of State prior to, January 1, 1975, except one ~~those~~ adopted following a public hearing as provided by statute, shall be forthwith reviewed by the agency concerned on the written request of a person substantially affected by the rule involved and this provision. The agency concerned shall initiate the rulemaking procedures provided by this act within 90 days after receiving such written request. If the agency concerned fails to initiate the rulemaking procedures within 90 days, the operation of the rule shall be suspended. This provision shall control s. 120.54(5) ~~(4)~~.

121.011 Florida Retirement System.--

(3) PRESERVATION OF RIGHTS.--

(e) Any member of" the Florida Retirement System or any member of an existing system under chapter 121 on July 1, 1975, who is not retired and who is, has been, or shall be, suspended and reinstated without compensation shall receive retirement service credit for the period of time from his date of suspension to his date of reinstatement, upon the member paying into the Retirement System Trust fund the total cost of providing ~~to provide~~ said retirement credit. The cost to the member shall be the total employer contributions plus the total employee contributions, if applicable, paid to the Retirement Trust Fund for the pay period immediately preceding the period of suspension, prorated for the said period of

suspension, plus interest thereon at a rate of 4 percent per annum compounded annually until July 1, 1975, and 6.5 percent interest thereafter until paid. If permitted by federal law, the member may pay into the Social Security Trust Fund the total cost, if any, of providing ~~to provide~~ social security coverage for the period of suspension if any social security payments have been made by the employer for the benefit of the member during such period. Should there be any conflict as to payment for social security coverage, the payment for retirement service credit shall be made and retirement service credit granted regardless of such conflict.