

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Care and Maintenance of Existing Cemetery Records	3F-6.002
Cash Payments Received	3F-6.005
Unaccountable Contracts	3F-6.0053
	3F-6.0055

**PURPOSE AND EFFECT:** The purpose and effect of the amendments to these proposed rules are to further clarify the care and maintenance of a licensed cemetery, including all aspects of record keeping for the licensed facility, provision of receipts for cash payments, and audit trails for preneed and at-need contracts.

**SUBJECT AREA TO BE ADDRESSED:** Care and Maintenance of Existing Cemetery. Record keeping procedures and audit trails for contracts and cash payments received.

**SPECIFIC AUTHORITY:** 20.05(5), 497.103 FS.

**LAW IMPLEMENTED:** 497.237, 497.241 497.309, 497.431 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: Diana M. Evans, Executive Director, Board of Funerals and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-6.002 Care and Maintenance of Existing Cemetery.

(1) Every licensed cemetery shall be maintained in a reasonable condition. Minimal maintenance which shall include leveling of the grounds where interments have been made, removal of all debris, mowing and edging, resulting in a well kept appearance at all times.

(2) Every licensed cemetery shall prepare a schedule for the care and maintenance of the cemetery, mausoleums and columbaria. The schedule shall be updated each calendar year.

(3) Such schedules shall address the maintenance of roads, paths and walkways.

(4) The maintenance schedule will be reviewed by the Department as part of its annual inspection of the cemetery.

(5) The initial schedule of care and maintenance required by this rule will be due January 1, 2000.

Specific Authority 20.05(5), 497.103 FS. Law Implemented 497.237, 497.241 FS. History--Amended 5-10-76, Formerly 3D-30.21, 3D-30.021, Amended \_\_\_\_\_.

3F-6.005 Records.

The following records shall be made available to the Department for the purposes of examinations or inspections:

(1) through (14) No change.

(15) Detailed maps of the cemetery; and

(16) Procedure manuals; and

(17) Examination work papers as required by Rule 3F-6.0052.

These records will be available for review at the licensed facility or an alternative site of the cemetery company if approved by the Board pursuant to Section 497.309(2), F.S. Certificate of Authority holders will send written notification to the Board Office if records are available for review at an alternative site.

Specific Authority 497.103 FS. Law Implemented 497.309, 497.431 FS. History--New 3-21-95, Amended 5-27-98, \_\_\_\_\_.

3F-6.0053 Cash Payments Received.

(1) For cash payments or cash equivalent payments, such as cashier's check or money order, a receipt shall be given to the payor that reflects at the minimum, date of payment, amount of payment, name of purchaser, and contact number.

(2) Documentation shall be maintained and be readily retrievable which shall show at the minimum, the date of payment, amount of payment, name of purchaser, and contact number.

Specific Authority 20.05(5), 497.103 FS. Law Implemented 497.237, 497.241, 497.309 FS. History--New \_\_\_\_\_.

3F-6.0055 Unaccountable Contracts.

(1) A licensee shall maintain an audit trail of all preneed and at-need contracts written where a prenumbered sequence is required.

(2) All legal, valid contracts shall be binding and honored by the licensee.

(3) If any contracts referenced under (2) cannot be accounted for by the certificate holder, cemetery company or preneed sales agent, a statement shall be prepared where the licensee agrees to honor all the contracts under this subsection.

Specific Authority 20.05(5), 497.103 FS. Law Implemented 497.237, 497.241, 497.309 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE TITLES:	RULE NOS.:
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**PURPOSE AND EFFECT:** The proposed amendments are intended to conform the rule chapter to the statutes as they now exist. The rule chapter establishes standards for continuing education courses for insurance agents. In 1998 s. 626.2816, F.S. (1998 Supp.) was created. It provides the department with rulemaking authority for the specific purpose of “establishing standards for the approval, regulation, and operation of the continuing education program and for the discipline of licensees, course providers, instructors, school officials, and monitor groups.” The standards are to be “designed to ensure that such course providers, instructors, school officials, and monitor groups have the knowledge, competence, and integrity to fulfill the educational objectives of §§ 626.2815, 626.869(5), 648.385, and 648.386.”

**SUBJECT AREA TO BE ADDRESSED:** Requirements and standards for continuing education courses and records for limited surety or bailbond agents, licensed worker’s compensation adjusters, and others authorized to offer or teach related coursework.

**SPECIFIC AUTHORITY:** 624.308, 626.9611, 648.26 FS.  
**LAW IMPLEMENTED:** 624.307(1), 624.4211, 624.501, 624.501(20), 624.501(20)(c), 626.2815, 626.2816, 626.611, 626.621, 626.681, 626.691, 626.869(5), 626.9541(1)(b), 648.26, 648.36, 648.38, 648.385, 648.386, 648.396, 648.396(4) FS.

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

**TIME AND DATE:** 9:30 a.m., September 15, 1999  
**PLACE:** Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Shirley Kerns, Bureau Chief, Bureau of Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

(Substantial rewording of Rule 4-228.010 follows. See Florida Administrative Code for present text.)

4-228.010 Purpose.

The purpose of this rule chapter is to establish requirements and standards for continuing education courses and records for persons:

- (1) Licensed to solicit or sell insurance or act as limited surety or bail bond agents in this state;
- (2) Licensed to adjust workers' compensation claims in this state; and
- (3) Authorized to offer or teach related coursework in this state.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.2816, 626.869(5) FS. History—New 8-17-93, Amended.

(Substantial rewording of Rule 4-228.020 follows. See Florida Administrative Code for present text.)

4-228.020 Scope.

- (1) This rule chapter shall apply to:
  - (a) All types and classes of agent and customer representative licenses for which an examination for licensure is required before consideration of any examination exception;
  - (b) All licensed adjusters who engage in adjusting workers' compensation claims;
  - (c) Bail bond agents; and

(d) All course providers, contact persons, instructors, school officials, administrative supervising instructors, supervising instructors, and monitors of continuing education courses.

(2) This rule chapter shall govern the implementation and enforcement of continuing education requirements, pursuant to sections 626.2815, 626.2816, 648.385, 648.386, 648.386, and 626.869, Florida Statutes.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.869(5), 648.385, 648.396, 648.396 FS. History—New 8-17-93, Amended \_\_\_\_\_.

(Substantial rewording of Rule 4-228.030 follows. See Florida Administrative Code for present text.)

4-228.030 Definitions.

For purposes of these rules, the following definitions shall apply:

(1)(a) "Adjusting workers' compensation claims" means any of the following activities in connection with a workers' compensation claim:

1. Direct contact with the injured worker;
2. Preparing or signing reports;
3. Investigating;
4. Determining compensability, payment of medical bills, requiring medical examinations, or similar activity;
5. Supervising the adjuster who is in direct contact, signs reports, investigates and determines compensability; or
6. Reviewing or exercising any control of a workers' compensation claim.

(b) The term does not include:

1. Any activities for which adjuster licensure is not required; or
2. An all lines adjuster who handles only federal benefits under federal jurisdiction issued as an exclusive federal policy.

(2) "Administrative record" means any document relating to:

- (a) Course provider approval.
- (b) Course approval.
- (c) Course offerings.
- (d) Attendance.
- (e) Course completions or credits.
- (f) Instructor, administrative supervising instructor, or supervising instructor qualifications.
- (g) Any other records required to be kept by the Florida Insurance Code, and any rule or order of the Department.

(3) "Administrative supervising Instructor" means a natural person appointed by an approved course provider on Form DI4-xxxx, Application for Administrative Supervising Instructor Appointment, rev. 2/99, which is adopted in Rule 4-228.180, for bail bond agent courses, to be responsible for:

- (a) All course supervising instructors;
- (b) The course outlines and curriculum;

(c) Certification of each bail bond agent;

(d) Completion of all required forms;

(e) Assuring that the course is approved prior to offering;

(g) Instruction of courses; and

(h) maintenance of necessary administrative records including class information, supervising instructor qualification, and attendance records.

(4) "Approved" or "qualified," with regard to a course provider, course, administrative supervising instructor, supervising instructor, or instructor, means that the Department has determined that the course provider, course, administrative supervising instructor, supervising instructor, or instructor, has met the criteria set forth in:

(a) Rules 4-228.040, 4-228.050, 4-228.055, 4-228.060, and 4-228.080, for approval and qualification;

(b) Form DI4-464, Application for Course Provider Approval, rev. 5/97, which is adopted in rule 4-228.180;

(c) Form DI4-464, Application for Course Provider Approval, rev. 5/97, which is adopted in Rule 4-228.180;

(d) Form DI4-1137, Application for School Official Appointment, rev. 2/99 which is adopted in Rule 4-228.180;

(d) Form DI4-1269, Application for Supervising Instructor Approval, rev. 2/99 which is adopted in Rule 4-228.180; and

(e) Form DI4-398, Certification of Instructor, rev. 7/97, which is adopted in rule 4-228.180.

(f) Form DI4-xxxx, Application for Administrative Supervising Instructor Appointment, rev. 2/99, which is adopted in rule 4-228.180.

(5) "Assessment" means the process for determining individual learning achievement.

(6) "Insurance Association" means an organization that is involved in the insurance industry and meets the following criteria:

(a) The organization is composed of:

1. Individuals licensed to sell insurance (agent association);

2. Companies authorized or admitted to transact insurance (company association);

3. Business entities (insurance-related trade association);  
or

4. Licensed and unlicensed individuals (insurance-related professional society), whether or not incorporated.

(b) The organization has:

1. Officers and a board of directors elected by the membership;

2. By-laws that establish requirements for membership;

3. Meeting schedules;

4. An agenda with an insurance-related purpose; and

5. A membership of ten actively enrolled members.

(7) "Audit" means:

(a) Department activity to monitor the offering of courses including but not limited to visits to:

1. Classrooms,
2. Exam sites, and
3. Administrative offices where administrative records are maintained; or

(b)1. Re-evaluating approved classroom course outlines and self-study programs based on current guidelines:

2. Review and verification of all applications, courses, outlines, texts and forms for accuracy of information submitted and conformance to rules and statutes.

(8)(a) "Class" means the study method of a course designed to be presented to a group of licensees using lecture, video, satellite, or other audio-visual presentation material which has an approved instructor, supervising instructor or other approved means of oversight and delivery present in the classroom during the presentation.

(b) A course with a "class" study method may have an infinite number of offerings. Each offering shall not exceed 12 months between the beginning and ending date.

(9) "Completion", when used in the context of:

(a) Self-study, means a passing grade of 70% or better on a monitored examination.

(b) Class, means attendance for the full amount of time approved for each course.

(c) Seminar, means attendance for the full amount of time assigned for each workshop or break-out session selected, not to exceed the total hours approved for the course.

(10) "Compliance date" means the last day of the licensee's birth month, after holding for 24 consecutive months a license for which continuing education is required.

(11) "Contact person" means the person at the course provider level who:

(a) Has authority to transact business for the course provider through contracts, licenses, or other means;

(b) Is an owner, partner, corporate officer, or association board member or officer; and

(c) Appoints the school official or administrative supervising instructor to represent the course provider.

(d) Is designated to the Department on Form DI4-464, Application for Course Provider Approval, rev. 5/97, which is adopted in rule 4-228.180.

(12) "Course" shall mean any of the following which have been approved by the Department for the purpose of complying with continuing education requirements:

(a) Any class or seminar for:

1. Agents,
2. Customer representatives,
3. Adjusters who handle workers' compensation claims,
4. Limited surety agents,
5. Professional bail bond agents; or

(b) Any self-study program for:

1. Agents and customer representatives,
2. Limited surety agents, or
3. Professional bail bond agents.

(13) "Course Offering" means a unique offering of an approved classroom or seminar course, or a monitored exam of a self-study course, which includes a specific location, date(s), and time for the course or exam to be held; or a location, time and frequency of a monitored exam.

(14) "Course Provider" means a natural person, firm, institution of higher learning, partnership, company, corporation, society, or association offering, sponsoring, or providing courses approved by the Department in eligible continuing education subjects.

(15) "Credit hour" means one unit of credit based on a classroom hour or approved hour of credit for a seminar or self-study program.

(16) "Department" means the Florida Department of Insurance or its designees.

(17) "Disciplinary action" means administrative action pursuant to regulatory laws which has been taken against an individual or course provider as a licensee or approved course provider, instructor, supervising instructor, or school official for which:

(a) Probation, suspension, or revocation of any license (issued by this or any other state, country, or territory), approved status or other authority granted by regulatory laws has occurred; or

(b) A fine has been levied for a wrongdoing against a consumer, fellow licensee, or insurer.

(18) "Dually licensed" means holding concurrently at least one license type and class in life or health line of business, and at least one license type and class in property or casualty line of business.

(19) "Evaluation" means a process of measuring success of courses or programs or the elements of courses and programs such as instruction, learning materials, and administration.

(20) "Formal program of learning" means:

(a)1. A structured class with an instructor and detailed outline, or

2. A self-study course with text and structured lesson plans or study guide and exam.

3. Self-study may include videos or cassette tapes.

(b) Formal program of learning does not mean:

1. A discussion group with or without a leader; or
2. A general review outline for an examination.

(21) "Geographic Area" means one of two areas within which pre-licensing courses or continuing education courses are offered.

(22)(a) "Hour" means 60 minutes of class or seminar time, of which at least 50 minutes shall be instruction, with a maximum of 10 minutes of break per hour, all of which shall be accounted for on the agenda or syllabus.

(b) For self-study courses, "hour" means 60 minutes of time, including reading and studying which would be necessary to successfully complete the monitored final examination.

(23) "Incomplete application" or "incomplete form" means an application that contains errors or omissions, or that requires additional or clarifying information.

(24) "In-house", means an approved insurance continuing education course that is available only for employees of a course provider or for members of an association, or for which eligibility for registration requires affiliation with the course provider.

(25) "Instructor" means a natural person who has been approved by the Department and who teaches or otherwise instructs an approved continuing education classroom course or program.

(26) "Monitor group" means a designated course provider in an eligible occupational class, or an organized eligible group of individuals with a central coordinating person, approved by the Department to monitor self-study exams for approved course providers.

(27)(a) "Monitored examination" means an objective measurement of the comprehension of a self-study program through a written examination unassisted by any person, textbooks, or other material;

(b) The examinee shall not have prior access to the examination;

(c) The examination is taken under the supervision of a monitor approved by the Department, at a time which has been scheduled in advance with notification to the Department.

(28) "Offering" is a specific time when a course which has been approved for continuing education credit is being held.

(29) "Office management" means:

(a) Office procedures,

(b) Internal activities relating to personnel management such as salary, incentives, annual reviews, office layout, and

(c) Other non-client oriented subjects.

(30) "Outline" means a synopsis or condensed version of a course incorporating the main ideas, and listing the major sections, topics, and sub-topics to be discussed, by use of Roman numerals and alpha and numeric sub-sections.

(31) "Property and casualty agent" refers to an agent who holds a type and class of licensure which authorizes the licensee to transact property, casualty, surety, or surplus lines insurance.

(32) "Public" means a course which is available to any person, in contrast to an "in-house" course.

(33) "Sales promotion" means discussion of production levels or target markets or other demographics of a specialized nature in order to promote or effectuate sales.

(34) "Salesmanship" means methods designed to:

(a) Induce a prospect's decision to buy, or

(b) Increase a licensee's effectiveness at generating new business, premium volume, or

(c) Any other method or technique related to increasing customer base in any fashion.

(35) "Satellite" means an audio-video method of presenting course material which is:

(a) Presented by an approved instructor, speaker, or lecturer; or

(b) Broadcast from a remote location to designated (identified) locations, specified on a Course Offering Form, where approved instructors are prepared with notes, outlines and/or word for word written scripts to continue, and complete if necessary, the presentation if the broadcast is interrupted for longer than five(5) minutes for any reason.

(36) "School official" means a natural person appointed by an approved course provider for other than bail bond agent courses to be responsible for:

(a) The timely filing of all required Department forms and documentation for courses, except for Form DI4-464, Application for Course Provider Approval, rev. 5/97, which is adopted in rule 4-228.180; and

(b) The maintenance of necessary administrative records including class information, instructor qualification, course completion records, and attendance records.

(c) The school official is appointed on Form DI4-1137, Application for School Official Appointment, which is adopted in Rule 4-228.180.

(37)(a) "Secondary course provider" means a course provider that seeks approval as a provider of self-study courses using texts developed and published by another course provider, which may or may not be approved in Florida to offer self-study courses.

(b) It does not include any nationally recognized provider of self-study courses or designation programs.

(38) "Self-study course" means a course designed to be studied independent of an instructor's presence through:

(a) Written or audio materials, or

(b) Computer technology, including disks, on-line programs, or internet programs.

(39)(a) "Seminar" means a course designed to be presented using lecture, video, satellite, or other audio-visual presentation material by individuals with special expertise which has an approved speaker or instructor present during each presentation.

(b) A seminar may be presented any number of times within 12 months from the date the seminar is approved by the Department.

(c) A seminar is not an on-going class from year to year.

(d) Seminar courses are usually identified as conventions, conferences, or annual meetings.

(40)(a) "Speaker" or "Lecturer" means a natural person who has special expertise, who speaks at an approved seminar, and whose resume is furnished by the course provider with the course application.

(b) Speaker activities are usually national or international in nature and their schedules are spread over a wide area of two states or more.

(c) Speakers are usually not employed by the course provider and may be professional lecturers or others with special expertise who contract for each offering.

(d) If the speakers change for each offering, new speaker resumes shall be sent to the Department to be filed in the course application file.

(41)(a) "Supervising Instructor" means a natural person approved by the Department and appointed or employed by an approved course provider of bail bond agent continuing education courses and who may be responsible for one or more of the following activities of a Bail Bond Agent Course:

1. Certification to the administrative supervising instructor of each attending bail bond agent;

2. Assuring that the course is approved prior to instruction;

3. Instruction of courses; and

4. Collection and transfer of necessary administrative records to the administrative supervising instructor including course completion and attendance records.

(b) The supervising instructor is designated to the Department on Form DI4-1269, Application for Supervising Instructor Approval, rev. 2/99, which is adopted in rule 4-228.180.

(42) "Syllabus" means an agenda showing the schedule of how a continuing education course is to be presented, including time allotment to subject matter and including any meals and break times.

(43) "Title agent" refers to an agent who holds a type and class of licensure that authorizes them to:

(a) Determine insurability of title, and

(b) Issue title insurance.

(44) "Trade Association" means an association whose membership consists of legal business entities rather than individual persons as members.

(45) "Video" means VHS, Beta, 8 mm, or other film or television presentations of material.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 648.26, 626.869(5), 648.386 FS. History—New 8-17-93, Amended 4-11-94, \_\_\_\_\_.

(Substantial rewording of Rule 4-228.040 follows. See Florida Administrative Code for present text.)

4-228.040 Course providers.

(1) Course provider application process.

(a) No course provider shall offer a continuing education course until the course provider has been approved by the Department.

(b) Course provider applications shall be submitted to the Department prior to submission of any course approval application.

(c) Applications for course provider approval shall be submitted on Form DI4-464, Application for Course Provider Approval, rev. 5/97, which is adopted in rule 4-228.180.

(2) Course provider approval. A course provider applicant shall be approved unless any of the grounds for disapproval listed below exist:

(a) A contact person, a school official, administrative supervising instructor, or a supervising instructor has pled nolo contendere, plead guilty, been found guilty, or been convicted of a felony under the law of the United States of America or of any state thereof or under the law of any country.

(b) Disciplinary action has been taken against a contact person, course provider, officer, administrative supervising instructor, or school official employed by or providing services to the course provider.

(c) Has demonstrated a lack of competence or trustworthiness.

(d) The course provider, or a contact person, school official, administrative supervising instructor, supervising instructor, or course associated therewith, has not otherwise met the qualifications specified in this rule, or has violated any provision of this rule part.

(3) General requirements. Course providers shall:

(a) Maintain the records of each individual completing a course for 5 years from the date of completion.

(b) Be responsible for the compliance of their school officials, administrative supervising instructors, supervising instructors, instructors, speakers, and monitors with this rule chapter and the statutes implemented thereby.

(c) Notify the Department within 30 days of a change in their telephone number, mailing address, name or ownership of the course provider, or administrative office address, school official, or administrative supervising instructor using Form DI4-465, Course Provider Information Update, rev. 5/97, which is adopted in rule 4-228.180, including related forms and necessary documentation.

(d) Provide their complete street address if their mailing address is a post office box.

(4) Self-study course providers shall provide documentation of at least 5 years experience as a provider of self-study programs or be approved as a secondary course provider as set forth in 4-211.080(11)(f).

(5) Course providers offering courses for bail bond agents shall:

(a) provide a minimum of three continuing education course offerings per calendar year;

(b) Submit a course curriculum to the Department for approval;

(c) Offer a minimum of two hours of approved coursework per class;

(d) Offer classes that are taught by an approved supervising instructor; and

(e) Offer classes in at least two geographic areas of the state until the Department determines that there are adequate offerings statewide.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20), 626.2815, 626.869(5), 648.386 FS. History—New 8-17-93, Amended 4-11-94, 2-28-95,\_\_\_\_\_.

(Substantial rewording of Rule 4-228.050 follows. See Florida Administrative Code for present text.)

4-228.050 School Officials and Administrative Supervising Instructors.

(1) A school official or administrative supervising instructor required continuing education courses shall be appointed by an officer of the course provider, using:

(a) Form DI4-1137, Application For School Official Appointment, rev. 2/99, which is adopted in rule 4-228.180; or

(b) Form DI4-XXXX, Application for Administrative Supervising Instructor Appointment, rev. 2/99, which is adopted in rule 4-228.180.

(2) An administrative supervising instructor for the bail bond agent qualification courses shall have one of the following qualifications:

(a) At least 5 years experience in the past 10 years as a manager or officer of a managing general agency in Florida.

(b) At least 5 years experience in the past 10 years as manager or officer of an insurance company authorized to engage in and actively engaged in underwriting bail in this state, provided there is a showing that the manager's or officer's experience is directly related to the bail bond industry.

(c) At least 10 years of experience as a licensed bail bond agent in Florida.

(3) Application for approval of a school official or administrative supervising instructor shall be submitted with the initial application for course approval on:

(a) Form DI4-1137, Application for School Official Appointment, rev. 2/99, which is adopted in 4-228.180; or

(b) Form DI4-XXXX, Application for Administrative Supervising Instructor Appointment, rev. 2/99, which is adopted in 4-228.180.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.2815, 626.869(5), 648.36 FS. History—New 8-17-93, Amended 4-11-94, 2-28-95,\_\_\_\_\_.

4-228.055 Supervising Instructors.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 648.396(4) FS. History—New 8-17-93, Repealed\_\_\_\_\_.

(Substantial rewording of Rule 4-228.060 follows. See Florida Administrative Code for present text.)

4-228.060 Instructors and Supervising Instructors.

(1) Continuing Education Courses. Instruction in continuing education courses shall be provided by instructors who possess the following qualifications:

(a) For agent and customer representative courses, at least 2 of the following:

1. A minimum of 5 years of substantially full-time working experience in the subject matter being taught.

2. Completion of a course on training techniques or methods of instructing adults as certified by a nationally-recognized course provider whose purpose is to review, evaluate and rate such courses. Such a course shall be a minimum of 40 hours of instruction.

3. A professional designation from a recognized industry association in the line of business of the subject being taught.

4. A degree from an accredited school in the subject matter being taught.

(b) For workers' compensation adjuster courses, at least 2 of the following:

1. A minimum of 5 years of substantially full-time working experience in the subject matter being taught.

2. Completion of a course, with a minimum of 40 hours of instruction, designed to provide instruction regarding training techniques or methods of instructing adults as certified by a nationally-recognized course provider whose purpose is to review, evaluate, and rate such courses.

3. A professional designation from a recognized industry association in the line of business of the subject being taught.

4. Membership in the Florida Bar Association with minimum of two years of law practice or counsel in the subject area being taught.

5. A degree from an accredited school in the subject matter being taught.

(c) For bail bond agent courses:

1. During the past 10 years, the person must have had at least 5 years' experience as a manager or officer of a managing general agent in this state as prescribed in s. 648.388;

2. During the past 10 years, the person must have had at least 5 years' experience as a manager or officer of an insurance company authorized to and actively engaged in underwriting bail in this state, provided there is a showing that the manager's or officer's experience is directly related to the bail bond industry; or

3. The person has been a licensed bail bond agent in this state for at least 10 years.

(2)(a) Certification of the instructor's experience or education shall be furnished by the sponsoring course provider or the instructor on Form DI4-398, Certification of Instructor.

rev. 7/97, which is adopted in 228.180, or on Form DI4-398, Application for Supervising Instructor Approval, rev. 7/97, which is adopted in 4-228.180, whichever is applicable.

(b) Certification shall be received by the Department or its designee and approved prior to the beginning of the course.

(c) Individuals may submit Certification of Instructor Forms or Application for supervising Instructor Approval forms independent of any school with only the applying instructor's signature. If an individual submits a certification form, a resume shall be attached.

(d) The Department will not approve an instructor or supervising instructor if:

1. The Certification of Instructor Form or Application for Supervising Instructor Approval form is incomplete.

2. There has been any disciplinary action taken against any license or eligibility for a license issued by this or any other state, country, or territory.

3. The instructor or supervising instructor has otherwise violated any insurance regulation, including this rule chapter.

4. The instructor or supervising instructor has been found guilty of or has pleaded guilty or nolo contendere to a felony or crime punishable by imprisonment of one year or more under the laws of the United States of America or of any state thereof or under the laws of any country, or

5. The instructor or supervising instructor is not in compliance with any applicable continuing education requirements.

(3)(a) The Department shall have the right to review existing records of approved instructors and supervising instructors and to terminate the approved status of any instructor or supervising instructor found to have had any disciplinary action taken against any license issued by this or any other state, country, or territory, at any time before or after being approved as an instructor or supervising instructor.

(b) School officials, administrative supervising instructors, and applicants are responsible for verifying eligibility of instructors or supervising instructors before submitting for approval.

(4) The Department shall have the right to review existing records of approved instructors or supervising instructors and terminate approved status for any instructor found to not qualify.

(5)(a) Approved instructors or supervising instructors for approved classroom courses shall display a photo ID to any Department auditor who conducts an official audit during their instruction time.

(b) Instructors or supervising instructors who are also licensees in Florida with a photo ID license may use their license photo ID card for identification.

(6)(a) Instructors and supervising instructors shall have the authority and responsibility to deny credit to anyone who disrupts the class or is inattentive.

(b) Based on the course providers' policies, refunds may be given.

(c) It will be a violation of this rule chapter for an instructor, administrative supervising instructor, or supervising instructor to knowingly allow during the class the activities of sleeping, reading of books, newspapers, or other non-course materials, use of a cellular phone, or to allow absence from class other than authorized breaks.

(d) Penalties will be assessed against licensee, instructor, supervising instructor, administrative supervising instructor, and course provider as provided in rules 4-228.210 and 4-228.220.

(7)(a) Department employees shall not be approved as instructors, administrative supervising instructors, or supervising instructors.

(b) Department employees may be permitted to serve as guest lecturers or presenters if accompanied by an approved instructor for the appropriate course.

(c) Such instances shall be approved in advance by the Department of Insurance, Bureau of Licensing, in conjunction with the course approval process.

(d) A resume of the guest lecturer or presenter shall be submitted to the Department along with an outline of the material and amount of instruction time to be covered by the Department employee.

(8) If an instructor or supervising instructor who is required to meet a continuing education requirement relative to an insurance license issued by the Department is deemed to be non-compliant with the requirement, the instructor or supervising instructor approval status shall be suspended until the instructor or supervising instructor meets the requirement.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.2815, 626.869(5), 648.386 FS. History—New 8-17-93, Amended 4-11-94, 2-28-95, \_\_\_\_\_.

4-228.070 Speakers.

Specific Authority 624.308 FS. Law Implemented 626.2815, 626.869(5) FS. History—New 8-17-93, Repealed \_\_\_\_\_.

(Substantial rewording of Rule 4-228.080 follows. See Florida Administrative Code for present text.)

4-228.080 Course Approval; Requirements; Guidelines.

(1)(a) Each course shall be approved by the Department prior to the initial course offering.

(b) For course approval, the course provider shall provide a completed Form DI4-1268, Application for Course Approval, rev. 7/97, which is adopted in 4-228.180.

(c) The Department will approve a course as an acceptable continuing education program if it:

1. Is a formal program of learning which contributes directly to the professionalism, ethics or competence of a licensee;

2. Is not defined as an eligible course topic in 4-228.080(3);



3. Is submitted using Form DI4-1268, Application for Course Approval, rev. 7/97, which is adopted in 4-228.180, together with a non-refundable fee for each program as specified in section 624.501, Florida Statutes, except:

a. Courses that are part of a national designation program named in the continuing education law, section 626.2815, Florida Statutes, or

b. Any insurance-related course as referenced in section 626.2815(3)(i), Florida Statutes;

4. Has significant intellectual or practical content to enhance and improve the insurance knowledge of the participants;

5. Uses the most recent policy forms editions and laws;

6. Includes evaluation and assessment methods;

7. Includes a recommended level of course as basic, intermediate or advanced determined by criteria set forth in 4-228.080(2);

8. Includes a bibliography of reference sources, if any;

9. Includes a list and sample of supplemental teaching aids, if any; and

10. Meets all other criteria set forth in this rule.

(2) Advertising Statements.

(a)1. BASIC LEVEL courses shall contain the following statement in all methods of advertisement or solicitation for the course:

"BASIC LEVEL – This course has been designated by the Florida Department of Insurance as BASIC level. It is intended for the student who has little or no knowledge of the subject matter or who has little or no prior experience with the subject matter."

2. If applicable, any advertisement or other form of solicitation for a BASIC level course shall advise that it is open to all students, but will only count toward meeting the continuing education requirement of an agent if the agent has been licensed less than six years, as defined in Rule 4-228. This requirement does not apply to courses for title agents, bail bond agents or adjusters.

(b) INTERMEDIATE LEVEL courses shall contain the following statement in all methods of advertisement or solicitation for the course.

"INTERMEDIATE LEVEL – This course has been designated by the Florida Department of Insurance as INTERMEDIATE level. It is intended for the student who has a basic knowledge with the subject matter or who has limited experience with the subject matter."

(c) ADVANCED LEVEL courses shall contain the following statement in all methods of advertisement or solicitation for the course.

"ADVANCED LEVEL – This course has been designated by the Florida Department of Insurance as ADVANCED level. It is intended for the student who has significant knowledge of the subject matter and who has significant experience in the subject matter area."

(d)1. The notices described above may be used to describe a listing of courses. It is not necessary that the statement accompany each individual reference to a course.

2. Providers shall evaluate their courses prior to submission to the Department for approval, using the criteria below, and shall indicate on the course approval application which level is proposed for a course.

3. The Department will assign a level after its review based upon the following:

a. BASIC course elements:

(I) Learning objectives that are intended to provide the student with a basic knowledge and comprehension of the subject matter;

(II) Significant course time is devoted to building a familiarity with appropriate terminology, definitions and concepts of the subject matter, such as forms and coverage issues;

(III) Focus of the course might be characterized as "an introduction to" or "fundamentals of" the subject matter rather than application of the subject matter to client specific situations.

b. INTERMEDIATE course elements:

(I) A limited review, up to a maximum of 25% of total course time or material, of terms, definitions and concepts considered to be the basic concepts of the subject matter;

(II) Significant course time is devoted to the application of those basic concepts to client specific situations through case studies, problem solving exercises, calculations and other related tools;

(III) Analysis of Florida Statutes, Department rules and relevant case law as it applies to the insurance representative's conduct, product or service may also be included.

c. ADVANCED course elements:

(I) Analysis of more sophisticated or complex issues concerning the subject matter;

(II) Development of ideas helpful to the insurance representative who already specializes in or is hoping to specialize in the subject matter and related field of practice;

(III) Technical analysis of the theory underlying the subject matter;

(IV) Ideas considered to be leading edge within the subject matter;

(V) Complex case studies, calculations or other related analysis tools.

(e)1. The Department's course approval process may assign a different level, subject, or number of hours than requested on the course application when final approval is given.

2. Credits are awarded in whole hour units rounded only down.

(f) Course providers shall review their existing approved course outlines and send their course level recommendation to the Department within 45 days of notification to provider by the Department of criteria to determine the level.

(g) All courses that are approved prior to the effective date of this amendment shall be labeled by the provider by using the criteria set forth in 4-228.080(2).

(3) The following are not eligible course topics or courses for continuing education:

(a) Courses approved for prelicense training or which use an approved or previously approved prelicensing study manual for more than 25% of the course time or credit effort;

(b) Courses designed to prepare students for a license examination;

(c) Courses in:

1. Mechanical office or business skills (including typing, speed reading, etc.);

2. The use of calculators or other machines or equipment;

3. The use of computer software or equipment, except in computer-based needs analysis, computer solutions to risk management as related to insurance customers, rating, and underwriting;

4. Accounting or tax preparation in connection with the business of the licensee;

5. That relate only to the organizational procedures and internal policies of an insurer or any other employer;

6. Motivation; or

7. Salesmanship or sales promotion, including meetings held in conjunction with the general business of the licensee;

(d) Courses which are primarily intended to impart knowledge of specific products of specific companies, if the use of the products relates to the sales promotion or marketing of one or more of the products discussed;

(e) Self-study courses for adjusters who handle workers' compensation claims.

(4) The following subjects shall be eligible for approval of credit but will be discounted 50%:

(a) Courses in communication, time management, or stress management; or

(b) Courses in investments and securities other than variable products.

(5)(a) If approval has been granted for the initial offering of a class or self-study examination of an approved course, approval for subsequent offerings shall be granted without requiring a new application for course approval.

(b) A notice of subsequent offering shall be filed with the Department at least 30 days before the first day of the course or the date of the self-study examination, on Form DI4-397, Schedule of Course Offerings, rev. 7/96, which is adopted in 4-228.180.

(6) Materials and speeches used in subsequent offerings of approved courses shall be updated to maintain currency of the information.

(7)(a) Courses for agents and customer representatives will not be approved for more than 28 hours of credit regardless of total class hours, number of consecutive sessions in a seminar, or volume of text required for self-study.

(b) Courses for adjusters who handle workers' compensation claims will not be approved for more than 24 hours of credit regardless of total class hours or number of consecutive sessions in a seminar.

(c) Courses for Bail Bond Agents will not be approved for more than 14 hours per course.

(d) Courses for title agents will not be approved for more than 10 hours.

(8)(a) Approval of courses which have not been offered for a period of 5 years will expire.

(b) Future use of the courses requires a new fee and application.

(c) "Use" means the activity of presenting the classroom course and filing Form DI4-400, Roster, rev. 7/96, or Form DI4-1111, Computer Transmittal Form, rev. 7/96, which are adopted in 4-228.180.

(9) Classroom Courses; Supplemental Requirements.

(a)1. Classroom courses require a 3-tiered outline of approximately one and one-half pages per hour of instruction and a syllabus.

2. Syllabus and outline may be combined.

3. Copies of the outline shall be distributed to each student when a class is offered.

(b) Instructors' lesson plans should be submitted to the Department if available. Course providers shall keep the instructor's lesson plans on file for Department audit.

(10) Seminar Courses; Supplemental Requirements.

(a) The detail required in the outline of each subject may be less for seminars than for classes.

(b) Sponsors may require attendance at all sessions, or variable credit may be given for selected topics (sessions or workshops).

(c) Providers shall declare whether partial credit is desired, and shall keep attendance records for each separate part.

(d) An application and fee is required for each new seminar.

(e) Only a resume is required for each speaker of a session or workshop of an agent, customer representative, or workman's' compensation adjuster seminar.

(f) A Bail Bond Agent seminar shall be taught by a Supervising Instructor.

(g) For agent, customer representative, and workers' compensation adjuster seminar courses, if only speakers are used to present the material, the school official shall qualify as an instructor and shall file a Certification of Instructor Form.

(h) Only the school official's or administrative supervising instructor's signature is required on Form DI4-0400, Roster, rev. 7/96, and on each Form DI4-399, Certificate of Completion, rev. 7/96, which are adopted in 4-228.180.

(i) The Department course file will be closed after 12 months from the approval date.

(11) Self-Study Courses; Supplemental Requirements.

(a) Course Approval.

1. Self-study course applications other than computer based training shall include:

a. A signed written statement by the school official or administrative supervising instructor, affirming the total number of words in the text excluding any exhibits, forms, appendices, graphics, or pictures;

b. A certification report from a computer software program that analyzes documents for number of words, degree of difficulty, and grade level of the material. The report shall clearly identify the software used by name of manufacturer and version number;

c. Form DI4-1268, Application For Course Approval, rev. 7/97, which is adopted in 4-228.180;

d. The curriculum to be studied, texts, and sample examinations;

e. A copy of the printed procedures for staff, school official, or administrative supervising instructors for distribution of course material and examinations;

f. A copy of the detailed instructions to staff, school official or administrative supervising instructors, students, and monitor group for the monitoring process;

2. Self-study course applications for on-line, disk, internet, or other computer based training shall include:

a. On-line access to review course or copy of course disk with instructions;

b. Any supplemental workbook, lesson plan, or study guide, and sample examinations;

c. Report which certifies degree of difficulty or grade level of material;

d. Summary of how access is controlled;

e. A copy of the printed procedures for staff, school official, or administrative supervising instructors for distribution of course material and examinations;

f. A copy of the detailed instructions to staff, school official, or administrative supervising instructors, students, and monitor group for the monitoring process.

u. Except for designation programs named in the continuing education law, self-study course exams shall have a total number of questions based on the number of approved credit hours of:

15 – 28 hours=100 questions

8 – 14 hours =50 questions

1 – 7 hours=25 questions

(b) Monitor Group Approval.

1. The monitor group and the course shall be approved prior to distribution or advertisement of course material to licensees. The monitor group may be chosen from among the following classifications of individuals:

a. Principals, or professional staff designated by a principal, of an accredited elementary or secondary educational program or accredited institution of higher learning.

b. College instructors, counselors, or officials.

c. Military education officers or chaplains.

d. Insurance company home office education representatives.

e. Employees of Course providers approved by the Department to offer education courses in Florida.

f. Qualified representatives of national trade, agent, or adjuster associations or societies.

g. Librarians.

h. Other classifications of individuals may be submitted to the Department for approval, with complete information and history about the classification.

2. The individual monitor assigned by the monitor group cannot be a relative, work supervisor or immediate employer of any examinee.

3. For monitoring of self-study examinations outside of Florida:

a. Upon specific request by an approved course provider, the Department will approve a procedure which allows the course provider to create different examination monitoring instructions from those for students for examinations in Florida.

b. An out-of-state student will be allowed to locate a monitor within their community who:

(I) Holds one of the job professions of the eligible groups, or

(II) Is a court clerk of the county in which they live or

(III) Is a member of the state bar association in student's resident state.

4. The monitor shall:

a. Open the sealed examination envelope and observe the student taking the examination;

b. Complete a signed written document stating:

(I) The monitor group by which the monitor is employed,

(II) The monitor's business address, license type and identification number if any, and telephone number.

(III) That the monitor is not a relative, work supervisor or immediate employer.

(IV) The student did not use any study materials to complete the examination.

(V) The student was not assisted by the monitor or anyone else.

(VI) That the monitor verified the identification of the student.

(c). Self-study examinations

1. Self-study examinations shall be referenced back to the text. If requested by the Department, the school official or administrative supervising instructor or course provider representative shall be able to identify the reference in the text for a particular question.

2. On or before each anniversary date of course approval, the course provider shall submit to the Department two substantially revised examinations for each course unless examinations are updated with each course sold.

3. A licensee must achieve a grade of 70% or more on a monitored examination taken through a monitoring process approved by the Department.

4. Instructions shall be included and prominently located in each course order form or packet of course material sold to resident students providing them with information regarding:

a. The location, dates, and times that the monitored examination will be offered.

b. A phone number of the approved course provider.

c. The number of approved credit hours for the course, and

d. The approved course number.

e. A statement of personal responsibility to be signed by the student stating that the student completed the exam without assistance.

f. If the examination is included in the course package:

(I) A notice shall be included stating that if the student opens the examination envelope prior to the monitor inspecting the envelope, the monitor will not allow the student to complete that examination.

(II) The exam envelope shall be sealed with a resistant seal or wrapping.

5. Instructions to out-of-state students shall include:

a. A phone number of the approved course provider.

b. The list of eligible monitor groups from which the student shall locate a monitor.

c. Instructions for the monitor, including the amount of time allowed for completion of the examination and a statement of examination completion to be signed by the monitor.

d. A signed written statement of personal responsibility provided by the approved course provider.

e. The examination sealed with a resistant seal or wrapping with instructions:

(I) That the examination shall not be opened by anyone other than the monitor.

(II) That the monitor shall send the examination to the approved course provider.

6. If the examination is to be completed by computer through an on-line program, an internet program or a disk program approved by the Department, the monitor shall:

a. Be present to observe the on-line program and shall mail a monitor affidavit to the provider, school official, or administrative supervising instructor.

b. Collect the disk for other than on-line programs and mail or deliver it to the approved course provider, school official, or administrative supervising instructor for grading certification.

7. Self-study examinations may be given in the student's place of business if the approved course provider arranges for the approved monitor group to provide a monitor during the examination.

8. The student shall not have possession of the answers for either in-state or out-of-state examinations after completion of the examination.

9. Form DI4-459, Self-Study Course Offering Form, rev. 7/96, which is adopted in 4-228.180, shall be submitted and approved:

a. For students residing in the State of Florida, at least 30 days before the date the examination is to be held.

b. For out-of-state examinations, not later than the filing of the roster record.

(c) The 30-day notice requirement is waived unless the exam date and time is established at least 45 days in advance.

10. Examination records shall be maintained by the sponsoring course provider for a period of 5 years.

11. Self-study course exam grades may not be curved or rounded up to achieve a passing score.

12. Students of self-study courses shall not grade their own exams or each other's exams.

(d) Self-study course providers shall:

1. Provide documentation of at least 5 years experience as a provider of self-study programs, or

2. Be approved as a secondary course provider as set forth in paragraph (f) of this subsection.

(e) Self-study course providers have the same responsibilities for record keeping as any other provider. The course provider shall diligently examine the course completion records to maintain the integrity of the grades reported.

(f) Secondary course providers shall have in addition to other requirements for self-study course approval:

1. A letter from the text publisher acknowledging that material will be marketed as an independent self-study program under that course provider's name.

2. At least two (2) unique examinations for each course prepared by the text publisher or secondary course provider with the number of questions prescribed in 4-228.080(11)(a)3., unless a unique exam with the number of questions prescribed in 4-228.080(11)(a)3. is created for each course from a bank of questions that has at least:

- (I) 150 questions for a 1-7 hour credit exam.
- (II) 250 questions for an 8-14 hour credit exam.
- (III) 500 questions for a 15-28 hour credit exam.

3. Information on the exam process is required for course approval including certification of the number of questions in the test bank.

4. If requested by the Department, the course provider shall provide the specific text to particular questions and the level of difficulty of the examination which will influence the credit hours awarded.

5. The number of words in the text excluding pictures, graphs, indexes and tables of content.

6. A bibliography of all source material.

7. Footnotes in proper format.

8. A plan to update text material either by agreement with the publisher or by use of supplemental material provided by the secondary course provider.

9. A plan to update the examination as material is outdated, and to alternate examinations in random fashion geographically and by examination date unless unique exams are created for each course purchased.

10. Printed instructions to students on examination procedures with a contact telephone number for any questions.

11. Printed instructions to the monitor group on handling the examination process.

12. Details on how examination materials will be secured and delivered to the monitor.

13. Approval by the Department of the secondary course provider's selected monitor group, which has a contact person who coordinates all notices to individual monitor persons at each site.

14. Computer based training, whether on-line, on the internet, or by disk, will not be approved for secondary providers.

(g) Prep or cram courses for self-study course examinations:

1. Holding prep or cram courses prior to the exam by a course provider is the same as giving assistance during the examination for purposes of this rule.

2. Any self-study course provider may have a policy of providing a complimentary classroom course for students who fail the monitored examinations.

3. Classroom courses on the same subject as the exams may not be offered immediately preceding the self-study exam to the same students who are taking the self-study exam.

(h) Published texts on insurance subjects not offered by the author or publisher as part of a self-study program may not be used by secondary course providers as their source text, unless an extensive study guide is prepared as a supplement.

(12) Course Audits.

(a) The Department reserves the right to audit courses and administrative records with or without notice to the sponsoring course provider.

(b) Audits will result in notice to the course provider of deficiencies found, if any, and of corrective action required by the course provider where warranted.

(c) The Department will reduce the number of approved credit hours for the course or disapprove the course entirely if the course provider fails to correct the deficiencies.

(13) Disapproval. Any one of the following criteria shall constitute grounds for the Department to disapprove an Application for Course Approval:

(a) A contact person, a school official, or administrative supervising instructor of the provider has been found guilty of or having pleaded guilty or nolo contendere to a felony under the law of the United States of America or of any state thereof or under the law of any country before or after the filing of an application with the Department whether or not declared on the application.

(b) Disciplinary action has been taken against a contact person, school official, or administrative supervising instructor of the provider before or after the filing of an application with the Department whether or not declared on the application.

(c) The application is incomplete.

(d) The course or course provider, a contact person, a school official, or administrative supervising instructor associated therewith, has not otherwise met the qualifications specified in this rule, or has violated any provision of this rule part.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20), 626.2815, 626.869(5), 648.386 FS. History—New 8-17-93, Amended 4-11-94, 2-28-95,\_\_\_\_\_.

(Substantial rewording of Rule 4-228.090 follows. See Florida Administrative Code for present text.)

4-228.090 Course Offerings and Attendance Records.

(1)(a) A completed Form DI4-397, rev. 7/96, Schedule of Course Offerings, adopted in rule 4-228.180, shall be furnished by the provider for each class or seminar offering for each location. The form shall be received by the Department 30 days prior to the first day of the class, and approved by the Department prior to the beginning of the class or seminar offering.

(b) Requests for changes to approved course offerings shall be in writing and approved by the Department prior to the beginning of the class or seminar offering.

(c) The original approved course offering shall be used for revisions by making changes on the original and sending the original to the Department.

(d) Classes and seminars shall be in session on scheduled dates during specified hours.

(e) The class or seminar shall be held in an area readily accessible for audit by an authorized Department employee.

(f) Assigned room numbers or names shall be included on the filed Course Offering form unless the street address is inclusive of the classroom location.

(g) Building and parking areas shall be well lighted for identification during evening hours.

(2)(a) Course providers may submit course offering forms for approved courses on a quarterly or annual basis, file revisions, and receive acknowledgment of approval by the Department prior to the beginning of the class.

(b) A course provider may not award credit for a class, seminar, or self-study examination prior to approval of the course application by the Department.

(3)(a)1. The provider of each self-study course shall furnish a completed Form DI4-459, Self-Study Course Offering Form, rev. 7/96, adopted in rule 4-228.180, for each examination location in Florida. The form shall be received by the Department 30 days prior to the first day of the examination and approved by the Department prior to the beginning of the examination.

2. If specific dates are set for exams, a Schedule of Self-study Course Offering Form shall be filed for each one.

3. If no specific dates are selected but a frequency is established such as every Thursday, or the first and third Friday, etc. for each month, a form shall be filed for each month for each course with the first day of the month as the beginning date and the last day as the ending date.

4. If a course offering is filed by the month, the roster for that offering shall be filed after the last exam for that month is given and shall include all students who took the exam for that course for that month.

5. Specific exam times shall be set during normal business hours, with no exam concluding later than 10:00 p.m.

(b)1. Each Self-study Course Offering Form may include multiple courses for each in-state location.

2. Each Self-study Course Offering Form location will receive a unique Course Offering ID for each course, for each specific date or month.

3. If specific dates are not being used and course offerings are filed on a monthly basis at statewide locations, a unique course offering ID will be assigned to each course for each month to include all locations.

4. Course offering ID's shall be entered on Form DI4-400, Roster, rev. 7/96, or Form 1111, Computer Transmittal Form, rev. 7/96, which are adopted in rule 4-228.180, listing students who successfully complete the examinations.

(c) No changes will be permitted to approved Self-study Course Offerings unless requested in writing and approved by the Department prior to the monitored exam.

(d)1. Examination locations shall be open on scheduled dates during specified hours.

2. At least 2 hours shall be scheduled for each self-study course exam.

3. Examination locations shall be readily accessible for audit by an authorized Department employee.

4. Out-of-state examinations shall be monitored by a monitor from an approved monitor group.

(e)1. Examinations for non-residents given outside of Florida do not require the filing of a Self-study Course Offering Form in advance.

2. Florida resident agents shall take their examinations at a monitored Florida location unless the examination is part of an approved nationally recognized program or national designation program.

3. Self-study Course Offering Forms for out-of-state exams may be submitted with the Roster Form.

(4)(a) Association course providers with member chapters may allow those affiliated chapters to hold classes under the course approval number for the association.

(b) The chapter shall communicate with the association to identify current approved course names and file reference numbers.

(c) Only approved classroom courses are eligible.

(d) Self-study designation courses being taught in a classroom setting by Society of CLU Chapters shall be submitted for classroom course approval by the chapter, with the application fee.

(e) An affiliated chapter's school official shall sign the Schedule of Course Offering Form and the Roster.

(f) The association's approved course provider name shall appear on the forms.

(g) Administrative records are the responsibility of the approved course provider; however, they may be maintained by each chapter if available for spontaneous administrative audits by the Department.

(5) Class, Seminar, or Examination Attendance.

(a) The student's photo ID license or driver's license shall be used for verification of identity by the course provider for each offering.

(b) A Roster submitted to the Department that includes the name of a licensee who was not in attendance shall be grounds administrative action by the Department.

(6) No class shall last for more than 10 hours in any one day or conclude after 10:00 p.m.

(7)(a) If a course offering is canceled at least 5 days prior to the scheduled beginning date, written notice shall be submitted to the Department the same day.

(b) If a course offering is canceled within 5 days of the scheduled beginning date, notice of the cancellation shall be received by the Department within 5 days after the scheduled beginning date.

(8) Parts of an approved course may not be presented separately from the entire approved outline material.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 626.2815, 626.869(5), 648.386 FS. History—New 8-17-93, Amended 4-11-94, \_\_\_\_\_.

(Substantial rewording of Rule 4-228.100 follows. See Florida Administrative Code for present text.)

#### 4-228.100 Certification of Students.

(1)(a) A completed Certificate of Completion shall be issued to each person completing a continuing education course. The name, address and license number of the student shall be filled in on the Certificate of Completion by the course provider or administrative supervising instructor.

(b)1. The course provider shall send a completed Roster of all students who completed a classroom course, seminar, or in-state self-study examination.

2. The Roster shall be received by the Department within 20 days after the course is completed.

3. If credit for instruction is requested, the Roster shall also include:

- a. The instructor's full name,
- b. License number, and
- c. The number of hours taught.

(c) Rosters for completion of self-study examinations out-of-state may be sent once a month on the last day of the month, or when the last results of examinations for that month are completed.

(d) Rosters for all courses shall be submitted to the Department using the Department-supplied based FARRS software.

1. The provider shall use a 3.5" micro diskette or other transmittal means as specified by the Department based on current computer requirements.

2. The diskette shall be accompanied by Form DI4-1111, Computer Transmittal Form, rev. 7/96, which is adopted in 4-228.180.

(2)(a) Classroom study method courses shall be attended or completed in their entirety in order for a licensee to receive credit.

(b) Providers may not issue certificates of completion to students who do not attend or complete the entire continuing education course.

(c) At the discretion of the sponsoring course provider, students may miss a class and attend a makeup class to complete the attendance requirement upon a showing of good cause.

(d) "Good cause" means an incident or occurrence which is beyond the control of the applicant and which prevents compliance. Examples of good cause include: Disabling accident, illness, call to military duty, or declared national emergency.

(e) The sponsoring course provider may hold makeup sessions to accommodate any student.

(3)(a) Seminar study method courses will be evaluated for the total number of hours of credit possible at the event.

(b) Providers may issue certificates of completion to students who do not attend the entire seminar if the seminar is made up of individual workshops or sessions where the subject presentation is completed in each workshop, such as conventions and annual meetings.

(c) Attendees may receive less credit than the total possible by attending fewer than the total possible sessions.

(4)(a) Licensees shall maintain records of all course completions for 5 years from the completion dates.

(b) Failure to maintain these records shall result in the Department relying solely on the submitted documents from course providers and Department records for compliance verification.

(c) The number of hours credited to a licensee's record will include only time spent on approved educational offerings.

(d) The number of approved hours for a course will include only the hours of approved subjects.

(5) Certificates should be issued as soon as attendance records can be verified and shall be issued within 30 days of the completion date of the class or seminar.

(6) Neither students nor instructors may earn continuing education credit for attending or instructing at any subsequent offering of the same continuing education course for three years after attending or teaching the course.

(7)(a) Each approved sponsoring course provider shall maintain accurate attendance records containing:

1. The name, date, and location of the course,
2. What type of ID was checked,
3. Name and SSN of licensee,
4. Proof of at least 2 attendance checks for courses over 4 hours, and
5. A statement signed by the instructor or school official that the attendance records are correct.

(b) Records shall be maintained by the approved course provider and shall be available to the Department for a period of 5 years after each completion of an offering.

(c) Attendance records shall be submitted to the Department only if they are requested by the Department.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.2815, 626.869(5) FS. History—New 8-17-93, Amended 4-11-94, \_\_\_\_\_.

(Substantial rewording of Rule 4-228.110 follows. See Florida Administrative Code for present text.)

#### 4-228.110 Textbooks.

(1) Textbooks are not required for class and seminar courses.

(2) Students shall be provided with a syllabus containing, at minimum:

(a) The course title;

(b) Times and dates of the course offering;

(c) The name, address, and telephone number of the sponsoring course provider;

(d) A detailed outline of the subject matter to be covered for classroom courses, or workshop summaries for seminars, and

(e) Appropriate handouts.

(3) Any printed material distributed to students shall be of a readable quality.

(4) Any textbook shall contain accurate and current information relating to the subject being taught.

(5) Textbooks or other detailed study material such as computer software or videos used for self-study courses shall be submitted for approval, and will be required for class and seminar approval, if the Department determines that the outline alone does not reasonably provide clear and sufficient information to allow the Department to determine whether approval shall be granted.

(6) Each self-study course shall be sold with the approved textbook and supplemental material.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.869(5) FS. History—New 8-17-93, Amended.

(Substantial rewording of Rule 4-228.120 follows. See Florida Administrative Code for present text.)

#### 4-228.120 Course Fees.

(1) Fees for courses shall be reasonable and clearly identified to students.

(2) A statement regarding the course provider's cancellation and refund policy shall be a part of the registration process.

(3) If a substitute course is not offered within 50 miles of a student's place of business, a refund may be requested.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.869(5) FS. History—New 8-17-93, Amended.

(Substantial rewording of Rule 4-228.130 follows. See Florida Administrative Code for present text.)

#### 4-228.130 Facilities.

(1) Each course, seminar, or self-study examination shall be conducted in a classroom or other facility which is adequate to comfortably accommodate the faculty and the number of participants.

(2) If course time exceeds two hours, the facility shall provide an adequate writing surface and chair for each student in attendance.

(3) The sponsor may limit the number of participants enrolled in a course.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.869(5) FS. History—New 8-17-93, Amended.

#### 4-228.140 Examinations.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.869(5) FS. History—New 8-17-93, Repealed.

(Substantial rewording of Rule 4-228.150 follows. See Florida Administrative Code for present text.)

#### 4-228.150 Advertising.

(1)(a) Courses shall not be advertised in any manner as an approved insurance continuing education course unless course approval has been granted, in writing, by the Department.

(b) The wording "approval pending" or similar language is prohibited since it is inherently misleading.

(2) Advertising shall be truthful, clear, and not deceptive or misleading.

(3) Advertising shall display the name and provider number of the course provider.

(4) A school official or administrative supervising instructor shall not advertise independent of an approved provider.

(5)(a) Continuing education advertising relating to approved continuing education courses shall not omit the following statement: "This course has been approved by the Florida Department of Insurance for insurance continuing education credit."

(b) The statement shall be prominently displayed on the cover of any pamphlet, advertisement, or circular.

(c) The number of hours for which a course has been approved shall be prominently displayed on continuing education advertisements or circulars, and shall differentiate between approved continuing education credit hours and non-credit hours.

(6)(a) If the course is longer than the number of hours of credit to be given, it shall be clear that credit is not earned for the entire course.

(b) Advertising of approved continuing education courses shall be clearly distinguishable from the advertisement of all other courses and services which have not been approved to meet continuing education requirements.

(7) Advertising for continuing education courses shall not omit language regarding class levels as described in rule 4-228.080.

(8) Advertising shall be truthful, clear, and not deceptive or misleading.



(9) Advertising of several courses together to represent a single offering shall identify each course separately with the approved course names, credit hours, and course ID numbers.

(10) Advertising of continuing education courses shall show the name of the course provider as shown on Form DI4-464, Application for Course Provider Approval, as incorporated in rule 4-228.080.

(11) Advertising of continuing education courses at direction of the approved providers shall not include any sales promotion wording for any entity that may be underwriting the cost of the course for the participants.

(12) Advertising of self-study courses shall not include a guarantee of passing the monitored examination.

(13) An approved course provider that places, or causes to be placed, advertisement for continuing education courses bears sole responsibility for the content of the advertisement and its compliance with all applicable regulations.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307(1), 626.2815, 626.869(5), 626.9541(1)(b) FS. History—New 8-17-93, Amended \_\_\_\_\_.

(Substantial rewording of Rule 4-228.160 follows. See Florida Administrative Code for present text.)

4-228.160 Prohibited Practices.

The following practices of approved course providers, school officials, administrative supervising instructors, supervising instructors, and instructors are prohibited:

<u>FORM</u>	<u>TITLE</u>
(a) <u>DI4-397</u>	<u>Schedule of Course Offerings</u>
(b) <u>DI4-398</u>	<u>Application for Supervising Instructor Approval</u>
(c) <u>DI4-398</u>	<u>Certification of Instructor</u>
(d) <u>DI4-399</u>	<u>Certificate of Completion</u>
(e) <u>DI4-400</u>	<u>Roster</u>
(f) <u>DI4-401</u>	<u>Attendance Record</u>
(g) <u>DI4-459</u>	<u>Self-Study Course Offering Form</u>
(h) <u>DI4-460</u>	<u>Request for Extension of Time</u>
(i) <u>DI4-463</u>	<u>Nonresident Agent Certification</u>
(j) <u>DI4-464</u>	<u>Application for Course Provider Approval</u>
(k) <u>DI4-465</u>	<u>Course Provider Information Update</u>
(l) <u>DI4-465</u>	<u>Provider Information</u>
(m) <u>DI4-501</u>	<u>Appointment Form</u>
(n) <u>DI4-1106</u>	<u>Statement of Government Status</u>
(o) <u>DI4-1107</u>	<u>Statement of Author Credit</u>
(p) <u>DI4-1108</u>	<u>Statement of Adjuster Status</u>
(q) <u>DI4-1109</u>	<u>Application for CLU/CPCU/College Degree + Experience Status</u>
(r) <u>DI4-1111</u>	<u>Computer Transmittal Form</u>
(s) <u>DI4-1137</u>	<u>Application for School Official Appointment</u>
(t) <u>DI4-1268</u>	<u>Application for Course Approval</u>
(u) <u>DI4-1269</u>	<u>Application for Course Approval</u>
(v) <u>DI4-1269</u>	<u>Application for Supervising Instructor Approval</u>
(w) <u>DI4-XXXX</u>	<u>Application for Administrative Supervising Instructor Appointment</u>

(2)(a) All forms in (1) above may be obtained from and shall be submitted to the Bureau of Agent and Agency Licensing, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0319, or the current contract vendor for the specific process for which the form is needed, and may be reproduced at will.

(1) Misrepresenting any material submitted to the Department.

(2) Failure to conduct classes for the total required hours.

(3) Allowing a proxy to complete the course.

(4) Falsification of any course completion record or other document related to the course.

(5) Allowing any individual to fulfill the duties of a school official or administrative supervising instructor who is not approved as such.

(6) Offering or teaching a course without the express written consent of the approved course provider.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 626.2815, 626.869(5), 648.386 FS. History—New 8-17-93, Amended \_\_\_\_\_.

4-228.170 Falsification of Reports.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.611, 626.621, 626.869(5) FS. History—New 8-17-93, Repealed \_\_\_\_\_.

(Substantial rewording of Rule 4-228.180 follows. See Florida Administrative Code for present text.)

4-228.180 Forms.

(1) The following forms are hereby adopted and incorporated by reference:

<u>REVISED</u>
<u>rev. 7/96</u>
<u>rev. 7/97</u>
<u>rev. 5/97</u>
<u>rev. 7/96</u>
<u>rev. 7/96</u>
<u>rev. 2/99</u>
<u>rev. 7/96</u>
<u>rev. 7/97</u>
<u>rev. 7/97</u>
<u>rev. 5/97</u>
<u>rev. 5/97</u>
<u>rev. 7/97</u>
<u>rev. 1/92</u>
<u>rev. 6/93</u>
<u>rev. 7/96</u>
<u>rev. 6/93</u>
<u>rev. 7/96</u>
<u>rev. 7/96</u>
<u>rev. 2/99</u>
<u>rev. 7/97</u>
<u>rev. 2/99</u>
<u>rev. 2/99</u>

(b) No facsimile transmissions of forms will be accepted by the Department for filing purposes.

(3) Forms shall be filed in accordance with the respective time provisions set forth in this rule chapter.

(a) Forms filed after a particular deadline shall be considered late, as determined by the Department date-received stamp.

(b) Forms shall be original, and facsimile transmissions will not be accepted to prevent late filing status.

(c) Changes to information on approved original forms shall be sent to the Department as soon as knowledge of the change occurs.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501, 626.2815, 626.869(5), 648.386 FS. History—New 8-17-93, Amended \_\_\_\_\_.

(Substantial rewording of Rule 4-228.190 follows. See Florida Administrative Code for present text.)

4-228.190 Transition Time in the Event of Rule Changes.

(1) Any course provider whose status or course is affected by the effective date of this rule chapter or amendment of this rule chapter shall have up to 90 days to bring their program or status into compliance with this rule chapter and amendments.

(2) Requirements for fees, form processing, conduct of classes, examinations, administrative supervising instructors, instructors, speakers, students, school officials or supervising instructors shall apply immediately.

(3) This rule section does not affect any statutorily mandated effective dates or requirements.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501, 626.2815, 626.611, 626.621, 626.681, 626.869(5), 648.386 FS. History—New 8-17-93, Amended \_\_\_\_\_.

(Substantial rewording of Rule 4-228.210 follows. See Florida Administrative Code for present text.)

4-228.210 Penalties for Course Providers, School Officials, Administrative Supervising Instructors, Supervising Instructors, Instructors, and Monitors.

The Department shall impose the following penalties upon a Department finding of a violation of this rule chapter, or sections 626.2815, 626.869(5), or 648.385 and 648.386, Florida Statutes, by course providers, school officials, administrative supervising instructors, supervising instructors, instructors, or monitors:

(1) Order the refund of all course tuition and fees to licensees in the event a refund is necessary to compensate a student or prospective student for a loss incurred.

(2) Require course providers, school officials, administrative supervising instructors, supervising instructors, instructors, and/or monitors to provide licensees with a suitable course to replace the course that was found in violation.

(3) Withdraw approval of courses sponsored by the provider.

(4) Suspend or revoke the authority to instruct or deny the approval of a course provider, school official, administrative supervising instructor, supervising instructor, instructor, speaker, lecturer, or monitor if the Department finds:

(a) A violation of any provision of section 626.611 or 626.621, Florida Statutes, or any subsection of this rule chapter, or

(b) The person has had any disciplinary action taken against any license relating to the business of insurance issued by this or any other state, country, or territory at any time before or after being approved in this state.

(5) The Department shall refuse approval of future courses if past offerings are not in compliance with Florida Statutes or this rule chapter.

(6) The following fines shall apply to specific instances of misconduct and are not exclusive of other penalties set forth in this rule chapter:

(a) Failing to notify the Department of a course offering until after the course has been completed or failing to notify the Department of a change in a course offering as soon as knowledge of the change occurs three or more times in 90-day period - \$100.00 per occurrence.

(b) Advertising as approved, approval pending, or similar language or soliciting attendance for any course before the Department has notified the school official or supervising instructor of the status of the course application - \$1,000 per incident.

(c) Advertising as approved, approval pending, or similar language, or soliciting attendance for any course that was either never approved by the Department or which was disapproved, closed, or withdrawn - \$1,000 per incident.

(d) Instruction of a class by an unapproved instructor - \$500 penalty to instructor and approved course provider.

(e) Failure to maintain course completion and attendance records for audit for 5 years following the completion date of each offering - \$500 per audit.

(f) Falsification of any document, form, outline or information in connection with any course - \$1,000 per violation.

(g) Failure to use only the approved outline on file with the Department - \$500 per violation.

(h) Failure to notify the Department within 30 days of a change of address - \$100 per violation.

(i) For violation of any section of this rule chapter, other than for non-compliance with continuing education requirements, for which no monetary penalty is provided - \$250 per violation for a first occurrence; \$500 per violation for a second or subsequent occurrence.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.4211, 626.2815, 626.611, 626.621, 626.869(5), 648.385, 648.386 FS. History—New 8-17-93, Amended 4-11-94, \_\_\_\_\_.

(Substantial rewording of Rule 4-228.220 follows. See Florida Administrative Code for present text.)

4-228.220 Licensee Compliance; Requirements; Penalties for Non-Compliance.

(1)(a) A licensee shall be required to meet continuing education requirements by the end of the licensee's birth month after being licensed 24 months, and every two years thereafter.

(b) Lack of an appointment does not eliminate the continuing education requirement.

(c) A person applying for and receiving a license in the persons birth month shall be required to provide documentation of continuing education credits earned as of the birth month two years later.

(2)(a) The Department shall refuse to renew or continue the appointments or issue new appointments of any licensee who does not satisfy the minimum continuing education requirements by the compliance date.

(b) Any accrued continuing education requirements after the licensee's failure to meet the requirements of any compliance period shall be satisfied in addition to the initial amount before appointments will be processed.

(3) These remedies are not exclusive of the provisions of sections 626.611, 626.621, 626.681, and 626.691, Florida Statutes.

(4) The licensee is responsible for maintaining a file of certificates issued for approved courses taken, which may be used to correct Department records if necessary.

(5)(a) Except as otherwise stated in this rule, credit shall be earned in the line of business for which the licensee is licensed.

1. Customer representatives and general lines, industrial fire, auto physical damage, and surplus lines agents shall earn credits in property and casualty courses related to the authority of their license to satisfy the total hours of credit required for their license.

2. Life; health; industrial life; and life, health and variable annuity agents, shall earn credits in a life or health course related to the authority of their license to satisfy the total hours of credit required for their license.

3. Adjusters who handle workers' compensation claims shall earn credits in courses on workers' compensation subjects.

4. Title agents shall earn credits in courses on title subjects.

5. Bail Bond Agents shall earn credits in courses on subjects approved by the Department as related to the authority of a Bail Bond Agent license.

(b)1. General lines agents who are licensed only in property and casualty may earn up to 50% of their required hours in health only courses. For example:

a. If 28 hours are required and if the agent is singly licensed, at least 50% of the hours (14 hours) shall be earned in property and casualty courses. The balance may be in health only.

b. If the agent qualifies as a CPCU or has a degree in insurance with 18 hours of credit in property and casualty subjects approved by the Department and has 25 years of licensed experience, the agent's total is reduced by 50%. The agent could earn the total of 14 hours of credit with at least 7 hours in property and casualty courses, and the balance in health only.

2. If the agent is dually licensed, the required number of property and casualty credits shall be earned in strictly property and casualty courses. For example:

a. An agent licensed for property and casualty and life, health and variable annuity types and classes of licenses shall earn hours in property and casualty and hours in life and health.

b. If the agent qualifies for the CLU/CPCU/Degree/Experience reduction, the requirement is reduced 50% for property and casualty and 50% for life and health.

3. Credit hours for a single health-only course cannot be used to satisfy both the property and casualty requirement and the life and health requirement for a dually licensed agent.

4. Licensees whose compliance periods begin January 1, 1998 or later, and end on December 31, 1999 or later, and who have been licensed in Florida for six (6) years or more as of the beginning of their compliance period, qualify for a reduction to 20 hours every 2 years; or 10 hours every 2 years if they have:

a. 25 years of licensed experience, and

b. Either a CPCU or CLU designation, or

c. A degree with 18 hours of approved insurance courses in their license line of authority.

(b) General Lines agents who have become appointed as health agents with a company that is not licensed for property and casualty or that requests a separate health only (2-40 type and class) appointment for the agent, shall earn 50% of the total credits required in property and casualty subjects and 50% in health only subjects.

(c)1. Customer representatives who are also licensed as a life or health agent shall earn 28 hours of credit: 14 hours in property and casualty subjects and 14 hours in life or health subjects, until a reduction applies as specified in section 626.2815, (3)(d), F.S.

2. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, customer representatives who are also licensed as a life or health agent, and who have been licensed in Florida for six (6) years or more as of the beginning of the compliance period, qualify for a reduction to 20 hours (10 hours in property and casualty

subjects and 10 hours in life or health subjects) every 2 years; or 10 hours (5 hours in property and casualty subjects and 5 hours in life or health subjects) every 2 years if they have

- a. 25 years of licensed experience, and
- b. Either a CPCU or CLU designation, or
- c. A degree with 18 hours of approved insurance courses in their license line of authority.

(d)1. Customer representatives who are licensed only as customer representatives shall earn 14 hours of credit, which shall consist of either:

- a. 14 hours in property and casualty insurance, or
- b. At least 7 hours in property and casualty insurance and the balance of hours in health-only insurance.

2. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, the requirement is:

- a. 10 hours of property and casualty subjects, or
- b. 5 hours in property and casualty and 5 hours in health only.

(e)1. Limited customer representatives who are also licensed as life or health agents shall earn 28 hours of credit, which shall consist of 14 hours in personal automobile insurance subjects and 14 hours in life or health insurance subjects.

2. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, licensees who have been licensed in Florida for six (6) years or more qualify for a reduction to 20 hours every 2 years (10 in personal auto and 10 in life or health); or 10 hours every 2 years (5 in personal auto and 5 in life or health) if they have:

- a. 25 years of licensed experience, and
- b. Either a CPCU or CLU designation, or
- c. A degree with 18 hours of approved insurance courses in their license line of authority.

(f)1. Limited customer representatives who are licensed only as limited customer representatives shall earn 14 hours of credit in personal automobile-only insurance.

2. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, the requirement is 10 hours of personal automobile-only subjects.

(g)1. Administrative agents who are also licensed as property and casualty insurance agents shall earn 28 hours of credit, which shall consist of 14 hours in life or health insurance and 14 hours in property and casualty insurance subjects relative to the authority of the insurance license lines of authority.

2. For compliance periods that begin with January 1, 1998 or later and end December 31, 1999 or later, licensees who have been licensed in Florida for six (6) years or more qualify for a reduction to 20 hours every 2 years (10 in property and casualty and 10 in life or health); or 10 hours every 2 years (5 in property and casualty and 5 in life or health), if they have:

- a. 25 years of licensed experience, and

b. Either a CPCU or CLU designation, or

c. A degree with 18 hours of approved insurance courses in their license line of authority.

(h)1. Administrative agents who are only licensed as administrative agents shall earn 14 hours of credit in life or health insurance every two years.

2. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, the requirement is 10 hours every two years.

(i)1. Administrative agents who are also licensed as any other type of life or health agent shall earn 28 hours of life or health credits.

2. For compliance dates that begin January 1, 1998 or later and end December 31, 1999 or later, the requirement is 20 hours every two years; or 10 hours every 2 years if they have:

- a. 25 years of licensed experience in life or health, and
- b. Either a CLU designation, or

c. A degree with 18 hours of approved insurance courses in their license line of authority.

(j)1. Title agents who are also licensed as life or health agents shall earn 28 hours of credit, which shall consist of 14 hours in title insurance subjects and 14 hours in life or health insurance subjects.

2. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, licensees who have been licensed in Florida for six (6) years or more qualify for a reduction to 20 hours every 2 years (10 in title subjects and 10 in life or health); or 10 hours every 2 years (5 in title subjects and 5 in life or health) if they have:

- a. 25 years of licensed experience as a life or health agent, and
- b. A CLU designation, or
- c. A degree with 18 hours of approved insurance courses in their license line of authority.

(k)1. Title agents who are also licensed as property and casualty insurance agents shall earn 28 hours of credit, which shall consist of 14 hours in title insurance subjects and 14 hours in property and casualty insurance subjects relative to the authority of the license.

2. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, licensees who have been licensed in Florida for six (6) years or more qualify for a reduction to 20 hours every 2 years (10 in title subjects and 10 in property and casualty); or 10 hours every 2 years (5 in title subjects and 5 in property and casualty, if they have:

- a. 25 years of licensed experience in property and casualty, and
- b. A CPCU designation, or
- c. A degree with 18 hours of approved insurance courses in their license line of authority.

(l)1. Title agents who are also licensed as property and casualty insurance agents and life and health insurance agents shall earn 28 hours of credit, which shall consist of 14 hours in title insurance subjects, 7 hours in property and casualty insurance subjects, and 7 hours in life or health insurance subjects relative to the authority of the license.

2. Title agents who have a life or health license and a property and casualty license and who have a CLU or CPCU designation and who have been licensed as a life or health agent or property and casualty agent for 25 years qualify for a reduction to 14 total hours required every two years (7 hours of title, 4 hours of property and casualty and 3 hours of life or health).

3. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, licensees who have been licensed for six (6) years or more qualify for a reduction to 20 hours every 2 years (10 in title subjects, 5 in property and casualty and 5 in life or health); or 10 hours every 2 years (5 in title subjects, 3 in property and casualty, and 2 in life or health, if they have:

a. 25 years of licensed experience in life or health or property and casualty, and

b. Either a CPCU or CLU designation, or

c. A degree with 18 hours of approved insurance courses in their license line of authority.

4. Qualifying Agents with compliance dates of 12/31/99 and beyond will earn these reduced credits.

(m)1. Industrial fire agents who are also licensed as life or health agents shall earn 28 hours of credit every two years, which shall consist of 24 hours of life or health and 4 hours of property or liability subjects relative to their license authority.

2. If they have a CLU or CPCU designation and 25 years of licensed experience in life or health or property and casualty, their total hours are reduced to 14 (4 of property and liability subjects relative to the industrial fire license and 10 hours of life or health) every two years.

3. For compliance periods that begin January 1, 1998 or later and end December 31, 1999 or later, licensees who have been licensed in Florida for six (6) years or more qualify for a reduction to 20 hours every 2 years (4 hours in property or liability and 16 hours in life or health relative to their license authority); or 10 hours every 2 years (4 hours in property and 6 hours in life and health) if they have:

a. 25 years of life or health or property and casualty licensed insurance experience, and

b. Either a CLU or CPCU designation, or

c. a degree in risk management or insurance with 18 hours of approved insurance courses in their license line of authority, and

d. Requested and been approved for a reduction of their total requirement.

(n) Persons who adjust workers' compensation claims who are also licensed as a life, health, property and casualty, industrial fire, surplus lines, or title agent, bail bond agent, or as a customer representative or limited customer representative shall earn, in addition to the hours required for the agent or customer representative license, the total required hours for:

a. The adjuster license, and

b. The bail bond agent license.

(o)1. If a dually licensed agent or customer representative earns all the hours in one line of business, the Department will not assume that the licensee intends to drop the other license.

2. The licensee will not be in compliance unless the Department is notified to change the license status, using Form DI4-501, Appointment Form, rev. 1/92, which is adopted in 4-228.180.

(p)1. If an agent or customer representative has qualified for exemption from the requirements of these rules due to employment with a governmental course provider (other than agents or customer representatives employed by the Department of Insurance), the individual shall declare that status to the Department on Form DI4-1106, Statement of Government Status, rev. 6/93, which is adopted in 4-228.180.

2. The agent or customer representative shall notify the Department within 30 days of any change in that status pursuant to Rule 4-228.250(3).

(q)1. An agent or customer representative will no longer qualify for a reduction in the required hours if the license to which those qualifications apply is terminated, and if the reduction was based on:

a. Being licensed for at least 6 years in Florida, or

b. 25 years of experience, and

c. Status as a CLU or CPCU, or

d. A college degree in insurance with at least eighteen semester hours of credit in subjects pertaining to their license.

2. The licensee shall earn the number of hours required for the type and class of licensure by the next compliance date after the date that the license to which those qualifications apply has expired.

(r) Credits earned by adjusters to satisfy the workers' compensation requirements shall earn a total of 24 hours of credit as follows:

1. Two hours of ethics;

2. Ten hours in workers' compensation law and policy;

3. Twelve hours in optional approved workers' compensation subjects or additional hours in workers' compensation law and policy, or ethics.

5.a. Workers' compensation law and policy courses shall cover the requirements for benefits as found in Florida Statutes or Florida Administrative Code.

(s)1. All lines adjusters who handle workers' compensation claims are required by section 626.869, Florida Statutes, and this rule chapter to earn 24 hours of continuing education credit in Florida approved classroom courses.

2. Any adjuster to whom this rule applies who also holds an agent's license shall meet each requirement separately.

3. Credits shall not be credited to both requirements from the same course.

(t)1. Credit hours in courses which are generic in nature will not be split between the substantive categories related to the applicable particular classes of licensure.

2. As used in this subsection, the term "generic" means credit hours which are not classified as a property and casualty, life, health, or title insurance, or customer representative or limited customer representative, or adjuster courses, and which may be used for credit in either category.

3. An example of a generic course would be a course on communication.

(u) Section 626.2815(3)(d), Florida Statutes, allows excess hours to be carried forward to the next compliance period. Excess hours may be used to satisfy part or all of the requirement for the next compliance period.

(v) Agents shall not earn more than 50% of their required credit hours in courses described in paragraphs 4-228.080(4)(a), (b), and (c).

(w)1. Agents may earn courses classified as basic if they have been licensed for less than 6 years in Florida as of the beginning of their compliance period.

2. Agents shall take courses classified as intermediate or advanced if they have been licensed and appointed, with respect to the type of course being taken, for 6 years or more.

(x) Section 626.2815(3)(d), Florida Statutes, allows a reduction in hours from 28 to 20 per compliance period for certain licensees who have been licensed in Florida for 6 years or more. If the license expires, is surrendered, canceled, revoked, or otherwise no longer exists to which the experience applies, the reduction in hours is no longer in effect for the remaining licenses.

(y)1. Section 648.385(2)(a), Florida Statutes, requires a bail bond agent to earn 14 hours of continuing education credit beginning in January, 1997.

2. The first compliance date for which the hours shall have been earned will be December 31, 1998.

3. Credits shall be earned in subjects relative to the line of authority for the license.

(z) If the bail bond agent also holds other insurance licenses for which continuing education is required pursuant to ss. 626.2815 and 626.869, F.S., the agent shall earn the credits for the bail bond agent in addition to the required hours for the other licenses held.

(6) CLU/CPCU/College Degree + 25 Years Experience.

(a) A letter requesting credit for either the CLU or CPCU designation or a college degree, and applicable experience or Form DI4-1109, Application for CLU/CPCU/ College Degree + Experience Status, rev. 7/96, which is adopted in 4-228.180, shall be submitted with all written documentation to qualify a licensee prior to the birth month in the year in which compliance is due.

(b) Documentation may include achievements attained in the birth month.

(c) The years of experience shall be in the same line of business as the designation.

(d) Years of experience in the opposite line of business will not qualify for the reduced continuing education requirement.

(e) Within 30 days of a status change which disqualifies the licensee from the reduction, the licensee shall notify the Department.

(f) On the next compliance date after the status has been changed for at least 24 months, the requirements will apply for that type and class without the reduction.

(7) Non-Resident Certification.

(a)1. Non-resident licensees who reside in a state that requires continuing education and that has a reciprocal agreement with Florida for continuing education may comply with Florida's continuing education requirement by meeting their home state's requirement and by submitting a properly completed Form DI4-463, Nonresident Agent Certification, rev. 7/97, which is adopted in 4-228.180, with supporting documentation attached as prescribed in the form.

2. Non-resident licensees who do not reside in a state that requires continuing education or that does not have a reciprocal agreement with Florida, but who are licensed in another state that does have a continuing education requirement and a reciprocal agreement with Florida, may comply with Florida's continuing education requirement by meeting that state's continuing education requirement and by submitting a properly completed Form DI4-463, Non-resident Agent Certification, rev. 7/97, which is adopted in 4-228.180, from that state with supporting documentation attached as prescribed in the form.

(b) Nonresident adjusters who handle workers' compensation claims shall complete the total required hours of credit in Florida approved classroom courses or seminars for workers' compensation adjusters.

(8) Licensees are not required to file certificates of completion with the Department unless requested to do so by the Department for audit purposes or to correct discrepancies in Department records.

(9)(a) Licensees who use the qualifications from a license type and class which is required to earn continuing education credits to qualify for a non-continuing education type and class license, and who do not continue an appointment for the license type that is required to earn continuing education

credits, will not be required to earn continuing education credits during the time in which the non-continuing education type and class license is held.

(b) Licensees may not change the status of the license type and class which is required to earn continuing education credits, and cannot receive an appointment for that type and class license, unless in the 24 months prior to the request the licensee has earned the required number of hours of continuing education credit for the license type and class that qualified the licensee for the non-continuing education type and class license for agents, customer representatives, bail bond agents, or persons who adjust workers' compensation claims.

(c) If the non-continuing education type and class license is held for more than 24 months, only the number of hours of credit required for one compliance period will be required in order to change the status of the license and to receive an appointment.

(10) Licensees who have changed type and class prior to the effective date of this rule will have their compliance date set by the last status date for that particular type and class unless some other license date exists for another type and class which is required to have continuing education which pre-dates this last status date.

(11)(a) All lines adjusters shall declare their status as adjusting workers' compensation claims, as defined in 4-228.030, on Form DI4-1108, Statement of Adjuster Status, rev. 6/93, which is adopted in 4-228.180, and notify the Department within 30 days of any change in that status.

(b) Signature date on the form will be used to establish the compliance date for adjusters whose status was changed from "not handling workers' compensation claims" to "handling workers' compensation claims".

(12)(a) Licensees who surrender one or all of their licenses shall surrender their photo identification card to the Department and submit a letter specifying which type and class of licensure they wish to surrender along with a statement indicating their intention not to meet applicable continuing education requirements for the specified type and class of licensure.

(b) If a licensee does not surrender all licenses held, the licensee shall also submit \$5.00 to the License Control Section, c/o Revenue Processing, P. O. Box 6000, Tallahassee, FL 32314, with a request for a new photo identification card.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501, 626.2815, 626.611, 626.621, 626.681, 626.691, 626.869(5), 648.385 FS. History—New 8-17-93, Amended 4-11-94,\_\_\_\_\_.

(Substantial rewording of Rule 4-228.230 follows. See Florida Administrative Code for present text.)

4-228.230 Extensions.

(1)(a) The Department will grant an extension of time of 90 days to complete the minimum continuing education requirement to an individual upon a showing of good cause.

(b) "Good cause" means an incident or occurrence which is beyond the control of the applicant and which prevents compliance.

(c) Examples of good cause include: Disabling accident, illness, call to military duty, or declared national emergency.

(d) It is the licensee's responsibility to request an extension on Form DI4-460, Request for Extension of Time, rev. 7/97, which is adopted in 4-228.180.

(e) The person's license and appointments shall remain in effect during the extension period.

(2) Requests for extensions should be submitted to the Department or its designee in writing at least 30 days prior to the applicable compliance date and shall include appropriate documentation of the good cause for extension.

(3) When an extension is granted, a new compliance date is temporarily created for that compliance period only.

(4)(a) If the minimum continuing education requirement is not satisfied by the extended compliance date, the Department will notify the person and the person will be assessed \$50.00 for additional administrative efforts necessary to process this notification and other materials in connection with this non-compliance, pursuant to section 624.501(20)(c), Florida Statutes, for non-compliance with sections 626.2815 and 626.869(5), Florida Statutes, and this rule chapter.

(b) If the minimum continuing education requirement is not satisfied by the last day of the extended compliance period, the Department shall refuse to renew the licensee's appointments and refuse to issue new appointments.

(c) Failure to be appointed for a particular type and class of license for 24 months will result in termination of a person's license for that type and class.

(5) Permanent conditions are not eligible for indefinite extensions of time to complete the requirements.

(6) A maximum of four (4) 90-day extensions may be granted for each compliance period if acceptable documentation is received by the Department.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501, 626.2815, 626.869(5) FS. History—New 8-17-93, Amended 4-11-94,\_\_\_\_\_.

(Substantial rewording of Rule 4-228.240 follows. See Florida Administrative Code for present text.)

4-228.240 Applicability of Continuing Education Requirement for New Licensees.

(1) Individuals who become licensed are not required to meet continuing education requirements until 2 years have elapsed from the date of licensure.

(2) If additional lines of insurance are added to an individual's license, licensees do not have to meet continuing education requirements applicable to that area of licensure until a minimum of 2 years from the date of issue of the new license has elapsed.

(3)(a) After the first compliance year is established, a licensee shall continue to meet the applicable continuing education requirements every 2 years thereafter regardless of when additional licenses or appointments are added.

(b) As subsequent licensure is granted for other lines of insurance requiring continuing education, the licensee's compliance date will remain the same.

(c) The total 2-year requirement remains in that same yearly sequence for all license types combined and not in alternating years.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815, 626.869(5) FS. History--New 8-17-93, Amended 4-11-94,\_\_\_\_\_.

(Substantial rewording of Rule 4-228.250 follows. See Florida Administrative Code for present text.)

4-228.250 Exempted Licensees.

(1) Individuals who hold only the following limited licenses are exempt from the requirements of section 626.2815, Florida Statutes.

(a) Motor Vehicle Physical Damage and Mechanical Breakdown Agent (2-21).

(b) Crop Hail and Multi-peril Crop Agent (4-30).

(2) If the individual holds any other life and health or property and casualty type and class of license in addition to the above-listed licenses, they shall comply with the full requirements of section 626.2815, Florida Statutes, and this rule chapter.

(3) Members of a Governmental Course provider.

(a)1. Licensees who are officials or employees of a governmental course provider other than Department of Insurance employees as set forth in section 626.2815(3)(c), Florida Statutes, are exempt from the continuing education requirements.

2. Anyone wishing to qualify for this status shall send a letter of request and documentation, or Form DI4-1106, Statement of Government Status, rev. 6/93, which is adopted in 4-228.180, to the Education Section of the Bureau of Agent and Agency Licensing, Department of Insurance, prior to their compliance date.

3. Within 30 days of a status change which disqualifies them from the exemption, the licensee shall notify the Department.

4. On the last day of their next birth month after the status has been changed for at least 24 months, the requirements of this rule chapter will apply for that type and class of licensure without the exemption.

(b)1. Department of Insurance employees who also have an agent or adjuster license will automatically be recorded as an employee of a governmental course provider on the day that they are employed by the Department and their continuing education requirements will be suspended.

2. The date on which the employee leaves the Department will also be recorded and will be used to establish a new compliance date on the last day of their next birth month after they have left the Department for 24 months or more.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.2815(3)(c), 626.869(5) FS. History--New 8-17-93, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shirley Kerns, Bureau Chief, Bureau of Licensing, Agent and Agency Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Division Director, Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 1999

DATE NOTICE OF PREVIOUS PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 1997, Vol. 23, No. 22

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Targeted Value-Added Promotions Program for Fresh Grapefruit

RULE CHAPTER NO.: 20-48

RULE TITLES:	RULE NOS.:
Purpose of Program	20-48.001
Participant Eligibility	20-48.002
Product Eligibility	20-48.003
Allocation; Disbursement of Funds	20-48.004
Program Requirements	20-48.005
Qualification of Advertising Merchandising	20-48.006
Targeted VAP Performance Formula	20-48.007
Proof of Performance; Claim for Payment	20-48.008
Failure to Perform Under Targeted VAP Agreement	20-48.009
Program Evaluation	20-48.010

PURPOSE AND EFFECT: Would revise the Targeted Value-Added Promotions program for the 1999-2000 citrus season in accordance with recommendations of the Targeted Value-Added Promotions Program Subcommittee.

SUBJECT AREA TO BE ADDRESSED: Targeted Value-Added Promotions program for fresh grapefruit.

SPECIFIC AUTHORITY: 601.15 FS.

LAW IMPLEMENTED: 601.15 FS.



IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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**

**Division of Professions, Asbestos Abatement**

RULE TITLE: RULE NO.:

Asbestos Consultants/Contractors; 61E1-1.001  
 Licensure Requirements

PURPOSE AND EFFECT: The Department is considering amending the above referenced rule relating to the regulation of asbestos abatement. The purpose is to update statutory cross-references in the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the regulation of asbestos abatement.

SPECIFIC AUTHORITY: 469.008, 469.011 FS.

LAW IMPLEMENTED: 469.004, 469.005, 469.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Thomas, Chief Attorney, 1940 North Monroe Street, Tallahassee, Florida 32399-0792

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Professions, Asbestos Abatement**

RULE TITLES: RULE NOS.:

Written Examination Designated; 61E1-2.001  
 General Requirements 61E1-2.006  
 Asbestos Training Courses and Providers

PURPOSE AND EFFECT: The Department is considering amending the above referenced rules relating to the regulation of asbestos abatement. The purpose is to update statutory cross-references, and provide for the content of the asbestos abatement project designer course.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the regulation of asbestos abatement.

SPECIFIC AUTHORITY: 455.003(5), 469.011 FS.

LAW IMPLEMENTED: 469.005, 469.014 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: Tom Thomas, Chief Attorney, 1940 North Monroe Street, Tallahassee, Florida 32399-0792

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Professions, Asbestos Abatement**

RULE TITLE: RULE NO.:

Fees; License Renewal; Active, Inactive and 61E1-3.001  
 Delinquent Licenses; Change of Status

PURPOSE AND EFFECT: The Department is considering amending the above referenced rule relating to the regulation of asbestos abatement. The purpose is to make changes to certain required fees and revise requirements for the renewal of business organization and qualifying agent licenses.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the regulation of asbestos abatement.

SPECIFIC AUTHORITY: 455.003(5), 469.008, 469.011 FS.

LAW IMPLEMENTED: 469.004, 469.005, 469.006, 469.008, 469.014 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: Tom Thomas, Chief Attorney, 1940 North Monroe Street, Tallahassee, Florida 32399-0792

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Professions, Asbestos Abatement**

RULE TITLE: Licensure of Business Organizations and Qualifying Agents

RULE NO.: 61E1-4.001

PURPOSE AND EFFECT: The Department is considering amending the above referenced rule relating to the regulation of asbestos abatement. The purpose is to update statutory cross-references and to revise requirements related to the licensing and renewal of business organizations and qualifying agents.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses the regulation of asbestos abatement.

SPECIFIC AUTHORITY: 455.003(5), 469.008, 469.011 FS.

LAW IMPLEMENTED: 469.004, 469.005, 469.006, 469.008, 469.014 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: Tom Thomas, Chief Attorney, 1940 North Monroe Street, Tallahassee, Florida 32399-0792

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE TITLES: Examination for Licensure

RULE NOS.: 61G3-16.001

Examination for Restricted Licensure

61G3-16.007

PURPOSE AND EFFECT: The proposed rules will amend the criteria to be used to evaluate the practical exam for the Barbers and Restricted Barber licensure examination.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure; Examination for Restricted Licensure

SPECIFIC AUTHORITY: 476.064(4), 476.114(2), 476.134, 476.144, 455.217(1)(b), 455.217 FS., Chapter 98-323, Laws of Florida.

LAW IMPLEMENTED: 476.114(2), 476.134, 476.144, 455.217(1)(b), 455.217 FS., Chapter 98-323, 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 IS: Ed Broyles, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Definitions

RULE NO.: 61G15-18.011

PURPOSE AND EFFECT: The purpose of this rule amendment is to expand the rule by adding a new definition which will define the meaning of a "registered engineer whose principal practice is civil or structural engineering."

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 471.008, 471.003(2)(f), 471.013(1)(a)1.,2. FS.

LAW IMPLEMENTED: 471.005(6), 471.025(3), 471.033(1)(j), 471.003(2)(f), 471.013(1)(a)1.,2. FS.

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

TIME AND DATE: 10:00 a.m., August 25, 1999

PLACE: The Radisson Hotel, 415 N. Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-18.011 Definitions.

(1) through (4) No change.

(5) A "registered engineer whose principal practice is civil or structural engineering," as used in the ss. 471.003(3) and 481.229(4), F.S., shall mean an engineer licensed in Florida

who either has a degree in civil or structural engineering, or has successfully completed the principles and practice examination in either discipline.

Specific Authority 471.008, 471.003(2)(f), 471.013(1)(a)1.,2. FS. Law Implemented 471.005(6), 471.025(3), 471.033(1)(j), 471.003(2)(f), 471.013(1)(a)1.,2. FS. History--New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Seal, Signature and Date Shall be Affixed

RULE NO.: 61G15-23.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to add a requirement that engineers certify in each plan or report that they hold an active license, that they are competent in the engineering discipline shown on the plans, that the plans have been prepared personally or under responsible charge, and if practicing through an entity, that said entity holds a valid certificate of registration.

SUBJECT AREA TO BE ADDRESSED: Certification.

SPECIFIC AUTHORITY: 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

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

TIME AND DATE: 10:00 a.m., August 25, 1999

PLACE: The Radisson Hotel, 415 N. Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-23.002 Seal, Signature and Date Shall be Affixed.

(1) No change.

(2) Each sheet of plans and prints which must be sealed under the provisions of Chapter 471 shall be sealed, signed and dated by the professional engineer in responsible charge. A cover or index sheet for engineering specifications may be used and that sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the engineering specification or other engineering document with sufficient information on the cover sheet or index so that the user will be aware of each portion of the specifications for which each professional engineer is responsible. Engineering reports must be signed, sealed and dated on a signature page or cover letter by each

professional engineer who is in responsible charge of any portion of the report. A professional engineer may only seal an engineering report, plan, print or specification if that professional engineer was in responsible charge of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document in question. In addition, each sheet of plans, prints, specification or report which must be sealed under Chapter 471 shall contain a certification by the engineer as follows:

"I, (print name), PE# 12345, certify that I currently hold an active license in the state of Florida and am competent through education, testing or experience to provide engineering services in the (insert discipline) discipline contained in this plan, print, specifications or report. I further certify that these plans, prints, specifications or reports were prepared by me or under my responsible charge as defined in Chapter 61G15-18.001, F.A.C. Moreover, if offered by or through a corporation, partnership, or a fictitious name, I certify that the entity offering the engineering services, (insert name of entity) holds an active certificate of authorization (insert certificate of authorization number) to provide the services.

(3) through (4) No change.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History--New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98, \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Office of Greenways and Trails**

DOCKET NO.: 99-25R

RULE CHAPTER TITLE: Florida Greenways and Trails System

RULE CHAPTER NO.: 62G-1

RULE TITLES: Purpose, Intent and Applicability

RULE NOS.: 62G-1.100

Definitions 62G-1.200

Solicitation, Evaluation and Selection Process for Department Acquisition of Greenways and Trails 62G-1.400

Modification of Approved Acquisition Projects 62G-1.450

Objectives of Designation Process 62G-1.600

Designation of Public Conservation or Recreation Lands 62G-1.620

Designation of Private Lands and Waterways 62G-1.640

Modification of Designated Greenway or Trail 62G-1.650

Termination of Designation and Removal of Lands or Waterways from Florida Greenways and Trails System 62G-1.670

Monitoring and Reporting Requirements for Designated Greenways and Trails 62G-1.680

Forms 62G-1.900

PURPOSE AND EFFECT: The rules being developed will establish the standards and procedures by which the Department will administer and expand the Florida Greenways and Trails System described in Chapter 260, F.S. The

following Department activities and documents are described in the draft rules: (1) solicitation, evaluation and selection of lands to be acquired; (2) modification of approved acquisition projects; (3) designation of public and private lands and waterways as part of the Florida Greenways and Trails System; (4) modification of designated greenways or trails; (5) termination of designation and removal of lands or waterways from statewide system; (6) monitoring and reporting requirements for designated greenways or trails; and (7) forms incorporated by reference in the rules.

**SUBJECT AREA TO BE ADDRESSED:** Chapter 260, F.S., authorizes the Department to establish and expand a statewide system of greenways and trails for recreational and conservation purposes. The primary tools for Department implementation of Chapter 260 are the land acquisition and designation programs administered by the Office of Greenways and Trails. The draft rules establish the eligibility standards, evaluation criteria, selection methodology and forms necessary for Department solicitation, selection and prioritization of proposed acquisition projects, as well as the procedures and forms required for its designation of lands and waterways as part of the Florida Greenways and Trails System.

**SPECIFIC AUTHORITY:** 260.016(1)(c), 260.016(2)(a),(d)-(e) FS.

**LAW IMPLEMENTED:** 253.781, 253.782, 253.7829, 259.03, 259.032, 259.04, 259.041, 259.101, 259.105, 260.011-.018 FS.

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

**TIME AND DATE:** 9:00 a.m. Friday, August 20, 1999

**PLACE:** 3900 Commonwealth Blvd., Room A, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Sally Mann, Office of Greenways and Trails, Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 156 (DEP Mail Station 795), Tallahassee, FL 32399-2400; telephone (850)488-3701, Ext. 122

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

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

**RULE TITLE:** Work Order Forms **RULE NO.:** 64B5-17.006

**PURPOSE AND EFFECT:** The Board proposes the development of a rule to address the content of dental work order forms.

**SUBJECT AREA TO BE ADDRESSED:** The requirements for dental work order forms.

**SPECIFIC AUTHORITY:** 466.021 FS.

**LAW IMPLEMENTED:** 466.021 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64B5-17.006 Work Order Forms.

(1) Work order forms deemed approved by the Board must have the following minimum information, in pre-printed format on the form:

(a) Title – “Laboratory Procedure Authorization;”

(b) name, address and license number of the registered dental laboratory;

(c) name, address and license number of the Florida licensed dentist who owns the work order form and is authorizing the procedure;

(d) name of patient(s);

(e) date sent to lab;

(f) try-in;

(g) finish;

(h) material;

(i) shade;

(j) mould; and

(k) type of case.

(2) Work order forms must also provide sufficient space for a complete description of the work to be completed by the registered laboratory and contain a space for the dentist’s signature and license number.

(3) Work order forms must be sequentially numbered duplicate forms and are non-transferable.

Specific Authority 466.021 FS. Law Implemented 466.021 FS. History—New

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: Wall Certificate and Duplicate License Fee

RULE NO.: 64B6-4.007

PURPOSE AND EFFECT: The Board proposes to reword this rule to include language which explains how to obtain and the fee for a wall certificate, and a duplicate wall certificate, as well as for a duplicate license.

SUBJECT AREA TO BE ADDRESSED: Wall certificate and duplicate licensure fees.

SPECIFIC AUTHORITY: 455.587(2),(6), 484.044 FS.

LAW IMPLEMENTED: 455.564(2), 455.587(6) FS.

IF REQUESTED 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 IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 2020 Capital Circle, S. E., Bin #CO9, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64B6-4.007 follows. See Florida Administrative Code for present text.)

64B6-4.007 Wall Certificate and Duplicate License Fee.

(1) Licensees licensed prior to July 1, 1998, may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) The fee for issuance of a duplicate license shall be \$25.00.

Specific Authority 455.587(2), (6), 484.044 FS. Law Implemented 455.564(2), 455.587(6) FS. History—New 10-21-91, Formerly 21JJ-4.015, 61G9-4.015, Amended

**DEPARTMENT OF HEALTH**

**Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: Emergency Medical Services

RULE CHAPTER NO.: 64E-2

PURPOSE AND EFFECT: Pediatric Trauma Triage: To correct inconsistencies and to make the pediatric scorecard methodology more effective in identifying critically injured pediatric patients who need immediate care.

Advanced Life Support Nontransport: To establish rules for staffing of ALS nontransport vehicles and to provide for reclassifying of such vehicles under certain conditions.

Certification/Recertification Applications: To update certification and recertification applications to reflect current statute and rules and application processing procedures and reporting requirements including the requirement for an oath and statement of good standing.

Security, Control and Storage of Drugs and Medications: To establish security, control and storage requirements for drugs and medications under the control of licensed ambulance services including central storage locations as well as on permitted vehicles.

Training Programs: To develop rules and forms which specify the requirements to apply for or renew approval to be an initial EMS training program or continuing education program.

SUBJECT AREAS TO BE ADDRESSED: Pediatric Trauma Triage, Advanced Life Support Nontransport, Certification/Recertification, Security of Drugs and Medications, Training Programs.

SPECIFIC AUTHORITY: 395.405, 401.25, 401.35, 401.27, 401.2701, 401.2715 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.4025, 395.4045, 395.405, 401.23, 401.25, 401.26, 401.27, 401.2701, 401.2715, 401.30, 401.35 FS.

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

TIME AND DATE: 10:00 a.m., August 25, 1999

PLACE: Pinellas Park Fire Department, 11350 Forty Third Street, North, Clearwater, Florida 33762

TIME AND DATE: 10:00 a.m., August 26, 1999

PLACE: Florida College of Emergency Physicians, 3717 S. Conway Road, Orlando, Florida 32812

TIME AND DATE: 11:00 a.m., August 31, 1999

PLACE: Metro Dade Firefighters Memorial Building, 8000 N. W. 21 Street, Suite 222, Miami, Florida

TIME AND DATE: 10:00 a.m., September 7, 1999

PLACE: Department of Health, Bureau of Emergency Medical Services, 2002 Old St. Augustine Road, Building D, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Senior Management Analyst, Bureau of Emergency Medical Services, Department of Health, 2002 Old St. Augustine Road, Building D, Tallahassee, Florida 32301, (850)487-6754

DRAFT MATERIALS SHALL BE AVAILABLE UPON REQUEST ONE WEEK PRIOR TO THE RESPECTIVE WORKSHOPS BY CONTACTING THE FOLLOWING INDIVIDUALS AT (850)487-1911:

Pediatric Trauma Triage – Fred Williams, Advanced Life Support Nontransport, Certification/Recertification, Oath, Statement of Good Standing, Security of Drugs – David Register, Training Programs – Al Herndon

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: Standards for Onsite Sewage Treatment and Disposal Systems  
 RULE CHAPTER NO.: 64E-6

PURPOSE AND EFFECT: Recently amended Chapter 381, Florida Statutes, specifically addresses the requirements for use of onsite sewage treatment and disposal systems. The rule must be modified to incorporate revisions. Rule language that requires technical corrections will also be addressed, as well as areas that have previously been addressed by the Technical Review and Advisory Panel.

SUBJECT AREAS TO BE ADDRESSED: Areas to be discussed include the following. Use of portable toilets and holding tanks; pump tank sizing and lift dosing; sizing criteria for septic tanks used in series; reduction of drainfield sizes where waterless, or incinerating toilets are used in residences; drainfield sizing where discontinuous limestone formations are found; method of approval for providers of continuing education courses, to include course content; septic tank additives; correction in definition of domestic sewage parameters; change in surface water definitions and boundary determination methods; outlet device approval criteria; construction materials and standards for treatment receptacles; drainfield area reductions for non-gravel drainfield designs; septage hauling and land application logs; evaluation of existing systems; inspection and assessment of existing systems where no change in sewage flow or characteristics is expected; disposal of composting toilet wastes; spoil material; pumping of contents of systems, holding tanks and portable toilets; changes in occupancy or tenancy where operating permits are required, operating permit amendments, occupancy of buildings prior to final authorization of systems; changes in definition of advanced secondary treatment in performance-based treatment systems; combination of pre-1972 lots; header pipe specifications and approved materials; regulatory floodways; and changes to the part of the rule where the standards for the Florida Keys are addressed which are necessitated by the modification of Chapter 381, F.S.

SPECIFIC AUTHORITY: 154.06,381.0011, 381.006, 381.0065, 489.553, 489.557 FS.

LAW IMPLEMENTED: 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, Part I 386, Part III 489, 489.553, 489.557 FS.

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

TIME AND DATE: 9:00 a.m., August 23, 1999

PLACE: Barnett Park, 4801 West Colonial Drive, Orlando, Florida 32808

TIME AND DATE: 10:00 a.m., August 24, 1999

PLACE: Building 4, Winewood Office Complex, 1311 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerald Briggs, Department of Health, Bureau of Water and Onsite Sewage Programs, HSEWOS, 2020 Capital Circle, S. E., Bin #A08, Tallahassee, FL 32399-1713

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS UNAVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLES:	RULE NOS.:
General Prohibitions	68A-4.001
Possession of Gun While Using a Light Prohibited	68A-4.002
Possession of Wildlife or Freshwater Fish or the Carcasses Thereof	68A-4.004
Introduction of Foreign Wildlife or “ Freshwater Fish or the Carriers of Disease	68A-4.005
Obligation to Permit Search or Inspection	68A-4.006
Exclusion of Certain Areas from Open season	68A-4.007
Taking Wildlife on Roads and Rights-of-Ways Prohibited	68A-4.008
Hunting Prohibited on Certain Water Control District Roads; Closing Procedure	68A-4.081

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish general prohibitions related to wildlife or freshwater fish.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general prohibitions, possession of gun and light, possession of wildlife or freshwater fish or carcasses thereof, introduction of foreign

wildlife or freshwater fish or carriers of disease, obligation to permit search or inspection, exclusion of certain areas from open season, taking wildlife from roads and rights-of-way, and hunting on certain water control district roads.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

**PLACE:** Specific location to be announced.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

**RULE TITLE:** Quota Hunt Permits and Special-Opportunity Permits – Application; Selection; Issuance

**RULE NO.:**

68A-5.005

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to establish procedures for issuance of special-opportunity permits.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rule includes the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

**PLACE:** Specific location to be announced.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas	68A-9.004
Special-use Permits; Short-term Use Permits; Fees; Special-opportunity Hunting and Fishing	68A-9.007

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to establish special-opportunity hunts and related fees on specified Type I Wildlife Management Areas (WMA), Type II WMAs and Wildlife and Environmental Areas and establish provisions for recreational use permits and related fees on Type I WMAs.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rule includes Special-use Permits; Short-term Use Permits; Fees; Special-opportunity Hunting and Fishing; and Recreational Use Permits.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

**PLACE:** Specific location to be announced

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish And Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Killing Destructive Birds and Mammals

RULE NO.: 68A-12.009

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish regulations and permit requirements pertaining to the taking of destructive birds and mammals.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include regulations and permit requirements for taking destructive birds and mammals.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

PLACE: Specific location to be announced

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish And Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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 calendar days before the workshop/meeting

by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLE: Establishment Orders

RULE NO.: 68A-14.001

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to make reference to Commission Establishment Orders that (1) establish land as Type I or Type II wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

PLACE: Specific location to be announced.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.



**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
General Regulations Relating to Type I Wildlife	
Management Areas	68A-15.004
Quota Permits; Antlerless Deer Permits	68A-15.005
Specific Regulations for Type I Wildlife	
Management Areas – South Region	68A-15.061
Specific Regulations for Type I Wildlife	
Management Areas – Northeast Region	68A-15.062
Specific Regulations for Type I Wildlife	
Management Areas – Northwest Region	68A-15.063
Specific Regulations for Type I Wildlife	
Management Areas – Everglades Region	68A-15.064
Specific Regulations for Type I Wildlife	
Management Areas – Central Region	68A-15.065

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to (1) establish general regulations relating to Type I Wildlife Management Areas (WMA); (2) establish or adjust hunter quotas for Type I WMAs; (3) establish or modify specific area regulations for Type I WMAs; and (4) adjust hunting season dates on Type I WMAs to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to Type I WMAs.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

**PLACE:** Specific location to be announced.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

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 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
General Regulations Relating to Type I Wildlife	
Management Areas	68A-16.004
Specific Regulations on Type II Wildlife	
Management Areas	68A-16.005

**PURPOSE AND EFFECT:** The purposes and effects of the proposed rule development is to (1) establish general regulations relating to Type II Wildlife Management Areas (WMA); (2) establish or modify specific area regulations for Type II WMAs; (3) adjust hunting season dates on Type II WMAs to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to Type II WMAs.

**SPECIFIC AUTHORITY:** Article IV, Section 9, Fla. Const.

**LAW IMPLEMENTED:** Article IV, Section 9, Fla. Const.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

**PLACE:** Specific location to be announced.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

**THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM:** James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

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 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Freshwater Fish and Wildlife**

RULE TITLES: RULE NOS.:  
 General Regulations Relating to Wildlife and Environmental Areas 68A-17.004  
 Specific Regulations on Wildlife and Environmental Areas 68A-17.005

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 1999-2000 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A WORKSHOP ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

PLACE: Specific location to be announced.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE TITLE: RULE NO.:  
 Exhibiting and Caging Poisonous or Venomous Reptiles 68A-25.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to clarify that possession or importation of all families of sea snakes is prohibited in Florida.

SUBJECT AREA TO BE ADDRESSED: Subject area covered in the proposed rule includes prohibition of sea snakes being imported into or possessed in the State of Florida.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m. each day, October 6-8, 1999, December 8-10, 1999, January 10-12, 2000, March 15-17, 2000 and May 17-19, 2000

PLACE: Specific location to be announced.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kyle Hill, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE WILL BE AVAILABLE AND CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLES: RULE NOS.:  
 Gear Definitions 68B-4.002  
 Statewide Net Gear Specifications;  
     Soaking Requirements; Definition;  
     Cast Net Specifications 68B-4.0081

PURPOSE AND EFFECT: The purpose of this rule development effort is to convert the current specification for the maximum allowable size for a cast net from a radius

measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. In line with the conversion and both specifications, the definition of the term “cast net” is amended to more accurately describe the gear as “circular” in shape. The effect should be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel. This effort is in conjunction with identical rule amendments regarding cast net specifications for allowable gear used to harvest shrimp and mullet, and in the Florida Keys National Marine Sanctuary.

**SUBJECT AREA TO BE ADDRESSED:** Specifications for cast nets used to harvest marine species.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Art. X, Sec. 16, Florida Constitution.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m., each day, October 6-8, 1999

**PLACE:** Specific location of Commission meeting to be later announced in this publication

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 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

68B-4.002 Gear Definitions.

As used in Title 68B, F.A.C., unless otherwise defined:

(1) "Cast net" means a circular ~~cone-shaped~~ net thrown by hand and designed to spread out and capture fish as the weighted circumference sinks to the bottom and comes together when pulled by a line.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-89, Amended 11-26-92, 1-1-97, 4-28-98, Formerly 46-4.002, Amended.

68B-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definition; Cast Net Specifications.

(3) Cast Nets – No person shall fish with, set, or place in nearshore and inshore Florida waters any cast net with a circumference ~~radius~~ greater than 79 ~~42~~ feet 37 ~~inches~~ ~~in length~~. No more than two cast nets shall be fished in such waters from a single vessel at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9 and Art. X, Sec. 16, Fla. Const. History--New 11-26-92, Amended 4-12-93, 1-1-97, 4-27-98, Formerly 46-4.0081, Amended.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

**RULE CHAPTER TITLE:** Miscellaneous

**RULE TITLE:**

**RULE NO.:**

Possession of Fish Legally Harvested in the Bahamas Allowed Under Certain Circumstances

68B-5.004

**PURPOSE AND EFFECT:** The purpose of this rule development effort is to make special allowance for persons who travel by vessel to the Bahamas to fish recreationally, to enable them to bring back their legally-harvested catch even if in violation of Florida size, bag, possession, or season restrictions, while assuring that harvest in Florida waters is in accordance with those restrictions. The effect should be to continue vital protection of Florida species and populations, while allowing angling trips to the Bahamas, an increasingly-popular activity for Florida citizens. This effort is being undertaken in conjunction with a proposed amendment of rules relating to queen conch.

**SUBJECT AREA TO BE ADDRESSED:** Special allowances for anglers returning from the Bahamas with legally-harvested marine species.

**SPECIFIC AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

**A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:**

**TIME AND DATES:** 9:00 a.m., each day, October 6-8, 1999

**PLACE:** Specific location of Commission meeting to be later announced in this publication

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 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-5.004 Possession of Fish Legally Harvested in the Bahamas Allowed Under Certain Circumstances.

A person returning from the Bahamas and transiting state waters in possession of marine species shall not be deemed to have violated recreational size (including requirements that a fish be landed in a whole condition), bag, possession, landing, or season provisions of Title 68B, F.A.C., if each of the following conditions are met:

(1) Such person also possesses and produces a valid original Permit to Engage in Foreign Fishing Conducted for Sporting Purposes and a valid cruising permit, issued by the Bahamian Government.

(2) All marine species in possession are within the harvest and possession requirements of Bahamian law.

(3) A vessel shall be considered in transit through state waters when it is on a direct and continuous course through such waters and no person aboard the vessel engages in fishing or deploys fishing gear from the vessel while in state waters.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Florida Keys National Marine Sanctuary

RULE TITLE: Florida Keys National Marine Sanctuary: Prohibited Activities in Specified State Waters

RULE NO.: 68B-6.003

PURPOSE AND EFFECT: In conjunction with amendment of the Commission’s general gear rules, the purpose of this rule development effort is to convert the current specification for the maximum allowable size for a cast net used in certain areas of the Florida Keys National Marine Sanctuary, from a radius measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. The effect should be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel within the Sanctuary’s most sensitive areas.

SUBJECT AREA TO BE ADDRESSED: Cast net gear specifications for certain areas within the Florida Keys National Marine sanctuary.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m., each day, October 6-8, 1999

PLACE: Specific location of Commission meeting to be later announced in this publication

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 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-6.003 Florida Keys National Marine Sanctuary: Prohibited Activities in Specified State Waters.

(1) ECOLOGICAL RESERVE AND SANCTUARY PRESERVATION AREAS – The following activities are prohibited within the Western Sambos Ecological Reserve and the Cheeca Rocks, Eastern Dry Rocks, Hens and Chickens, Newfound Harbor Key, Rock Key, and Sand Key Sanctuary Preservation Areas, described in Rule 68B-6.002:

(b) Except as provided in subparagraphs 1. And 2. below, fishing by any means. However, gear capable of harvesting fish may be aboard a vessel in an Ecological Reserve or Sanctuary Preservation Area (other than Sand Key), provided such gear is not available for immediate use when entering and during transit through such Ecological Reserve or Sanctuary Preservation Area. The following fishing activities are allowed as indicated:

1. Catch and release fishing by trolling is allowed in the Sand Key Sanctuary Preservation Area.

2. The harvest of baitfish species (ballyhoo, balao, halfbeaks, or herring only) is allowed in the Sanctuary Preservation Areas specified in Rule 68B-6.002(2), subject to the following conditions:

a. No person shall engage in such harvest except pursuant to a valid permit issued for such purpose by the National Marine Sanctuary Division of the National Ocean Service on behalf of the Florida Keys National Marine Sanctuary.

b. In the Newfound Harbor Key Sanctuary Preservation Area, harvest pursuant to this subparagraph shall only be by means of a cast net with a circumference ~~radius~~ no greater than

79 42 feet, 3 7 inches in length. In the Cheeca Rocks, Eastern Dry Rocks, Hens and Chickens, Rock Key, and Sand Key Sanctuary Preservation Areas, harvest pursuant to this subparagraph shall only be by means of a cast net or modified lampara net.

c. All bycatch (species other than ballyhoo, balao, halfbeaks, or herring) shall be returned to the water alive.

d. Contact with or disturbance of the seabed is prohibited.

e. Harvest of baitfish in the Sanctuary Preservation Areas specified herein by the use of any gear other than those specifically allowed in this subparagraph is prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-1-97, Amended 11-16-98, Formerly 46-6.003, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Queen Conch

RULE TITLE: Queen Conch, Regulation RULE NO.: 68B-16.003

PURPOSE AND EFFECT: The purpose of this rule amendment is to conform provisions of the rule governing the harvest of queen conch in Florida waters to a new rule being developed to allow persons lawfully harvesting marine species in the Bahamas to return by vessel through state waters while in possession of such species. The effect should be to continue vital protection of Florida species and populations, including conch, while allowing fishing trips to the Bahamas, an increasingly-popular activity for Florida citizens.

SUBJECT AREA TO BE ADDRESSED: Queen conch legally harvested in the Bahamas.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m., each day, October 6-8, 1999

PLACE: Specific location of Commission meeting to be later announced in this publication

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 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-16.003 Queen Conch, Regulation.

(3) The provisions of this chapter shall not be applicable to queen conch imported from another country pursuant to Rule 68B-5.004 or by a ~~provided, however, that any~~ wholesale or retail dealer in queen conch meat, queen conch shells or products made from queen conch shells, provided that such dealer shall maintain invoices, receipts, bills of sale, bills of lading, or other documentation affirmatively showing that all queen conch meat, queen conch shells or parts of queen conch shells in ~~the such~~ dealer's inventory were imported from a foreign country.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-17-85, Amended 6-21-90, 7-15-96, Formerly 46-16.003, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Shrimp

RULE TITLES: RULE NOS.:

- Purpose and Intent; Repeal of Certain General and Special Acts; Designation of Shrimp as Restricted Species 68B-31.005
- Statewide Recreational Shrimping Restrictions 68B-31.007
- Statewide Food Shrimp Production Restrictions 68B-31.009
- Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures 68B-31.0135

PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission is in the process of developing a management plan for shrimping in Biscayne Bay. As for other regions and certain bay systems, the goal of these management plans is to eliminate hard-to-enforce minimum size regulation, but replace it with closures or effort limitations that protect nursery areas and juvenile shrimp and boost escapement of adult shrimp for spawning purposes. The primary purpose of this rule development effort is to implement a management plan for Biscayne Bay that will accomplish this goal. Additionally, the Commission proposes to establish shrimp as a restricted species statewide. The purpose of such designation, as in other fisheries where the technique has been employed, is to assure that, as much as possible, persons harvesting shrimp commercially, either as a food shrimp producer or as a live bait shrimp producer, are full-time, professional commercial

fishers. The effect of the measures being developed for Biscayne Bay and the statewide designation of shrimp as a restricted species should be the protection of the health and abundance of shrimp populations as a renewable resource for the benefit of Florida citizens.

SUBJECT AREA TO BE ADDRESSED: Food shrimp production in Biscayne Bay (Dade County) and restricted species status for shrimp statewide.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.  
 THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 6:00 p.m. – 8:00 p.m., August 31, 1999  
 PLACE: Miami City Hall, 3500 Pan American Drive, Miami, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.005 Purpose and Intent; Repeal of Certain General and Special Acts; Designation of Shrimp as Restricted Species.

(5) Shrimp are hereby designated as a restricted species pursuant to Section 370.01(20), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History–New 1-1-92, Amended 9-30-96, Formerly 46-31.005, Amended \_\_\_\_\_.

68B-31.007 Statewide Recreational Shrimping Restrictions.

Except for persons harvesting shrimp commercially as either a food shrimp producer or a live bait shrimp producer, each person harvesting shrimp in or on the waters of the state shall comply with the requirements specified in this rule.

(2) Allowable Gear – No person subject to the requirements of this rule shall use any type of gear to harvest shrimp other than those types of gear specified herein:

(a) Landing or dip net with an opening no larger than 96 inches around the perimeter.

(b) Cast net with a circumference radius no greater than 79 1/2 feet, 3 inches.

(c) Push net.

(d) 1. Except as provided in subparagraph 2., one frame net with an opening no larger than 16 feet around the perimeter, if deployed from a vessel or from a structure other than an operational bridge or causeway or catwalk attached to such bridge or causeway.

2. Frame nets shall not be considered an allowable gear for persons harvesting shrimp pursuant to this rule in any waters of the Southeast Region in Dade County.

(e) Shrimp traps meeting the requirements of Section 370.15(5), Florida Statutes.

(f) Beach or haul seine with a mesh area no larger than 500 square feet.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-92, Amended 1-1-96, 6-3-96 Formerly 46-31.007, Amended \_\_\_\_\_.

68B-31.009 Statewide Food Shrimp Production Restrictions.

The following requirements shall apply to each person harvesting shrimp in or on the waters of the state as a food shrimp producer. Each such person shall also comply with the regional food shrimp production requirements of Rules 68B-31.010 through 68B-31.015 and the area or seasonal closures in the remainder of the chapter.

(1) Size Limit –

(a) Each person harvesting shrimp in or on state waters as a food shrimp producer shall possess shrimp that are of legal size. Shrimp shall be considered of legal size if all the shrimp in possession of the harvester are determined to have an average count not exceeding 47 shrimp per pound with the heads on or 70 shrimp per pound with the heads off. An average count shall be determined separately for the two portions of the catch consisting of heads-on and heads-off shrimp. The average count shall be determined by sampling the catch at five different locations selected randomly to be as widely separated within the catch or portion of the catch as practicable. Each sample shall consist of at least one pound of shrimp. The counts of each of these five samples shall be averaged to determine the average count for the catch or portion of the catch. This subsection shall not apply to any seabob (*Xiphopenaeus kroyeri*) in possession of the harvester.

(b) ~~Beginning January 1, 1994,~~ The size limit provisions of paragraph (a) shall not apply in:

1. The Big Bend Region.

~~2.(e) Beginning July 1, 1996, the size limit provisions of paragraph (a) shall not apply in~~ The Northeast Region.

~~3.(d) The size limit provisions of paragraph (a) shall not apply in~~ Any of the waters of the Northwest Region east of the line formed by 85N13.50' West Longitude.

4. Any waters of the Southeast Region in Dade County.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 11-29-93, 1-1-96, 6-3-96, 7-16-96 Formerly 46-31.009, Amended.

68B-31.0135 Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures.

(1) No person shall engage in food shrimp production in any waters of the Southeast Region in Dade County, except during the open season for such production. The open season shall begin on October 15 each year and continue through May 15 of the following year, subject to the weekly closures specified in subsection (2).

(2) During the open season specified in subsection (1), no person shall engage in food shrimp production in any waters of the Southeast Region in Dade County during the period each week beginning at 6:00 a.m. on Saturday and ending at 6:00 a.m. on Sunday.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Shrimp

RULE TITLE: State Recreational Shrimping Restrictions  
 RULE NO.: 68B-31.007

PURPOSE AND EFFECT: In conjunction with amendment of the Commission’s general gear rules, the purpose of this rule development effort is to convert the current specification for the maximum allowable size for a cast net used to harvest shrimp recreationally from a radius measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. The effect should be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel.

SUBJECT AREA TO BE ADDRESSED: Cast net gear specifications for the recreational harvest of shrimp.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

A HEARING ON THE PROPOSED RULE WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 9:00 a.m., each day, October 6-8, 1999

PLACE: Specific location of Commission meeting to be later announced in this publication

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 calendar days before the workshop/meeting

by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.007 Statewide Recreational Shrimping Restrictions.

Except for persons harvesting shrimp commercially as either a food shrimp producer or a live bait shrimp producer, each person harvesting shrimp in or on the waters of the state shall comply with the requirements specified in this rule.

(2) Allowable Gear – No person subject to the requirements of this rule shall use any type of gear to harvest shrimp other than those types of gear specified herein:

(a) Landing or dip net with an opening no larger than 96 inches around the perimeter.

(b) Cast net with a circumference ~~radius~~ no greater than 79 ~~12 1/2 feet, 3 inches~~.

(c) Push net.

(d) One frame net with an opening no larger than 16 feet around the perimeter, if deployed from a vessel or from a structure other than an operational bridge or causeway or catwalk attached to such bridge or causeway.

(e) Shrimp traps meeting the requirements of Section 370.15(5), Florida Statutes.

(f) Beach or haul seine with a mesh area no larger than 500 square feet.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-92, Amended 1-1-96, 6-3-96, Formerly 46-31.007, Amended.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER TITLE: Mullet

RULE TITLE: Allowable Harvesting Gear  
 RULE NO.: 68B-39.0047

PURPOSE AND EFFECT: In conjunction with amendment of the Commission’s general gear rules, the purpose of this rule development effort is to convert the current specification for the maximum allowable size for a cast net used to harvest mullet from a radius measurement – 12 feet, 7 inches – to a circumference maximum of 79 feet, 3 inches. The effect should

be to give Division of Law Enforcement personnel a more certain way to measure cast nets aboard a vessel in a fishery that is increasingly reliant on cast nets for commercial harvest. SUBJECT AREA TO BE ADDRESSED: Cast net gear specifications for the harvest of mullet.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., each day, October 6-8, 1999  
PLACE: Specific location of Commission meeting to be later announced in this publication

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 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-39.0047 Allowable Harvesting Gear.

(1) The harvest or attempted harvest of any mullet by or with the use of any gear or method other than the following is prohibited.

(a) Cast net with a ~~circumference radius~~ no greater than ~~79~~ 42 feet ~~3 7~~ inches, provided that no more than two such nets shall be fished from any vessel at any time.

(b) Beach or haul seine with a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) no larger than 500 square feet, provided that no more than two such nets unconnected shall be fished from any vessel at any time.

(c) Until January 1, 2000, skimmer net meeting the following specifications:

1. No skimmer net shall have an opening larger than 28 feet around the perimeter.

2. No more than two skimmer nets shall be attached to or fished from a single vessel.

3. No skimmer net shall have a total area (mesh area plus the area of any other attached material that adds to the fishing surface of the net) larger than 500 square feet. No skimmer net shall be longer than 30 feet long in a stretched condition.

4. The bag of any skimmer net shall be constructed of no smaller than #12 dipped nylon mesh. The use of monofilament netting material in any part of the net is prohibited. The mesh size in the final 8 feet of the net shall not exceed 3 1/2 inches stretched mesh and the mesh size in the remainder of the net shall not exceed 4 1/2 inches stretched mesh.

5. No skimmer net shall come in contact with the sea bottom while being deployed from a vessel under power.

(d) Hook and line gear.

(e) Spearing.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-3-97, Amended 1-1-98, 11-16-98, 12-31-98, Formerly 46-39.0047, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Banking

RULE TITLE: Application  
RULE NO.: 3C-105.402

PURPOSE AND EFFECT: The proposed rule amends to Rule 3C-105.402, F.A.C., conform the Division's administrative rule relating to financial institution branches to recent statutory changes pursuant to Chapter 99-138, Laws of Florida.

SUMMARY: The proposed changes eliminate the requirement for a branch office application by financial institutions operating in a safe and sound manner.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 655.012(3), 658.26(2)(c) FS.

LAW IMPLEMENTED: 658.26(2), 665.013 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 30, 1999

PLACE: Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda B. Charity, Chief, Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9510

THE FULL TEXT OF THE PROPOSED RULE IS: