

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE:

Division of Cultural Affairs

RULE NO.:

1T-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to incorporate the most recent versions of the Division's administrative forms and grant award agreements.

SUBJECT AREA TO BE ADDRESSED: Administrative forms and grant award agreements.

SPECIFIC AUTHORITY: 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1),(4),(6), 265.701(4) FS.

LAW IMPLEMENTED: 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS.

IF REQUESTED 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., Friday, March 17, 2000

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Linda Downey, (850)487-2980. If you are hearing or speech impaired, please contact the agency by calling (850)488-5779 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1T-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (4) No change.

(5) ~~All grant awards except those under the Cultural Facilities and Cultural Endowment Programs shall be made through a grant award agreement and shall be administered in~~

accordance with the Grants Management Handbook, eff. 8/99, which contains forms and instructions for the management of grant awards. NEW LANGUAGE NOT AVAILABLE

(6) ~~Grant awards through the Cultural Facilities Program shall be made through Grant Award Agreement Form #CA2E038, eff. 8/99, and use Grant Amendment Form #CA2E047 and Report Form #CA2E048, both eff. 8/99. Grant awards through the Cultural Endowment Program shall be made through Grant Award Agreement Form #CA2E039, eff. 8/99. Grant award agreements shall specify the grants management requirements. NEW LANGUAGE NOT AVAILABLE.~~

Specific Authority 255.043(5), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.607, 265.608, 265.609(1),(4),(6), 265.701(4) FS. Law Implemented 216.349, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 286.011, 286.012, 286.25 FS. History-New 11-23-82, Formerly 1T-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, \_\_\_\_\_.

DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE:

Attorney Services

RULE NO.:

2-37.010

PURPOSE AND EFFECT: The Department is amending the form it currently utilizes for agencies requesting representation by private attorneys. The proposed rule development implements the revised form.

SUBJECT AREA TO BE ADDRESSED: Implementation of a revised form for requesting approval for representation by private attorneys.

SPECIFIC AUTHORITY: 287.059 FS.

LAW IMPLEMENTED: 287.059, 16.015 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: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2-37.010 Attorney Services.

The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001, entitled "Request for Attorney General Approval of Private Attorney Services," effective \_\_\_\_\_, FLRC1 (effective 7/12/93) is hereby incorporated by reference. Copies of the form may be obtained from the

~~General Legal Division, Director, Florida Legal Resource Center,~~ Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 287.059, 16.015 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97,

**DEPARTMENT OF INSURANCE**  
**Division of State Fire Marshal**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	4A-51.005
Codes Adopted	4A-51.010
Fees	4A-51.030
Examinations	4A-51.035
Inspection Requirements	4A-51.050
Requirements for New Installations	4A-51.060
Operation	4A-51.070

**PURPOSE AND EFFECT:** The purpose of this rule chapter is to revise definitions and update references used in the operation of the Boiler Safety Act. The purpose of this rule chapter will also repeal definitions and provisions and that do not have statutory authority or are defined elsewhere.

**SUBJECT AREA TO BE ADDRESSED:** Part I General Provisions; Part II Certificates of Competency and Certificates of Compliance; Part III Inspections in Public Assembly Locations; and Part IV New and Existing Installations in Public Assembly Locations.

**SPECIFIC AUTHORITY:** 554.103, 554.111, 624.307, 624.308(1) FS.

**LAW IMPLEMENTED:** 554.1011-.115, 554.103, 554.104, 554.105, 554.106, 554.107, 554.108, 554.109, 554.1101, 554.111, 554.112, 554.114, 624.307, 624.308(1) 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 DATES:** 1:00 p.m., March 21-22, 2000  
**PLACE:** Florida State Fire College in Ocala, Florida and Miami Beach City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, AVAILABLE UPON REQUEST ON MARCH 7, 2000, IS:** Mohammad Malek, Boiler Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3614

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: Mohammad Malek, (850)413-3614.

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

**4A-51.005 Definitions.**

As used in this rule chapter:

(1) "The Act" means Chapter 554, Florida Statutes, the "Boiler Safety Act." ~~shall refer to CS for SB 160, Chapter 87-361, Laws of Florida, as codified in Chapter 554, Florida Statutes.~~

(2) "Alteration" shall mean any change in the item described on the original Manufacturer's Data Report which affects the pressure containing capability of the boiler or pressure vessel. Non-physical changes such as an increase in the maximum allowable working pressure (internal or external) or design temperature of a boiler or pressure vessel shall be considered an alteration. A reduction in minimum temperature such that additional mechanical tests are required shall also be considered alteration. ~~"Alteration" does not include the installation of new nozzles or openings of such size that reinforcement is not a consideration.~~

(3) No change.

~~(4) "Antique Boiler" means any closed vessel used solely for display and demonstration purposes, in which water is heated, steam is superheated, or any combination thereof, under pressure or in a vacuum, for use externally to itself, by direct application of heat from the combustion of fuels, or from electricity. The term shall include fired vessels, used solely for display and demonstration purposes, for heating or vaporizing liquids other than water where these vessels are separate from processing systems and are complete within themselves.~~

~~(4)(5) "Approved" means permitted by the Boiler Safety Program of the Department of Insurance.~~

~~(6) "A.S.M.E." means The American Society of Mechanical Engineers, United Engineering Center, 345 East 47th Street, New York, NY 10017.~~

~~(5)(7) "A.S.M.E. Code" means The American Society of Mechanical Engineers International Boiler and Pressure Vessel Code published by that Society, including addenda and interpretations existing at the time this rule is adopted ~~and~~ ~~changes, as approved by its council.~~~~

~~(6)(8) "Authorized Inspection Agency" means:~~

~~(a) a jurisdiction which has adopted and which administers one or more sections of the A.S.M.E. Boiler and Pressure Vessel Code as a legal requirement, one which shall be Section 1, and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors, or in accordance with Section 554.112, Florida Statutes; or has a representative serving as a member of the A.S.M.E. Conference Committee; or~~

~~(b) an insurance company which has been licensed or registered by the appropriate authority of a state ~~State~~ of the United States or a province ~~Province~~ of Canada to write and does write boiler and pressure vessel insurance, and to provide~~

inspection service of boilers and pressure vessels in such state or province and whose inspectors hold valid commissions issued by the National Board of Boiler and Pressure Vessel Inspectors, or in accordance with Section 554.112, Florida Statutes in such State or Province.

~~(7)(9)~~ "Authorized Inspector" means the Chief Inspector, a Deputy Inspector or a Special Inspector.

~~(10)~~ "Boiler" means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam is superheated, or any combination of these functions is accomplished, under pressure or in a vacuum, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy. The term includes a fire unit for heating and vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The term also includes the following:

~~(a)~~ "Power Boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

~~(b)~~ "High Pressure/High Temperature Water Boiler" means a water boiler intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 2500 F.

~~(c)~~ "Heating Boiler" means a steam or vapor boiler operating at pressures not exceeding 15 psig, or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 2500 F.

~~(d)~~ "Hot Water Supply Boiler" means a boiler or lined storage water heater completely filled with water which furnishes hot water to be used externally to itself at pressures not exceeding 160 psig or at a temperature not exceeding 2500 F. at or near the boiler outlet.

(8) Definitions of Boilers (additional Boiler definitions may be found at Section 554.1021, Florida Statutes):

~~(a)(e)~~ "Electric Boiler" means a power boiler or heating boiler in which the source of heat is electricity.

~~(f)~~ "Second Hand Boiler" means a boiler which has changed ownership and location subsequent to its original installation and use.

~~(b)(g)~~ "Miniature Boiler" means a power boiler or high-temperature boiler any boiler which does not exceed any of the following limits:

1. 16" inside diameter of shell;
2. 20 sq. ft. of heating surface (not applicable to electric boilers);
3. 5 cu. ft. gross volume, exclusive of casing and insulation; and
4. 100 psig maximum allowable working pressure.

~~(c)(h)~~ "Portable Boiler" means a an internally fired boiler which is primarily intended for temporary locations, and by the construction and usage permits it to be readily moved from one location to another of which is obviously portable.

~~(11)~~ "Certificate Inspection" means an inspection or report which is used by the Chief Inspector to determine whether or not a certificate of compliance may be issued.

~~(12)~~ "Certificate of Compliance" means a document issued to the owner of a boiler which authorizes the owner to operate the boiler, subject to any restrictions endorsed thereon.

~~(13)~~ "Certificate of Competency" means a document issued to a person who has satisfied the minimum competency requirements for boiler inspectors under Sections 554.1011-554.115, F.S.

~~(d)(14)~~ "Coil Type Hot Water Boiler" means a boiler without any steam space where water flashes into steam when released through a manually operated nozzle.

~~(e)~~ "Lined Storage Water Heater" means a water heater which consists of a coil or closed tank heated either by direct flame, electrical heating elements or solar energy and which exceeds any of the following limits:

1. Maximum heat input of 400,000 BTUH or 117.2 KW;
2. Water temperature of 210 degrees F; and
3. Nominal water containing capacity of 120 U.S. gallons.

Such water heaters shall be equipped with safety devices in accordance with the requirements of Section IV, Article 8, HLW-800, "Installation Requirements," A.S.M.E. Code, as adopted herein.

~~(f)~~ "Standard Boiler" means a boiler which has been designed, constructed, inspected and stamped as per A.S.M.E. Code and registered with the National Board.

~~(g)~~ "Non-standard Boiler" means a boiler that does not bear a stamp, or does not comply with the Act or these rules.

~~(h)~~ "Reinstalled Boiler" means a boiler removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

~~(i)~~ "Condemned Boiler" means a boiler which has been inspected and declared unsafe by the Chief Boiler Inspector.

~~(9)(15)~~ "Commission" means:

(a) A written credential issued by the Boiler Safety Program to a Deputy Inspector or Special Inspector stating the inspection agency by whom he is employed and the category or categories of inspection he is authorized to make; or

(b) A written credential issued by the National Board of Boiler and Pressure Vessel Inspectors to the holder of a Certificate of Competency who desires to make shop inspections and field inspectors in accordance with the National Board Code adopted herein.

~~(16)~~ "Condemned Boiler" means a boiler which has been inspected and declared unsafe, or disqualified by legal requirements by an inspector qualified to take such action.

~~(10)(17)~~ "Chief Inspector" means the Chief Boiler Inspector appointed by the Act.

~~(11)(18)~~ "Deputy Inspector" means any Deputy Inspector appointed by the Chief Inspector of the Boiler Safety Program of the Department of Insurance.

(19) "Department" means the Department of Insurance.

(12)(20) "Existing Installation" means any boiler installed in this state before October 1, 1987.

(13)(21) "External Inspection" means an inspection made when a boiler is in operation, if possible or when examination of the interior surfaces of the pressure parts cannot be made.

(14)(22) "Fusion Welding" means a process of welding metals in a molten and vaporous state, without the application of mechanical pressure or blows.

(15)(23) "Horsepower" means a unit of measurement in which one boiler horsepower = 34.5 lbs. steam per hour or 33,479 BTUH (British Thermal Units per Hour).

(24) "Inspector" means the Chief Inspector, any Deputy Inspector, or a Special Inspector.

(16)(25) "Internal Inspection" means an inspection made when a boiler is shut down and the handholes, manholes, or other inspection openings are opened for inspection of the interior.

(17)(26) "Jurisdiction" means a state, commonwealth or municipality of the United States or a Province of Canada, which has adopted one or more sections of the A.S.M.E. Boiler and Pressure Vessel Code, one of which is Section I, and which maintains a duly constituted governmental unit for the purpose of enforcement of the code.

(27) "Jurisdiction or Jurisdictional Requirements" means the lawful requirements of a jurisdiction regarding boilers or pressure vessels.

(18)(28) "Major Repair" means a repair affecting the strength of the boiler.

(19)(29) "National Board" means the National Board of Boiler and Pressure Vessel Inspectors, (NB) 1055 Crupper Avenue, Columbus, Ohio 43229, whose membership is composed of Chief Inspectors of jurisdictions who, or other officials who hold a National Board Commission and are charged with the enforcement of the provisions of the Boiler and Pressure Vessel Safety Act boiler and pressure vessel inspection regulations of any political subdivision of the United States or Canada which has adopted one or more sections of the A.S.M.E. Boiler and Pressure Vessel Code.

(20)(30) "National Board Inspection Code" means the code for jurisdictional authorities, inspectors, users, and organizations performing repairs and alterations to pressure-retaining parts. It is published by the National Board and is developed under procedures accredited as meeting the criteria for American National Standards manual of Boiler and Pressure Vessel Inspectors adopted by the National Board. Copies may be obtained from the National Board, 1055 Crupper Avenue, Columbus, Ohio 43229.

(21)(31) "New Boiler Installation" means all boilers constructed, installed and placed in operation after October 1, 1987.

(32) "Non-standard Boiler" means a boiler that does not bear the stampings and numbers listed in subsection (41), below.

(22)(33) "Owner or User" means any person, firm or corporation legally responsible for the safe installation, operation, and maintenance of any boiler within this state.

(23) "Other locations open to the general public," as used in the definition of "public assembly locations" in Section 554.1021(2), Florida Statutes, means a building, facility, occupancy, or portion thereof, or an area open to the public for educational purposes or for trade or commerce including, but not limited to, public and private schools, universities, child care centers, city, county and state government buildings, commerce facilities, shopping malls, departmental stores, grocery stores, motels, hotels, resorts, vacation clubs, fitness centers, and restaurants; meeting rooms, game rooms, and similar places where the public is invited or permitted to gather, as well as boiler rooms, located in apartment complexes, condominiums, cooperatives, or similar multi-family dwellings; dry cleaners, laundries or laundromats; retirement homes; religious schools; bus or train stations; colleges and other institutions of higher learning; fraternal organizations; any club open to guests and the public; and any building or area in which persons may assemble for civic, educational, religious, recreational, entertainment or other purposes, or in which passengers may await public transportation. The term "public assembly locations" also means "places of public assembly" as used in this rule chapter.

(34) "Place of Public Assembly" means a building, facility, occupancy, or portion thereof, or an area open to the public for educational purposes or for trade or commerce including, but not limited to, public and private schools, child care centers, community centers, hospitals, nursing and convalescent homes, churches, theaters, stadiums, amusement parks, colleges and other institutions of higher learning, and any building or area in which persons may assemble for civic, educational, religious or recreational purposes, or in which passengers may await transportation.

(24) "Pressure retaining item" (PRI) means a boiler, pressure vessel, piping or material used for the containment of pressure, either internal or external. The pressure may be obtained from an external source, or by the application of heat from the direct source, or any combination thereof.

(25) "Pressure Vessel" means containers for the containment of pressure, either internal or external. This pressure may be obtained from an external source or by the application of heat from a direct or indirect source, or any combination thereof.

(26)(35) "PSIG" means pounds per square inch gauge.

(27)(36) "Repair" means the work necessary to restore a boiler or pressure vessel to a safe and satisfactory operating condition, provided there is no deviation from the original design.

~~(28)(37)~~ "Repair Organizations" shall mean:

~~(a)~~ An entity which holds a valid National Board Certificate authorizing the use of the "R", "VR", or "NR" stamps; ~~or~~

~~(b)~~ An entity which holds a valid A.S.M.E. Certificate of Authorization for use of the appropriate code symbol stamp; ~~or~~

~~(c)~~ An entity which is otherwise authorized by the jurisdiction.

~~(29)(38)~~ "Rules" means this rule chapter unless otherwise specified.

~~(30)(39)~~ "Rerating" means the increase of the maximum allowable working pressure or temperature of a boiler regardless of whether or not physical work is carried out on the boiler. Rerating shall be considered an alteration.

~~(40)~~ "Reinstalled Boiler" means a boiler removed from its original setting and reinstalled at the same location or at a new location without change of ownership.

~~(41)~~ "Standard Boiler" means a boiler which bears the stamp of the State; the A.S.M.E. Stamp; both the A.S.M.E. and National Board Stamps; or the stamp of another jurisdiction which has adopted a standard of construction equivalent to that required by this state.

~~(31)(42)~~ "Special Inspector" means an inspector who holds a Florida Certificate of Competency and who is regularly employed by an insurance company authorized to insure against loss from explosion of boiler and pressure vessels in this state or by any county, city, town, or other governmental subdivision which has adopted into law the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and the National Board Inspection Code for the construction, installation, inspection, maintenance, and repair of boilers.

~~(43)~~ "Water Heaters and Lined Storage Water Heaters" mean water heaters which consist of a coil or closed tank heated either by direct flame, electrical heating elements or solar energy and which do not exceed any of the following limits:

~~(a)~~ Maximum heat input of 200,000 BTUH or 58.6 KW;

~~(b)~~ Water temperature of 2100 F.; and

~~(c)~~ Nominal water containing capacity of 120 U.S. gallons. Such water heaters shall be equipped with safety devices in accordance with the requirements of Section IV, Article 8, HLW-800, "Installation Requirements," A.S.M.E. Code, as adopted herein. Those having electrically heated elements shall also bear the Underwriters Laboratory listing mark.

Specific Authority 554.103 FS. Law Implemented 554.1011-.115 FS. History—New 2-27-89, Amended \_\_\_\_\_.

4A-51.010 Codes Adopted.

The Department of Insurance hereby adopts and incorporates by reference the following national codes as the State Boiler Code for the safe construction, installation, inspection, maintenance and repair of boilers.

(1) The A.S.M.E. Boiler and Pressure Vessel Code, Sections I; II, Parts A, B, ~~and C and D~~; IV; V; VI; VII; IX, and the ANSI/ASME CSD-1, 1998 edition and all 1999 amendments, addenda and interpretations thereto to these documents in effect on the effective date of this rule, are hereby adopted and incorporated by reference. Copies may be obtained from the American Society of Mechanical Engineers International, 22 Law Drive, Box 2300, Fairfield, New Jersey 07007-2300; Phone: 1-800-THE-ASME, ~~United Engineering Center, 345 East 47th Street, New York, NY 10017.~~ The Code may be consulted at the offices of the Boiler Safety Program, Bureau of Fire Prevention Explosives and Fire Equipment, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, Third Floor, Atrium Building, Tallahassee, Florida 32303, Phone: (850)413-3722/3723 ~~Larson Building, Tallahassee, Florida 32399-0300; (904)488-7260;~~ during regular business hours, Monday through Friday.

(2) The National Board Inspection Code (NBIC) – 1998 ~~1987 edition of the National Board of Boiler and Pressure Vessel Inspectors~~, and all amendments, addenda, and interpretations thereto in effect on the effective date of this rule, is hereby adopted and incorporated by reference. Copies may be obtained from the National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Avenue, Columbus, Ohio 43229; Phone: (614)888-8320. The Code may be consulted at the offices of the Boiler Safety Program, Bureau of Fire Prevention Explosives and Fire Equipment, Division of State Fire Marshal, Department of Insurance, 325 John Knox Road, Third Floor, Atrium Building, Tallahassee, Florida 32303; Phone: (850)413-3722/3723 ~~Larson Building, Tallahassee, Florida 32399-0300; (904)488-7260;~~ during regular business hours, Monday through Friday.

(3) ASME ANSI B31.1-1986, "Power Piping," – 1998 ~~edition and all 1999 amendments, addenda, and interpretations thereto~~ is hereby adopted and incorporated by reference. Copies may be obtained from the American Society of Mechanical Engineers International, 22 Law Drive, Box 2300, Fairfield, New Jersey 07007-2300; Phone: 1-800-THE-ASME ~~National Standards Institute, Inc., 1450 Broadway, New York, NY 10018.~~

(4) The requirements of the Codes adopted in subsections (1), (2), and (3), above, shall become effective on February 27, 1989, except that the provisions applying to new construction shall not become mandatory until 6 months after the effective date of adoption.

Specific Authority 554.103 FS. Law Implemented 554.103 FS. History—New 2-27-89, Amended \_\_\_\_\_.

4A-51.030 Fees.

Specific Authority 554.103, 554.111 FS. Law Implemented 554.111 FS. History—New 2-27-89, Amended 7-15-98, Repealed \_\_\_\_\_.

4A-51.035 Examinations.

(1) through (2) No change.

(3) For an applicant for a certificate of competency, the initial application fee shall be fifty (\$50.00) dollars and the annual renewal fee shall be thirty (\$30.00) dollars. An examination fee of fifty (\$50.00) dollars will be charged for each applicant taking the examination for a certificate of competency.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 554.103, 554.111, 554.112 FS. History—New 2-27-89, Amended 1-27-99, \_\_\_\_\_.

4A-51.050 Inspection Requirements.

(1) through (7) No change.

(8) Inspection Reports. Each Authorized Inspection Agency employing certified Special Inspectors and each certified Deputy Inspector shall, within fifteen (15) days following each certificate inspection made by such inspectors, file a report of the inspection with the Chief Inspector of the Boiler Safety Program using the following forms, which are hereby adopted and incorporated by reference: Form DI4-380, \_\_\_\_\_ 4/20/88, "Boiler or Pressure Vessel Data Report – First Internal Inspection" "First Inspection Report – All Boilers," and Form DI4-379, \_\_\_\_\_ 4/20/88, "Boiler – Fired Pressure Vessel – Report of Inspection" "Reinspection Report – All Boilers." Authorized Inspection Agencies may reproduce these forms for their own use. Copies may be obtained from the Boiler Safety Program, Bureau of Fire Prevention Explosives and Fire Equipment, Division of State Fire Marshal, 200 E. Gaines Street, Tallahassee, Florida 32399-0342 Larson Building, Tallahassee, Florida 32399-0300. The filing of reports of external inspections other than certificate inspections shall not be required except when such inspections disclose that the boiler is not in compliance with this rule chapter.

(9) through (12) No change.

(13) Inspection Numbers.

(a) through (e) No change.

(f) Stamping of Florida State serial numbers on non-corrosive tags shall be as follows:

~~FL000000 FL000000FL88~~

1. Note: On the Florida State serial number facsimile above, the letters and numbers FL88 indicate the year the boiler was stamped.

2. Florida State serial numbers shall be stamped with numbers and letters not less than 5/16 inch in height.

(14) through (23) No change.

Specific Authority 554.103 FS. Law Implemented 554.103, 554.108, 554.109, 554.1101 FS. History—New 2-27-89, Amended \_\_\_\_\_.

4A-51.060 Requirements for New Installations.

(1) through (2) No change.

(3)(a) through (3)(o) No change.

(p) Fuel burning apparatus and systems (Flame safeguard). Fuel burning apparatus and systems should be equipped with regulatory and protective controls in accordance with applicable standards of the National Fire Protection Association, American Gas Association, and Underwriter's Laboratories. Safety inspections for compliance with the aforementioned codes and standards for fuel burning apparatus do not fall within the jurisdiction of the Boiler Safety Program or within the scope of the Boiler Safety Act.

(4) No change.

Specific Authority 554.103 FS. Law Implemented 554.103, 554.104, 554.105, 554.106, 554.107 FS. History—New 2-27-89, Amended \_\_\_\_\_.

4A-51.070 Operation.

Specific Authority 554.103 FS. Law Implemented 554.103, 554.114 FS. History—New 2-27-89, Amended 7-15-98, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mohammed Malek, Chief Boiler Inspector, Fire Prevention, State Fire Marshal

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles D. Clark, Division Director, State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: February 23, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2000

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:

RULE NOS.:

Cleaning Services

12A-1.0091

Rentals, Leases, and Licenses to Use

Transient Accommodation

12A-1.061

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rules 12A-1.0091 and 12A-1.061, FAC., is to provide that charges for cleaning residential facilities used as living accommodations are not subject to tax, even though the rental or lease charges to guests to use such accommodations may be subject to the taxes imposed on transient rentals. The proposed amendments remove language regarding the Department's presumption that the cleaning of public lodging

establishments advertised or held out to the public as places regularly rented to transient guests are taxable as nonresidential cleaning services. All guidelines related to establishing whether the cleaning services provided to such living accommodations are for nonresidential or for residential use are proposed to be removed.

**SUBJECT AREA TO BE ADDRESSED:** These proposed rule amendments address the Department's policy change to provide that charges for cleaning residential facilities used as living accommodations are not subject to tax.

**SPECIFIC AUTHORITY:** 212.17(6), 212.18(2), 213.06(1) FS.  
**LAW IMPLEMENTED:** 92.525(1)(b), 120.53(1)(b), 212.02(2), (10)(a)-(g), (16), 212.03(1),(2),(3),(4),(5),(7), 212.031, 212.04(4), 212.05(1), 212.0598, 212.06(2),(5), 212.07(2), 212.08(4)(a),(6),(7)(i),(m),(o),(8),(9), 212.085, 212.11(1),(2), 212.12(2),(5),(6),(7),(8),(9),(12), 212.13(1),(2), 212.16, 212.17(6), 212.18(2),(3),(5), 212.21(3), 213.06(1), 213.37, 213.756 FS.

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

**TIME AND DATE:** 10:00 a.m., March 23, 2000

**PLACE:** Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (850)922-4698. If you are hearing or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

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

12A-1.0091 Cleaning Services.

(1)(a) No change.

(b) ~~1. Residential cleaning~~ Cleaning services rendered to residential buildings are not taxable. Charges for cleaning facilities For the purpose of this rule, residential buildings are buildings that are used as living accommodations home or regular places of abode for persons, (such as detached or single family dwellings, apartments, duplexes, triplexes, quadraplexes, residential condominiums, residential

cooperatives, residential time-share units, beach cottages, nursing homes, and mobile home parks, and the common areas of those residential facilities, are not subject to tax. Charges to clean such residential facilities are not subject to tax, even though the rental, lease, letting, or licensing of such living accommodations may be subject to the tax imposed under s. 212.03, F.S. apartments, duplexes, triplexes, condominiums, or cooperatives, or other similar facilities) which do not regularly cater to the traveling public. Public lodging establishments, as defined in s. 509.013, F.S., or portions thereof, and any other facilities or portions of facilities, which are advertised or generally held out to the public as places regularly rented to transients are presumed to be nonresidential buildings. Cleaning services rendered to such nonresidential facilities are taxable. Sufficient documentation must be provided to substantiate whether the cleaning service is provided to a residential or nonresidential building. See subsection (6) below for documentation requirements.

2. ~~When a cleaning service provider is contracted by a real estate agent, management company, or similar business to provide cleaning services to a building or units within a building, and the service provider cannot determine whether the building or units are advertised or generally held out to the public as a place regularly rented to transients, the charges for such services are fully taxable, unless the real estate agency, management company, or similar business furnishes the service provide a written statement that the entire building or specific units within the building are residential. See subsection (6) below for specific allocation methods. Any cleaning service provider who receives from the purchaser a written statement showing the percentage or portion, if any, of the property which is nonresidential, and who collects tax according to such statement, shall be entitled to rely upon the allocation provided in writing by the purchaser of the cleaning service, unless the cleaning service provider has reason to believe that such written statement is fraudulent.~~

a. ~~Example: An apartment complex has 200 units of which 50 units operate under a collective license as a public lodging establishment and are advertised as available for rent on a daily or weekly basis. With proper documentation, only the 50 units are considered nonresidential and the cleaning services for such units are taxable.~~

b. ~~Example: Cleaning services are rendered to a 500 unit condominium complex. The cleaning services are contracted through the residing manager for the complex. The service provider cannot determine which units are residential and which units are nonresidential. The total charges for cleaning services are taxable, unless the residing manager or owner(s) of the unit(s) furnishes the service provider a written statement identifying which unit(s) are residential.~~

3. ~~Example: The residents of an apartment complex may sign up for and use the complex's clubhouse after paying the apartment manager a fee which represents a charge for~~

cleaning the clubhouse after its use. The clubhouse is considered to be a residential common area and the cleaning fee is not taxable.

(c) through (2) No change.

(3) Aircraft, boats, motor vehicles, and other vehicles, except mobile homes, are not considered to be nonresidential buildings. For the taxability of cleaning aircraft, boats, motor vehicles, and other vehicles, see Rule 12A-1.006, F.A.C.

(4) No change.

~~(5)(a)1. Any person providing cleaning services is required to document by notations on the sales invoice the name of the purchaser, the address and unit number(s) where the service was provided, the date of the service, the type of service, the price of the service, whether the service is for a residential or nonresidential building, if the building is used for both residential and nonresidential purposes, and the price of the service for each purpose.~~

~~2. Any cleaning service provider who fails to provide the notations described in subparagraph 1. Above and who neglects, fails, or refuses to collect the tax herein provided upon any sales of cleaning services which are subject to the tax, shall be liable for and pay the tax himself.~~

~~3. Any person who fraudulently issues to any cleaning service provider a statement in writing, as provided in subparagraph (1)(b)2., for the purposes of evading payment of the sales tax is liable for payment of the sales tax, a mandatory penalty of 200% of the tax, and a fine and punishment as provided by law for conviction of a felony of the third degree, as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.~~

~~(b)1. If a building is used for both residential and nonresidential purposes and the proportional mixed use is not subject to change, when the charges for residential and nonresidential cleaning services are separately described and itemized, the total charge shall be allocated based on the square footage serviced for each exclusive purpose. Common areas such as lounges, day rooms, and hallways shall be allocated on the same proportion as the exclusively residential and nonresidential areas. However, an alternate method may be allowed if the service provider documents the basis and rationale for the alternate method.~~

~~2. Example: A condominium complex has 600 units of which 200 units are used as a permanent residence by their owners. A window cleaning company charges the condominium complex for the cleaning of all windows in the complex, including the 200 owner-occupied units and the windows of common area facilities such as the complex clubhouse. Since all living units in the complex are approximately equal in square footage area, one-third (200 permanent residential units divided by 600 total units) of the total charge made by the window cleaning company may be made tax exempt, provided the window cleaning company makes a~~

separate line item charge for the residential units and obtains the necessary certification by the residing manager or owners of the residential units.

~~(e)1. If a building is used for both residential and nonresidential purposes and the proportional mixed use is subject to frequent or periodic change, such as time-share resorts and other facilities or portions of facilities which are advertised or generally held out to the public as regularly rented to transients, the tax on cleaning services shall be available for rent to the general public during the prior calendar quarter. Such time allocation shall be made on the basis of the smallest time unit denominator available for rent. So-called "weekend" rentals shall be computed on and use days as the denominator. The entity managing the time-share resort pursuant to s. 721.13, F.S., or other managing entity shall prepare and present to any cleaning service provider, a written statement specifying the percentage of time made available for rent to transient guests during the preceding quarter as the basis for the amount of cleaning services subject to tax.~~

~~2. Example: A fee time-share resort consists of 100 time-share units for which 5,100 time-share occupancy periods would typically be sold, i.e., 51 weeks per year per time-share unit. In a calendar quarter, 1,275 time-share weeks (5,100 divided by 4) would be available for use by the time-share unit purchasers or the developer. During the last calendar quarter, 300 time-share weeks were available for sale or rent by the developer and 125 time-share purchasers requested that the managing entity make their time-share weeks available for rent to the traveling public. These time-share occupancy weeks owned by time-share purchasers and by the developer which were available for rent to the traveling public are considered nonresidential and the cleaning services sold for such units are taxable. One-third (425 total weeks available for rent divided by 1,275 weeks in the quarter) of the charges for cleaning services will be subject to sales tax.~~

~~3. Example: The owner of a beach cottage has an agreement with a local realtor whereby the realtor may rent the cottage to the traveling public for any length of time except for specific days or weekends reserved for use by the owner of the cottage. During the last calendar quarter, the owner of the cottage reserved the property for a total of 18 days while the remaining days were either rented or made available to the traveling public. Only 20 percent (18 owner reserved days divided by 90 days in the quarter) of the charges for cleaning services will be exempt from sales tax.~~

~~(d) If the charges for residential and nonresidential cleaning services are not separately described and itemized, then the entire transaction is taxable.~~

~~(e) If a transaction involves both the sale or use of a taxable service and the sale or use of a service that is not subject to tax, the charges shall be separately identified and stated with respect to the taxable and nontaxable portions of the transaction. The tax shall apply to the transaction to the~~



extent that the consideration paid in connection with the transaction is payment for the sale or use of taxable services. Failure to separately state the charges shall create a presumption that the entire transaction is a taxable service.

~~(5)(6)~~ No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1)(b),(j), 212.07(2), 212.085 FS. History—New 5-13-93, Amended 3-20-96, 7-1-99, \_\_\_\_\_.

12A-1.061 Rentals, Leases, and Licenses to Use Transient Accommodations.

(1) through (3) No change.

**(4) PURCHASES BY OWNERS OR OWNERS' REPRESENTATIVES OF TRANSIENT ACCOMMODATIONS.**

(a) The purchase of beddings, furnishings, fixtures, toiletries, consumables, taxable maid and cleaning services, and similar items or other taxable services by owners or owners' representatives of transient accommodations is subject to tax, except as provided in ~~paragraph paragraphs (b) or (c)~~. The purchase of these items and services is not subject to the tourist development tax, as provided in s. 125.0104, F.S., the tourist impact tax, as provided in s. 125.0108, F.S., or the convention development taxes, as provided in s. 212.0305, F.S.

(b) Owners or owners' representatives may purchase or lease tangible personal property without paying tax only when the taxable property is:

1. Purchased exclusively for resale or re-rental as provided in Rule 12A-1.071(2), F.A.C.; and

2. Charges to the guest or tenant for the purchased or leased property are not required under the provisions of this rule to be included in the taxable amount of rental charges or room rates. See Rule 12A-1.071(2), F.A.C.

~~(c)1. Owner's or owner's representatives taxable nonresidential cleaning that do not have a dealer's sales tax number ending in digits 92 or 93 are not permitted to purchase taxable services exempt from tax. See Rule 12A-1.0161, F.A.C. However, owners or owners' representatives may take a credit for tax paid to a dealer of taxable services on its sales and use tax return when:~~

~~a. the charges or surcharges for the taxable service purchased for resale to the guest or tenant are separately stated on a guest's or tenant's bill, invoice, or other tangible evidence of sale;~~

~~b. the applicable sales tax is collected from the guest or tenant on the separately stated charges for the taxable service. (See Rules 12A-1.0091, 12A-1.0092, and 12A-1.0161, F.A.C.);~~

~~e. the charges or surcharges to the guest or tenant are not required under the provisions of subsection (3) of this rule to be included in the taxable amount of rental charges or room rates; and~~

d. tax was paid to the dealer for the taxable services.

2. Example: Company X is in the business of renting condominium units. As part of its rental charges, Company X provides weekly cleaning services to its tenants. If a tenant wants to purchase daily cleaning services, Company X will arrange with a third party cleaning company to provide the cleaning services. Company X separately states the charge for the daily cleaning services and the applicable sales tax for the cleaning services on the tenant's accommodation bill. Company X purchases all its cleaning services from the third party cleaning company and must pay the applicable sales tax to the cleaning company on its total charges for cleaning services. However, Company X may take a credit on its sales and use tax return for the tax paid to the third party cleaning company on the charges for daily cleaning services that are resold to its tenants, whether the daily cleaning services are resold to the tenant at the same or a higher price than that paid to the third party cleaning company.

(5) through (19) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 212.02(2),(10)(a)-(g),(16), 212.03(1),(2),(3),(4),(5),(7), 212.031, 212.04(4), 212.08(6),(7)(i),(m),(o), 212.11(1),(2), 212.12(7),(9),(12), 212.13(2), 212.18(2),(3), 213.37, 213.756 FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 4-19-74, 12-11-74, 5-27-75, 10-18-78, 4-11-80, 7-20-82, 1-29-83, 6-11-85, Formerly 12A-1.61, Amended 10-16-89, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 7-1-99, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: RULE NO.:

Rentals, Leases, and Licenses to Use 12A-1.061  
Transient Accommodations

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.061, FAC., is to: 1) clarify that each room or unit that provides lodging or housekeeping accommodations in a multiple unit structure is defined for the purposes of Rule 12A-1.061, FAC., as a "transient accommodation;" 2) provide guidelines regarding the application of the transient rental taxes when a reservation voucher is sold by a reservation company and then presented to the owner or owner's representative to rent the reserved transient accommodation; and 3) provide guidelines for taxpayers that rent, lease, let, or license a number of transient accommodations within a multiple unit structure to one person for their own use.

SUBJECT AREA TO BE ADDRESSED: These proposed rule amendments address: 1) the clarification of the term "transient accommodation;" 2) the proposed guidelines regarding the imposition of the transient rental taxes when transient accommodations are reserved by purchasing a reservation voucher and presenting it to rent a transient accommodation;

and 3) the proposed guidelines for taxpayers that rent, lease, let, or license a number of transient accommodations at a multiple unit structure for their own use.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS.  
 LAW IMPLEMENTED: 92.525(1)(b), 120.53(1)(b), 212.02(2),(10)(a)-(g),(16), 212.03(1),(2),(3),(4),(5),(7), 212.031, 212.04(4), 212.05(1), 212.0598, 212.06(2),(5), 212.08(4)(a),(6),(7)(i),(m),(o), (8), (9), 212.11(1),(2), 212.12(2),(5), (6), (7),(8),(9),(12), 212.13(1),(2), 212.16, 212.17(6), 212.18(2),(3),(5), 212.21(3), 213.06(1), 213.37, 213.756 FS.

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

TIME AND DATE: 10:00 a.m., March 23, 2000  
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407.

Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting: Jamie Phillips, (850)922-4698. If you are hearing- or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.061 Rentals, Leases, and Licenses to Use Transient Accommodations.

(1) through (2)(e) No change.

(f) "Transient accommodation" means each ~~any~~ living quarter or sleeping or housekeeping accommodation in any hotel, motel, apartment house, multiple unit structure (e.g., duplex, triplex, quadruplex, condominium), roominghouse, tourist or mobile home court (e.g., trailer court, motor court, recreational vehicle camp, fish camp), single family dwelling, garage apartment, beach house or cottage, cooperatively owned apartment, condominium parcel, timeshare resort, mobile home, or any other house, boat that has a permanent, fixed location at a dock and is not operated on the water away from the dock by the tenant (e.g., houseboat permanently moored at a dock, but not including cruise liners used in their normal course of business), vehicle, or other structure, place, or location held out to the public to be a place where living

quarters or sleeping or housekeeping accommodations are provided to transient guests for consideration. Each room or unit that provides lodging or housekeeping accommodations in a multiple unit structure is a transient accommodation.

(3) through (4) No change.

(5) DEPOSITS, ~~AND~~ PREPAYMENTS, AND RESERVATION VOUCHERS.

(a) through (d) No change.

(e)1. "Reservation voucher" means a voucher which entitles the purchaser to rent transient accommodations that are reserved by the seller for the purchaser at a designated location for a specified rental period and at a specified room rate or rental charge. The voucher may contain the following information: the designated transient accommodation; the room rate or rental charge for the accommodation; the reservation deposit, prepayment, or fee paid to the seller of the voucher; the balance of the room rate or rental charge due to the owner or owner's representative of the accommodation; and a statement regarding the applicable tax due on the room rate or rental charge. The voucher is required to be presented to the owner or owner's representative of the transient accommodations. When the voucher is presented to the owner or owner's representative, the amount of the reservation deposit, prepayment, or fee paid to the seller of the voucher is a part of the room rate or rental charge paid for the right to use the accommodation. The owner or owner's representative of the transient accommodation is required to collect and remit the applicable taxes due to the proper taxing authority on the total room rate or rental charge, including any amounts separately stated on the redeemed voucher as a reservation deposit, prepayment, or fee.

2. The owner or owner's representative may execute a written agreement to designate the seller of the reservation voucher as the party responsible to collect and remit the applicable transient rental taxes on the portion of the room rate or rental charge for the transient accommodation collected by the seller of the voucher. Sellers of reservation vouchers who have entered into such agreements with owners or owners' representatives of transient accommodations are required to collect and remit the applicable taxes due to the proper taxing authority on the portion of the room rate or rental charge collected by such seller. The applicable taxes are to be collected at the rates imposed by the county where the transient accommodation is located. The amount of the rental charge or room rate collected by the seller of the voucher must be indicated, and the tax must be separately stated, on the reservation voucher.

(6) through (13) No change.

(14) EXEMPTION FOR CONTINUOUS RESIDENCE.

(a) When any person has continuously resided at any transient accommodation ~~one location where transient accommodations are provided~~ for a period of longer than six months and has paid the applicable tax due on the rental

charges or room rates for the first six months, that person is exempt from tax on the rental charges or room rates due for that ~~transient accommodation location~~ after the first six months of the continuous rental period. When that person ceases to rent that ~~transient accommodation location~~, the exemption for continuous residence for that person at that ~~accommodation location~~ no longer applies.

(b)1.a. When a number of transient accommodations within a multiple unit structure are rented to any one person or entity for its own use for periods longer than six months, the rental charges or room rates for the lowest number of transient accommodations continuously rented at that structure for periods longer than six months are exempt from tax, effective for those rental charges or room rates due for such accommodations after the first six months of the continuous rental period. To qualify for this exemption, the person or entity must pay the applicable tax due on the rental charges or room rates for the first six months of the continuous rental period and must rent the accommodations for periods longer than six continuous months.

b. Example: Company A provides hotel rooms to house its employees at a hotel. Because the number of employees needing a room varies each night, the number of rooms rented by Company A varies each night. However, Company A rents and pays the applicable tax due on at least 10 hotel rooms each night for a consecutive six month period. Beginning the seventh month of the continuous rental period, Company A is exempt from tax due on the rental charges or room rates for 10 rooms at that hotel as long as it pays the room rates for at least 10 rooms at that hotel. Any rental charges or room rates for additional rooms paid by Company A are subject to tax, until the rental charges or room rates for those rooms qualify for exemption.

2.a. Any person who enters into a bona fide written lease, as provided in subsection (15), to lease a specified number of transient accommodations at a multiple unit structure each night during the lease period for its own use, is exempt from tax due on the rental charges or room rates applicable to the specified minimum number of accommodations. If that person rents more than the specified number of accommodations stated in the lease, the provisions of subparagraph 1. apply.

b. Example: Company B enters into a bona fide written lease for one year with a hotel to lease at least 10 hotel rooms each night to house its employees. The lease requires that Company B pay the room rates for 10 rooms for the entire year, even when the rooms are not occupied. On several nights during the year, Company B rents more than 10 rooms at the hotel. Company B is exempt from tax on the room rates for 10 rooms during the entire one year lease period. The additional hotel rooms rented by Company B are subject to tax, until the rental charges or room rates for those rooms qualify for exemption.

3. There is no requirement to lease or rent the same room or unit within a multiple unit structure each night or to occupy the rented or leased room or unit to qualify for the exemption described in this paragraph.

4. The provisions of this paragraph do not apply to transient accommodations that are rented or leased for the purpose of subleasing, subrenting, subletting, or licensing the accommodations to other persons.

(15) through (19) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 92.525(1)(b), 212.02(2),(10)(a)-(g),(16), 212.03(1),(2),(3),(4),(5),(7), 212.031, 212.04(4), 212.08(6),(7)(i),(m),(o), 212.11(1),(2), 212.12(7),(9),(12), 212.13(2), 212.18(2),(3), 213.37, 213.756 FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 7-19-72, 4-19-74, 12-11-74, 5-27-75, 10-18-78, 4-11-80, 7-20-82, 1-29-83, 6-11-85, Formerly 12A-1.61, Amended 10-16-89, 3-17-94, 1-2-95, 3-20-96, 11-30-97, 7-1-99.

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE: Exemption for Resale of Utility Service, Annual Report

RULE NO.: 25-30.111

PURPOSE AND EFFECT: To repeal Rule 25-30.111, which requires water and wastewater resellers to file an annual report.

SUBJECT AREA TO BE ADDRESSED: Reporting requirements of water and wastewater resellers.

SPECIFIC AUTHORITY: 367.121(1) FS.

LAW IMPLEMENTED: 367.022(8) 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF APPEALS, MARY ANNE HELTON, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-30.111 Exemption for Resale of Utility Service, Annual Report.

~~Any person who has been granted an exemption from regulation as a reseller of water or wastewater service provided for in subsection 367.022(8), F.S., shall file a report by March 31 of each year following the year for which the exemption is claimed. The report shall contain the following:~~

~~(1) A schedule, listing by month, the rates charged for and total revenue received from the water or wastewater service sold.~~

~~(2) A schedule, listing by month, the rates charged and total expense incurred for the purchase of the water or wastewater service.~~

~~(3) A statement listing the source from which the water or wastewater service was purchased.~~

Specific Authority 367.121(1) FS. Law Implemented 367.022(8) FS. History--New 3-26-81, Formerly 25-10.09, 25-10.009, Amended 11-9-86, 11-30-93, Repealed.

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE: Calculation of Rate Reduction After Rate Case

RULE NO.: 25-30.470

Expense is Amortized

25-30.470

PURPOSE AND EFFECT: To repeal the rule requiring rates to be reduced four years after a rate case after the amortization period for rate case expense has expired.

SUBJECT AREA TO BE ADDRESSED: The recovery of rate case expense.

SPECIFIC AUTHORITY: 350.127(2), 367.121 FS.

LAW IMPLEMENTED: 367.0816, 367.121 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF APPEALS, MARY ANNE HELTON, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-30.470 Calculation of Rate Reduction After Rate Case Expense is Amortized.

~~To calculate the rate reduction to be made 4 years after a rate case as required by section 367.0816, F.S., the following methodology shall be used. The annual amount of rate case expense, which is equal to one fourth of the total allowed rate case expense, shall be divided by the regulatory assessment fee gross up factor. The resulting number shall then be divided by the revenue requirement to determine the percentage of the rate reduction. The percentage is then multiplied against the new rates to determine the amount of the future rate reduction. Revised tariff sheets implementing the reduction shall be filed no later than 1 month before the end of the fourth year.~~

Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.0816, 367.121 FS. History--New 11-30-93, Repealed.

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE TITLE: Program Forms

RULE NO.: 58A-1.010

PURPOSE AND EFFECT: A new rule 58A-1.010 is proposed in which to incorporate by reference revised DOEA Forms 701A, Intake and Telephone Screen, 701B, Assessment Instrument, and 701C, Congregate Meals Assessment; revised DOEA Forms 203A and 203B, Care Plan; and other forms currently used for the Older American Act (OAA) program.

SUBJECT AREA TO BE ADDRESSED: Revision of assessment and care plan forms and inclusion of current forms.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

IF REQUESTED 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., Monday, March 20, 2000

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh or Marshall Kelly, Division of Home and Community-Based Services, (850)414-2000.

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE TITLES: Application Procedures

RULE NOS.: 58C-1.004

Program Forms

58C-1.008

PURPOSE AND EFFECT: A new rule 58C-1.008 is proposed in which to incorporate by reference revised DOEA Forms 701A, Intake and Telephone Screen, 701B, Assessment Instrument, and 701C, Congregate Meals Assessment; revised DOEA Forms 203A and 203B, Care Plan; and other forms currently used for the Community Care for the Elderly (CCE) program. Rule 58C-1.004 is retitled, amended and the Guidelines for Selection of Lead Agencies is incorporated by reference therein.

SUBJECT AREA TO BE ADDRESSED: Revision of assessment and care plan forms, inclusion of current forms and the Guidelines for Selection of Lead Agencies.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

IF REQUESTED 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., Monday, March 20, 2000

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh or Marshall Kelly, Division of Home and Community-Based Services, (850)414-2000.

**DEPARTMENT OF ELDER AFFAIRS**

**Alzheimer's Disease Initiative**

RULE TITLE: Program Forms

RULE NO.: 58D-1.007

PURPOSE AND EFFECT: A new rule 58D-1.007 is proposed in which to incorporate by reference revised DOEA Forms 701A, Intake and Telephone Screen, 701B, Assessment Instrument, and 701C, Congregate Meals Assessment; revised DOEA Forms 203A and 203B, Care Plan; and other forms currently used for the Alzheimer's Disease Initiative (ADI).

SUBJECT AREA TO BE ADDRESSED: Revision of assessment and care plan forms and inclusion of current forms. SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

IF REQUESTED 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., Monday, March 20, 2000

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh or Marshall Kelly, Division of Home and Community-Based Services, (850)414-2000.

**DEPARTMENT OF ELDER AFFAIRS**

**Home Care for the Elderly**

RULE TITLE: Program Forms

RULE NO.: 58H-1.009

PURPOSE AND EFFECT: A new rule 58H-1.009 is proposed in which to incorporate by reference revised DOEA Forms 701A, Intake and Telephone Screen, 701B, Assessment Instrument, and 701C, Congregate Meals Assessment; revised DOEA Forms 203A and 203B, Care Plan; and other forms currently used for the Home Care for the Elderly (HCE) program.

SUBJECT AREA TO BE ADDRESSED: Revision of assessment and care plan forms and inclusion of current forms. SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

IF REQUESTED 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., Monday, March 20, 2000

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh or Marshall Kelly, Division of Home and Community-Based Services, (850)414-2000.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE: Penalty Guidelines for Class IV and V Drug Violations

RULE NO.: 61D-6.011

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which grant the Division the authority to adopt rules establishing penalty guidelines for Class I, II and III drug violations.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes necessary to establish penalty guidelines for Class I, II and III drug violations.

SPECIFIC AUTHORITY: 550.0251(3), 550.2415(3),(13) FS.

LAW IMPLEMENTED: 550.0251, 550.235(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. – 4:00 p.m., March 22, 2000  
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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**

**Board of Cosmetology**

RULE TITLE: Continuing Education  
RULE NO.: 61G5-32.001  
PURPOSE AND EFFECT: The proposed changes to the current rule will provide a definition of continuing education provider and further specify the nature of the materials and information required to be submitted with an application for approval of a continuing education course.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.219(3), 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.219(3), 455.2228, 477.019(7) FS.

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

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

Marcelle Flanagan, Program Administrator, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G5-32.001 Continuing Education.
  - (1) through (5) No change.
  - (6) PROVIDER APPROVAL AND REQUIREMENTS –
    - (a) through (i) No change.
    - (j) For purposes of Section 455.2178, F.S., Chapter 477, F.S. and the rules adopted by the Board, the term “continuing education provider” shall mean any individual, organization, or other entity who offers or teaches: (1) courses for purposes of fulfilling the requirements of license renewal which has been submitted to and approved by the board for such purposes; or (2) an HIV/AIDS education course for purposes of fulfilling the requirements of initial licensure or license renewal which has been submitted to and approved by the Board for such purposes, or which has been approved for these purposes by rule of the Board. All continuing education providers shall comply with all provisions and requirements of this rule, and Section 455.2178, F.S., for the purpose of monitoring continuing education compliance. Failure to comply with such provisions and requirements by any continuing education provider shall be grounds for the suspension or revocation of the continuing education course approval.
  - (7) COURSE APPROVAL AND REQUIREMENTS –
    - (a) through (j) No change.
    - (k) A course which constitutes a sales presentation or promotion is limited to an artistic demonstration will not be approved for continuing education credit.
  - (8) No change.

Specific Authority 455.219(3), 455.2228, 477.016, 477.019(7), 455.2178 FS. Law Implemented 455.219(3), 455.2228, 477.019(7) FS. History–New 3-25-99, 2-28-00, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Certificates of Authorization  
RULE NO.: 61G17-7.003  
PURPOSE AND EFFECT: The Board proposes to amend this rule to delete certain rule text due to lack of specific statutory authority.

SUBJECT AREA TO BE ADDRESSED: Certificates of authorization.

SPECIFIC AUTHORITY: 472.021 FS.

LAW IMPLEMENTED: 472.021 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: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-7.003 Certificates of Authorization.

(1) through (5) No change.

~~(6) A resident surveyor and mapper is the surveyor and mapper with authority over all surveying and mapping documents issued from the office whether by the resident surveyor and mapper or by another surveyor and mapper out of that office.~~

~~(7) Nothing in this rule is intended to deny a temporary absence of the resident surveyor and mapper from the office so long as that surveyor and mapper remains in authority.~~

Specific Authority 472.021 FS. Law Implemented 472.021 FS. History—New 3-22-84, Formerly 21HH-7.03, Amended 3-12-92, Formerly 21HH-7.003, Amended 5-30-95,\_\_\_\_\_.

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Application Fee and Licensure and Certification Examination Fees

RULE NO.: 64B2-12.002

PURPOSE AND EFFECT: The Board proposes an amendment to this rule which will increase the chiropractic examination fee for licensure examination from \$450.00 to \$500.00.

SUBJECT AREA TO BE ADDRESSED: Increase in chiropractic examination fee for licensure examination.

SPECIFIC AUTHORITY: 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.002 Application Fee and Licensure and Certification Examination Fees.

(1) No change.

(2) The examination fee for the licensure examination taken in one administration period shall be five hundred dollars (\$500.00) ~~four hundred fifty dollars (\$450.00)~~. The examination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).

Specific Authority 460.405, 460.406(1) FS. Law Implemented 460.406 FS. History—New 1-10-80, Formerly 21D-12.02, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.002, 61F2-12.002, 59N-12.002, Amended 1-18-98,\_\_\_\_\_.

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Time Limitation for Payment of Administrative Fine or Costs

RULE NO.: 64B2-16.004

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the time limitation for payment of administrative fine and/or costs.

SUBJECT AREA TO BE ADDRESSED: Time limitation for payment of administrative fine.

SPECIFIC AUTHORITY: 455.624, 460.405 FS.

LAW IMPLEMENTED: 455.624 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.004 Time Limitation for Payment of Administrative Fine or Costs.

In cases where the Board of Chiropractic imposes an administrative fine and/or costs, the fine and/or costs shall be paid within thirty (30) days from the date the order of the Board is filed with the Clerk of the Department unless otherwise noted in the order.

Specific Authority 455.624, 460.405 FS. Law Implemented 455.624 FS. History—New 11-25-80, Formerly 21D-16.04, 21D-16.004, 61F2-16.004, Amended 7-18-95, Formerly 59N-16.004, Amended\_\_\_\_\_.

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Acupuncture  
 RULE NO.: 64B2-17.003  
 PURPOSE AND EFFECT: The Board proposes to amend this rule by deleting rule text that is no longer needed.  
 SUBJECT AREA TO BE ADDRESSED: Intent of acupuncture.  
 SPECIFIC AUTHORITY: 460.405 FS.  
 LAW IMPLEMENTED: 460.403 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

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

64B2-17.003 Acupuncture.

**(1) Intent**

~~(a) Whereas the minimum requirements for licensure under Chapter 460, Florida Statutes, requires a thorough knowledge of physiology, anatomy, therapeutics and diagnostic acumen;~~

~~(b) Whereas there exists no legislative or judicial definition of the term "acupuncture" in the State of Florida;~~

~~(c) Whereas the public has expressed an interest in the practice of acupuncture;~~

~~(d) Whereas study and investigation have shown that research is being conducted by chiropractic colleges and national chiropractic associations, and chiropractic colleges are teaching and certifying by examination, acupuncture on a post graduate level;~~

~~(e) Whereas the Board of Chiropractic now feels qualified to be able to regulate the practice of acupuncture, after much study and research, until such time as legislative or judicial resolution makes further recommendation;~~

~~(f) Whereas the Board finds that acupuncture modality falls within the scope of Section 460.403, Florida Statutes.~~

~~THEREFORE, in the view of the protection of the public general health and welfare, acupuncture is hereby defined:~~

(2) through (6) renumbered (1) through (5) No change.

Specific Authority 460.405 FS. Law Implemented 460.403 FS. History—New 1-10-80, Formerly 21D-17.03, Amended 1-28-90, Formerly 21D-17.003, 61F2-17.003, 59N-17.003, Amended.

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Retention of Chiropractic Records; Time Limitations  
 RULE NO.: 64B2-17.006  
 PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to when a chiropractic terminates his practice.  
 SUBJECT AREA TO BE ADDRESSED: Retention of chiropractic records; time limitations.  
 SPECIFIC AUTHORITY: 455.677, 460.405 FS.  
 LAW IMPLEMENTED: 455.667(12), 455.677 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

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

64B2-17.006 Retention of Chiropractic Records; Time Limitations.

(1) The chiropractor who ~~relocates or~~ terminates his practice, or the executor, administrator, personal representative survivor or succeeding practitioner of a deceased chiropractor licensed pursuant to Chapter 460, Florida Statutes, shall retain the chiropractic records of any "patient of record" in existence upon date of ~~relocation~~, termination of practice, or upon the death of the chiropractor for at least two (2) years from the date of the ~~relocation~~, termination of practice, or death of the chiropractor. "Patient of record" for the purpose of this rule is a patient who has received treatment within the last two (2) years.

(2) Within one (1) month from the date of ~~relocation~~, termination of practice, or the chiropractor's death, the chiropractor who has ~~relocated or~~ terminated his practice, or the executor, administrator, personal representative, survivor or succeeding practitioner of the deceased chiropractor shall notify the Board Office who the new records owner is and where the medical records can be found, and shall cause to be published in the newspaper of general circulation in the county where the chiropractor resided or practiced, on two separate occasions, one week apart, a notice indicating to the patients of the chiropractor who has ~~relocated or~~ terminated his practice, or of the deceased chiropractor that the patient's chiropractic records are available to that patient or their duly constituted representative from a specific person at a certain location.



(3) At the conclusion of a twenty-two month period of time from the date of ~~relocation~~, termination of practice or the chiropractor's death, the chiropractor who has ~~relocated or~~ terminated his practice, or the executor, administrator, personal representative, survivor or succeeding practitioner shall cause to be published once during each week for four (4) consecutive weeks, in the newspaper of general circulation in the county where the chiropractor resided or practiced, a notice indicating to the patients of the chiropractor who has relocated or terminated his practice, or of the deceased chiropractor that their chiropractic records may be disposed of or destroyed one (1) month or later from the last day of the fourth week of publication of notice. Records shall be disposed of or destroyed in such a manner as to preserve the confidentiality of the information contained therein.

(4) No change.

(5) A chiropractor who relocates his practice shall cause to be published in the newspaper of general circulation in the county where the chiropractor resides or practices, on two separate occasions, one week apart, a notice indicating to the patients of the chiropractor the date of relocation and an address at which the records may be obtained.

Specific Authority 455.677, 460.405 FS. Law Implemented 455.667(12), 455.677 FS. History—New 4-13-82, Formerly 21D-17.06, Amended 7-15-91, 5-19-93, Formerly 21D-17.006, 61F2-17.006, 59N-17.006, Amended 2-16-98, \_\_\_\_\_.

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Approval of Training Programs  
RULE NO.: 64B2-18.003

PURPOSE AND EFFECT: The Board proposes to amend this rule by deleting rule text that is unnecessary.

SUBJECT AREA TO BE ADDRESSED: Approval of training programs.

SPECIFIC AUTHORITY: 460.405, 460.4165(9) FS.

LAW IMPLEMENTED: 460.4165(5) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-18.003 Approval of Training Programs.

(1) through (3) No change.

~~(4) Students enrolled in the training program having at least three years' experience, during the four years immediately preceding the submission of the application, assisting a licensed chiropractic physician, may be exempted from up to seventy (70) classroom hours of exempted instruction.~~

(5) through (9) No change.

Specific Authority 460.405, 460.4165(9) FS. Law Implemented 460.4165(5) FS. History—New 11-25-81, Amended 11-23-82, Formerly 21D-18.03, 21D-18.003, 61F2-18.003, 59N-18.003, Amended.

**DEPARTMENT OF HEALTH  
Board of Clinical Laboratory Personnel**

RULE TITLE: Requirements For Continuing  
RULE NO.: 64B3-11.003

PURPOSE AND EFFECT: The rule amendment will require that continuing education providers furnish a signature of the provider or the provider's agent.

SUBJECT AREA TO BE ADDRESSED: Requirements for Continuing Education Providers.

SPECIFIC AUTHORITY: 455.564(7), 483.821 FS.

LAW IMPLEMENTED: 455.564(7), 483.821 FS.

IF REQUESTED IN WRITING 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 IS: Joe R. Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.003 Requirements for Continuing Education Providers.

Providers seeking Board approval shall meet the following requirements:

(1) through (5) No change.

(6) Providers shall furnish each participate with an authenticated certificate or letter of attendance which shall include the participant's name, license number, course title,

number of contact hours earned, dates of attendance, program provider's name, approval number, and the signature of the provider or the provider's agent instructor's signature.

Specific Authority 455.564(7), 483.821 FS. Law Implemented 455.564(7), 483.821 FS. History--New 2-22-94, Amended 7-13-94, Formerly 61F3-11.003, 59O-11.003, Amended 12-13-99,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Physician Assistant Licensure

RULE NO.: 64B8-30.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to conform the Florida Physician Assistant Licensure Examination (FPALE) to the settlement agreement reached by the Department with regard to future administrations of the examination.

SUBJECT AREA TO BE ADDRESSED: Florida Physician Assistant Examination.

SPECIFIC AUTHORITY: 458.309, 458.347 FS.

LAW IMPLEMENTED: 458.347, 455.574 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: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) The physician assistant examination for graduates of foreign medical schools.

(a) Beginning with the 2000 administration, the Florida physician assistant licensure examination (FPALE) for graduates of foreign medical schools shall consist of an examination that is similar to the last National Commission on Certification of Physician Assistant's exam, which is called the Physician Assistant National Certification Exam (PANCE), administered on or before December 31st of the preceding year, in the following manner: The physician assistant examination for graduates of foreign medical schools shall consist of the following parts:

1. The FPALE shall have the same number of parts as the PANCE, a general written examination containing 325 questions; and

2. The number of questions on the FPALE shall be the same as on the PANCE, a specialty primary care multiple-choice written examination containing 150 questions; and/or

3. The general areas of competency on the FPALE shall be the same as on the PANCE, based upon those categories of testing revealed in the last publicly available PANCE outline, a specialty surgery multiple-choice written examination containing 150 questions.

(b) The minimum passing score for the examination shall be the percentage of correct answers needed to pass the last administered PANCE on or before December 31st of the preceding year. In order to be eligible for licensure, the candidate must pass:

(c) The examination fee shall not exceed \$300, plus the actual cost to the Department for providing the examination.

- 1. ~~the general written examination; and~~
- 2. ~~either the specialty surgery or primary care written examination;~~

(e) The minimum passing scores for the examination shall be:

- 1. ~~A standardized score of 600 for the general written examination;~~
- 2. ~~A standardized score of 600 for the specialty surgery written examination; and~~
- 3. ~~A standardized score of 600 for the specialty primary care written examination.~~

(d) ~~The general written examination shall assess candidate knowledge, and skill in applying knowledge, related to health care functions that physician assistants should be skilled in performing. The examination questions may be drawn from the entire range of physician assistant activities, including, but not limited to, the content areas listed below:~~

- 1. ~~Endocrine System~~
  - a. ~~General Skills~~ 2-4%
  - b. ~~Primary Care~~ 3-5%
  - e. ~~Surgical Skills~~ 1-3%
- 2. ~~Pediatric~~
  - a. ~~General Skills~~ 6-8%
  - b. ~~Primary Care~~ 5-10%
  - e. ~~Surgical Skills~~ 1-3%
- 3. ~~Nutritional/Metabolism~~
  - a. ~~General Skills~~ 1-3%
  - b. ~~Primary Care~~ 2-4%
  - e. ~~Surgical Skills~~ 1-2%
- 4. ~~Blood and Blood-forming Hematology~~
  - a. ~~General Skills~~ 2-4%
  - b. ~~Primary Care~~ 3-5%
  - e. ~~Surgical Skills~~ 1-3%
- 5. ~~Head and Neck~~
  - a. ~~General Skills~~ 1-3%

b. Primary Care	2-4%
e. Surgical Skills	2-4%
6. Eyes	
a. General Skills	1-3%
b. Primary Care	2-3%
e. Surgical Skills	1-3%
7. Ears	
a. General Skills	1-3%
b. Primary Care	1-3%
e. Surgical Skills	1-3%
8. Mental Health	
a. General Skills	1-2%
b. Primary Care	1-3%
e. Surgical Skills	0-1%
9. Nervous System and Sense Organs	
a. General Skills	2-4%
b. Primary Care	3-5%
e. Surgical Skills	4-6%
10. Circulatory System	
a. General Skills	3-5%
b. Primary Care	4-6%
e. Surgical Skills	8-10%
11. Respiratory System	
a. General Skills	4-6%
b. Primary Care	4-6%
e. Surgical Skills	3-5%
12. Digestive System	
a. General Skills	3-5%
b. Primary Care	4-6%
e. Surgical Skills	8-10%
13. Genitourinary System	
a. General Skills	2-4%
b. Primary Care	2-4%
e. Surgical Skills	4-6%
14. Gynecology and Pregnancy	
a. General Skills	3-5%
b. Primary Care	4-6%
e. Surgical Skills	5-7%
15. Skin and Subcutaneous Tissue	
a. General Skills	2-3%
b. Primary Care	2-3%
e. Surgical Skills	2-4%
16. Musculoskeletal System and Connective Tissue	
a. General Skills	2-4%
b. Primary Care	2-4%
e. Surgical Skills	6-8%
17. Infectious Diseases	
a. General Skills	10-12%
b. Primary Care	10-20%
e. Surgical Skills	8-10%

18. Trauma/Emergency	
a. General Skills	4-6%
b. Primary Care	6-8%
e. Surgical Skills	12-15%
19. Preventive Disease Section	
a. General Skills	1-2%
b. Primary Care	1-2%
e. Surgical Skills	0-1%
20. Pharmacology	
a. General Skills	5-7%
b. Primary Care	6-10%
e. Surgical Skills	6-10%
21. Scope of Practice	
a. General Skills	1-3%
b. Primary Care	0%
e. Surgical Skills	0%
22. Practice Competencies	
a. General Skills	20-22%
b. Primary Care	0%
e. Surgical Skills	0%

~~(e) The specialty written examination shall assess candidates' knowledge, and skill in applying knowledge, related to health care functions that physician assistants should be skilled in performing, such as those noted above in paragraphs 64B8-30.003(2)(d)1-22., F.A.C., as applied to patient care situations relevant to the appropriate specialty area.~~

~~(f) Examination fees shall be \$620 for candidates who want to take the general and one specialty examination and \$700 for candidates who want to take the general and both specialty examinations.~~

(3) through (5) No change.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347, 455.574 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Formulary RULE NO.: 64B8-30.008

PURPOSE AND EFFECT: The Board proposes additions to the Physician Assistant formulary in response to the recommendations of the Formulary Committee.

SUBJECT AREA TO BE ADDRESSED: The Physician Assistant formulary.

SPECIFIC AUTHORITY: 458.309, 458.347(4)(f)3. FS.

LAW IMPLEMENTED: 458.347(4)(e),(f) 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: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.008 Formulary.

THE APPROVED FORMULARY FOR THE WRITING OF PRESCRIPTIONS BY PHYSICIAN ASSISTANTS APPROVED TO PRESCRIBE MEDICINAL DRUGS UNDER THE PROVISIONS OF SECTIONS 458.347(4)(e) AND 459.022(4)(e), FLORIDA STATUTES:

- (1) through (2) No change.
- (3) Formulary.
- (a) No change.

(b) Subject to the requirements of this subsection, Sections 458.347 and 459.022, F.S., and the rules enacted thereunder, only the following drugs may be delegated by a Supervising Physician to a Physician Assistant to prescribe. Medicinal drugs not specifically included in this formulary are excluded. Excluded medicinal drugs may not be prescribed, regardless of whether they are in a pure form or in combination with a drug included in this formulary.

1. through 154. No change.

155. Cyclosporine Microemulsion

155. through 327. renumbered 156. through 328. No change.

329. Latanoprost

328. through 443. renumbered 330. through 445. No change.

446. Oseltamivir phosphate

444. through 466. renumbered 447. through 469. No change.

470. Perindopril Erbumine

467 through 478. renumbered 471. through 482. No change.

483. Pioglitazone Hydrochloride

479. through 492. renumbered 484. through 497. No change.

498. Pramipexole

493. through 520. renumbered 499. through 526. No change.

527. Rabeprazole Sodium

521. through 596. renumbered 528. through 603. No change.

604. Tolterodine Tartrate

605. Topiramate

597. through 634. renumbered 606. through 643. No change.

644. Zanamivir

645. through 648. renumbered 635. through 638. No change.

Specific Authority 458.309, 458.347(4)(f)3. FS. Law Implemented 458.347(4)(e),(f) FS. History--New 3-12-94, Formerly 61F6-17.0038, Amended 11-30-94, 2-22-95, 1-24-96, 11-13-96, 3-26-97, Formerly 59R-30.008, Amended 11-26-97, 1-11-99, 12-28-99.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES:	RULE NOS.:
Manner of Application	64B8-51.001
Licensure by Examination	64B8-51.002

PURPOSE AND EFFECT: The Electrolysis Council proposed to the Board of Medicine language be stricken regarding applicant's application and fee in Rule 64B8-51.001 because it is incorrect and unnecessary. The recommendation to amend Rule 64B8-51.002 is to conform the language to the present use of the National Examination.

SUBJECT AREA TO BE ADDRESSED: Manner of Application and Licensure by Examination.

SPECIFIC AUTHORITY: 478.43(1),(4) FS.

LAW IMPLEMENTED: 455.574, 478.45 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Electrolysis Council /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-51.001 Manner of Application.

(1) through (2) No change.

~~(3) The application and fee may be used for more than one year from the date of original submission of the application and fee provided that the applicant's file has been completed and that the applicant has taken at least one administration of the examination for licensure.~~

(4) through (5) renumbered (3) through (4) No change.

Specific Authority 478.43(1),(4) FS. Law Implemented 478.45 FS. History--New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97.

64B8-51.002 Licensure by Examination.

(1) No change.

(2) The Electrolysis Licensure Examination shall be the International Board of Electrologist Certification (IBEC) national examination ~~a written examination developed and administered by the Department. This examination will consist of 100 multiple choice questions covering the following areas in these approximate percentages:~~

(a) <del>Definition and Characteristics of Electrolysis</del>	18%
(b) <del>New Client/Patient Consultation</del>	16%
(c) <del>Equipment for Electrolysis</del>	10%
(d) <del>Sanitation and Disinfection</del>	4%
(e) <del>Sterilization</del>	14%
(f) <del>Pre-treatment</del>	12%
(g) <del>Treatment</del>	17%
(h) <del>Post-treatment Care</del>	4%
(i) <del>Professional/Legal &amp; Ethical/Laws and Rules</del>	5%
<b>Total</b>	<b>100%</b>

(3) The minimum passing score for the examination shall be set by the national examination provider a sealed score of 350 on a scale with a maximum value of 500. The minimum passing score shall be based on a cut score study conducted by the Department.

~~(4) An applicant shall be permitted to use a strict translation dictionary approved by the Department in taking the examination. Such a dictionary shall give only the translation of words from one language to another without giving any definition or explanation of any word.~~

Specific Authority 478.43(1),(4) FS. Law Implemented 455.574, 478.45 FS. History—New 5-31-93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_  
 Temporary Permit to Practice  
 Occupational Therapy 64B11-2.005  
 PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if changes are necessary.  
 SUBJECT AREA TO BE ADDRESSED: Temporary Permit to Practice Occupational Therapy.  
 SPECIFIC AUTHORITY: 468.204 FS.  
 LAW IMPLEMENTED: 468.209(1) FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 9:00 a.m., April 10, 2000  
 PLACE: Holiday Inn Select (Formerly the Clarion Hotel), 316 W. Tennessee Street, Tallahassee, Florida 32301  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye

Howerton, Executive Director, Occupational Therapy Board, 2020 S. E. Capital Circle, BIN #C05, Tallahassee, Florida 32399-3299

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

**Section II  
Proposed Rules**

**DEPARTMENT OF INSURANCE**

RULE TITLES: \_\_\_\_\_ RULE NOS.: \_\_\_\_\_  
 Disclosure Statement 4-188.003  
 Readability of Statement 4-188.004

PURPOSE AND EFFECT: Repeal rules 4-188.003 and .004 pursuant to section 120.536(2)(b), F.S. review.

SUMMARY: The language in these two rules was incorporated into section 624.472(3), F.S., thus the rules are not needed and should be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.462, 624.472 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., March 29, 2000

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kevin McCarty, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0314, (850)922-3140

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: Kevin McCarty, (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-188.003 Disclosure Statement.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.462, 624.472 FS. History—New 3-28-89, Formerly 4-78.003, Repealed\_\_\_\_\_.

4-188.004 Readability of Statement.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.472(3) FS. History—New 3-28-89, Formerly 4-78.004, Repealed\_\_\_\_\_.