

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

Table with 2 columns: RULE TITLES and RULE NOS.:
Scope 3C-560.101
Applications 3C-560.102
Definitions 3C-560.103
Fees 3C-560.104
Exemptions from the Requirement to Register 3C-560.106
Registration of Locations/Authorized Vendors 3C-560.107
Registration as a Deferred Presentment Provider 3C-560.108
Scope 3C-560.301
Requirements 3C-560.302
Application 3C-560.303
Fees 3C-560.304
Definitions 3C-560.502
Examination Fee 3C-560.503
Financial Statement (for Part II Registrants Only) 3C-560.606

PURPOSE AND EFFECT: The purpose and effect of these proposed rules and rule amendments is to implement the provisions of Senate Bill 1526 enacted by the legislature during the 2001 legislative session. These rules will provide for application procedures for deferred presentment providers. The rules will also streamline the registration and locations of authorized vendors. Renewal fees will be clarified. Examination fees will be eliminated. Lastly, the rules will provide procedures to meet net worth requirements for the purpose of adding new locations or authorized vendors.

SUBJECT AREA TO BE ADDRESSED: The proposed rules and rule amendments address registration requirements for deferred presentment providers and procedures to meet the net worth requirements for adding new locations or authorized vendors.

SPECIFIC AUTHORITY: 560.105(3), 560.118(1),(2), 560.205(2), 560.208, 560.209, 560.307, 560.403 FS.

LAW IMPLEMENTED: 560.104, 560.118(1),(2), 560.203, 560.204, 560.205(2), 560.206, 560.207, 560.208, 560.209, 560.303(1),(3), 560.304, 560.305, 560.307, 560.308, 560.403 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: Richard White, Financial Administrator, or Mike Ramsden, Financial Examiner/Analyst II, Department of Banking and Finance, 101 East Gaines, Tallahassee, Florida 32399, (850)410-9805
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

Table with 2 columns: RULE TITLES and RULE NOS.:
Applications 3C-560.102
Definitions 3C-560.103
Regulatory Standards for Evaluating Applications 3C-560.105
Requirements 3C-560.201
Regulatory Standards for Evaluating Notices of Change of Control 3C-560.202
Application 3C-560.303
Fees 3C-560.304
Definitions 3C-560.502
Definitions 3C-560.601
Check Cashers 3C-560.602
Foreign Currency Exchangers 3C-560.603
Funds Transmitters 3C-560.604
Payment Instrument Sellers 3C-560.605
Financial Statement (for Part II Registrants Only) 3C-560.606
Check Cashers 3C-560.704
Authorized Vendors 3C-560.706
Post Dated Check 3C-560.803

PURPOSE AND EFFECT: Pursuant to Section 560, Florida Statutes, the Department finds that Money Transmitter applicants filing an application pursuant to Part II of the code shall be required to file audited financial statements at the time of application and thereafter annually subject to certain exemptions. The Department further finds that control persons of Money Transmitter firms shall file fingerprint cards with the Department at the time of original application or at such later date as an individual becomes associated with a Money Transmitter firm in such capacity. The proposed rules shall also codify a set of record keeping requirements for check cashers, and repeal a check cashier's ability to accept a postdated check. The proposed rules will also provide for a standardized form for the submission of required quarterly reports.

SUBJECT AREA TO BE ADDRESSED: These rules address the finger print cards and financial statements required to be submitted by money transmitters to the Department of Banking and Finance pursuant to Chapter 560, Florida Statutes. These rules also address the record keeping requirements for check cashers.

SPECIFIC AUTHORITY: 560.105(3), 560.118 FS.  
 LAW IMPLEMENTED: 560.118(1),(2)(a),(b), 560.205(1), (3)(f), 560.306, 655.86, 560.310, 560.123, 560.210 FS.  
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 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard White, Financial Administrator, or Mike Ramsden, Financial Examiner/Analyst II, Division of Securities and Finance, Department of Banking and Finance, 101 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Adult Family Care Homes	4A-57
RULE TITLES:	RULE NOS.:
Definitions	4A-57.002
Standards of the National Fire Protection Association Adopted	4A-57.003
Evacuation Capability	4A-57.005
Inspections	4A-57.007

PURPOSE AND EFFECT: Provide alternative to the three minute evacuation capability by permitting those adult family care homes with greater than three minutes but less than thirteen minutes evacuation time to substitute a sprinkler system in place of the three minutes evacuation capability. Also, the Department of Insurance in Rule 4A-57.007, F.A.C., is taking over the responsibility of the Agency for Health Care Administration for the conduct of firesafety inspections if there is no local authority having jurisdiction to perform such inspections.

SUBJECT AREAS TO BE ADDRESSED: Evacuation capability of adult family care homes and sprinklers and firesafety inspections of adult family care homes.

SPECIFIC AUTHORITY: 400.621(2), 633.01(1) FS.  
 LAWS IMPLEMENTED: 400.621(2), 633.022(1)(b) FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:  
 TIME AND DATE: 9:00 a.m., August 7, 2001  
 PLACE: 400 North Congress Avenue, West Palm Beach, Florida 33401  
 TIME AND DATE: 9:00 a.m., August 8, 2001  
 PLACE: 3210 South 78th Street, Fire Prevention Office Conference Room, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3620

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 Millicent King, (850)413-3619

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-57.002 Definitions.

As used in these rules:

(1) through (10) No change.

(11) "Slow" means more than three minutes but not more than 13 minutes for an adult family care home and refers to the ability of a group to move reliably to a point of safety in a timely manner that is equivalent to the capacity of a household in a general population.

Specific Authority 633.01(1), 400.621(2) FS. Law Implemented 633.022, 400.621(2) FS. History--New 2-7-01, Amended.

4A-57.003 Standards of the National Fire Protection Association Adopted.

(1) No change.

(a) through (b) No change.

(c) Each AFCH which does not meet the evacuation capability of prompt but which does meet an evacuation capability of slow shall also comply with the requirements of Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, National Fire Protection Association (NFPA) 101, 2000 edition, to be considered to have met the firesafety requirements under Section 4A-57.005, Florida Administrative Code. Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, 2000 edition, are hereby adopted and incorporated by reference.

(d) During each fire exit drill, all occupants should evacuate the building on their own or with staff assistance or any other available assistance, as needed.

(2) No change.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(10)(b) FS. History--New 2-7-01, Amended.

4A-57.005 Evacuation Capability.

(1) The evacuation capability for each AFCH shall be determined by a series of fire exit drills as "prompt" or "slow".

(a) An evacuation capability of "prompt" shall measure the ability of a group to move to a point of safety outside the AFCH within a drill time of three minutes or less.

(b) An evacuation capability of "slow" shall measure the ability of a group to move to a point of safety outside the AFCH within a drill time of more than three minutes but less than 13 minutes.

(2) Subject to subsection (4), if ~~if~~ the AFCH does not achieve an evacuation capability of "prompt" during the fire exit drill, a second fire exit drill must be performed within 30 days of the fire exit drill in which the AFCH did not achieve an evacuation capability of "prompt."

(3) Subject to subsection (4), if ~~if~~ the AFCH does not achieve an evacuation capability of "prompt" during the second fire exit drill, the inspector shall notify the agency that the AFCH can no longer meet the required safety requirements.

(4) If the AFCH does not achieve an evacuation capability of "prompt" during the first fire drill, but the AFCH does receive an evacuation capability of "slow," and the AFCH is in compliance with Subdivisions 32.2.3.5.1, 32.2.3.5.2, and 32.2.3.5.3, Chapter 32, NFPA 101, 2000 edition, the AFCH shall be deemed to have met the required firesafety requirements and no notification under subsection (3) shall be provided to the agency.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History—New 2-7-01, Amended.

4A-57.007 Inspections.

(1) through (2) No change.

(3) The AHJ or the Division agency is permitted to require additional firesafety inspections.

(4) through (5) No change.

(6) Any time there is no AHJ to perform a firesafety inspection, the provider shall notify the Division agency in writing. The Division agency shall inspect or cause the facility to be inspected in accordance with Section 633.022, Florida Statutes.

(7) No change.

Specific Authority 400.621(2), 633.01(1) FS. Law Implemented 400.621(2), 633.022(1)(b) FS. History—New 2-7-01, Amended.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLE: RULE NO.:

Reconciliation of Interim Tax Rolls – Form of Notification 12D-1.010

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-1.010, F.A.C., is to remove reference to obsolete provisions.

SUBJECT AREA TO BE ADDRESSED: Interim tax rolls.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.1145, 193.122, 197.162, 197.172, 197.322, 197.333, 197.343, 197.344, 197.432, 197.443, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., August 3, 2001

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

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-1.010 Reconciliation of Interim Tax Rolls – Form of Notification.

(1) through (4) No change.

(5) It shall be the duty and responsibility of the tax collector to compile and furnish to the property appraiser a compilation of the interim or provisional taxes paid on each parcel of property as levied on the ~~1980~~ interim assessment roll. The ~~1980~~ interim roll as certified by the tax collector to the clerk of the circuit court, or a certified copy of such roll shall meet the requirements of this rule. Such compilation shall be furnished to the property appraiser no later than the date the assessment roll is certified to the property appraiser by the value adjustment board, pursuant to the provisions of Section 193.122(2), Florida Statutes.

(6) through (10) No change.

(11) The tax collector shall collect all delinquent ~~1980~~ interim taxes and interest that has accrued pursuant to Section 193.1145(10), Florida Statutes. Discounts will not be allowed on delinquent interim taxes or interest. Discounts shall be authorized on any tax that is the result of an increase in the final assessed valuation on the final approved reconciled tax ~~1980~~ roll. Final ~~1980~~ taxes that become delinquent shall be enforced pursuant to the provisions of Chapter 197, Florida Statutes.

(12) Refunds shall be made to the person who paid the tax originally. Refunds shall be processed as follows:

(a) When the final approved reconciled tax roll indicates that the owner of record is the same as the owner of record on the ~~1980~~ interim tax roll, the tax collector shall forward any refund due directly to the property owner.

(b) When the owner of record on the final approved reconciled tax roll is not the owner of record who apparently paid the ~~1980~~ interim taxes, and after a diligent search the tax collector cannot locate the ~~1980~~ interim taxpayer, the tax collector shall publish a notice at least once each week for two weeks in a newspaper selected by the Board of County Commissioners, that certain taxpayers may be entitled to a refund for the overpayment of ~~1980~~ interim taxes and that the taxpayer may file an application for refund with the tax collector.

(c) No change.

(d) Refunds shall be paid from money collected from the final approved ~~1980~~ reconciled tax roll. If funds are not sufficient to pay all refunds, then the tax collector shall bill each taxing authority for their proportionate share of any refund payable. The tax collector shall commence the refund process within 90 days of the opening of the reconciled tax roll.

(e) Money collected from the final approved ~~1980~~ reconciled tax roll shall not be distributed to the various taxing authorities until the tax collector shall have in his possession adequate funds to process all refundable amounts pursuant to the reconciliation. Interest earned on all amounts collected on the ~~1980~~ final approved reconciled tax roll shall be used by the tax collector to defray any and all costs incurred by his office for collecting the ~~1980~~ reconciled tax roll.

(f) No change.

(13) Any outstanding tax sale certificates sold by the tax collector on delinquent ~~1980~~ interim assessments may be canceled ~~cancelled~~. Tax sale certificates may be canceled ~~cancelled~~ pursuant to Section 197.443, Florida Statutes. If tax sale certificates are canceled ~~cancelled~~, refunds to tax sale certificate holders shall be processed immediately and interest shall be paid according to subsection 197.432(10), Florida Statutes. See subsection 193.1145(10), Florida Statutes.

(14) Delinquent ~~1980~~ interim taxes and interest shall be collected or discharged pursuant to subsections 193.1145(10) and (8), Florida Statutes.

(15) through (19) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 193.122, 197.162, 197.172, 197.322, 197.333, 197.343, 197.344, 197.432, 197.443, 213.05 FS. History—New 11-23-83, Amended 12-26-85, Formerly 12D-1.10, Amended.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLE: Educational Exemption  
 RULE NO.: 12D-7.015

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.015, F.A.C., is to implement the provisions of Chapter 2001-79, Laws of Florida, which provides that the definition of an educational institution includes institutions of higher learning participating in the Higher Educational Facilities Financing Act created under Chapter 2001-79, Laws of Florida.

SUBJECT MATTER TO BE ADDRESSED: Educational institutions.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.012, 196.198, 196.1983, 213.05, 402.26 FS., Chapter 2001-79, L.O.F.

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

TIME AND DATE: 10:00 a.m., August 3, 2001

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-7.015 Educational Exemption.

(1) through (4) No change.

(5) An institution of higher education participating in the Higher Educational Facilities Financing Act, created under Chapter 2001-79, Laws of Florida, is considered an educational institution for exemption from ad valorem tax. An institution of higher education, as defined, means an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; which grants baccalaureate degrees; and which is not a state university or state community college.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.012, 196.198, 196.1983, 213.05, 402.26 FS. Chapter 2001-79, LOF, History—New 10-12-76, Formerly 12D-7.15, Amended 12-30-97, 12-30-99, 1-2-01,\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Penalties or Interest, Collection on Roll	12D-13.014
Collection of Interest or Penalties on Back Assessments	12D-13.019
Homestead Tax Deferral – Definitions	12D-13.028
Collection of Taxes by Mail; Minimum Tax Bill; Collection Prior to Certified Roll	12D-13.037
Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees	12D-13.061
Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale	12D-13.062
Sale at Public Auction	12D-13.063

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rules 12D-13.014 and 12D-13.019, F.A.C., is to clarify the application of discounts to non-ad valorem assessments.

The purpose of the proposed amendment to Rule 12D-13.028, F.A.C., is to include the definition of “income” for purposes of determining eligibility for tax deferral. The purpose of the proposed amendment to Rule 12D-13.037, F.A.C., is to implement the provisions of Chapter 2001-137, Laws of Florida, providing for additional tax notices to be mailed by April 30, and providing that tax notices up to a certain amount are not required to be mailed. The purpose of the proposed amendment to Rule 12D-13.061, F.A.C., is to implement the provisions of Chapter 2001-137, Laws of Florida, which provides specifications for tax collectors’ contracts with title companies for ownership and encumbrance reports. The purpose of the proposed amendment to Rule 12D-13.062, F.A.C., is to implement the provisions of Chapter 2001-252, Laws of Florida, which provides the requirements and exceptions for recording certain records by the clerks of the circuit court in connection with tax deed sales. The purpose of the proposed amendments to Rule 12D-13.063, F.A.C., is to implement the provisions of Chapter 2001-252, Laws of Florida, which provides certain requirements of bidders and clerks of the circuit court in connection with tax deed sales, canceled tax deed sales and tax deed issuance.

**SUBJECT AREA TO BE ADDRESSED:** 12D-13.014 and 12D-13.019 – Penalty and interest collection on non-ad valorem assessments. 12D-13.028 – Definitions for homestead tax deferral purposes. 12D-13.037 – Mailing date of additional tax notices – minimum tax bill. 12D-13.061 – Fees paid for ownership and encumbrance reports. 12D-13.062 – Clerk of Circuit Court requirements for recording certain tax deed

documents in public records. 12D-13.063 – Tax deed sales requirements – cash deposits, documentary stamp tax and recording fees.

**SPECIFIC AUTHORITY:** 193.1145(9), 195.022, 195.027(1), 213.06(1) FS.

**LAW IMPLEMENTED:** 28.24, 193.072, 193.085, 193.092, 193.114, 193.1145, 193.116, 193.122, 194.171, 194.192, 195.002, 195.027, 196.295, 197.122, 197.123, 197.131, 197.152, 197.162, 197.172, 197.212, 197.222, 197.2301, 197.242, 197.243, 197.252, 197.253, 197.263, 197.322, 197.343, 197.3632, 197.443, 197.502, 197.512, 197.522, 197.542, 197.552, 197.562, 197.582, 213.05 FS.

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

**TIME AND DATE:** 10:00 a.m., August 3, 2001

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

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

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

- 12D-13.014 Penalties or Interest, Collection on Roll.
  - (1) No change.

- (2) In the collection of penalties or interest the tax collector shall collect the entire penalty and interest. If the collection of the tax and non-ad valorem assessment is within the period of time specified for discounts, ~~then~~ the tax collector shall only allow the discounts on the taxes and non-ad valorem assessments.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.072, 193.085, 193.114, 193.116, 193.122, 194.192, 195.002, 195.027, 197.122, 197.123, 197.131, 197.162, 213.05 FS. History—New 6-18-85, Formerly 12D-13.14, Amended 12-31-98,\_\_\_\_\_.

12D-13.019 Collection of Interest or Penalties on Back Assessments.

The tax collector shall collect interest due on back assessments listed by the property appraiser on the current tax roll. The tax collector shall compute the interest, if any, on the current tax roll if the current assessment and the back assessments are not

paid prior to April 1 or the date of delinquency, whichever is later. Discounts shall apply to taxes and non-ad valorem assessments only.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.072, 193.092, 197.122, 197.152, 197.172, 197.322, 213.05 FS. History–New 6-18-85, Formerly 12D-13.19, Amended.

12D-13.028 Homestead Tax Deferral – Definitions.

For purposes of property tax deferral on homesteads:

(1) No change.

(2) “Income” means the “adjusted gross income,” as defined in s. 62 of the United States Internal Revenue Code, of all members of a household.

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

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.242, 197.243, 197.252, 197.253, 197.263, 213.05 FS. History–New 6-18-85, Formerly 12D-13.28, Amended.

12D-13.037 Collection of Taxes by Mail; Minimum Tax Bill; Collection Prior to Certified Roll.

(1) No change.

(2) The tax collector may mail such additional notices as he or she may deem proper and necessary in order that taxes, both real and personal, may be collected in a timely manner and so that the taxpayer is advised of the amount of taxes due, the due date, discounts, date of delinquency, penalties, interest, and action to be taken if said taxes are not paid. Additional notices shall be mailed to those taxpayers whose payment has not been received at least 30 days prior to the date of delinquency. ~~Effective July 1, 1997, T~~he additional notices shall be mailed by April ~~30~~ 40. This shall apply to real and personal property taxes.

(3) At the recommendation of the tax collector, the Board of County Commissioners may adopt a resolution instructing the collector not to mail notices to any taxpayer when the tax due as shown on the tax notice is less than an amount up to \$30 five dollars. The resolution shall instruct the property appraiser not to extend taxes on any parcel for which the tax amount is an amount less than \$30, as specified in the resolution ~~will be less than five dollars~~. Said resolution shall remain effective until rescinded and shall apply to all future tax rolls.

(4) No change.

Specific Authority 193.1145(9), 195.022, 195.027(1), 213.06(1) FS. Law Implemented 193.1145, 193.122, 194.171, 196.295, 197.212, 197.222, 197.2301, 197.322, 197.343, 197.3632, 213.05 FS. History–New 6-18-85, Formerly 12D-13.37, Amended 5-23-91, 12-13-92, 12-25-96.

12D-13.061 Minimum Standards for Ownership and Encumbrance Reports Made in Connection with Tax Deed Applications; Fees.

(1) through (7) No change.

(8) Fees paid by the tax collector for ownership and encumbrance reports must be collected from the tax deed applicant and added to the opening bid.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 197.542, 197.562, 197.582, 213.05 FS. History–New 6-18-85, Formerly 12D-13.61, Amended.

12D-13.062 Notices; Advertising, Mailing, Delivering and Posting of Notice of Tax Deed Sale.

(1) through (4) No change.

(5) Except when land is redeemed, the ~~The~~ clerk of the circuit court shall record his or her certificate of notice together with the affidavit of publisher (proof of publication) in the official records of the county. For the recording of the certificate of notice and affidavit of publisher the clerk shall receive such fees for recordation as specified in Chapter 28, Florida Statutes.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.502, 197.512, 197.522, 197.542, 197.562, 197.582, 213.05 FS. History–New 6-18-85, Formerly 12D-13.62, Amended.

12D-13.063 Sale at Public Auction.

(1) No change.

(2) The clerk shall hold a public auction at the time and place stated in the notice. The time shall be within the regular office hours of the clerk. The place shall be at one of the courthouse doors or as specified in the advertisement pursuant to Section 197.512, Florida Statutes. The clerk must post notice at the sale location that the highest bidder will be required to post a \$200 non-refundable cash deposit at the time of sale.

(3) through (4) No change.

(5) If there are no bids higher than the statutory opening bid the following procedures shall apply:

(a) If the tax deed applicant is an individual certificate holder:

1. The land shall be sold to the certificate holder. The certificate holder is required to immediately pay to the clerk of the circuit court applicable documentary stamp tax and recording fees ~~provided the certificate holder pays the full amount due.~~

2. through (c) No change.

(6)(a) If there are bids higher than the statutory opening bid, the land shall be sold to the highest bidder. The clerk of the circuit court shall require the successful bidder to post a non-refundable \$200 cash deposit at the time of sale. The deposit shall be applied to the sale price at the time of full payment. The clerk of the circuit court shall require the successful bidder to make full payment in the amount of the highest bid at the sale within 24 hours. If the successful bidder fails to make full payment of the final bid, less the cash deposit, and documentary stamp tax and recording fees within 24 hours, the clerk of the circuit court shall cancel the bids, re-advertise the property and re-sell the property. All costs of the sale shall be paid from the cash deposit with any remaining funds applied toward the opening bid.

(b) If the sale is canceled for any reason, the clerk of the circuit court shall immediately re-advertise the sale to be held no later than 30 days ~~after~~ ~~from~~ the date the sale was canceled. Only one advertisement shall be necessary. No further notice shall be required. The cost to re-advertise shall be added to the statutory (opening) bid.

(7) No change.

(8) The clerk of the circuit court may require bidders at a public sale to demonstrate their willingness and ability to pay the \$200 cash deposit described in subsection (6) of this rule. The clerk of the circuit court shall have the right to refuse to recognize the bid of any person who has previously bid and refused for whatever reason to honor such bid or who cannot demonstrate, to the satisfaction of the clerk of the circuit court, willingness and ability to pay the \$200 cash deposit.

(9) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 28.24, 197.122, 197.3632, 197.443, 197.502, 197.512, 197.522, 197.542, 197.552, 197.562, 197.582, 213.05 FS. History—New 6-18-85, Formerly 12D-13.63, Amended 5-23-91, 12-13-92, 1-2-01, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLE: RULE NO.:  
Index to Forms 12D-16.002

PURPOSE AND EFFECT: The proposed amendments to Rule 12D-16.002, F.A.C., implement forms revisions created in Chapters 2001-137, 2001-204, 2001-208, and 2001-245, Laws of Florida, and incorporate other technical changes made to forms.

SUBJECT AREA TO BE ADDRESSED: Forms revisions.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:00 a.m., August 3, 2001

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

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

	Form	Form Title	Effective Date
	Number	Form Title	Date
(2)	DR-401	Freight Line and Equipment Companies Annual Report (r. <del>11/01</del> <del>12/00</del> )	<del>11/01</del> <del>1/01</del>
	(3) through (7)(b)	No change.	
(c)	DR-405	Tangible Personal Property Tax Return (r. <del>11/01</del> <del>12/97</del> )	<del>11/01</del> <del>12/97</del>
	(8) through (14)(a)	No change.	
(b)	DR-422	Certification of Final Taxable Value (r. <del>6/98</del> <del>1/95</del> )	<del>11/01</del> <del>12/94</del>
	(15) through (21)(a)	No change.	
(b)	DR-474	Notice of Proposed Property Taxes (r. <del>11/01</del> <del>1/95</del> )	<del>11/01</del> <del>12/95</del>
	(c)	No change.	
(d)	DR-474N	Notice of Proposed Property Taxes and Proposed or Adopted Non-Ad Valorem Assessments (r. <del>11/01</del> <del>6/98</del> )	<del>11/01</del> <del>12/98</del>
	(22) through (39)	No change.	
(40)(a)	DR-504	Ad Valorem Tax Exemption Application and Return (r. <del>11/01</del> <del>12/00</del> )	<del>11/01</del> <del>1/01</del>
	(b) through (c)	No change.	
(d)	<u>DR-504HA Ad Valorem Tax Exemption Application and Return – Homes for the Aged (n. 11/01)</u>		<u>11/01</u>
	(41) through (46)(a)	No change.	

- (b) DR-513 Tax Collector’s Certification  
(r. ~~11/01 42/00~~) 11/01 4/01
- (c) through (51)(a) No change.
- (b) DR-534 Notice and Application for  
Alternative Payment of  
2002 2001 Property Taxes  
(r. ~~11/01 42/00~~) 11/01 4/01
- (b) through (55) No change.
- (56)(a) DR-570 Application for Homestead  
Tax Deferral (r. ~~11/01 4/93~~) 11/01 4/93
- (b) through (61) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Highway Traffic Safety Program	14-98
RULE TITLES:	RULE NOS.:
Purpose	14-98.001
Definitions	14-98.002
Policy	14-98.003
Funds Availability	14-98.004
Application and Award Procedures	14-98.005
Funds Distribution	14-98.006
Grant Conditions	14-98.007
Forms	14-98.008

PURPOSE AND EFFECT: The rule chapter is being amended to include repeal of Rules 14-98.006 and 14-98.007, revise policy and procedures, revise purpose and definitions, and adopt revised forms.

SUBJECT AREA TO BE ADDRESSED: The rule chapter is amended to include procedural amendments, clarification, repeal of two rules, revised definitions, and the adoption of revised forms related to the Highway Traffic Safety Program.

SPECIFIC AUTHORITY: 334.044(2), (25) FS.

LAW IMPLEMENTED: 334.044(25) 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 IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-98.001 Purpose.

~~Section 334.044(24), Florida Statutes, transferred the Highway Traffic Safety Program from the Department of Community Affairs to the Florida Department of Transportation in 1991.~~ The purpose of the Highway Traffic Safety Program is to develop, implement, and manage a data-driven comprehensive traffic safety program aimed at saving lives, preventing injuries, and reducing related costs associated with traffic crashes on Florida’s roadways ~~assist other State and local agencies in the management of the diverse array of activities comprising the State’s total traffic safety resources in a manner that achieves the most effective focus on critical crash problems in accordance with the standards of the National Highway Safety Act of 1966, as amended.~~ The Highway Traffic Safety Program provides for the acceptance of State and Community Highway Safety Funds grant funds ~~provided through the United States Department of Transportation under Section 402, Title 23, United States Code, and Public Law 89-564, as amended,~~ for the State’s implementation of the provisions of the National Highway Safety Act of 1966, as amended. The law statutes ~~establishes~~ broad objectives for the purpose of funds allocation. This Rule Chapter ~~These rules~~ shall be liberally construed by the Department to effectuate the purposes of the statutes, and the National Highway Safety Act of 1966, as amended. It is the intent of the Department that these rules permit maximum flexibility within the limits of the statutes, yet define procedures consistent with sound public funds management principles and consistent with the need to apprise potential applicants, fund recipients, and the public of the Department’s policy governing administration of the program. Funding for the Highway Traffic Safety program is based on the Federal Fiscal Year, from October 1 of each year through September 30 of the following year.

Specific Authority ~~420.53(1)~~, 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Amended 6-10-85, Formerly 9B-32.01, 9B-32.001, 9G-15.001, Amended 12-7-93, \_\_\_\_\_.

14-98.002 Definitions.

As used in these rules, except where the context clearly indicates a different meaning:

(1) “Activity” means elements of work that accumulate to accomplish subgrant objectives, such as hiring of personnel, purchasing of equipment or materials, conducting surveys, performing specific duties, and ~~or~~ any other duties or acts designated in the subgrant agreement.

~~(2) “Actual” means the attained level of resources expended or accomplishments, as opposed to planned expenditures or accomplishments.~~

~~(2)(3)~~ “Applicant” means a unit of local government entity as defined in Section 11.45, Florida Statutes; or state agency as defined in Section 216.011, Florida Statutes; sheriff; special district; corporation not for profit; or a Florida university that



meets the minimum standards established in Rule 6E-1.0045, F.A.C., and is accredited by the Southern Association of Colleges and Schools or some other nationally recognized accreditation board, that requests approval of a Subgrant Application for Highway Safety Funds requesting highway safety funds or a non-governmental not-for-profit or non-profit agency requesting funding for a pilot project.

(3) “Corporation Not for Profit” means as defined in Section 617.01401, Florida Statutes, and shall include foreign corporations defined in that section. For purposes of this rule, the corporation must list in Article III of its Articles of Incorporation at least one purpose related to traffic safety or injury prevention.

(4) ~~“DBE” means disadvantaged business enterprise as defined in rule chapter 14-78.~~

(5) ~~“CFR” means Code of Federal Regulations.~~

(4) “Chief Financial Officer” means the employee of the subgrantee agency or the implementing agency who has overall fiscal responsibility for the subgrant.

(5) “Concept Paper” means an initial request for highway safety funding, which includes a statement of the highway safety problem that the applicant has identified, a statement of proposed activities that the applicant will take to address the problem, an estimated budget for conducting the activities, and the name of a contact. Concept papers must be accompanied by a letter of support from the head of the agency that will implement the project, if funded.

(6) “Cost Incurred” means costs are considered incurred on the date that goods or services are received and accepted.

(7) “Department” means Florida Department of Transportation.

(8) ~~“Office” means State Safety Office.~~

(9) ~~“U.S. DOT” means U.S. Department of Transportation.~~

(8)(10) “Evaluation” means a process that involves measuring the success or failure of a project in achieving predetermined objectives.

(9)(11) “FFY” means Federal Fiscal Year, the period beginning October 1 and ending September 30 the following year.

(10)(12) “FHWA” means Federal Highway Administration.

(13) ~~“Unit of Local Government” means any municipality, special district, or board of county commissioners or other governing body of a county, however styled, including that of a consolidated or metropolitan government.~~

(14) ~~“State Agency” means any official, officer, commission, board, authority, council, committee, or department of the executive branch, or the judicial branch of state government as defined in Section 216.011, Florida Statutes.~~

(11)(45) “Governor’s Highway Safety Representative” means the State official appointed by the Governor of Florida, who is responsible to and represents the Governor in the conduct of the Statewide Highway Traffic Safety Program.

(12)(46) ~~“HSP” means Highway Safety Plan. The HSP is a program document between the U.S. DOT National Highway Traffic Safety Administration, Federal Highway Administration, and the State of Florida. It is a plan to which available federal funds may be obligated. It is the overall funding plan for a given fiscal year.~~

(13)(47) “Implementing Agency” means the subgrantee’s designee for performing the activity defined in agency responsible for implementation and management of the subgrant.

(18) ~~“Pilot Project” means a special project implemented by either a governmental agency or non-governmental not for profit agency to demonstrate, evaluate, or enhance a specific countermeasure.~~

(14) “MBE” means minority business enterprise, which is a small business concern that is owned or controlled by one or more minorities as defined in 49 C.F.R. Part 23.

(15)(49) “Milestone” means the development of a specific activity within a specific period of time.

(16)(20) ~~“NHTSA” means National Highway Traffic Safety Administration.~~

(17) ~~“Office” means State Safety Office.~~

(18)(24) ~~“OMB” means Federal Office of Management and Budget.~~

(22) ~~“P. L.” means Public Law.~~

(19)(23) “Program” means the Highway Traffic Safety Program or two or more or more consecutive traffic safety projects implemented by the same agency in consecutive years, with the succeeding projects being a continuation of the initial project.

(20)(24) “Program Manager” means a staff member of the State Safety Office authorized by the Governor’s Highway Safety Representative to act as the liaison between the State Safety Office, and the subgrantee, and implementing agencies in all matters pertaining to a subgrant agreement.

(25) ~~“Program Period” means the total of one or more project periods not to exceed 36 months without specific written approval from the Department.~~

(21)(26) “Project” means a specific plan of action being undertaken to improve an identified traffic highway safety problem.

(22)(27) “Project Director” means the person responsible to the implementing agency for the management and operation of the subgrant or contract.

(23)(28) “Project Number” means the identification a number assigned by the State Safety Office to each subgrant or contract.

~~(29) "Project Period" means the estimated length of time to complete a highway safety project. The project period cannot exceed twelve consecutive months or September 30th, whichever is earlier, without specific written approval from the Department.~~

~~(24)(30) "Subgrant" means the approved Subgrant Application for Highway Safety Funds, which constitutes a contract written agreement between the Department and the applicant, unit of local government, state agency, or other eligible recipient in which the applicant recipient agrees to perform certain specified activities toward reaching certain specified objectives in return for certain specified compensation from the Department.~~

~~(25)(31) "Subgrantee" means the unit of local government, state agency, or other eligible applicant to whom the Department awards a subgrant or contract.~~

~~(26)(32) "Subgrant Period" means the effective time between the beginning and ending date of the subgrant.~~

~~(27) "U.S. DOT" means United States Department of Transportation.~~

~~(33) "WBE" means Women-owned Business Enterprise.~~

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Amended 6-10-85, Formerly 9B-32.02, 9B-32.002, Amended 11-19-89, Formerly 9G-15.002, Amended 12-7-93,\_\_\_\_\_.

14-98.003 Policy.

(1) Subgrant Applications. Each pProject proposals must be designed to impact one or more address a range of services and activities having a measurable and potentially major impact on the causes of traffic crashes, injuries, and/or fatalities; to evaluate or identify traffic crash problems in Florida; or to increase public awareness of the state's crash problem. Each project must be capable of producing measurable results, which will be used to determine the effectiveness of the project.

(2) Annual Highway Safety Plan. The Department shall formulate an annual HSP which identifies projects that will be funded during the FFY Highway Safety Plan to define programs to achieve goals and objectives for improving highway safety and allocation of federal funds which will most economically and efficiently carry out the assigned mission.

(3) Technical Assistance. The Office Department will provide, within limitations of staff time and budget, training and technical assistance, within limitations of staff time and budget to all eligible applicants, subgrantees and members of other governmental units upon request, or upon a determination by the Department of a subgrantee's need.

(4) Monitoring and Evaluation. The Office Department will perform such activities as may be necessary to monitor subgrantee compliance with sState and sFederal laws, rules, and regulations, to evaluate the fiscal and programmatic effectiveness of the subgrantee's activities, and to confirm the status of fiscal and program activities.

(5) Annual Report. The Office shall prepare an Annual Report that summarizes the activities which took place during the previous FFY. The report shall include a financial summary that shows funds awarded and expended.

(6) Public Awareness. The Office will promote public awareness of traffic safety issues affecting the State by distributing educational and public awareness materials through law enforcement agencies, public health departments, and other traffic safety organizations.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Formerly 9B-32.03, 9B-32.003, Amended 11-19-89, Formerly 9G-15.003, Amended 12-7-93,\_\_\_\_\_.

14-98.004 Funds Availability.

(1) The amount of federal funds available shall be that amount allocated each FFY to the State of Florida by the Federal Government under the National Highway Safety Act of 1966, as amended, and all other applicable sections of Section 402, Title 23, United States Code.

(2) The Office Department shall attempt to distribute all of the funds available in the current FFY, but may distribute part of the funds in a later FFY, when permitted by fFederal law and Florida law Statutes to do so, and if such action, in the judgment of the Department, will meet best carry out the program objectives.

Specific Authority ~~120.53(1)~~, 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History—New 12-30-84, Formerly 9B-32.04, 9B-32.004, 9G-15.004, Amended 12-7-93,\_\_\_\_\_.

14-98.005 Application and Award Procedures.

(1) The Office Department will conduct an annual problem analysis of the traffic crash history of the sState by April 30th of each year, based on the most currently available crash data from the Department of Highway Safety and Motor Vehicles, identifying those counties geographic areas with the most severe traffic problems, in a Traffic Safety Matrix ranked listing.

(2) The selection of potential subgrant recipients will be based, in part, on their position on the Traffic Safety Matrix ranked list for the particular type of highway safety problem. Data from the Department of Highway Safety and Motor Vehicles' annual Uniform Traffic Citation Statistics Report, the Office's annual observational survey of safety belt use, and past subgrant history will also be considered when selecting potential subgrant recipients.

(3) To be eligible for funding, an applicant: to be considered as a potential subgrant recipient, the potential recipient

(a) Ccannot have been previously funded for an the proposed activity in the same priority area of the Highway Safety Plan during the three consecutive fiscal years prior to the start of the fiscal year for which funds are being requested in excess of 36 months nor can the proposed activity supplant funds allocated or appropriated for the same activity. The three fiscal year limitation may be exceeded where NHTSA

approves exceeding the limitation or Congress directs funds to be spent for a specific activity. In addition, if the Office funds the start of a program involving positions over two years because of funding availability, a fourth year of funding, limited to partial funding of the position(s) created in year two, may be awarded. Statewide programs for training, coordination, evaluation, or public awareness may exceed the three year limit.

(b) Cannot request funding that would supplant funds previously allocated or appropriated by the applicant for the same activity, nor can funding replace equipment previously purchased with local or federal funds.

(c) Shall not be eligible for funding if it has violated a condition of a previous subgrant.

(3) Each ranking is based on three components:

(a) Magnitude. "Magnitude" is the absolute number of injuries and fatalities in each of four categories: Total Crashes, Alcohol-Related, Pedestrian, and Bicycle. The injuries and fatalities are totaled for a three-year period.

(b) Rate. "Rate" is calculated by dividing the "Magnitude" by a normalizing variable. The total number of vehicle miles travelled in each of the three years is used to normalize "Total Crashes" and "Alcohol-Related" crashes, and average annual population estimates are used to normalize the statistics for "Pedestrian" and "Bicycle" crashes.

(c) Trend. "Trend" is the ratio of a short term to a long term moving averages of the "Magnitude" over a seven year period.

(4) Indices are calculated to represent how each county compares to others in each factor. The rankings are based on the composite of these three components: magnitude, rate, and trend.

(4)(5) The Office Department will provide, upon request, information on how to prepare a concept paper for highway safety funding an application package (Instructions for Highway Safety Subgrant Application for Highway Safety Funds, and Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, 09/94) to any potential local government, state agency, or other eligible applicant. Concept papers will be accepted annually from January 1 through March 31 for the upcoming fiscal year.

(5) The Office will review all concept papers for compliance with state and federal rules and regulations. Concept papers that comply with state and federal rules and regulations will be prioritized on the basis of:

(a) The Concept Paper Evaluation Form, FDOT Form 500-065-17.

(b) Subgrant history.

(c) The Traffic Safety Matrix, and

(d) Analysis of relevant crash data, citation data, and survey results.

The Highway Safety Subgrant Scoring Sheet, FDOT Form 500-065-18 will be used to prioritize all eligible concept papers.

(6) The Office will consider the following factors in determining to what extent concept papers will be funded:

(a) Total federal funds available for the fiscal year.

(b) Amount of funding available for each priority area of the HSP.

(c) Fundability of each request.

(d) Statewide coverage of programs, and

(e) Funding activities in as many counties as possible.

No implementing agency of a government entity, as defined in Section 11.45, Florida Statutes, sheriff, special district, or corporation not for profit shall receive funding in more than three priority areas of the HSP. Further, no implementing agency of a governmental entity, as defined in Section 11.45, Florida Statutes, sheriff, special district, or corporation not for profit shall receive funding in more than two priority areas of the HSP if the total amount of its two highest ranked concept papers exceed \$250,000.

(7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 07/01, will be sent to those applicants whose concept papers are selected for funding.

(8)(6) Applicants shall forward one copy three copies of the completed application and a minimum of three signature pages, containing all each with an original signatures, to the Office Department.

(9) Each corporation not for profit applicant shall attach a financial statement to its application form which shows that it has funds equal to the amount of the subgrant award on deposit in a special account designated for project activities only.

(10)(7) The Office Department shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. 07/01, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in automatic grant of an application. All subgrants are subject to funds availability.

(11)(8) Notice of denial of grant award. Notice of the Office's Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action to deny will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111. Provisions of any notice, denial, revocation, or notice of Administrative Hearing

Rights by the Department under this rule shall not constitute, or create, entitlement to an administrative hearing where such right does not otherwise exist.

~~(9) The Department is authorized to select applicants for funding pilot projects for the purpose of demonstrating, evaluating or enhancing the effectiveness of highway traffic safety programs. The National Highway Traffic Safety Administration (NHTSA) shall review each pilot project for compliance with NHTSA program guidelines. No more than 10% of the highway safety funds allocated to the State of Florida under the State and Community Highway Traffic Safety Program in any fiscal year may be awarded to pilot projects in that year. A nongovernmental not-for-profit or non-profit agency may qualify as recipient for a pilot project.~~

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, \_\_\_\_\_.

14-98.006 Funds Distribution.

Specific Authority 120.53(1), 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.06, 9B-32.006, 9G-15.006, Repealed.

14-98.007 Grant Conditions.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25)(24) FS. History--New 12-30-84, Amended 6-10-85, Formerly 9B-32.07, Amended 6-3-86, Formerly 9B-32.007, Amended 11-19-89, Formerly 9G-15.007, Amended 12-7-93, Repealed.

14-98.008 Forms.

The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

- (1) Non-Expendable Property Accountability Record – FDOT Form 500-065-09, Rev. 07/01 8/93.
- (2) Statement of Highway Safety Project Costs – FDOT Form 500-065-04, Rev. 07/01 09/94.
- (3) Summary Statement of Personnel ~~Personal~~ Services Cost – FDOT Form 500-065-05, Rev. 07/01 08/93.
- (4) Personnel ~~Personal~~ Services Time Sheet – FDOT Form 500-065-06, Rev. 07/01 08/93.
- (5) Detail of Costs ~~Expense~~ ~~(Except Personal Services Cost)~~ – FDOT Form 500-065-07, Rev. 07/01 08/93.
- (6) Subgrant Application for Highway Safety Funds – FDOT Form 500-065-01, Rev. 07/01 09/94.
- (7) Concept Paper Evaluation Form – FDOT Form 500-065-17, Rev. 07/01.
- (8) Highway Safety Subgrant Scoring Sheet – FDOT Form 500-065-18, Rev. 07/01.

Copies of these forms may be obtained by writing or calling the Florida Department of Transportation, State Safety Office, 605 Suwannee Street, MS-17, Tallahassee, Florida 32399-0450; Telephone (850) (904)488-5455.

Specific Authority 334.044(2), ~~(25)(24)~~ FS. Law Implemented 334.044(25)(24) FS. History--New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Application

RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Application and the Florida Prepaid College Program Master Covenant to reflect the current year and to change the effective date of this document.

SUBJECT AREA TO BE ADDRESSED: Updating the Florida Prepaid College Program Application and Master Covenant for the Florida Prepaid College Program.

SPECIFIC AUTHORITY: 240.551(7)(a) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2000

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchases pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP ~~2001 2000-1~~, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October ~~15, 16~~, 2001. The Florida Prepaid

College Program Master Covenant, Form No. FFCP 2001 2000-2, is hereby incorporated by reference with an effective date of October 15, 16, 2001.

Specific Authority 240.551(7)(a) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLES: RULE NO.:

Contract Requirements 19B-5.003

PURPOSE AND EFFECT: To implement an amendment to s. 240.551(11), F.S., adding nonprofit s. 501(c)(3) organizations operating scholarship programs approved by the Board to the types of organizations that are permitted to not name a qualified beneficiary on advance payment contracts until April 1 of the anticipated enrollment year; and to clarify the procedure the Board will follow when advance payment contract benefits expire.

SUBJECT AREA TO BE ADDRESSED: Permitting s. 501(c)(3) organizations to purchase advance payment contracts without naming the beneficiary until April 1 of the anticipated enrollment year and clarifying the procedures the Board will follow when the benefits of an advance payment contract expire.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2001

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.003 Contract Requirements.

(1) Purchasers must name the qualified beneficiary in the application, provided, however, that the board's direct support organization and organizations operating scholarship programs pursuant to Rule 19B-5.007 shall be permitted to leave the qualified beneficiary's name blank until April 1 of the anticipated enrollment year.

(2) Only one qualified beneficiary is allowed per contract, and a specific beneficiary can be named in only one contract. In the event duplicate contracts for the same beneficiary are processed, the contract processed first shall be deemed valid and the remaining contract shall be deemed terminated.

(3) The purchaser does not have to designate the postsecondary institution that the beneficiary will attend.

(4) The contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.

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

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

1. The procedure the purchaser must follow to extend the time period for the use of contract benefits or to obtain a refund for the contract;

2. That the right to use the contract benefits will expire on December 31, ten years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

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

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

(6) Accounts that are composed of tuition and local fee contracts will only be paid if both the tuition account and local fee account are in good standing. Local fee payments shall not be remitted to pay tuition for any beneficiary.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Scholarship Programs Operated by Non-Profit Organizations

RULE NO.: 19B-5.007

PURPOSE AND EFFECT: To implement s. 240.551(23), F.S., by specifying the application procedure and information that a s. 501(c)(3) organization must submit about its scholarship program to enable the Board to approve programs as eligible to purchase advance payment contracts for organizations scholarship programs.

SUBJECT AREA TO BE ADDRESSED: Details the application procedures a s. 501(c)(3) organization will follow to have its scholarship program approved by the Board so that the organization can purchase advance payment contracts for the scholarship programs.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2001

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.007 Scholarship Programs Operated by Non-Profit Organizations.

(1) During the open enrollment period, a nonprofit organization may purchase advance payment contracts for a scholarship program operated by the organization provided the Board has approved the scholarship program.

(2) The Board will approve scholarship programs operated by nonprofit organizations upon submission of a written application to the Board that contains:

(a) Evidence that the organization is a nonprofit organization described in s. 501(c)(3) of the Internal Revenue Code;

(b) Evidence that the organization is exempt from taxation pursuant to s. 501(a) of the Internal Revenue Code;

(c) Information describing the scholarship program and its purposes;

(d) A statement that the nonprofit organization operates the scholarship program;

(e) A statement that the nonprofit organization shall comply with the terms of the advance payment contract, s. 240.551, F.S., and the rules of the Board.

(3) An application for approval of a scholarship program may be submitted with an application to purchase one or more advance payment contracts.

(4) After an application is determined by the Executive Director to be complete, the Board will consider and approve the application for the scholarship program at its next meeting.

(5) Approval by the Board of a scholarship program is not and shall not be promoted by the nonprofit organization as, an endorsement by the Board of the scholarship program or the sponsoring nonprofit organization.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Fee Schedule

RULE NO.: 19B-6.001

PURPOSE AND EFFECT: To authorize the Board to waive payment of outstanding late fees in excess of \$70.00 for advance payment contracts that are paid in full and to waive all outstanding late fees when the outstanding late fee balance is \$50.00 or less for advance payment contracts that are paid in full. To repeal the out-of-state transfer fee.

SUBJECT AREA TO BE ADDRESSED: The waiver of late fees for advance payment contracts that are paid in full and repeal of the out-of-state transfer fee.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2001

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-6.001 Fee Schedule.

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

(1) Application Fee – A forty-two dollar (\$42.00) nonrefundable application fee will be collected at the time the application is submitted.

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

- (a) The purchaser or beneficiary dies or is disabled; or
- (b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two years immediately preceding the request for termination and refund. The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.

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

(4) Late Fee –

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. The Board may grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above. ~~A maximum charge of seventy dollars (\$70.00) in outstanding late fees will be charged against each account upon cancellation.~~ This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee.

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

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

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

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

(5) Insufficient Funds – Purchasers will automatically be assessed a ten dollar (\$10.00) fee for all payments returned for insufficient funds.

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

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

~~(8) Out of State Transfer Fee – A fee of twenty five dollars (\$25.00) will be assessed for the transfer of benefits to eligible postsecondary institutions outside Florida.~~

~~(8)(9)~~ Outstanding fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the contract benefits.

~~(9)(10)~~ Reinstatement Fee – A \$42.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled account. This fee shall be due on each tuition, local fee and dormitory account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account current.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History– New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: RULE NO.:

Qualified Individuals 19B-8.001

PURPOSE AND EFFECT: To implement the recently enacted amendments to s. 529 of the Internal Revenue Code that adds first cousins to the list of persons that can be a substitute beneficiary under an advanced payment contract.

SUBJECT AREA TO BE ADDRESSED: Addition of first cousins as substitute beneficiary under advanced payment contracts.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2001

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-8.001 Qualified Individuals.

A purchaser may request transfer of a contract to an eligible substitute beneficiary who is the brother, sister, half brother, half sister, step- brother, or step-sister, or first cousin of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. Documentation must also be submitted with the transfer request evidencing the relationship of the transferee. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Transfer to In-State Independent College or University

RULE NO.: 19B-9.002

PURPOSE AND EFFECT: This rule modification makes technical changes related to the changes in Rules 19B-9.003 and 19B-11.001, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Transfer of the benefits of advance payment contracts to in-state independent colleges and universities and eligible out-of-state colleges and universities.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2001

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

In the event the beneficiary matriculates in an independent college or university in Florida, the redemption value will be forwarded to the institution. For purposes of such transfers of

the tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551(7)(d) FS. History--New 3-29-89, Amended 2-6-90, Formerly 4G-9.002, Amended 12-5-93, 6-20-96, 10-20-96, 2-18-99.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Transfer to Out-of-State Schools

RULE NO.: 19B-9.003

PURPOSE AND EFFECT: This rule revision implements changes to s. 240.551, F.S., made by the 2001 Legislature that modify the amount allowed to be transferred to eligible out of state colleges and universities.

SUBJECT AREA TO BE ADDRESSED: Transfer of the benefits of advance payment contracts to out-of-state colleges and universities.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2001

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

A qualified beneficiary may transfer the benefits of an advance payment contract to an eligible out-of-state community college, college or university. The amount transferred shall not exceed the redemption value of the advance payment contract; or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee. For purposes of such transfers of the tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of such transfers of the dormitory plan, the redemption value shall be the average of the state



university dormitory fees charged at the time of matriculation for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, 1-7-01,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: General  
RULE NO.: 19B-11.001

PURPOSE AND EFFECT: This rule revision implements changes made by the 2001 Legislature to revise the amount of a refund allowed a purchaser of an advance payment contract in the event the contract beneficiary is awarded a scholarship or suffers death or total disability.

SUBJECT AREA TO BE ADDRESSED: Refunds to purchasers of an advance payment contract in the event the contract beneficiary is awarded a scholarship or suffers death or total disability.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2001  
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-11.001 General.

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

(1) If a beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be returned to the purchaser in

semester installments coinciding with the matriculation by the beneficiary in an amount not to exceed the redemption value of the advance payment contract amounts of either:

~~(a) The original purchase price plus 5 percent compounded interest, or~~

~~(b) The current rates at State postsecondary institutions, whichever is less.~~

Proof of scholarship shall be given to the Board in such form as specified by the Board from the institution granting the scholarship.

(2) In the event of death or total disability of the beneficiary, moneys paid for the purchase of an advance payment contract shall be returned to the purchaser in lump sum ~~with either:~~ in an amount not to exceed the redemption value of the advance payment contract.

~~(a) The original purchase price plus 5 percent compounded interest, or~~

~~(b) The current rates at State postsecondary institutions, whichever is less.~~

Proof of death or disability shall be in such form as required by the Board.

(3) For purposes of refunds pursuant to Rule 11.001(1) or (2) for tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of the refund request. For purposes of refunds pursuant to Rule 11.001(1) or (2) for the dormitory plan, the redemption value shall be the average of the state university dormitory fees charged at the time of the refund request, for the number of semesters reflected in each purchaser's contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-11.001, Amended 8-18-97,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Florida Prepaid College Foundation, Inc.;

RULE NO.:

Requirements; Use of Board Property 19B-15.001

PURPOSE AND EFFECT: This rule implements s. 240.551(22)(f), F.S. It specifies operational procedures for the Florida Prepaid College Foundation, Inc. and authorizes the Foundation to use the property, personnel, and facilities belonging to the Florida Prepaid College Board.

SUBJECT AREA TO BE ADDRESSED: Operational of the Florida Prepaid College Foundation, Inc. and the use of property, personnel and facilities belonging to the Florida Prepaid College Board by the Prepaid Foundation.

SPECIFIC AUTHORITY: 240.551(22)(f) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., August 6, 2001  
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-15.001 Florida Prepaid College Foundation, Inc.: Requirements; Use of Board Property.

(1) The Florida Prepaid College Foundation, Inc., a not-for-profit corporation established pursuant to s. 240.551(22), Florida Statutes, shall:

(a) Submit its articles of incorporation and by-laws to the Board annually for approval.

(b) Promptly notify the Board of any amendments to the Foundation's articles of incorporation and by-laws.

(c) Submit its annual budget to the Board not later than May 31 of each year.

(d) Contract with an independent certified public accounting firm for an annual financial and compliance audit of the financial accounts and records of the Foundation.

(e) Establish a fiscal year that will begin on July 1 of each year and end on June 30 of the following year.

(f) Disclose the material provisions of the contract between the Foundation and the Board to donors of gifts, contributions and bequests to the Foundation and in all promotional and fundraising publications of the Foundation.

(g) With the exception of those public records described in ss. 240.551(14), 240.551(22)(a) and 240.554, Florida Statutes, allow inspection and copying of all other documents, papers, letters or other records of the Foundation that are made or received in conjunction with the business of the Foundation in accordance with the requirements of the Florida Public Records Law, s. 119.07, F.S.

(h) Allow the Board, its employees or designees, or other state agencies as provided by law to audit the Foundation upon reasonable notice at the Foundation's offices during normal business hours.

(2) To be eligible to use the Board's property (except money), facilities and personal services, the Foundation shall:

(a) Provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age or national origin.

(b) Make a written request to the Executive Director of the Board specifying the property, facilities and personal services which the Foundation requests that it be allowed to use.

(c) Operate under a written contract with the Board.

Specific Authority 240.551(22)(f) FS. Law Implemented 240.551 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: \_\_\_\_\_ RULE NO.:

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances 61G15-19.004

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines; range of penalties; aggravating and mitigating circumstances.

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineering**

RULE TITLE: \_\_\_\_\_ RULE NO.:

Schedule of Fees Adopted by Board 61G15-24.001

PURPOSE AND EFFECT: The Board intends to revise the fee schedule to eliminate duplication, as well as modify some fee amounts to reflect associated administrative costs.

SUBJECT AREA TO BE ADDRESSED: Schedule of fees adopted by the Board.

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), 471.011, 471.019 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-37R

RULE CHAPTER TITLE: Surface Water Quality Standards RULE CHAPTER NO.: 62-302

RULE TITLES: Table: Surface Water Quality Criteria Everglades Protection Area Phosphorus Criterion RULE NOS.: 62-302.530 62-302.540

PURPOSE AND EFFECT: To establish a phosphorus water quality criterion for the for the Everglades Protection Area pursuant to the Everglades Forever Act.

SUBJECT AREA TO BE ADDRESSED: Phosphorus water quality criterion for the Everglades Protection Area.

SPECIFIC AUTHORITY: 373.4592(4)(e)2. FS.

LAW IMPLEMENTED: 373.4592(4)(e)2. FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AND WILL BE NOTICED IN FUTURE FLORIDA ADMINISTRATIVE WEEKLYS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Frank Nearhoof, Everglades Technical Support Section, Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3560, Tallahassee, Florida 32399-2400, Telephone (850)921-5213

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Manner of Application RULE NO.: 64B3-6.001

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 456.013, 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-6.001 Manner of Application.

(1) through (4) No change.

(5) With regard to persons who have been issued a social security number by the Federal Government, disclosure of a social security number is mandatory Under the Federal Privacy Act, disclosure of a social security number is voluntary. They are requested pursuant to Sections 456.004(9), 409.2577 and 409.2598, Florida Statutes, and are used to allow efficient screening of applicants and licensees by a Title IV-D child support agency to assure compliance with child support obligations.

(6) No change.

Specific Authority 456.013, 483.805(4) FS. Law Implemented 456.013, 483.815, 483.823 FS. History--New 12-29-93, Formerly 61F3-6.001, Amended 5-29-95, 8-1-95, Formerly 59O-6.001, Amended 8-27-97, 9-20-98, 1-5-00,

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health**

RULE TITLE: Approved Courses for Continuing Education RULE NO.: 64B4-6.002

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Approved courses for continuing education.

SPECIFIC AUTHORITY: 456.013(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(6), 491.0085(1), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLES: RULE NOS.:

Inactive Status 64B13-11.001

Delinquent Status License 64B13-11.004

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify the requirements with regard to inactive and delinquent license status.

SUBJECT AREA TO BE ADDRESSED: Inactive and delinquent status.

SPECIFIC AUTHORITY: 456.036, 463.005(1), 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.036, 463.007, 463.008 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 IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-11.001 Inactive Status.

(1) Any licensee may elect at the time of license renewal to place the license into inactive status by ~~filing with the board a complete application for inactive status and~~ paying the inactive status fee of Rule 64B13-6.001(8), F.A.C. ~~For the purpose of this section, a complete application shall be a renewal form provided by the Department of Health on which the licensee affirmatively elects inactive status.~~

(2) An inactive status licensee ~~whose license has been in inactive status for less than two consecutive biennial licensure cycles~~ may change to active status at any time provided the licensee meets the ~~following~~ requirements of Rule 64B13-5.001, F.A.C.:

(a) completes continuing education consisting of:

~~1. completion of fifteen (15) clock hours per year of continuing professional education which fulfills the requirements of Rule 64B13-5.001, for each year the license was inactive. At least five (5) of the fifteen (15) clock hours must be of "transcript quality" as defined in Rule 64B13-5.001. However, a license which has been inactive for less than one (1) year is not required to satisfy this requirement;~~

~~2. completion of thirty (30) hours of approved continuing professional education which were required for renewal of an active license on the date the license became inactive in the manner provided for in Rule 64B13-5.001;~~

(b) through (e) renumbered (a) through (d) No change.

(3) An inactive status licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles and who applies for active status may change to active status at any time provided the licensee meets the following requirements:

(a) meets the continuing education requirements of Rule 64B13-5.001 ~~64B13-11.001(2)~~, F.A.C.;

(b) through (f) No change.

~~(g) files with the board a complete application. For the purpose of this section, a complete application shall be the application required for initial licensure or certification.~~

~~(4) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

~~(4)(5)~~ No change.

Specific Authority 456.036, 463.005(1), 463.007, 463.008 FS. Law Implemented 456.036, 463.007, 463.008 FS. History--New 11-20-86, Formerly 21Q-11.001, 61F8-11.001, Amended 12-22-94, Formerly 59V-11.001, Amended \_\_\_\_\_.

64B13-11.004 Delinquent Status License.

(1) through (2) No change.

(3) The delinquent status licensee who applies for active or inactive license status shall:

~~(a) file with the board the complete application for either active or inactive status as defined in rule 64B13-11.001;~~

~~(b) pay to the board either the active status fee of Rule 64B13-6.001(4) or the inactive status license fee of Rule 64B13-6.001(8), the delinquent status license fee of Rule 64B13-6.001(15), and, if applicable, the change of status fee of Rule 64B13-6.001(14).~~

(4) The delinquent status licensee who applies for active status license shall, in addition to complying with (3) immediately above, affirm compliance with the continuing education requirements of Rule 64B13-5.001, F.A.C. ~~64B13-11.001(2).~~

Specific Authority 456.036, 463.005(1) FS. Law Implemented 456.036 FS. History--New 12-22-94, Formerly 59V-11.004, Amended 8-29-99, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: RULE NO.:

Continuing Education Credits 64B16-26.103

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to continuing education in the subject area of risk management.

SUBJECT AREA TO BE ADDRESSED: Continuing education credits.

SPECIFIC AUTHORITY: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.033, 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.103 Continuing Education Credits.

(1) through (4) No change.

(5) Five hours of continuing education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Pharmacy in compliance with the following:

(a) through (b) No change.

(c) The licensee must sign out with the Executive Director or designee of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CE credit in risk management for attending the board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).

(6) through (7) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Prescription Refills

RULE NO.: 64B16-28.114

PURPOSE AND EFFECT: The Board proposes to amend this rule to clarify the rule text with regard to prescription refills.

SUBJECT AREA TO BE ADDRESSED: Prescription refills.

SPECIFIC AUTHORITY: 465.005, 465.016(1), 465.022, 465.022(1)(a), 893.04 FS.

LAW IMPLEMENTED: 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.114 Prescription Refills.

No prescription may be refilled for a period in excess of one (1) year from the date of issuance of the original writing dispensing of the prescription.

Specific Authority 465.005, 465.016(1), 465.022(1)(a), 893.04 FS. Law Implemented 465.022 FS. History—New 12-18-74, Formerly 21S-1.28, 21S-1.028, Amended 7-31-91, Formerly 21S-28.114, 61F10-28.114, 59X-28.114, Amended.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Unprofessional Conduct; Definition

RULE NO.: 64B32-5.003

PURPOSE AND EFFECT: The Board proposes to revise the existing rule text after considering statutory revisions to Chapter 456, F.S., to make the rule consistent with statutory intent.

SUBJECT AREA TO BE ADDRESSED: Unprofessional Conduct; Definition.

SPECIFIC AUTHORITY: 468.353(1), 468.365(1)(f) FS.

LAW IMPLEMENTED: 468.365(1)(f) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.003 Unprofessional Conduct; Definition.

A licensee is guilty of unprofessional conduct when he commits any of the following:

(1) Violates the confidentiality of information or knowledge concerning a patient.

~~(2) Has inaccurately recorded, falsified, or altered patient records, including, but not limited to, patient charts or medication administration records.~~

~~(2)(3)~~ Has falsely misrepresented the facts on an application for employment as a respiratory therapist or a respiratory therapy technician.

(3)(4) Leaves a respiratory therapy assignment before properly advising appropriate personnel.

~~(5) Discriminates on the basis of race, creed, religion, sex, age, or national origin in the rendering of respiratory therapy services as it relates to human rights and the dignity of an individual.~~

~~(6) Impersonates or acts as a proxy for an applicant in any examination required for certification or registration.~~

~~(7) Impersonates another certified or registered practitioner or permits another person to use his certificate or registration for the purpose of practicing respiratory therapy for compensation.~~

(4)(8) Has provided false or incorrect information to an employer regarding the status of the certification or registration.

(5) Fails to report another licensee in violation of the laws and/or rules pertaining to the profession.

(6) Uses foul or abusive language in patient care or public areas.

Specific Authority 468.353(1), 468.365(1)(f) FS. Law Implemented 468.365(1)(f) FS. History—New 4-29-85, Formerly 21M-37.02, 21M-37.002, 61F6-37.002, 59R-74.002, 64B8-74.002, Amended.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: RULE NO.:

Citations 64B32-5.007

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.007 Citations.

(1) No change.

(2) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

(a) Violations of Sections 468.361(2), (3), or (4), ~~or 468.357(3), Florida Statutes~~: within six months of the date citation is issued, licensee must submit certified documentation of completion of all the CE requirements for the period for

which the citation was issued; prior to renewing the license for the next biennium, licensee must document compliance with the CE requirements for the relevant period; AND

- 1. Failure to document HIV/AIDS continuing education requirement \$100 fine
- 2. Documentation of some but not all of the 24 hours of required continuing education for license renewal \$50 fine for each hour not documented
- 3. ~~Documentation of some but not all of the 20 hours of continuing education required by Section 468.357(3)~~ \$50 fine for each hour not documented

(b) Violation of any portion of Rule 64B32-5.003 for unprofessional conduct \$300 fine.

~~(c)(b)~~ Practicing on a delinquent license, if the license is renewed to active status within 120 days of the date the license should have been renewed: \$50 fine for each month or part thereof.

~~(d)(e)~~ Failure to notify the Board of current address as required by Rule 64B32-1.006, F.A.C.: \$50 ~~\$25~~ fine.

~~(e)(d)~~ Failure to keep written respiratory care records justifying the reason for the action taken by the certificate holder or registrant on only one patient: \$100 fine.

~~(e) Obtaining certification or registration renewal by fraud or misrepresentation in violation of Section 468.365(1)(a), Florida Statutes:~~ \$1,000 fine.

(f) Circulating misleading advertising in violation of Section 468.365(1)(e): \$500 fine.

(g) Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs, where the patient has received a refund within 30 days of purchase: \$1,000 fine.

(h) Failure to submit compliance documentation within 45 days from the receipt of the continuing education audit notification. \$150 fine.

(i) Failure to provide satisfaction including the costs incurred within 45 days of receipt of the Department's Notification of a check dishonored for Insufficient funds. \$150 fine.

(3) through (6) No change.

Specific Authority 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History—New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Child Care Standards 65C-22

PURPOSE AND EFFECT: The modifications contained in this document will ensure age appropriate child care standards for school age children; will allow for a credentialed director to supervise multiple before-school and after-school sites; and will delete the requirement for documentation of a negative tuberculosis test for child care personnel.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards.

SPECIFIC AUTHORITY: Chapter 2001-170, LOF, 402.305(2) FS.

LAW IMPLEMENTED: Chapter 2001-170, LOF, 402.305(2) FS.

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

TIME AND DATE: 10:00 a.m., August 6, 2001

PLACE: Conference Room 361, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399

The purpose of the workshop will be to draft rules in Chapter 65C-22, F.A.C., which will ensure age appropriate child care standards for school age children; will allow for a credentialed director to supervise multiple before-school; and will delete the requirement for documentation of a negative tuberculosis test for child care personnel.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cindy Brown, Licensing Specialist, Room 389-A, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)488-4900

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation**

RULE TITLE: Training RULE NO.: 65C-22.003

PURPOSE AND EFFECT: The minimum standards in this document will add the training certificate form number which is required to document completion of the Observation of Developmental Behaviors Module, will amend the number of introductory child care training modules that may be exempted by successfully completing module exemption tests, and will amend the minimum passing score required to successfully complete the exemption tests.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards.

SPECIFIC AUTHORITY: 402.305(2),(3) FS.

LAW IMPLEMENTED: 402.305(2),(3) FS.

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

TIME AND DATE: 10:00 a.m., August 3, 2001

PLACE: Room 355, Bldg. 6, 1317 Winewood Blvd., Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cindy Brown, Licensing Specialist, Room 389-A, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-22.003 Training.

(1) No change.

(2) Training Requirements.

(a) through (b) No change.

(c) Documentation. Training certificates are issued by training coordinating agencies upon the completion of training.

1. Part I (Modules I through IV) must be documented on CF-FSP Form 5154, Oct. 96, Part I (Module V) must be documented on CF-FSP 5243, Sept. 2000, the Department's Introductory Child Care Training Course Certificate (Part I), and Part II must be documented on CF-FSP Form 5166, Oct. 96, the Department's Specialized Training Module Certificates (Part II), which are incorporated by reference.

2. No change.

(3) Exemptions from Part I of the Introductory Child Care Course.

(a) Child care personnel can be exempt from any of the five (5) four (4) introductory child care training modules by successfully completing module exemption tests with an seventy (70) eighty (80) percent or better score. Exemption tests will be offered by the training coordinating agency, or its designee.

(b) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER TITLE: Multifamily Mortgage Revenue

RULE CHAPTER NO.:

Bond Program 67-21

RULE TITLES: Definitions 67-21.002

Application and Selection Process for Loans 67-21.003

Applicant Administrative Appeal Process 67-21.0035

Federal Set-Aside 67-21.004

Public Policy Criteria Requirements 67-21.0041

Determination of Method of Bond Sale 67-21.0045

Selection of Qualified Lending Institutions

as Credit Underwriters, Originators

or Servicers 67-21.005

Development Requirements 67-21.006

Fees 67-21.007

Terms and Conditions of Loans 67-21.008

Interest Rate on Mortgage Loans 67-21.009

Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Private Placements of Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for 501(c)(3) Corporations	67-21.019

**PURPOSE AND EFFECT:** The purpose of Rule Chapter 67-21, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan amounts and issue multifamily mortgage revenue bonds for new construction or substantial rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond Program.

**SUBJECT AREA TO BE ADDRESSED:** A Rule Development Workshop will be held to receive comments and suggestions from all interested persons relative to the 2002 proposed Rule, application process and program requirements for the Multifamily Mortgage Revenue Bond Program as specified in Rule Chapter 67-21, F.A.C.

**SPECIFIC AUTHORITY:** 420.507, 420.508 FS.  
**LAW IMPLEMENTED:** 420.502, 420.503, 420.507, 420.508, 420.509 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:** Immediately following the Florida Housing's Board Meeting on August 9, 2001  
**PLACE:** Hyatt Regency, Westshore, 6200 Courtney Campbell Causeway, Tampa, Florida 33607

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp, Human Resources Administrator, at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose and Intent	67-48.001
Definitions	67-48.002

Notice of Funding or Credit Availability	67-48.003
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014
Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
HC General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026
Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031

**PURPOSE AND EFFECT:** The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.



**SUBJECT AREA TO BE ADDRESSED:** The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2002 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2001 Qualified Allocation Plan (QAP).

**SPECIFIC AUTHORITY:** 420.507 FS.

**LAW IMPLEMENTED:** 420.5087, 420.5089, 420.5099 FS.

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

**TIME AND DATE:** Immediately following the Board Meeting, August 9, 2001

**PLACE:** Hyatt Regency, Westshore, 6200 Courtney Campbell Causeway, Tampa, Florida 33607

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Laurie Camp at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

**SUMMARY:** The proposed rule provides an exemption from securities registration requirements of Section 517.07, Florida Statutes, for certain written employer-sponsored compensatory benefit plans or contracts.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement of estimated regulatory cost 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:** 517.03(1), 517.061(19) FS.

**LAW IMPLEMENTED:** 517.061(19) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., August 13, 2001

**PLACE:** Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Rick White, Financial Administrator, Division of Securities and Finance, Room 550H, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

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

3E-500.017 Compensatory Benefit Plan Exemption.

(1) Transactions involving the offer or sale of a security pursuant to a written pension plan, stock plan, profit-sharing plan, compensatory benefit plan (or a written compensation contract) or similar plan established by the issuer for the participation of their employees, directors, general partners, trustees, officers, or consultants and advisors, and their family members who acquire such securities from such persons through gifts or domestic relations orders, are exempt from the registration provisions of Section 517.07, F.S., if:

(a) The sale of the security meets all of the requirements of SEC Rule 701 (17 C.F.R. 230.701) as it existed on November 1, 2000;

(b) The security is sold pursuant to a plan of a type exempt under section 3(a) of the Securities Act of 1933; or

(c) The security is effectively registered under sections 6 to 8 of the Securities Act of 1933 and is offered and sold in compliance with the provisions of section 5 of the Securities Act of 1933.

(2) For the purposes of this rule, the terms "compensatory benefit plan" and "family member," shall have the same meanings as defined in SEC Rule 701 as it existed on November 1, 2000.

(3) The purpose of this rule is to provide an exemption from the registration requirements of Section 517.07, F.S., for securities issued in compensatory circumstances. This

## Section II Proposed Rules

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Securities and Finance

**RULE TITLE:** Compensatory Benefit Plan Exemption

**RULE NO.:** 3E-500.017

**PURPOSE AND EFFECT:** Pursuant to Section 517.061(19), Florida Statutes, the Department finds that the securities registration provisions of Section 517.07, Florida Statutes, are not necessary for certain employer-sponsored compensatory benefit plans or contracts because of the limited nature of the offering. The proposed rule will provide an exemption from the registration requirements of Section 517.07, Florida Statutes, for certain written employer-sponsored compensatory benefit plans or contracts that: (i) meet the requirements of Securities and Exchange Commission Rule 701 (17 CFR 230.701); (ii) is sold pursuant to a plan of a type exempt under section 3(a) of the Securities Act of 1933; (iii) or the security is registered under sections 6 to 8 of the Securities Act of 1933 and is offered and sold in compliance with section 5 of the Securities Act of 1933.