

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Electronic Recordkeeping
 RULE NO.: 1B-26.003

PURPOSE AND EFFECT: The purpose of this amendment is to update guidelines for managing public records created or maintained in electronic form. Updated guidelines reflect current technologies and best practices in managing electronic records and ensuring their retention and accessibility in accordance with public records provisions of Florida Statutes, Chapter 119.

SUBJECT AREA TO BE ADDRESSED: Public records management guidelines for public records created or maintained in electronic form.

SPECIFIC AUTHORITY: 257.14, 257.36 FS.

LAW IMPLEMENTED: 257.14, 257.36 FS.

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

TIME AND DATE: 9:00 a.m., January 16, 2003

PLACE: Training Room, State Records Storage Center, 4319 Shelfer Road, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Jim Berberich, Chief, Bureau of Archives and Records Management, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6700, Suncom 205-6700

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

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims
 RULE NO.: 2A-2.002

PURPOSE AND EFFECT: The Division proposes the development of a rule amendment to incorporate an updated form in the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of a revised form in the rule.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b), 960.198 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: Gwen Roache, Chief, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (January 2000), effective 2-3-00, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) BVC 100, entitled "Victim Compensation Claim Form," (rev. 7/02) (~~rev. 11/99~~), effective 2-3-00.

(2) through (12) No change.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b), 960.198 FS. History—New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, 10-23-01, _____.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Application and Payment Procedures
 RULE NO.: 2A-3.002

PURPOSE AND EFFECT: The Division proposes the development of a rule amendment to incorporate an updated form in the rule.

SUBJECT AREA TO BE ADDRESSED: Incorporation of a revised form in the rule.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.28 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: Gwen Roache, Chief, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-3.002 Application and Payment Procedures.

Application and payment procedures for sexual assault examinations are provided on the form entitled "Sexual Battery Claim Form," DVS-201, (Rev. 8/02) (~~Rev. 11/99~~), effective ~~2-3-00~~, which is incorporated in this rule by reference.

Specific Authority 960.045(1) FS. Law Implemented 960.28 FS. History—New 11-1-92, Amended 9-13-94, 9-26-95, 6-19-96, 9-24-97, 2-3-00, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Appraisals, and Appraisal Standard Policies of State Financial Institutions

RULE NO.: 3C-100.600

PURPOSE AND EFFECT: To reduce the regulatory burden of Florida-chartered financial institutions by making Rule 3C-100.600 more nearly consistent with the appraisal requirements imposed by Federal regulators of financial institutions.

SUBJECT AREA TO BE ADDRESSED: Appraisals of real estate securing loans of Florida-chartered financial institutions.

SPECIFIC AUTHORITY: 655.012(3), 655.60 FS.

LAW IMPLEMENTED: 655.60 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., January 21, 2003

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Townsend, Chief, Bureau of Financial Institutions, Dist. II, Division of Banking, Department of Banking and Finance, Suite 636, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.600 Appraisals, and Appraisal Standard Policies of State Financial Institutions.

(1) The board of directors of each state financial institution shall adopt appraisal standards and policies. Such standards and policies shall be reviewed and approved annually by the board of directors, and such approval shall be recorded in the minutes of the meetings of the board of directors.

(2) At a minimum, the appraisal standards and policies shall require that an appraisal prepared by a state-certified or state-licensed appraiser must be obtained prior to funding any loan or extension of credit that is based on the security of real estate, except:

- (a) Loans with a total value of \$250,000 or less;
- (b) Loans with a lien on real property when such property has been taken as collateral solely in an abundance of caution;
- (c) When a lien on real estate has been taken for purposes other than the real estate's value;

- (d) The transaction is a business loan that:
 - 1. Has a transaction value of \$1 million or less; and
 - 2. Is not dependent on the sale of, or rental income derived from, real estate as the primary source of repayment;

(e) A lease of real estate, unless the lease is the economic equivalent of a purchase or sale of the leased real estate;

(f) The transaction involves an existing extension of credit at the lending institution, provided that:

- 1. There has been no obvious and material deterioration in market conditions or physical aspects of the property that would threaten the institution's collateral protection after the transaction, even with the advancement of new monies; or
- 2. There is no advancement of new monies, other than funds necessary to cover reasonable closing costs;

(g) The transaction involves the purchase, sale, investment in, exchange of, or extension of credit secured by, a loan or interest in a loan, pooled loans, or interests in real property, including mortgage-backed securities, and each loan or interest in a loan, pooled loan, or real property interest met these appraisal requirements at the time of origination;

(h) The transaction is wholly or partially insured or guaranteed by a United States government agency or United States government-sponsored agency; or

- (i) The transaction either:
 - 1. Qualifies for sale to a United States government agency or United States government-sponsored agency; or
 - 2. Involves a residential real estate transaction in which the appraisal conforms to the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation appraisal standards applicable to that category of real estate.

(3) Any loan or extension of credit not requiring a state-certified or state-licensed appraisal under paragraphs (2)(a), (d), or (f) shall not be funded until an appropriate evaluation of the real property has been obtained; and

(4) Any appraisal report or other evaluation shall be ~~certified to the financial institution and~~ dated within one year prior to funding the loan or extension of credit.

(5) Conforming appraisals and other evaluations include those prepared:

- (a) By persons on the staff of the financial institution;
- (b) For the financial institution by outside, independent third parties; and

(c) For or by other financial institutions or licensed lenders, provided those appraisals and evaluations meet the standards of this rule and otherwise comply with safe and sound practices.

Specific Authority 655.012(3), 655.60(2) FS. Law Implemented 655.60 FS. History–New 11-2-92, Amended 9-27-94, 11-7-01, _____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES:	RULE NOS.:
Certificates of Authority	3F-5.0015
Termination of a Preneed Sales Agent	3F-5.0035
Procedures for Licensing a New Cemetery	3F-5.004
Procedure for Licensing Transferred Cemeteries	3F-5.006
Request for Additional Information – Applications	3F-5.008

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the language and remove any obsolete language.
SUBJECT AREA TO BE ADDRESSED: Certificates of Authority, Termination of a Preneed Sales Agent, Procedures for Licensing a New Cemetery, Procedure for Licensing Transferred Cemeteries, and Request for Additional Information – Applications.

SPECIFIC AUTHORITY: 497.103 FS.
LAW IMPLEMENTED: 497.201, 497.209, 497.237, 497.405(3), 497.439(9), 497.245, 497.337 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: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-5.0015 Certificates of Authority.

~~(1) No person or entity may sell a preneed contract for burial or funeral services, merchandise, or cash advances that does not have a valid certificate of authority.~~

(2) through (3) renumbered (1) through (2) No change.

Specific Authority 497.103 FS. Law Implemented 497.405(3) FS. History–New 10-15-95, Amended _____.

3F-5.0035 Termination of a Preneed Sales Agent.

Within thirty (30) days of any termination of any registered preneed sales agent, the certificateholder shall give written notice to the Department. The notice may be submitted in writing, electronically, or via facsimile, and shall contain:

(1) through (3) No change.

Specific Authority 497.103 FS. Law Implemented 497.439(9) FS. History–New 5-29-94, Amended _____.

3F-5.004 Procedures for Licensing a New Cemetery.

(1) through (j) No change.

(k) Shown compliance with Rule 3F-5.009, F.A.C., Regulatory Standards for Evaluating Applications by the Board.

(2) through (3) No change.

Specific Authority 497.103 FS. Law Implemented 497.201, 497.237, 497.245, 497.337 FS. History–New 9-29-75, Amended 6-21-77, 6-21-78, 11-2-78, 1-27-81, Formerly 3D-30.15, Amended 10-23-91, Formerly 3D-30.015, Amended 12-8-98, 6-26-02, _____.

3F-5.006 Procedure for Licensing Transferred Cemeteries.

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

(b) Copy of certificate of good standing, if applicable articles of incorporation;

(c) through (d) No change.

(e) Completion Of An Application To Transact Cemetery Business, Form DBF-CEM 1/96 REV 7/01 ~~DBF-F-33~~, effective October 23, 1991, which is hereby incorporated by reference. Form DBF-F-33 shall be accompanied by a license fee based on the cemeteries’ last fiscal year sales pursuant to Section 497.213, Florida Statutes;

(f) through (3) No change.

(4) Investigation. The Department shall investigate the following conditions:

(a) Character, reputation, financial standing, and business qualifications ~~and motives~~ of the new proponents;

(b) through (5) No change.

~~(6) Denial of License. If the department intends to deny an application, the provisions of Chapter 120, F.S., shall prevail. If the application is denied, written notice thereof will be given to the applicant and upon written request for a hearing thereon received within 21 days after receipt of notice of denial, a hearing may be held. Such hearing will be conducted in accordance with Chapter 120, Florida Statutes, and Chapter 28-6 of the Model Rules of Procedure.~~

~~(7) All forms herein are available by mail from The Department of Banking and Finance, Division of Finance, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350.~~

Specific Authority 497.103 FS. Law Implemented 497.201(1), 497.209 FS. History–New 9-29-75, Amended 11-2-78, 1-27-81, Formerly 3D-30.17, Amended 10-23-91, Formerly 3D-30.017, Amended 9-18-01, 6-26-02, _____.

3F-5.008 Request for Additional Information – Applications.

Rules 3F-5.004, ~~3F-5.005~~, 3F-5.006, 3F-5.007, and 3F-5.009, F.A.C., provide methods, procedures and supporting documentation for the licensing of new cemeteries, ~~existing cemeteries~~, transferred cemeteries and for conversion procedures. All information the applicant wants to present in order to support the application should be submitted with the

original filing. The required exhibits in the application forms are not intended to limit the applicant's presentation of any of the requirements, but merely represent the minimum information to be filed. Additional information must be submitted within sixty (60) days after a request therefor if specifically requested by the department within thirty (30) days after receipt of the application. Failure to respond to such request within sixty (60) days after the date of the request will be construed by the department and the Board of Funeral and Cemetery Services as grounds for denial of an application in accordance with the provisions of Section 120.60(2), F.S., and the file may be closed, unless good cause is shown that it remain open. Should the file be closed pursuant to these provisions, the applicant shall be duly notified. (See subsections 3-3.012(1)(a) and (3), F.A.C.)

Specific Authority 497.103 FS. Law Implemented 120.60(2), 497.201(2)(a), 497.209 FS. History--New 12-22-81, Formerly 3D-30.29, 3D-30.029, Amended 6-26-02, _____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES: **RULE NOS.:**
 Records 3F-6.005
 Criteria for Burial; Disinterment; Reinterment 3F-6.007
PURPOSE AND EFFECT: The Board proposes to amend these rules to update or delete obsolete language in accordance with statutes.

SUBJECT AREA TO BE ADDRESSED: Records, Criteria for Burial; Disinterment; Reinterment.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.305(1)(b), 497.309, 497.313(1), 497.317, 497.515(7), 497.431 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-6.005 Records.

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

- (1) through (2) No change.
- (3) Advertising file as in Rule 3F-9.001, F.A.C.;
- (4) through (13) No change.
- ~~(14) List of current preneed sales agents;~~

(15) through (17) renumbered (14) through (16) No change.

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

Specific Authority 497.103 FS. Law Implemented 497.309, 497.431 FS. History--New 3-21-95, Amended 5-27-98, 4-16-00, _____.

3F-6.007 Criteria for Burial; Disinterment; Reinterment.

(1) A cemetery shall not ~~be required to~~ perform a burial, interment, entombment, or inurnment, until it has received proper authorization. Such authorization shall consist of the following:

- (a) An original completed burial transit permit;
- (b) An authorization, ~~either orally or~~ in writing, on forms prescribed by the cemetery, according to either cemetery by laws or written operating procedures of the cemetery, from the individual(s) who own the burial rights for the burial space in which the burial is to take place; and

(c) through (3) No change.

(4) A cemetery shall not be required to perform a disinterment until it has received proper authorization. Such authorization shall consist of the following:

(a) ~~All required permits: An original disinterment permit and burial transit permit, unless the reinterment is to be made in the same cemetery;~~

(b) through (c) No change.

(5) Unless the cemetery is provided with all of the documentation, the cemetery ~~shall need~~ not perform the disinterment unless and until it receives a court order instructing it to do so.

(6) through (7) No change.

Specific Authority 497.103 FS. Law Implemented 497.305(1)(b), 497.309(1), 497.313(1), 497.317, 497.515(7) FS. History--New 3-21-95, Amended 2-25-98, _____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: **RULE NO.:**
 Wholesale Purchase Price 3F-7.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the language.

SUBJECT AREA TO BE ADDRESSED: Wholesale Purchase Price.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.337, 497.417 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: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-7.006 Wholesale Purchase Price.

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

(c) Invoices and other documentation used to establish the listed wholesale purchase price shall be maintained by the certificateholder at the cemetery.

Specific Authority 497.103 FS. Law Implemented 497.337, 497.417 FS. History—New 3-1-90, Formerly 3D-30.035, Amended 5-27-98, _____.

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Exemption from the Act of Securities Purchased or Sold by Odd-lot Dealers	4-143.007
Certain Transactions Subject to Section 625.75 of the Act	4-143.008
Exemption of Long Term Profits Incident to Sales within Six Months of the Exercise of an Option	4-143.015

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: In the year 1999 pursuant to legislative mandate, the Department identified Rules 4-143.007, 4-143.008, and 4-143.015, F.A.C., as rules exceeding Department authority. In the year 2000 the legislature passed a law providing authority to adopt rules similar to Rules 4-143.007 and 4-143.015, F.A.C., establishing exemptions from the requirements of Sections 625.75 and 625.76, F.S. The existing rules deviate slightly from the statute. The amendment will conform the rules to the new statutory language. Rule 4-143.008 is being reworded to tie it to the existing statutory authority. Section 625.75, F.S. requires 10 percent shareholders of an insurer under certain circumstances to file a notice with the Department. Section 626.76, F.S., allows an insurer to recover profit resulting from a transaction by a 10 percent shareholder in certain circumstances. Section 625.765, F.S., created in 2000, provides authority to make exemptions. The amendments to Rules 4-143.007 and 4-143.015, F.A.C., limit the exceptions provided in those rules to the scope of that authority.

Rule 4-143.008, F.A.C., as it exists has the effect of construing Section 625.75, F.S. to apply to transactions where options are used rather than stock ownership to acquire an interest in an insurer. The amended rule does the same thing but is worded in a way that is more explicitly tied to the underlying statute.

If these or similar changes are not made, the rules will be placed on the agenda for the next Joint Administrative Procedures Committee meeting to be subjected to criticism.

SPECIFIC AUTHORITY: 624.308(1), 625.82 FS.

LAW IMPLEMENTED: 624.307(1), 625.75, 625.76, 625.78 FS.

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

TIME AND DATE: 9:30 a.m., January 14, 2003

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lee Roddenberry, Bureau Chief, Bureau of Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-5200

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE WORKSHOP.

DEPARTMENT OF INSURANCE

Division of Worker’s Compensation

RULE TITLE:	RULE NO.:
Scope of Exemption	4L-6.021
PURPOSE AND EFFECT: To interpret Sections 440.02 and 440.05, Florida Statutes. The rule clarifies that changes to the exemption law as enacted through Chapter 2002-236, Laws of Florida, do not apply to work performed or to be performed on commercial building projects valued at an amount of \$250,000 or greater, where the project was placed under contract prior to July 1, 2002. The rule also clarifies that, except where the project was placed under contract prior to July 1, 2002, changes to the exemption law, as enacted through Chapter 2002-236, Laws of Florida, are applicable to exemptions issued prior to July 1, 2002 by the Division of Workers’ Compensation of the Florida Department of Labor and Employment Security.	

SUBJECT AREA TO BE ADDRESSED: Workers' compensation exemptions for work performed on commercial building projects valued at \$250,000 or greater.

SPECIFIC AUTHORITY: 440.591 FS.

LAW IMPLEMENTED: 440.02, 440.05 FS.

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

TIME AND DATE: 9:30 a.m., January 16, 2003

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

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 the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lee Pease, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)488-2713

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

DEPARTMENT OF EDUCATION

RULE TITLE: RESPONSIBILITIES OF SCHOOL DISTRICTS

RULE NO.:

Responsibilities of School Districts

6-3.017

for Pupil Transportation
PURPOSE AND EFFECT: The purpose of the rule development is to accommodate changes made in Florida Statutes regarding school bus inspections and certification of school bus safety inspectors, and to incorporate by reference updated out-of-service criteria in the Florida School Bus Safety Inspection Manual. The effect is to be consistent with existing statutes and to improve the safety, efficiency, and reliability of school buses in use in Florida's school districts.

SUBJECT AREA TO BE ADDRESSED: School bus inspection standards and procedures and school bus safety inspector certification requirements.

SPECIFIC AUTHORITY: 1006.22 FS.

LAW IMPLEMENTED: 1006.22 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.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charlie Hood, School Transportation Management Section, 325 West Gaines Street, Room 1114, Tallahassee, Florida 32399-0400, (850)488-4405

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

DEPARTMENT OF EDUCATION

RULE TITLE: SPECIFICATIONS FOR NEW SCHOOL BUSES

RULE NO.:

Specifications for New School Buses

6-3.029

PURPOSE AND EFFECT: The purpose of the rule development is to adopt revised specifications to ensure that new Florida school buses incorporate the latest safety and reliability-related technological improvements available from all manufacturers. The effect is to improve the safety, efficiency, and reliability of new school buses.

SUBJECT AREA TO BE ADDRESSED: Requirements for newly purchased school buses.

SPECIFIC AUTHORITY: 1001.02, 1006.25 FS.

LAW IMPLEMENTED: 1006.22, 1006.25 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.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Charlie Hood, School Transportation Management Section, 325 West Gaines Street, Room 1114, Tallahassee, Florida 32399-0400, (850)488-4405

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: FINANCIAL RECORDS AND REPORTS

RULE NO.:

Financial Records and Reports

6A-14.072

PURPOSE AND EFFECT: The purpose is to prescribe the data and procedures to be used to maintain financial records in a consistent manner at the 28 community colleges. The effect is to ensure the financial records at the 28 community colleges and data shown on financial reports will be comparable throughout the Community College System.

SUBJECT AREA TO BE ADDRESSED: Financial records and reports in the community colleges.

SPECIFIC AUTHORITY: 229.053(1), 240.325 FS.

LAW IMPLEMENTED: 240.325 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.

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: David Armstrong, Chancellor, Division of Community Colleges, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, 2002 2001," incorporated herein by reference. Copies may be obtained from the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) through (3) No change.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.325 FS. History—Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-99, 2-29-00, 7-30-01.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Community Services Block 9B-22
Grant Program

RULE TITLES: RULE NOS.:

Definitions	9B-22.002
Community Assistance Advisory Council	9B-22.004
Match Requirements	9B-22.006
Funds Distribution	9B-22.007
Contracting Procedures	9B-22.008
Agency Board Requirements	9B-22.011

PURPOSE AND EFFECT: To revise Chapter 9B-22, Fla. Admin. Code, to implement federally mandated program revisions.

SUBJECT AREA TO BE ADDRESSED: The revision of Rules 9B-22.002, 9B-22.004, 9B-22.006, 9B-22.007, 9B-22.008 and 9B-22.011, Fla. Admin. Code.

SPECIFIC AUTHORITY: 120.53, 163.03(3) FS.

LAW IMPLEMENTED: 120.53, 163.03(3), 163.03(3)(d) 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 (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., January 21, 2003

PLACE: Department of Community Affairs, Sadowski Building, Room 250L, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Lena A. Price, Social and Community Services Manager, Division of Housing and Community Development, Community Services Block Grant Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Suncom 278-7541, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)966-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lena A. Price, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Suncom 278-7541

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-22.002 Definitions.

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

(1) No change.

~~(2) "Secondary administrative expense" means an administrative expense to support program activities eligible under subsection (11) of this rule, but whose program activities are directly funded or governed by a source other than the Community Services Block Grant.~~

~~(2)(3) "Advisory Council Committee" means the Community Assistance Services Block Grant Advisory Council Committee.~~

~~(4) "Grantee" means the qualified applicant that receives funding for an approved program and operating budget for delivery of eligible services.~~

~~(3)(5) "Federal Law" means, unless otherwise specified, the Community Services Block Grant Act of 1981, Public Law 97-35, as amended and as defined in 42 USC 9901-9921 45 C.F.R. Parts 16, 74 and 96.~~

~~(4)(6) "Department" means the Department of Community Affairs.~~

~~(7) "Program expense" means those costs incurred in direct service delivery, including program salaries.~~

~~(8) “Qualified grantees” include eligible entities, migrant and seasonal farmworker organizations, and local governments as defined in the following paragraphs (a)-(c), provided such applicant is in good standing or has not been determined ineligible.~~

~~(a) “Eligible entity” means any organization officially designated as a community action agency or a community action program under the Federal Legislative provisions of Section 210 of the Economic Opportunity Act of 1964, for fiscal year 1981 or established after 1981 in compliance with federal law to serve areas not served by an existing eligible entity. If such community action agency or community action program lost its designation under Section 210 of such Act as a result of a failure to comply with the provisions of said Act or who has been determined ineligible, a replacement community action agency will be designated in accordance with provisions of Federal Law.~~

~~(b) “Migrant and seasonal farmworker organization” means an organization funded to provide direct services to a target population of migrant and seasonal farmworkers under the Community Services Block Grant Program and having a Board of Directors composed of at least 51 percent representatives of migrant and seasonal farmworkers.~~

~~(c) “Local government” or “local governing authority” means the governing body of a county or municipality.~~

~~(5) “Eligible entity” means those entities defined in 42 USC 9902.~~

~~(6)(9) “Community Services Block Grant” or “CSBG” means Federal funds appropriated pursuant to the Federal Community Services Block Grant Act of 1981 as amended, Public Law 105-285 97-35.~~

~~(7)(10) No change.~~

~~(11) “Eligible activities” include the following:~~

~~(a) Provide a range of services and activities having a measurable and potentially major impact on causes of poverty in the community or those areas of the community where poverty is a particularly acute problem;~~

~~(b) Provide activities designed to assist low income participants including the elderly poor to:~~

- ~~1. Secure and retain meaningful employment;~~
- ~~2. Attain an adequate education;~~
- ~~3. Make better use of available income;~~
- ~~4. Obtain and maintain adequate housing and a suitable living environment;~~
- ~~5. Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health related assistance;~~
- ~~6. Remove obstacles and solve problems that block the achievement of self sufficiency;~~
- ~~7. Achieve greater participation in the affairs of the community; and~~

8. Make more effective use of other programs related to the purposes of the Community Services Block Grant Act.

(c) Provide, on an emergency basis, for the provision of such supplies and services, nutritious foodstuffs, and related services, as may be necessary to counteract conditions of starvation and malnutrition among the poor;

(d) Coordinate and establish linkages between governmental and other social services programs to assure the effective delivery of such services to low income individuals; and

(e) Encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community.

(12) through (13) renumbered (8) through (9) No change.

(14) “Match” means those resources, cash or in-kind, required from the grantee in order to receive a grant.

(15) “Population” means total number of residents for each county, excluding inmates of institutions, as extrapolated from the latest official State estimate of population by the University of Florida Bureau of Economic Research and Development. For limited purpose agencies as designated under title II of the Economic Opportunity Act of 1964 for fiscal year 1981 which served the general purposes of a community action agency under title II of such Act, “population” means the total estimated number of residents for each county or service area meeting the definition of that limited program.

(10) “Poverty Population” means number of persons living at or below the official poverty line as defined by the federal Office of Management and Budget based on the most recent data available from the Bureau of Census.

(16) “SFY” means State Fiscal Year.

(17) “FFY” means Federal Fiscal Year.

(18) “Public entity representatives” means individuals representing units of state, county or municipal government, including state agencies.

(19) “Consumers of services” means any person eligible to receive services under the Community Services Block Grant Program, or any person whose income is at or below the federal poverty line, including persons who are elderly, persons with disabilities or children.

(20) “Advocates” means those persons or groups whose mission is to advance the rights of persons defined in subparagraph (19) above, including advocates for the elderly, children, consumers of services and persons with disabilities.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 120.53, 163.03(3) FS. History—New 11-8-82, Amended 2-29-84, Formerly 9B-22.02, Amended 10-23-89, 7-13-94, 12-17-95, 1-19-98, _____.

9B-22.004 Community Assistance Services Block Grant Advisory Council Committee.

(1) Purpose.

(a) To advise the Secretary in administering the program.

(a) Provide technical assistance and citizen input to the Department of Community Affairs in the area of issues relating to low to moderate income persons and the Community Services Block Grant, the Community Development Block Grant and the Weatherization Assistance Programs. ("The Programs").

(b) Offer suggestions for policies affecting the administration of grants; To assist the Department in statewide public hearings held to solicit local input prior to formulating recommendations for the distribution and administration of funds.

(c) Provide consultation on ways to promote understanding of the needs of low to moderate income populations, particularly the elderly, disabled, homeless, Native Americans and Migrant and Seasonal Farmworkers for the Programs;

(d) Review and comment on the State Weatherization Plan, Community Services Block Grant State Plan and the State Consolidated Plan; and

(e) Facilitate maximum development of resources to meet the needs of the low to moderate income residents of the State of Florida.

(2) Composition. The Advisory Council shall be broadly representative of individuals, organizations and agencies, including but not limited to, those that represent low to moderate income persons, the elderly, disabled, homeless, Native Americans and Migrant and Seasonal Farmworkers for The Programs. The Advisory Committee shall be composed of three members who are currently executive directors of community action agencies, one member who shall be the president of the Florida Association for Community Action, four members who are designated representatives of public entities, and four members who are consumers of services and/or their advocates (of which one shall represent the elderly, one shall represent the interests of Florida's children, and one shall represent migrant and seasonal farmworker organizations).

(a) Appointment. The Secretary shall appoint thirteen twelve voting members.

(b) No change.

(c) Compensation. Members shall receive no compensation for services, but may be paid for travel in accordance with Section 112.061, F.S. Fla. Stat. Rule 9B-22.004(4), F.A.C.

(d) Replacement. A committee member may be replaced when, in the judgment of the Chairperson, continued absences or conduct impair the performance of the Advisory Committee, or when the member no longer acts in the capacity for which he or she was originally appointed.

(e) Chairperson. The Advisory Committee shall be chaired by the Secretary, or in his or her absence by his or her designee, as a nonvoting member, except when required to break a tie vote of the Committee.

~~(f) Other Officers. Other officers shall be elected by the members of the Committee as necessary and shall serve for the remainder of their term from date of election.~~

~~(3) Sub-Committees. May be formed as necessary.~~

~~(4) Travel. Subject to availability of funds, members shall be reimbursed for travel to attend meetings, hearings, or other legal purposes as authorized by the Advisory Committee and approved by the Chairperson according to Section 112.061, F.S.~~

~~(3)(5) Meetings. The Advisory Committee will hold at least one meeting annually.~~

~~(a) Additional meetings may be called as needed by the Chairperson.~~

~~(b) Prior to each meeting, an agenda will be prepared by the Department and distributed to each Advisory Committee member. The Department will notify the Committee of meetings at least 21 days in advance. Twenty one days prior to each meeting, a proposed agenda will be prepared by the department and distributed to each Advisory Committee member. Requests for consideration and inclusion of agenda items must be received by the Department no later than two weeks prior to the meeting date.~~

~~(c) through (d) renumbered (a) through (b) No change.~~

~~(c) Special meetings may be called by the Secretary of the Department of Community Affairs, with at least (5) days notice.~~

~~(e) A quorum will consist of seven voting members present after due notice. The Committee will act upon having a quorum.~~

~~(f) The Chairperson shall not vote, but every other member shall have one vote. There will be no votes by proxy.~~

~~(g) Roberts Rules of Order will be used to govern meetings.~~

~~(h) If there is an immediate danger to the public health, safety or welfare requiring emergency action, the Chairperson may schedule a CSBG Advisory Committee meeting by any procedure that is fair under the circumstances and necessary to protect the public interest.~~

~~(4) Governance. The Advisory Council shall have the authority to create and adopt bylaws which will govern the internal affairs of the Advisory Council.~~

~~Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History-New 11-8-82, Amended 2-29-84, Formerly 9B-22.04, Amended 10-23-89, 7-13-94, 12-17-95, _____.~~

9B-22.006 Match Requirements.

~~Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History-New 11-8-82, Amended 2-29-84, Formerly 9B-22.06, Amended 10-23-89, 7-13-94, 12-17-95, 1-19-98, Repealed _____.~~

9B-22.007 Funds Distribution.

~~(1) As required by 42 USC 9907, at At least 90 percent of the funds will be available for distribution in accordance with the CSBG State plan required by the Federal government to~~

eligible entities qualified grantees as defined in subsection Rule 9B-22.002(5)(a) and (b) paragraphs 9B-22.002(8)(a) and (b), F.A.C.

(2) No change.

(3) Up to 1.0 percent of the CSBG funds will be used to provide training and technical assistance to CSBG eligible entities. If funds remain after all grants have been processed, they may be distributed by the Department for demonstration and research programs or carried over to the next fiscal year.

(4) Up to 0.5 percent of the CSBG funds will be used to provide training and technical assistance to CSBG eligible entities for issues related to farmworkers.

(5) An amount equal to \$100,000 will be provided annually for emergency farmworker assistance statewide in the event of a declared emergency.

(6) If funds remain after the items in subsections 9B-22.007(1), (2), (3) and (4) F.A.C., are budgeted, the funds will be used for activities permitted under 42 USC 9907.

~~(7)~~(4) No change.

(8)(5) Community Services Block Grant funds distributed by the Department to eligible entities, which have not been expended, shall be returned to the eligible entity for carryover into the next fiscal year for program activities consistent with the CSBG program. Prior to carryover of unexpended funds, these monies must be returned to the Department at the time of close-out. Unobligated funds in excess of 20 percent of the amount allocated to the entity for that year will be redistributed along with any new federal funds to all eligible entities during the second quarter of the next contract period. The balance of unobligated funds, up to 20 percent, will be re-contracted to the eligible entity who returned the funds.

(9) Administrative Limit. Community Services Block Grant Administrative expenses shall not exceed 25 percent of the total allocation to that entity. Any amount in excess of this limit shall be refunded to the Department at the time of contract close-out.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History—New 11-8-82, Amended 2-29-84, Formerly 9B-22.07, Amended 10-23-89, 7-13-94, 12-17-95, 1-19-98, _____.

9B-22.008 Contracting Procedures.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History—New 11-8-82, Amended 2-29-84, Formerly 9B-22.08, Amended 10-23-89, 7-13-94, 12-17-95, Repealed _____.

9B-22.011 Agency Board Requirements.

(1) Private Nonprofit Entities. In the case of a community action agency or nonprofit private organization receiving CSBG 90 percent funds, each board will be selected by the community action agency or nonprofit private organization and constituted so as to assure that:

(a) Board. In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of subsection 9B-22.007(1), F.A.C., the entity shall administer the CSBG

program through a tripartite board that fully participates in the development, planning, implementation, and evaluation of the program to serve low-income communities.

(b) Selection and Composition of Board. The composition of the board shall meet the requirements of 42 USC 9910. At least one-third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representatives of the poor in the area served.

(c) The remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the community. Interest groups are organizations with non-profit status, incorporated and registered with the office of the Florida Secretary of State. Agency by laws shall specify categories or interest groups represented by each member. In no case shall by laws be acceptable that do not specify membership categories as indicated.

(c)(a) One-third of the members of the board are elected public officials, currently holding office, or their representatives. Letters reaffirming the delegation of the elected public official's responsibilities to his/her representative, signed by the elected officials shall be required each year regardless of the number of years the terms run.

(d) Agencies providing services in multi-county areas are required to submit to the department a plan to assure representation of every county served. When an entity expands to include a new county into its service area, the new county must be represented on the board by an elected public official currently holding office, or his representative for the first two years.

(2) Public Organizations. In the case of a public organization receiving funds under subsection 9B-22.007(1), F.A.C., 90 percent CSBG funds, such organization shall establish a board meeting the requirements of 42 U.S.C. 9910 9901 675(c)(3).

(a) Board members may not be paid staff of any public, private, or nonprofit organization receiving CSBG funds, including employees of the eligible public entity.

(b) Board members must be selected to represent a balanced cross section of all geographic areas the organization is funded to serve.

(3) No change.

Specific Authority 120.53, 163.03(3) FS. Law Implemented 163.03(3)(d) FS. History—New 12-17-95, Amended 1-19-98, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Review of Local Emergency

Management Plans

9G-6

RULE TITLES:
 Definitions
 County Comprehensive Emergency Management Plans
 County Comprehensive Emergency Management Plans – Review by Division

RULE NOS.:
 9G-6.002
 9G-6.0023
 9G-6.006

PURPOSE AND EFFECT: To ensure that county emergency management systems are properly preparing and planning to respond to, recover from, and mitigate the contemporary and historical threats facing Florida as a result of additional hazards and vulnerability identified at the federal, state, county and local levels of government.

SUBJECT AREA TO BE ADDRESSED: County Comprehensive Emergency Management Plans.

SPECIFIC AUTHORITY: 120.53, 120.57, 252.35(2)(u) FS.

LAW IMPLEMENTED: 120.57, 252.35(1),(2)(a),(b),(c),(d),(k),(u),(v), 252.38(1),(2), 252.60 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 (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., January 22, 2003
PLACE: Department of Community Affairs, Division of Emergency Management Conference Room, Sadowski Building, Room 120L, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Cicero Hartsfield, Planning Consultant, Bureau of Preparedness and Response, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9893, Suncom 293-9893, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cicero Hartsfield, Planning Consultant, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9893

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management

RULE CHAPTER TITLE: Leases for Real Property
RULE CHAPTER NO.: 60H-1

PURPOSE AND EFFECT: The Division of Facilities Management and Building Construction intends to review all rules contained in Chapter 60H-1, F.A.C., and all forms

referenced therein to assure that they reflect current law, Department policy and best practice. The Division anticipates amending the lease space for which Department approval must be obtained from 3,000 feet to 5,000 feet and providing for exceptions to the requirement of Rule 60H-1.007, F.A.C., relating to termination of private leases when state space becomes available.

SUBJECT AREA TO BE ADDRESSED: Real Property Leases.

SPECIFIC AUTHORITY: 255.249 FS.

LAW IMPLEMENTED: 255.25 FS.

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

TIME AND DATE: 2:00 p.m., January 15, 2003
PLACE: Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 260, Room 260; Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Randall C. Baker, Chief, Real Property Management, Department of Management Services, 4050 Esplanade Way, Building 4030, Suite 380, Tallahassee, FL 32399-0950, (850)488-6519, bakerr@dms.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Continuing Education
RULE NO.: 64B2-13.004

PURPOSE AND EFFECT: The Board proposes to delete a section and add new provisions to this rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.036(10), 460.408 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: RULE NO.:

Continuing Education During 64B2-13.007
 Initial Licensure Period

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education During Initial Licensure Period.

SPECIFIC AUTHORITY: 460.405, 460.408, 456.013(6) FS.

LAW IMPLEMENTED: 456.013(6) 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 ADMININSTRATIVE WEEKLY.

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

List of Approved Forms; Incorporation 64B8-1.007

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to incorporate two new forms by reference.

SUBJECT AREA TO BE ADDRESSED: Additional forms to be added to the forms rule.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (17) No change.

(18) DH-MQA 1069, entitled "Advanced Registered Nurse Practitioner (ARNP) Protocol Form," 10/02.

(19) DH-MQA 1070, entitled "Dispensing Practitioner Registration," 10/02.

(18) through (22) renumbered (20) through (24) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.351 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Physician Assistant Licensure Renewal 64B8-30.005
 and Reactivation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address reactivation of licensure and voluntary relinquishments.

SUBJECT AREA TO BE ADDRESSED: Reactivation of licensure and voluntary relinquishments.

SPECIFIC AUTHORITY: 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

(1) A Physician Assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

(2) No change.

~~(3) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.~~

(3)(4) Renewal of Licensure as a Prescribing Physician Assistant. In addition to the requirements of paragraph (2) above, a prescribing physician assistant shall attest to having completed a minimum of 10 hours of continuing education in the specialty area(s) of the supervising physician(s), during the previous 2 years. These hours may be utilized to meet the general continuing education requirement.

(4) Reactivation of Inactive License. To reactivate an inactive license, the licensee must submit to the Department the following:

(a) Original of inactive license;

(b) Licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida.

(c) Statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as a physician assistant for at least 2 of the 4 years preceding application for reactivation, proof of recertification by NCCPA;

(d) Statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Proof of completion of the continuing medical education requirements in compliance with Rule 64B8-30.005(2)(c), (d), (e), (f) and (g), F.A.C., for each biennium in which the license was inactive;

(f) Appropriate fees.

(5) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed Physician Assistant and as a Prescribing Physician Assistant or for reactivation must be made upon forms supplied by the Council.

(b) Renewal or reactivation application forms submitted to the Council must be complete in every detail and must be typed or legibly printed in black ink.

(6) The renewal and reactivation fees are found in Rule 64B8-30.019 or 64B15-6.013, F.A.C.

(7) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license renewal or inactive status shall:

1. File with the Department the completed application for either license renewal as required by Section 458.347, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license renewal fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If renewal is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-30.005, F.A.C.

(8) Voluntary Relinquishment of License.

(a) If a licensee wishes to voluntarily relinquish a license at a time when no investigation has been initiated against the licensee, no investigation against the licensee is anticipated, and no disciplinary action is pending, and the licensee is not under any current restrictions by the Board of this state or any other jurisdiction, then the licensee's request for voluntary relinquishment may be acted upon by staff without further action by the Board. In such a case, the voluntary relinquishment shall not be considered action against the license as that term is used in Section 456.072, 458.331(2), or 459.015, Florida Statutes.

(b) If a licensee wishes to voluntarily relinquish a license, but the licensee or the license is currently under any of the constraints set forth in (a) above, then the licensee may relinquish the license only with the approval of the Board. If the voluntary relinquishment is accepted by the Board at the time an investigation is underway, or is anticipated, or when a disciplinary action is in progress, then the acceptance of the voluntary relinquishment of the license shall be considered action against the license as that term is used in Section 456.072, 458.331(2), or 459.015, Florida Statutes, and shall be reported as such by the Board.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 458.347 FS. History--New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:

General Requirements

PURPOSE AND EFFECT: The Board proposes to review the existing text to determine if amendments are necessary.

RULE NO.:

64B8-45.001

SUBJECT AREA TO BE ADDRESSED: General Requirements.

SPECIFIC AUTHORITY: 456.013(7),(8), 468.507 FS.

LAW IMPLEMENTED: 456.013(7),(8), 468.514, 468.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
RULE NO.: 64B10-14.004

PURPOSE AND EFFECT: The Board proposes to review and update the disciplinary guidelines language.

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

SPECIFIC AUTHORITY: 456.079, 468.1685(1) FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.1685(4),(5),(6), 468.1755(1)(a),(j),(r) 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: John Taylor, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-1753

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Continuing Education Program Approval
RULE NO.: 64B11-6.001

PURPOSE AND EFFECT: The Board proposes to conduct a rules workshop to review and discuss the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: All matters pertaining to continuing education program approval.

SPECIFIC AUTHORITY: 456.013(8), 456.025, 468.204, 468.219(2) FS.

LAW IMPLEMENTED: 468.219(2), 468.221 FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter, Monday, February 24, 2003

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399-3255

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board's Executive Director at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this meeting, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Standards of Practice – Continuous Quality Improvement Program
RULE NO.: 64B16-27.300

PURPOSE AND EFFECT: The Board proposes the rule amendment to update and clarify the scope of quality-related events.

SUBJECT AREA TO BE ADDRESSED: Prescription error quality-related events.

SPECIFIC AUTHORITY: 465.0155 FS.

LAW IMPLEMENTED: 465.0155 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON FEBRUARY 5, 2003, IN GAINESVILLE, FLORIDA.

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:

64B16-27.300 Standards of Practice – Continuous Quality Improvement Program.

(1) No change.

(2) “Quality-Related Event” means the inappropriate dispensing or administration of a prescribed medication including:

(a) A variation from the prescriber’s prescription order, including, but not limited to:

1. ~~Dispensing an~~ incorrect drug;
2. ~~Dispensing an~~ incorrect drug strength;
3. ~~Dispensing an~~ incorrect dosage form;
4. ~~Dispensing the drug to the wrong~~ Incorrect patient; or
5. ~~Providing~~ inadequate or incorrect packaging, labeling, or directions.

(b) No change.

(3) through (5) No change.

Specific Authority 465.0155 FS. Law Implemented 465.0155 FS. History–New 7-15-99, Amended 1-2-02,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Definition of Compounding

RULE NO.: 64B16-27.700

PURPOSE AND EFFECT: The Board proposes the rule amendment to implement Section 465.0265, Florida Statutes, enacted by Chapter 2002-182, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Compounded prescriptions supplied to another pharmacy.

SPECIFIC AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.003(12), 465.0155, 465.0265 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD’S NEXT MEETING TO BE HELD ON FEBRUARY 5, 2003 IN GAINESVILLE, FLORIDA.

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:

64B16-27.700 Definition of Compounding.

“Compounding” is the professional act by a pharmacist or other practitioner authorized by law, employing the science or art of any branch of the profession of pharmacy, incorporating ingredients to create a finished product for dispensing to a patient or for administration by a practitioner or his agent; and shall specifically include the professional act of preparing a unique finished product containing any ingredient or device defined by Sections 465.003(7), (8), F.S. The term also includes the preparation of nuclear pharmaceuticals and diagnostic kits incident to use of such nuclear pharmaceuticals. The term “commercially available products,” as used in this section, means any medicinal product as defined by Section 465.003(7), (8), F.S., that are legally distributed in the State of Florida by a drug manufacturer or wholesaler.

(1) No change.

(2) The preparation of drugs or devices for sale or transfer to pharmacies, practitioners, or entities for purposes of dispensing or distribution is not compounding. Except that the supply of patient specific compounded prescriptions to another pharmacy under the provisions of Section 465.0265, Florida Statutes, and Rule 64B16-28.450, F.A.C., is authorized.

Specific Authority 465.005 FS. Law Implemented 465.003(12), 465.0155, ~~465.0265~~ FS. History–New 10-1-92, Formerly 21S-27.700, 61F10-27.700, 59X-27.700, Amended_____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Requirements for Forensic Psychological Evaluations of Minors for the Purpose of Addressing Custody, Residence or Visitation Disputes

RULE NO.: 64B19-18.007

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

SUBJECT AREA TO BE ADDRESSED: Forensic Psychological Evaluations of Minors.

SPECIFIC AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.009(2)(s) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #B01, Tallahassee, Florida 32399-3253

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-32.002
Notice of Fund Availability	67-32.003
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Selection, Ranking and Funding Guidelines	67-32.007
Selection for Participation in Program	67-32.008
Right to Inspect and Monitor	
Funded Developments	67-32.010
Fees	67-32.011

PURPOSE AND EFFECT: Pursuant to Section 420.5087(3)(c)2., Florida Statutes (F.S.), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low-income elderly households. Rule 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL Program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2003 application and program requirements for the Elderly Housing Community Loan Program, as specified in Rule Chapter 67-32, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

TIME AND DATE: 10:00 a.m., January 13, 2003

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Sixth Floor, Closing Room A, Tallahassee, FL 32301-1329

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Vicki Brady at the address below. 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki Brady, SAIL Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Branch Office Closing **RULE NO.:** 3C-105.407

PURPOSE AND EFFECT: To make the branch closing process less burdensome for financial institutions subject to the provisions of Section 658.26, Fla. Stat.

SUMMARY: The rule addresses the written notification requirement for branch closure for financial institutions subject to the provisions of Section 658.26, Fla. Stat.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 655.012(3), 658.26(3)(e) FS.

LAW IMPLEMENTED: 655.012(3), 658.26(3), 655.013, 667.003 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., January 27, 2003

PLACE: Suite 526, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Pullen, Division of Banking, Department of Banking and Finance, Suite 636, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-105.407 Branch Office Closing.

The Department shall be notified in writing at least 30 days prior to the closing of an established branch office. Such notification shall include a statement that the financial institution's evidence of a board has approved resolution approving the closing and a copy of the notice that was sent to the customers of the branch office have been notified notifying them of the anticipated closing.

Specific Authority 655.012(3), 658.26(3)(e) FS. Law Implemented 655.012(3), 658.26(3), 665.013, 667.003 FS. History--New 7-27-81, Formerly 3C-13.071, 3C-13.0071, Amended 8-14-94, 4-15-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Charity, Bureau Chief, District I, Division of Banking