

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: August 11, 2006

RULE NOS.:
 59A-31.007
 59A-31.009
 59A-31.010

RULE TITLES:
 Service of Petition on Carrier and Affected Parties
 Carrier Response Requirements
 Effect of Non-Response by Carrier

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 29 (July 21, 2006), issue of the Florida Administrative Weekly.

59A-31.007 Service of Petition on Carrier and Affected Parties.

(1) No change.

(2) Carrier designation of an entity to receive service on behalf of the carrier and all affected parties, as required by paragraph 69L-7.602(5)(q), F.A.C., does not confer standing on the designated entity beyond that which the entity would otherwise have under applicable law.

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

59A-31.009 Carrier Response Requirements.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute Form, accompanied by all requested information, must be served upon the Agency within ten calendar (10) days after receipt of a copy of the petition by United States Postal Service (USPS) certified mail. However, where the carrier has received curative documentation from the petitioner pursuant to subsection 59A-31.005(2), F.A.C., the Carrier Response to Petition for Resolution of Reimbursement Dispute Form, accompanied by all requested information, must be served upon the Agency within ten (10) calendar days after receipt, by the carrier of the curative documentation from the petitioner. The carrier's response to the petition must include a completed Carrier Response to Petition for Resolution of Reimbursement Dispute Form (AHCA Form 3160-0024, effective September 8, 2006). Failure of the carrier to meet these requirements constitutes waiver of all objections to the petition.

(2) through (3) No change.

59A-31.010 Effect of Non-Response by Carrier.

~~(4) Failure of the carrier to timely submit a Carrier Response to Petition for Resolution of Reimbursement Dispute Form (AHCA Form 3160-0024, effective September 8, 2006) and accompanying documentation substantiating its disallowance or adjustment of payment constitutes a waiver of all objections to the petition. Waiver of all objections to the petition shall result in the Agency determination and final order being based solely upon the allegations and supporting documentation submitted by the petitioner.~~

~~(2) If a carrier has waived all objections to the petition under Section 440.13(7), F.S., with regard to a particular disallowance, adjustment or denial of payment, the carrier has~~

Section III
 Notices of Changes, Corrections and
 Withdrawals

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
 12B-7.0225 Computation of Phosphate Rock Tax Rate

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12B-7.0225 F.A.C., published in Vol. 32, No. 25, pp. 2817-2819, June 23, 2006, issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated July 7, 2006, Rule 12B-7.0225, F.A.C., has been changed, so that, when adopted, that rule will read as follows:

12B-7.0225 Computation of Phosphate Rock Tax Rate.

The U.S. Bureau of Labor Statistics Producer Price Index, North American Industry Classification System (NAICS) National Code 212392, Phosphate Rock Commodity Code 147, Chemical and Fertilizer Mineral Mining, is used hereby adopted by reference for the purpose of calculating the annual base rate adjustment to the phosphate rock tax rate, beginning with the year 2007 and annually thereafter. For the purpose of implementing the provisions Section 211.3103(9), F.S., the method used to compute the tax rate for the year 2006 will be the percentage change in phosphate rock prices as published by the U.S. Geological Survey, from 2004 to 2005, times the 2005 tax rate for phosphate rock as published by the Department, all incorporated by reference.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 59A-31 Disputed Reimbursement Rule

also waived relief under Section 440.13(8), F.S., or Section 440.13(11), F.S. with regard to the payment(s) that was in dispute in the petition under Section 440.13(7), F.S.

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Purchasing

RULE NOS.:	RULE TITLES:
60E-1.001	Definitions
60E-1.003	Central, Non-Profit Agency (“CNA”)
60E-1.004	Employment Centers
60E-1.005	Procurement Requirements and Procedures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 49, December 9, 2005, issue of the Florida Administrative Weekly. These changes are in response to both written material received on or before the date of the final public hearing and comments received from staff of the Joint Administrative Procedures Committee.

The above-mentioned rules are changed as follows:

60E-1.001 Definitions.

(1) ~~Central, Non-Profit Agency (“CNA”) – means the central, nonprofit an agency authorized under section 413.035(1), F.S., to facilitate the allocation of orders as specified therein organized under the laws of Florida, operated in the interest of the blind, or other severely handicapped, the net income of which does not accrue in whole, or in part, to the benefit of any shareholder or other individual, and designated by the Department to facilitate the distribution of orders of the State for commodities and services on the procurement list of employment centers for the blind, or employment centers for other severely handicapped, and to assist the Department in administering these regulations.~~

(2) No change.

(3) Purchasing Office – means ~~a~~ the state office, including the office of any political subdivisions, such as a county, municipality, or school district, that places orders for the procurement of any commodity or service.

(4) Employment Centers – means a workshop for the blind or other severely handicapped person as used in Chapter 413, F.S., that is geographically located in the State of Florida.

Specific Authority 413.035, 413.036 FS. Law Implemented 413.033(2), (3)(c), (6), 413.034, 413.035, 413.036 FS. History–New 10-12-81, Formerly 13G-1.01, Amended 2-22-89, Formerly 13G-1.001, Amended 12-31-95, _____.

60E-1.003 Central, Non-Profit Agency (“CNA”).

(1) By way of competitive solicitation conducted as prescribed by Chapter 287, F.S., a CNA may be designated to represent the employment centers for the blind and other severely handicapped in facilitating the allocation of orders by purchasing offices.

(2) The following shall be responsibilities of the CNA:

(a) ~~Assist Represent~~ employment centers by facilitating the allocation of orders among employment centers in dealing with the Department or other state agencies or political subdivisions under the Act.

(b) Evaluate the ability of employment centers to provide the products or services they offer and advise the Department of its findings qualifications and capabilities of employment centers and provide the Department with pertinent data concerning employment centers, their status as qualified non-profit entities, the quality of the products they manufacture and plan to make available for sale to state agencies or political subdivisions, their manufacturing or service capabilities, and other information required by the Department.

(c) Based on the cost to the employment centers, provide the Department with its current recommended prices for suitable commodities or services for procurement from its employment centers.

(d) Maintain an internet website providing, at a minimum, a listing of its network of employment centers and a listing of all commodities and services offered by each employment center. The CNA’s website can be found at <http://secure.imarcs.com/respect/Default.asp>.

(e) No change.

(f) Monitor the employment centers and advise the Department of any concerns the CNA may have regarding an employment center’s ability to provide the products or services they offer ~~Supervise its employment centers to ensure contract compliance.~~

(g) No change.

~~(h) Monitor and inspect the activities of its employment centers to ensure compliance with the Act and applicable regulations.~~

~~(h)(i)~~ Provide the Department with full and complete access to all purchasing office records as required by the Department.

~~(i)(j)~~ Make commodities and services offered by its employment centers available to eligible users through the MyFloridaMarketPlace procurement system.

(3) No change.

(4) Assignment of commodity or service –

(a) Any employment center may, in writing to the CNA, propose to have the employment center assigned to the procurement list to provide a particular commodity or service to the CNA for consideration for addition to the procurement list. Proposals for addition to the procurement list shall at a

minimum: clearly identify the commodity or service the employment center proposes to offer; include a cost proposal for the offered commodity or service; and specify why it would be in the state's best interest to assign the commodity or service to the employment center.

(b) No change.

(c) The employment center assigned ~~approved~~ by the Department to provide a particular commodity or service shall be placed on the procurement list within 60 days after it is assigned ~~approved~~ to make available the commodities or services it offers for purchase by purchasing offices.

(d) No change.

(5) Distribution of orders – The CNA shall allocate ~~distribute~~ orders from purchasing offices only to employment centers which the Department has assigned ~~approved~~ to produce the specific commodity or to perform the particular service. When the Department has assigned ~~approved~~ two or more employment centers to produce a specific commodity, or perform a particular service, the CNA shall allocate ~~distribute~~ orders among those employment centers in a fair and equitable manner.

(6) No change.

(7) Waiver of priority – Within thirty (30) days after notification by the Corporation operating the correctional work programs; that the Corporation has proposed a commodity or service to be produced by correctional work programs and offered for purchase to purchasing offices, the Department CNA shall notify the Corporation and the CNA of its intention to exercise or waive the priority on the proposed commodity or service. Waiver of priority shall occur only when determined by the Department that such waiver will provide the best value to the state.

~~(a) The CNA may waive priority on a proposed commodity or service if the Corporation operating the correctional work programs was the State of Florida government contractor within the most recent three year period, or if a similar commodity or service is currently being produced or provided by the correctional work programs.~~

~~(a)(b)~~ The Corporation operating the correctional work programs need not request waiver of priority when a proposed commodity change only involves a change of color or size of an item which is part of a sequence of identical items and is that are currently provided by the correctional work programs under an existing contract.

~~(b)(c)~~ Priority may be exercised by the Department, through the CNA, if a proposed or similar commodity or service is currently on the Department's procurement list; or if a qualified employment center is in the process of adding a same or similar commodity or service to the Department's Commission's procurement list. Addition of a same or similar commodity or service to the procurement list shall be done in accordance with the process describe in subsection 60A-1.003(4), F.A.C.

Specific Authority 413.035, 413.036 FS. Law Implemented 413.033(3), (4), 413.035, 413.036 FS. History–New 10-12-81, Formerly 13G-1.03, Amended 2-22-89, Formerly 13G-1.003, Amended 12-31-95,_____.

60E-1.004 Employment Centers.

(1) Procedures for qualification ~~qualifications~~ of employment centers –

(a) To qualify for participation under the Act, an employment center must:

1. Be certified as a qualified agency for the blind or other severely handicapped ~~an accredited nonprofit employment center~~ as provided in Section 413.033 ~~413.031(1)~~, Florida Statutes.

2. Apply to the CNA to provide the commodities or contractual services under the Act. The application shall be standardized in form, created and furnished by the CNA, and shall be subject to approval by the Department before used.

~~(i) The application shall be standardized in form, created and furnished by the CNA, and shall be subject to approval by the Department before used.~~

(b) No change.

(2) Responsibilities –

(a) Each employment center participating under the Act shall:

1. Maintain its status as a qualified nonprofit agency as defined in Section 413.033, F.S., while providing commodities or contractual services ~~current certification~~ as an employment center;

2. Furnish commodities or services in accordance with purchasing office orders.

3. Make its records available for inspection at any reasonable time.

(3) The CNA shall ensure employment centers comply with all governing laws and rules ~~regulations~~ regarding the commodities or contractual services offered pursuant to Chapter 413, F.S. the Act. Substantial and continuing non-compliance ~~Failure~~ by an employment center in complying to comply with all governing laws or rules regulations that relate to the commodities or contractual services they offer shall ~~may~~ result in the employment center being suspended or removed from the procurement list by the Department.

Specific Authority 413.035, 413.036 FS. Law Implemented 413.035, 413.036 FS. History–New 10-12-81, Formerly 13G-1.04, 13G-1.004, Amended 12- 31-95, 7-9-97,_____.

60E-1.005 Procurement Requirements and Procedures.

(1) No change.

(2) Purchases of commodities and services by purchasing offices from the procurement list are exempt from the competitive bidding requirements of Chapter 287, Part I, Florida Statutes, ~~or other applicable local ordinances.~~

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

(d) If a commodity or service is available from both an employment center and under a state term contract, the agency or eligible user may purchase such commodity or service from whichever of the two procurement options provides the best greatest value to the agency or eligible user.

(e) No change.

~~(f) When a purchase order provides a delivery schedule which cannot be met, the central, non-profit agency shall request a revision, which the ordering office should grant, if feasible, or the CNA shall issue a purchase exception authorizing procurement from commercial sources.~~

~~(f)(g)~~ As to commodities or services offered by employment centers on the procurement list, the list shall provide for each the amount of lead time necessary for the employment center to provide the commodities or complete performance of the services listed. If there are changes in the amount of lead time required to provide a commodity or service, the procurement list shall be duly updated by the CNA.

~~(g)(h)~~ The CNA shall keep the purchasing office informed of any changes in the lead time experienced by its employment centers ~~in order to keep to a minimum requests for extensions once an order is placed. Where, due to unusual conditions, an order does not provide sufficient lead time, the CNA may request an extension of the delivery or completion date which should be granted, if feasible. If extension of delivery or completion date is not feasible, the ordering office shall first notify the CNA and request the CNA reallocate or issue a purchase exception authorizing procurement from commercial sources.~~

~~(h)(i)~~ Delays by employment centers in providing commodities or services should be immediately reported by the employment center to the purchasing office. If the CNA or employment center cannot provide the commodities or services within a reasonable time reports a delay, the purchasing office may proceed to procure those commodities or services from commercial sources another provider of those commodities or services. Repeated delays by an employment center in providing designated commodities or services will may result in the employment center being removed from the procurement list by the Department.

(4) through (9) No change.

(10) Quality of merchandise and services produced or provided by employment centers –

(a) Commodities furnished under state specification by blind or other severely handicapped employment centers shall be manufactured in strict compliance with such specifications. Where no specifications exist, commodities produced shall be of the highest quality and equal to similar items available on the commercial market. The agency may, at any reasonable time after delivery, inspect the commodities to assess conformity with state specification or, if no specification exists, determine whether they are of the highest quality and

equal to similar items available on the commercial market. Commodities shall be inspected utilizing nationally recognized test methods and procedures for sampling and inspection.

(b) Services provided by blind or other severely handicapped employment centers shall be performed in accordance with State specifications and standards. Where no State specification or standard exists, the services shall be performed in a commercially reasonable manner accordance with good commercial practices.

(11) Quality complaints – When the quality of a commodity or service received from ~~blind or other severely handicapped~~ employment centers is not commercially reasonable or fails to meet state specification considered satisfactory, the purchasing office shall submit the issue address complaints to the CNA. ~~If the commodity or service in those instances where quality issue(s) problems cannot be resolved by the employment center and the CNA, the purchasing office shall notify the Department and the Department shall determine whether the noncompliance warrant removal of the employment center from the procurement list be advised and, if in fact, the quality of the commodity or service is determined by the Department to be unsatisfactory, the CNA shall discontinue to offer that commodity or service until a replacement, approved as satisfactory by the Department, is allocated to an employment center.~~

(12)(a) No change.

(b) Determinations regarding creation of new commodity numbers shall be recommended by the CNA to the Department. The Department shall be responsible for determining whether adding the new commodity number is necessary or if the commodity already falls under an existing number. If the Department determines that assignment of a new commodity number is warranted, it shall assign such number and notify the CNA of such designation, and that CNA shall, in turn, incorporate such change in its listed products.

(13)(a) No change.

(b) Upon deletion of a commodity from the procurement list, unless waived by the Department, employment centers will be required to complete production of any outstanding orders for commodities unless it is determined by the purchasing office issuing an order to be cost effective to release the employment center from having to satisfy its obligation under the order.

(c) through (d) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony W. Garcia, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, garciaa@dms.state.fl.us

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.:	RULE TITLES:
61C-5.008	Definitions
61C-5.0085	Continuing Education Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 27, July 7, 2006, issue of the Florida Administrative Weekly. The change is made in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

subsection 61C-5.0085(7) – This paragraph is stricken from the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Calpini, Chief, Bureau of Elevator Safety, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-9098

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-5.008 Definitions.

When used in this rule, the following terms shall have these meanings:

- (1) “Bureau” means the Bureau of Elevator Safety.
- (2) “Course” means a course, seminar or other program of instruction approved by the bureau for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes.
- (3) “Course hour” means fifty minutes of instruction, exclusive of breaks, recesses, or time not spent in instruction.
- (4) “Course provider” means the person or entity approved by and registered with the bureau pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule.
- (5) “Course instructor” means the person appointed by the course provider to actually conduct an approved course.
- (6) “Current satisfactory inspection” means an inspection completed on or after August 1 of the previous year that is the most recent annual inspection conducted prior to submission of the current application for renewal and contains no violations.
- (7) “Direct supervision” means a certificate of competency holder supervising an elevator helper as set forth in Section 399.01(16), Florida Statutes, is within physical proximity of the person being directly supervised such that timely observation and evaluation of the work being performed is facilitated to ensure the work is completed in accordance with applicable statutory and administrative code requirements.
- (8) “Session” means each distinct occasion a course is conducted.

(9) “Syllabus” means a detailed outline of the course content to a level of detail that sufficiently demonstrates the relevance required by subsection 61C-5.008(3), F.A.C.

Specific Authority 399.01, 399.02 FS. Law Implemented 399.01(17) FS. History—New _____.

61C-5.0085 Continuing Education Requirements.

(1) Continuing Education Requirements.

(a) To renew a Certificate of Competency, a Certified Elevator Technician, or a Certified Elevator Inspector credential issued by the bureau pursuant to Chapter 399, Florida Statutes, that requires continuing education, a person must submit, in addition to the required application and fee, proof of completion within the current annual licensure period of 8 hours of approved continuing education.

(b) A person holding more than one individual credential issued by the bureau that requires continuing education need only complete 8 hours of continuing education during each annual period, but must submit proof of completion of the continuing education with each application submitted to the bureau for renewal of the credentials.

(c) A person initially certified or registered by the bureau 180 days or more prior to the renewal deadline must complete 4 hours of approved continuing education as a condition of renewal.

(d) A person initially certified or registered by the bureau for less than 180 days prior to the renewal deadline need not complete any approved continuing education as a condition of renewal.

(2) Course Provider Approval.

(a) Each course provider must register with and obtain approval from the bureau to appoint instructors and conduct courses that satisfy continuing education requirements of Chapter 399, Florida Statutes, by submitting a completed application. Approval shall be granted upon verification that the provider possesses the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by the bureau and in good standing;

2. Certification in good standing, pursuant to American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in the elevator industry may, upon verification, be approved as a course provider.

(c) Each course provider approval and registration expires three years from the date of issue, and must be renewed prior to conducting any further courses intended to satisfy continuing education requirements of Chapter 399, Florida Statutes.

(d) Each course provider seeking bureau approval must submit at least one continuing education course syllabus to the bureau for approval.

(e) A course provider must provide the bureau written notice of any material changes to information contained in its most recent application for, or renewal of, approval and registration no later than 30 days after such a change.

(f) The bureau shall maintain a list of all course providers it has approved.

(g) The bureau shall deny approval of, suspend, or revoke the registration of any course provider if based on any of the following:

1. Obtaining or attempting to obtain registration or course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.

2. Failure to provide complete and accurate information in the initial application for registration or in any notification of change in information.

3. Failure to notify the bureau of a change in the information required in subsection (4) for registration of course providers.

4. Falsification of any records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

5. Failure to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

6. Failure to properly record attendance at any session of an approved course.

7. Failure to provide the bureau with copies of any document or other information required to be maintained by the course provider pursuant to this rule.

8. Advertising that a course is approved prior to the date approval is granted, or otherwise including false or misrepresentative information in advertising.

9. Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 399, Florida Statutes, or the rules adopted by the bureau to implement that section.

10. Failure to include the bureau course identification number in any advertisement, brochure, course completion certificate, or other marketing or instructional material.

(h) If a course provider's registration is suspended or revoked, the course provider must cancel all sessions scheduled after the suspension or revocation takes effect and refund any fees associated with those sessions until such time as the course provider is restored to good standing.

(i) The bureau may deny approval or renewal of, suspend, or revoke the registration of any course provider when any license prerequisite to approval and registration of the course provider becomes suspended or revoked by the bureau.

(j) A provider whose approval and registration is delinquent, expired, suspended or revoked may not conduct courses. Any courses conducted while a provider is delinquent, expired, suspended or revoked, will not satisfy the continuing education requirements of Chapter 399, Florida Statutes.

(3) Continuing Education Course Approval.

(a) To satisfy continuing education requirements of Chapter 399, Florida Statutes, and this rule, each approved course provider must submit at least one continuing education course syllabus to the bureau for approval. To be approved as a course of continuing education for purposes of Chapter 399, Florida Statutes and this rule, the course must provide technical or safety relevance to elevator construction, alteration, modification, repair or maintenance.

(b) The following subjects are relevant and provided as a guide. Courses submitted for approval need not encompass all these nor be limited to only these: elevator general theory and principles; plan and specification reading and interpretation; electrical codes; wiring and protection; wiring methods and materials; special occupancies and situations; life safety and Americans with Disabilities Act; current adopted elevator safety codes; inspectors manuals and structural considerations; wheelchair or accessibility lifts; OSHA Safety standards; periodic safety tests; or use of specialized tools and equipment.

(c) Continuing education courses will only be considered for approval when the appropriate application is submitted by an approved course provider to the bureau. The application must include: total number of hours of the course; a syllabus that demonstrates topical relevance of the course and includes an accounting of time spent on each topic or subsection in increments of not less than a quarter hour; the name and qualifications of all instructors known at the time of the application. The bureau shall assign each approved course a unique identification number.

(d) Any course denied approval may be modified and resubmitted for approval.

(e) The bureau may not deny or withdraw approval for a course on the sole basis that another course provider conducts the same or similar course approved by the bureau.

(4) Course Instructor Qualifications.

(a) Course instructors must be affiliated with an approved course provider and possess education and experience that qualifies the instructor to teach the course or parts of the course to which he or she is assigned. This education and experience must be verified by the course provider, and consist of the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by and in good standing with the bureau;

2. Current certification under the American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in the elevator industry verified by the course provider, and whose license, certification, or registration is in good standing, also verified by the course provider, may teach a course within the scope of his or her license.

(5) Records Required of Course Providers.

(a) The course provider must maintain records for each session of courses it conducts for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes, and provide any of these required records upon request by the bureau. Such records must be maintained for three years, and contain the following:

1. The time, dates and address of each course session.
2. The name, address and qualifications of any instructor teaching any portion of a course session.
3. The syllabus of each course, which must be provided to each attendee.
4. The name, address and bureau certification or registration number and type of each person that completed a course session, regardless of whether a fee is charged.

5. The original sign-in sheet used on-site to record attendance for each course session, which must include: the time, date and address of the course session, the attendee's printed name, signature, and bureau certification or registration number and type, and number of course hours the attendee completed. The sign-in sheet must prominently bear the following statement above the attendees information: "By affixing my name and/or signature and/or mark to this document, I attest and certify that I am correctly and accurately identified herein as the person attending this continuing education course session." The sign-in sheet must also bear the following statement: "I attest the information recorded herein is true and accurate" above the signature of the instructor and the printed names of the course provider and instructor.

(b) Upon completion of a course, each attendee shall receive from the course provider a certificate measuring 8½ inches by 11 inches, displaying the following: the time, date and address of the course session; name of the course; number of course hours attended; the name of the course provider and instructor, and bureau course identification number.

(6) Advertising Continuing Education Courses.

(a) A course provider may not advertise a course as approved by the bureau until such approval is granted.

(b) A course provider may not misrepresent or include false or misleading information regarding the contents, instructors or number of hours of any course approved under this rule.

(c) The course provider must include the bureau course identification number in any advertising used in connection with the course, and any other materials used in connection with the course including but not limited to the syllabus or other instructional materials.

Specific Authority 399.001, 399.01, 399.02, 399.049 FS. Law Implemented 399.01(17) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Calpini, Chief, Bureau of Elevator Safety, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005, Vol. 31, No. 25

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-3.010	License Reactivation Education for Brokers and Sales Associates

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 14, April 7, 2006 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows so that the rule reads as:

61J2-3.010 License Reactivation Education for Brokers and Sales Associates.

(1) No change.

(2) A licensee may reactivate a license that has been involuntarily inactive for more than 12 months but less than 24 months by satisfactorily completing 28 hours of a Commission – prescribed education course for licensure as a sales associate (Course I). The Course I hours must be based on an approved course as set forth in Rule 61J2-3.008, F.A.C. Emphasis shall be placed on the real estate law and license law portions. ~~Brokers and sales associates wishing to reactivate an involuntary inactive license within this 2 – year period must satisfactorily complete a Commission – prescribed educational course of instruction.~~

