

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLE: Disclosures Required by Section 520.07(3), F.S. RULE NO.: 3D-50.085

PURPOSE AND EFFECT: The purpose of the proposed rule is to clarify the disclosures required by Chapter 99-164, Laws of Florida, in motor vehicle sales finance contracts effective on October 1, 1999.

SUBJECT AREA TO BE ADDRESSED: Disclosures required by Section 520.07(3), F.S., in motor vehicle sales finance contracts.

SPECIFIC AUTHORITY: 520.994(5) FS.

LAW IMPLEMENTED: 520.07(3) FS.

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

TIME AND DATE: 11:00 a.m., October 11, 1999

PLACE: Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Tedcastle, Financial Administrator, Division of Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-50.085 Disclosures Required by Section 520.07(3), F.S.

The itemizations required by Section 520.07(3), F.S., may appear on a disclosure statement separate from all other materials, or it may be placed on the same documents as the contract or other information so long as it is clearly and conspicuously segregated from everything else on the document. Contracts will not be required to repeat the disclosures relating to the number of scheduled payments, the amount of each payment, and the date of the first payment if such disclosures are otherwise clearly and conspicuously made in the contract in compliance with the federal Truth in Lending Act, 15 U.S.C. ss. 1601, et seq.

Specific Authority 520.994(5) FS. Law Implemented 520.07(3) FS. History--New

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE TITLE: Medicaid Contracts for Prepaid Health Plans RULE NO.: 59G-8.100

SUBJECT AREA TO BE ADDRESSED: Capitation Payment Rate Methodology for Medicaid HMO Contracts.

PURPOSE AND EFFECT: This proposed rule revises the current rule. The revision will provide the agency's methodology for development of capitation rates of payments for Medicaid HMOs.

SPECIFIC AUTHORITY: 409.026(1),(2),(6) FS.

LAW IMPLEMENTED: 409.9124 FS.

THE AGENCY WILL HOLD AN INFORMAL RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 p.m., October 12, 1999

PLACE: Agency for Health Care Administration, Conference Room A, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kate Morgan, Chief, Bureau of Managed Health Care, Agency for Health Care Administration, (850)922-6830

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: List of Approved Forms; Incorporated RULE NO.: 61G4-12.006

PURPOSE AND EFFECT: The purpose is to incorporate a new form pursuant 489.118, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: List of approved forms; incorporated.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 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: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-12.006 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are hereby adopted and incorporated by reference, and can be obtained from the Board at the following address: Florida Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

(1) through (6) No change.

(7) Application for Certification of Registered Contractor Form, DBPR/CILB/032/9-95.

Specific Authority 489.108 FS. Law Implemented 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 FS. History–New 1-6-80, Formerly 21E-12.06, Amended 1-1-89, Formerly 21E-12.006, Amended 1-4-94, 2-24-94, 11-23-95, 2-6-96, 7-22-96, 11-25-97, 8-2-98,\_\_\_\_\_

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Fees

RULE NO.: 61G4-12.009

PURPOSE AND EFFECT: The purpose is to amend this rule to notify applicants that pursuant to 489.111, Florida Statutes that the application fee for certification of a registered contractor shall be \$100.

SUBJECT AREA TO BE ADDRESSED: Fee for certification of a registered contractor.

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 120.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(7), (8), 489.109 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: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-12.009 Fees.

The following fees are prescribed by the Board:

(1) through (12) No change.

(13) The application fee for certification of a registered contractor pursuant to 489.118, F.S., shall be \$100.

Specific Authority 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108, 489.118 FS. Law Implemented 119.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(7), (8), 489.109 FS. History–New 10-1-79, Formerly 21E-12.01, Amended 1-6-80, 12-16-80, 3-15-81, 5-31-81, 11-14-82, 4-3-84, Formerly 21E-12.09, Amended 2-4-87, 1-26-88, 6-21-88, 9-19-88, 4-18-89, 5-23-89, 8-23-89, 5-29-90, 3-20-91, 12-21-92, 1-28-93, 7-14-93, Formerly 21E-12.009, Amended 7-18-94, 6-27-95, 8-29-95, 9-18-96, 2-4-98,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Certification of Registered Contractors

RULE NO.: 61G4-15.030

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled “Certification of Registered Contractors.”

SUBJECT AREA TO BE ADDRESSED: Certification of Registered Contractors.

SPECIFIC AUTHORITY: 489.108, 489.118 FS.

LAW IMPLEMENTED: 489.118 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY RULE TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-15.030 Certification of Registered Contractors.

(1) Any registered contractor who wishes to become a certified contractor in the appropriate category pursuant to the “grandfathering” provisions of Section 489.118, F.S., shall submit a completed “Application for Certification of Registered Contractors” (CILB Form # 032). For the purposes of this section the following terms are defined as follows:

(a) A valid registered license is one in which the registered contractor’s certificate of competency is registered with the Board and a State Registration Number is issued.

(b) A substantially similar examination is one which is written and proctored and which covers content and reference materials appropriate for the licensure category for which it is administered. The determination of appropriate content will be made by comparing the content outline and reference list for the examination to that used for the current state certification examination for the same license category. For Division I categories, the examination must include, at a minimum, a two hour business and financial management section and a six hour trade knowledge section. For Division II categories, the examination must include, at a minimum, a two hour business and financial management section and a three hour trade knowledge section.

(c) Experience – Five years licensed and state registered; the experience need not be consecutive.

(d) Discipline, for purposes of Section 489.118(4), F.S., is defined as action taken by any local enforcement body and action taken by the Board against the licensee.

(2) Building code administrators and inspectors who hold a registered construction license or licenses may also apply for certification under the “grandfathering” provisions of Section 489.118, F.S. In order to be eligible such inspector or administrator must have five years experience as an inspector in the category sought, or, if an administrator, must have five years experience with oversight in the category sought, at the time of application. The five years of experience may be a combination of experience under the registered construction license and experience under the inspector or administrator license.

(3) If a registered contractor did not successfully pass a written, proctored examination in order to receive the registered license, he or she may be considered for certification under this rule if he or she successfully passes an examination substantially similar to the examination required for certified licensure such as those produced by the National Assessment Institute, Block and Associates, or NAI/Block prior to application.

Specific Authority 489.108, 489.118 FS. Law Implemented 489.118 FS. History–New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE TITLE: RULE NO.:

Notice of Mailing Address, Places of Practice, 61G16-1.0071  
and Primary Place of Practice

PURPOSE AND EFFECT: The proposed rule will set forth the requirements for licensees and certificate of authorization holders to keep the Department informed of their mailing address and all places of practice.

SUBJECT AREA TO BE ADDRESSED: Notice to the Department of Mailing Address and Place of Practice.

SPECIFIC AUTHORITY: 455.275, 492.109 FS.

LAW IMPLEMENTED: 455.275, 492.109 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: D. A. O’Connor, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G16-1.0071 follows. See Florida Administrative Code for present text.)

61G16-1.0071 Notice to the Department of Mailing Address, Places and Place of Practice, and Primary Place of Practice.

(1) It shall be the duty and sole responsibility of each licensee and each firm, corporation, partnership, association, or person holding a certificate of authorization to provide written notification to the Department of the licensee's or certificate of authorization holder’s current mailing address and all places of practice. Each licensee and certificate of authorization holder shall also provide written notification to the Department of any changes to the mailing address or any additions to or deletion from the reported places of practice within thirty (30) days after the occurrence of the change, addition, or deletion. It is further requested that all licensees and firms, corporations, partnerships, associations, and persons holding a certificate of authorization also provide to the Department the e-mail address for the licensee or certificate of authorization holder whenever possible.

(2) The term “mailing address” shall mean the address at which the licensee or certificate of authorization holder wishes to receive all official communications, notifications, and correspondence from the Board or the Department through United States Postal Service delivery.

(3) For licensees, the term “all places of practice” shall mean the address of all locations at which the licensee holds himself or herself out as qualified to engage in the practice of professional geology, and all firms, corporations, partnerships, agencies, or other entities at which the licensee is employed to engage in the practice of professional geology, or with whom the licensee has entered into an ongoing contractual relationship to engage in the practice of professional geology. The practice of professional geology for a firm, corporation, partnership, agency, or other entity for a single identifiable project shall not be considered as a place of practice unless the licensee’s involvement with the project shall extend beyond six (6) months.

(4) For a firm, corporation, or partnership, association, or person which holds a certificate of authorization, the term “all places of practice” shall mean the address of all locations at which the firm, corporation, or partnership, association, or person offers geological services to the public.

(5) Each licensee shall also provide written notification to the Department of the address of the licensee's primary place of practice, and prior to any changes in the identity or address of the primary place of practice, shall notify the Department of said changes.

Specific Authority 455.275, 492.104, 492.109 FS. Law Implemented 455.275, 492.109 FS. History–New 5-4-97, Amended

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE TITLE: Procedures for Signing and Sealing Geological Papers, Reports, or Other Documents

RULE NO.: 61G16-2.005

PURPOSE AND EFFECT: The proposed rule will clarify those geological papers, reports, or other documents which are required to be signed, dated, and sealed by the professional geologist who actually prepared them or who had direct responsibility for the supervision, direction, or control of their preparation. In addition, the proposed rule will set forth an acceptable method whereby professional geologists may sign, date, and seal a geological paper, report, or other document which is transmitted through electronic means.

SUBJECT AREA TO BE ADDRESSED: Procedures for Signing and Sealing Geological Papers, Reports, or Other Documents.

SPECIFIC AUTHORITY: 282.75, 492.104, 492.107 FS.

LAW IMPLEMENTED: 282.75, 492.107 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: D. A. O'Connor, Executive Director, Board of Professional Geologists, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G16-2.005 Procedures for Signing and Sealing Geological Papers, Reports, or Other Documents.

(1) All geological papers, reports, or other documents prepared or issued by a licensed professional geologist shall be signed, dated, and sealed by the professional geologist who actually prepared the geological papers, reports, or documents or who had direct responsibility for the supervision, direction, or control of their preparation.

(2) Geological papers, reports, or other documents shall mean any document, whether in a physical or electronic format which conveys or expresses an opinion, conclusion, interpretation, or recommendation based upon the performance of geological services.

(3) Except as noted below, all geological papers, reports, or other documents which are required to be signed, dated, and sealed under the provisions of Chapter 492, F.S., shall bare the actual signature of the professional geologist who prepared or

issued the geological papers, reports, or documents, the date signed, and the metal-type impression or stamped ink seal of the said professional geologist.

(4) Geological papers, reports, or other documents which are required to be signed, dated, and sealed under the provisions of Chapter 492, F.S., and which are transmitted, submitted, or issued by means of electronic files, may be signed and sealed by creating a "signature" file that contains the professional geologist's name and license number, a brief overall description of the geological papers, reports or other documents in question, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 "Secure Hash Standard," 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.itl.nist.gov/div897/pubs/fip180-1.htm>. A report shall be created that contains the professional geologist's name and license number, a brief overall description of the geological papers, reports or other documents in question and the authentication code of the signature file. This report shall be printed and physically signed, dated, and sealed by the professional geologist who prepared or issued the geological papers, reports, or other documents. The signature file is defined as sealed if its authentication code matches the authentication code on the printed and physically signed, dated, and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 282.75, 492.104, 492.107 FS. Law Implemented 282.75, 492.107 FS. History--New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLES:	RULE NOS.:
License Fees and Examination Fees	61J2-1.011
Registration Categories	61J2-1.013
Review of Fees	61J2-1.016

PURPOSE AND EFFECT: To review rules to ensure they are correct and comply with statutory requirements and they do not exceed statutory authority, pursuant to ss.120.536 and 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: To consider deleting certain fees and publications; expanding categories of registrants; and changing the annual deadline to review fees.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.182, 475.24, 475.451, 68.065(2), 475.15, 475.183, 455.219 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: 8:30 a.m., October 20, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-1.011 License Fees and Examination Fees.

(1) Every person, partnership, limited liability partnership, ~~or corporation or limited liability company~~ deemed and held to be a licensee under Chapter 475, Florida Statutes, must register with the Florida Real Estate Commission (Commission) and must secure a license for each license period.

(2) The application fee for licensure shall be as follows:

(a) through (b) No change.

~~(e) Reinstatement~~ \$55.00

(3) through (5) No change.

(6) The Commission may conduct seminars and publish and sell the following documents at cost, which may or may not vary with each class or printing:

~~Handbook on Real Estate License Law~~

~~Real Estate Broker Text~~

Wall Certificate of License

Course Syllabus

(7) The license fee for school related categories shall be as follows:

(a) through (b) No change.

(c) The biennial Permit Fees shall be:

School Permitholder ~~Permit Holder~~ \$130.00

Additional Location for Permitholder ~~Permit Holder~~ \$45.00

Chief Administrative Person \$80.00

School Instructor \$80.00

(8) Entity, sponsor, organization and individual equivalent education course offering:

For each application for approval of education offering \$80.00

For each biennial ~~annual~~ education course offering renewal \$80.00

(9) through (11) No change.

Specific Authority 475.05 FS. Law Implemented 455.217, 455.2281, 475.04, 475.125, 475.182, 475.24, 475.451, 68.065(2) FS. History—New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99.

61J2-1.013 Registration Categories.

(1) Registration in the following categories shall show the name, the business address, effective and expiration date:

(a) Active broker partnership

(b) Active broker corporation

(c) Active Limited Liability Company

(d) Active Limited Liability Partnership

~~(e)~~ Branch office

(2) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.183, 475.24 FS. History—New 1-1-80, Amended 7-19-83, Formerly 21V-1.13, Amended 6-28-93, Formerly 21V-1.013, Amended.

61J2-1.016 Review of Fees.

(1) No later than the end of September ~~May~~ of each year the Commission shall review the fees in Rule 61J2-1.011, Florida Administrative Code, to ensure the fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance as required in s. 455.219(1), Florida Statutes, and defined in Rule 61-5.002, Florida Administrative Code.

(2) through (3) No change.

Specific Authority 475.05 FS. Law Implemented 455.219, 475.125 FS. History—New 2-15-96, Amended.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLES:

RULE NOS.:

Applications by Individuals

61J2-2.027

Examination Areas of Competency

61J2-2.029

PURPOSE AND EFFECT: To review rules to ensure they are correct and comply with statutory requirements and they do not exceed statutory authority, pursuant to ss. 120.536 and 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: To consider changing the reporting requirements on applications for licensure and the party responsible for notifying applicants regarding licensure examination results.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.17, 475.175, 475.451 FS., *Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al.*, Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987), 455.217(1)(b) 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: 8:30 a.m., October 20, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a salesperson is governed by substantially the same rules and forms.

(1) No change.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) if ever ~~arrested or convicted of a crime, or if any criminal or civil proceeding is pending against the applicant,~~ or if any judgment or decree has been rendered against the applicant ~~in a case wherein the pleadings charged the applicant with~~ for fraudulent or dishonest dealings, or

(b) through (4) No change.

~~(5) An applicant for re-examination must submit proper re-application forms and fee. If re-application is made within one year from the date the original application was approved, no fingerprint card is required.~~

~~(5)(6)~~ All applicants for permits to instruct or be a permitholder permit holder for a real estate school must comply with ss. 475.451(2)(a) and (c), Florida Statutes, F.S.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., *Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al.*, Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History—New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97, \_\_\_\_\_.

61J2-2.029 Examination Areas of Competency.

(1) No change.

~~(2) The Commission shall provide written notification to applicants who have successfully completed the state examination.~~ A successful applicant may lawfully practice the services of real estate provided employment information is on file with the BPR.

Specific Authority 475.05 FS. Law Implemented 455.217(1)(b) FS. History—New 1-1-80, Amended 4-13-81, Formerly 21V-2.29, Amended 6-28-93, Formerly 21V-2.029, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLES:	RULE NOS.:
Pre-licensing Education for Broker and Salesperson Applicants	61J2-3.008
Continuing Education for Active and Inactive Broker and Salesperson Licensees	61J2-3.009
License Reactivation Education for Brokers and Salespersons	61J2-3.010
Continuing Education for School Instructors	61J2-3.011
Application for Commission Prescribed or Conducted Courses	61J2-3.014
Notices of Satisfactory Course Completion	61J2-3.015
Post-licensing Education for Active and Inactive Broker and Salesperson Licensees	61J2-3.020

PURPOSE AND EFFECT: To review rules to ensure they are correct and comply with statutory requirements and they do not exceed statutory authority, pursuant to ss.120.536 and 120.74 FS.

SUBJECT AREA TO BE ADDRESSED: Licensing and education requirements for brokers, broker-salespersons, salespersons and school instructors. Standards for institutions, schools and sponsors to provide pre-licensing, post-licensing and continuing education courses.

SPECIFIC AUTHORITY: 475.01(1)(d),(e),(2), 475.05, 475.17, 475.42(1)(c) FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451, 475.451(2)(c) 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: 8:30 a.m., October 20, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants.

(1) through (2) No change.

~~(3) Unless exempted by law, each Florida licensed salesperson must, as a prerequisite to becoming licensed as a broker, complete the post-licensing educational requirement, pursuant to s. 475.17(3), Florida Statutes.~~

~~(3)(4)~~ No change.

~~(4)(5)~~(a) The Commission prescribed Course I for salesperson, or a Commission approved course equivalent to Course I, may be taught through the use of a video tape of instruction by a currently licensed instructor. Quality standards for the video tape and standards for classroom use of video tape instruction are detailed in Rules 61J2-3.016 and 61J2-3.017, Florida Administrative Code. The course approval criteria and procedure are found in paragraph ~~(5)(6)~~ of this rule.

(b) Course content and level of instruction of a video tape course shall be the same as that contained in the Commission prescribed Course I syllabus ~~and Instructor's Guide~~. This Commission prescribed course is structured for sequential presentation in twenty 3-hour sessions. The first session must be conducted by "live instruction" using a permitted school instructor. In addition, whenever the video tape is not current with the latest law or real estate practice, the tape must be corrected prior to its use in the classroom or a permitted instructor must be in attendance during the affected portion of that session. The course approval criteria and procedure are found in paragraph ~~(5)(6)~~ of this rule.

(c) No change.

~~(5)(6)~~(a) Satisfactory course completion is demonstrated by achieving a grade of 70 percent or higher on the Commission prescribed course examination. The examination is administered by the applicable college, university, community college, area technical center or real estate school upon completion of the classroom instruction. However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours. If an applicant does not pass the licensing examination within 2 years after the successful course completion date, the course is invalid for licensure. ~~Applications for licensure may not be accepted by the BPR if received less than 60 days prior to the end of the 2-year period of course eligibility.~~

(b) A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course and examinations. Approval or denial of the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate course syllabus, incorporated herein by reference, effective June 30, 1993 (course I) and effective September 1, 1999 (course II), as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) No change.

(d) The institution or school shall develop at least 2 forms of the end of course examination which must be submitted for approval as provided in paragraph ~~(5)(6)~~(b) above. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 20% of the questions on each form of the test shall be application oriented.

~~(6)(7)~~ The institution or school offering these Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

~~(7)(8)~~ Students failing the Commission prescribed end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination. ~~repeat the Commission prescribed course prior to being eligible to again take the end of course examination.~~ Students retaking the end of course examination must be administered a different form of the end of course examination.

~~(8)(9)~~ No change.

~~(9)(10)~~ No change.

~~(10)(11)~~ Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from the Commission prescribed prerequisite education course for licensure as a real estate salesperson. This must be noted on the application to take the salesperson's examination by affixing a copy of the applicant's current Bar card.

~~(11)(12)~~ No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99.

61J2-3.009 Continuing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All persons holding active or inactive licenses as brokers or salespersons must satisfactorily complete a minimum of 14 classroom hours of instruction of 50 minutes each as prescribed or approved by the Commission during each license renewal period excluding the first renewal period of their current license. A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course

provider ~~within at least~~ 30 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(2)(a) The Commission prescribed Core Law course or courses totaling 3 classroom hours of instruction of 50 minutes each will review and update licensees on the Florida real estate license law, Commission rules, and agency law, and provide an introduction to other state laws, federal laws, and taxes affecting real estate. Approval or denial of the Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas material set forth in the Commission-approved course syllabus, incorporated herein by reference, effective September 7, 1993. Examinations, if required, must test the course material. Approval must be granted before the course and examinations may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(b) No change.

(c) A licensee who takes the 3 hour Core Law "~~core law~~" course in each year of the renewal period shall be allowed a total of 6 hours toward the 14 hour requirement. In such event, the "specialty" course hours need total only 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law "~~core law~~" course in each year of the renewal period.

(3) The Commission may approve any course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or society. The course will be approved for 24 ~~12~~ months plus the remaining period of the renewal cycle following the end of the 24 ~~12~~ month period at which point the course will expire. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(4) through (5)(b) No change.

(c) A copy of the correspondence course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution or school offering the correspondence course in accordance with the Commission approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of

the institution, school or sponsor offering the Commission approved correspondence courses to keep the course material current and accurate.

(d) The objective of the correspondence course of study end of course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 30 questions. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 20% of the questions on each form of the test shall be application oriented. The answer key must be unique for each form of the examination exam. Any Florida institution or licensed real estate school offering the Commission prescribed continuing education course of study by correspondence must maintain a sufficient bank of questions to assure examination validity when administered to licensees from a common source such as a specific business, firm or family.

(e) through (g) No change.

(6) The Florida institution, licensed real estate school or Commission approved entity offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(7) The Commission prescribed or approved specialty courses may be offered by accredited universities, colleges and community colleges in this state, area technical centers, approved sponsors or real estate schools licensed pursuant to s. 475.451, Florida Statutes. The Commission prescribed Core Law ~~core law~~ course or courses may be offered by accredited universities, colleges and community colleges in this state, area technical centers or real estate schools licensed pursuant to s. 475.451, Florida Statutes. Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or salesperson until such person has met all requirements of law.

(8) through (10) No change.

Specific Authority 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, \_\_\_\_\_.

61J2-3.010 License Reactivation Education for Brokers and Salespersons.

(1) through (3) No change.

(4) When classroom reactivation courses are required, satisfactory completion is demonstrated by achieving a grade of 70% or higher on the Commission prescribed course



~~examination quiz.~~ This examination quiz is administered by the applicable university, college, community college, area technical center or real estate school; however, notice of satisfactory completion shall not be issued to any student who has not attended at least 90% of the required classroom hours of instruction.

(5) The institution or school offering these Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made ~~as on a form~~ prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(6) Students failing the Commission prescribed course ~~examination quiz~~ must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination repeat the Commission prescribed course prior to being eligible to again take the course quiz. The course quiz may not be administered more than 30 days beyond the last class without approval from the Commission.

(7) through (8) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, \_\_\_\_\_.

61J2-3.011 Continuing Education for School Instructors.

(1) No change.

(2) The Commission prescribed 15 classroom hours of instruction shall consist of one 7-classroom hour seminar conducted by the Commission and a minimum of 8-classroom hours of Commission approved instruction in real estate subjects and/or instructional techniques. The 8-classroom hour course of instruction may be offered by accredited universities, colleges, and community colleges in this state, by real estate schools registered pursuant to s. 475.451, Florida Statutes, and entities approved by the Commission. Requests for approval to offer the 8-classroom hour instructor course shall be made to the Commission. This request shall include a detailed course description and the criteria for satisfactory course completion. A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course. Approval or denial of the 8-classroom hour course will be based on the extent to which the course content focuses on issues relevant to real estate and/or instructional techniques. Approval must be granted before the course and examination, if required, may be offered. If course approval is denied, the institution or school may

resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(3) No change.

(4) The institution, school or approved entity offering the Commission approved 8-classroom hour course shall inform each student of the standards and requirements at the commencement of each course. ~~The enforcement thereof shall be the responsibility of the Commission and the BPR and their decision on any such matters shall be final.~~ Satisfactory completion of these courses will not entitle any person to renew a permit as a school instructor until such person has met all other requirements of law.

~~The notice of satisfactory course completion shall contain the following information:~~

Instructor Continuing Education

Name of School

Address of School

Course Title

Course Hours

Start Date

Finish Date

Permit Number

Student's Name

Student's Address

Authorized Signature for the School

~~Each grade report shall contain the following information:~~

~~The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original grade report is to be given to the student and a copy retained by the school.~~

~~(5) Active members in good standing with The Florida Bar holding a current school instructor permit are exempt from the continuing education requirement of this rule.~~

Specific Authority 475.05 FS. Law Implemented 475.451(2)(c) FS. History—New 7-28-80, Amended 8-24-80, 1-3-84, Formerly 21V-3.11, Amended 7-25-90, 7-20-93, Formerly 21V-3.011, Amended 12-30-97, \_\_\_\_\_.

61J2-3.014 Application for Commission Prescribed or Conducted Courses.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.451 FS. History—New 1-1-80, Amended 8-24-80, Formerly 21V-3.14, Amended 7-20-93, Formerly 21V-3.014, Repealed.

61J2-3.015 Notices of Satisfactory Course Completion.

(1) Applicants for initial licensure as a broker or salesperson must provide the course completion grade report with the application or at the individuals scheduled examination as proof that they have satisfactorily completed the applicable Commission prescribed course.

(2) An application for renewal or reactivation of an existing status as a broker, broker-salesperson, salesperson or instructor shall contain an affirmation by the individual of

having satisfactorily completed the applicable Commission prescribed, conducted or approved course(s). The ~~BPR DPR~~ shall perform random audits of up to 25% of the licensees and instructor ~~permitholders permit holders~~ to verify compliance with continuing education or post-license education requirements. Each licensee and instructor ~~permitholder permit holder~~ shall retain the course completion grade report as proof of successful completion of continuing education or post-license education requirements for at least 2 years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education or post-license education requirements or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the licensee or instructor.

(3) Commission approved equivalent courses offered by accredited Florida universities, colleges, community colleges and area technical centers shall provide students with the applicable course completion grade report (~~notice~~) described below. The course completion grade report for these equivalent courses must contain the college equivalent course identifying number.

(4) No change.

(5) Salesperson prelicensing courses completed through video tape instruction and continuing education courses completed by correspondence study must be noted on the course completion grade report.

(6) The course completion grade report must be typed or printed in ink and must be completely filled out by the institution, school or sponsor certifying successful course completion.

(7) The course completion grade reports shall contain the following information for the type of course being completed.

(a) Pre-licensing Course for Salesperson

- Name of School
- Address of School
- Course Title: ~~Course I Real Estate P&PI~~
- Start Date
- Finish Date
- Exam Date
- Social Security Number
- Student's Name
- Student's Address
- Authorized Signature for the School

(b) Pre-licensing Course for Broker

- Name of School
- Address of School
- Course Title: ~~Course II Real Estate P&PH~~
- Start Date
- Finish Date
- Exam Date

- Salesperson License Number
- Social Security Number
- Student's Name
- Student's Address
- Authorized Signature for the School
- (c) through (d) No change.
- (e) Instructor Continuing Education
- Name of School
- Address of School
- Course Title
- Course Hours
- Start Date
- Finish Date
- Permit Number
- Student Name
- Student Address
- Authorized Signature for the School

(f)(e) Each course completion grade report shall contain the following information:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original course completion grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.15, Amended 10-13-88, 12-29-91, 6-7-92, 6-28-93, Formerly 21V-3.015, Amended 9-11-94, 12-30-97, \_\_\_\_\_.

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All applicants for licensure who pass a broker or salesperson licensure examination must satisfactorily complete a Commission prescribed or approved post-licensing educational course requirement prior to the first renewal following initial licensure. The post-licensing course or courses must be taken at an accredited college, university, community college, and area technical center in this state, or at a registered real estate school registered, pursuant to s. 475.451, Florida Statutes, or given by a Commission approved sponsor.

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

(4) A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers the appropriate Commission approved course syllabus, incorporated herein by reference, effective November 15, 1988 (salesperson courses) and effective November 15, 1988 (broker courses). Examinations must test

the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post-licensing education courses are responsible for keeping the course subject matter current and accurate.

(b) The course syllabus and examinations will be approved for a 2 year period from the date of approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the ~~expiration~~ examination date.

(5) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the course examination. At least 2 unique forms of the examinations shall be submitted for approval with the detailed course syllabus and shall test the learning objectives contained therein. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The Commission approved examination shall be administered by the applicable university, college, community college, area technical center, registered real estate school, or Commission-approved sponsor.

(6) No change.

(7) The institutions, schools or sponsors offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of ~~the~~ course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(8) through (10) No change.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History—New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Definition  
 RULE NO.: 61J2-4.0061  
 PURPOSE AND EFFECT: To review rules to ensure they are correct and comply with statutory requirements and they do not exceed statutory authority, pursuant to ss. 120.536 and 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: Definitions of a general partnership, limited partnership and ostensible (quasi) partnership.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.05, 475.01, 475.15 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: 8:30 a.m., October 20, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-4.0061 Definition.

Specific Authority 475.05 FS. Law Implemented 475.05, 475.01, 475.15 FS. History—New 1-1-80, Amended 4-18-84, Formerly 21V-4.061, Amended 7-20-93, Formerly 21V-4.0061, Repealed \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: License Status of Officers and Directors Required  
 RULE NO.: 61J2-5.015

PURPOSE AND EFFECT: To review rules to ensure they are correct and comply with statutory requirements and they do not exceed statutory authority, pursuant to ss. 120.536 and 120.74, F.S.

SUBJECT AREA TO BE ADDRESSED: License requirements of all officers and directors of a corporation.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01(3), 475.15 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: 8:30 a.m., October 20, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-5.015 License Status of Officers and Directors Required.

All officers and directors of a corporation, domestic or foreign, required to register, and maintain registration, shall be registered. ~~All officers and directors who perform, or personally direct, sales or sales forces, advertising, soliciting or who come in contact with the owners of property listed or to be listed or with the investing public, in connection with brokerage transactions, shall be licensed and renew as active. Officers who perform no duties, or only clerical duties, are not required to be licensed or renew as active. Members of the~~

~~Board of Directors, who have no other connection with the corporation than the attendance at periodic meetings of the Board of Directors and the performance of the usual and customary duties of a director, are not required to be licensed as active.~~ No registration shall be issued to the corporation or licenses to any officer or director, unless the corporation shall cause to register, and biennially renew the license of at least one active officer. A foreign corporation shall biennially present proof that at least one active officer, holding a valid and current active license, or for whom such a license is requested, is authorized to transact brokerage business in the State of Florida, and to bind the corporation with respect to such business.

Specific Authority 475.05 FS. Law Implemented 475.01(3), 475.15 FS. History—New 1-1-80, Formerly 21V-5.15, Amended 7-20-93, Formerly 21V-5.015, Amended.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Title	61J2-10.016
Mortgage Releases	61J2-10.017
Promises to Resell	61J2-10.018
Lotteries	61J2-10.019
Free Lot Schemes	61J2-10.020
Advance Fee Accounting and Reporting Procedures	61J2-10.029

**PURPOSE AND EFFECT:** To review rules to ensure they are correct and comply with statutory requirements and they do not exceed statutory authority, pursuant to ss. 120.536 and 120.74, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Redundant language regarding fraudulent and dishonest dealing, specifically unmarketable title, mortgage releases, promises to resell, lotteries and free lot schemes and reporting requirements for advance fee escrow accounts.

**SPECIFIC AUTHORITY:** 475.05 FS.

**LAW IMPLEMENTED:** 475.25, 475.452(1), (2), (3) FS.

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

**TIME AND DATE:** 8:30 a.m., October 20, 1999

**PLACE:** Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-10.016 Title.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.16, Amended 7-20-93, 21V-10.016, Repealed.

61J2-10.017 Mortgage Releases.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.17, Amended 7-20-93, Formerly 21V-10.017, Repealed.

61J2-10.018 Promises to Resell.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.18, Amended 7-20-93, Formerly 21V-10.018, Repealed.

61J2-10.019 Lotteries.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.19, Amended 6-28-93, Formerly 21V-10.019, Repealed.

61J2-10.020 Free Lot Schemes.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.20, Amended 6-28-93, Formerly 21V-10.020, Repealed.

61J2-10.029 Advance Fee Accounting and Reporting Procedures.

(1) through (5) No change.

(6) When the escrow account has a zero balance or small balance required to keep the account active and the account has had no activity during the reporting period, a ~~negative report shall be prepared and will be submitted. A negative report for any monthly period~~ will contain a copy of the account bank statement.

(7) No change.

Specific Authority 475.05 FS. Law Implemented 475.452(1), (2), (3) FS. History—New 1-1-80, Formerly 21V-10.29, Amended 10-28-90, 7-20-93, Formerly 21V-10.029, Amended 11-10-97, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Disciplinary Guidelines	61J2-24.001
Citation Authority	61J2-24.002

**PURPOSE AND EFFECT:** To review rules to ensure they are correct and comply with statutory requirements and they do not exceed statutory authority, pursuant to ss. 120.536 and 120.74, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Deletion of Notice of Nonrepresentation references.

**SPECIFIC AUTHORITY:** 455.2273, 475.05 FS.

**LAW IMPLEMENTED:** 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482, 455.227, 455.2273, 455.224 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: 8:30 a.m., October 20, 1999  
 PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-24.001 Disciplinary Guidelines.

(1) through (3)(q) No change.

VIOLATIONS

RECOMMENDED RANGE OF PENALTY

(r) 475.25(1)(q) Licensee has failed to give impose a the ~~Notice of Nonrepresentation~~, Transaction Broker Notice or Single Agent Notice at the requisite period of time under the provisions of ss. ~~475.276 or 475.278~~, F.S.; failed to properly secure the Consent to Transition to Transaction Broker or Designated Salesperson forms as required in ss. 475.2755 or 475.278, F.S.; failed to act in a manner as prescribed in ss. ~~475.2755, 475.276~~ or 475.278

(r) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 5 year suspension

(s) through (4) No change.

Specific Authority 455.2273, 475.05 FS. Law Implemented 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482, 455.227, 455.2273 FS. History—New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-9-96, 12-30-97, 11-29-98, \_\_\_\_\_.

61J2-24.002 Citation Authority.

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

(l) 475.25(1)(q) – failed to give the appropriate disclosure or notice at the appropriate time under the provisions of ss. ~~475.2755, 475.276~~ or 475.278, F.S. (A citation may only be given for a first time violation)

\$300.00

(m) through (6) No change.

Specific Authority 475.05 FS. Law Implemented 455.224 FS. History—New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License

RULE NO.: 64B3-8.002

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address the change of status fee.

SUBJECT AREA TO BE ADDRESSED: Change of status fee.  
 SPECIFIC AUTHORITY: 455.711, 483.805(4), 483.819 FS.

LAW IMPLEMENTED: 455.711, 483.817 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-8.002 Inactive Status and Reactivation of Inactive Clinical Laboratory Personnel License.

(1) No change.

(2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education or reexamination requirements of subsection (3) of this rule and:

(a) pays the active status fees of Rule 64B3-9.004, F.A.C., and for each biennium during which the license was inactive;

(b) No change.

(c) pays, if applicable, the processing fee of Rule 64B3-9.010, F.A.C.; and

(d) pays the change of status fee of Rule 64B3-9.013, F.A.C.

(3) through (4) No change.

Specific Authority 455.711, 483.805(4), 483.819 FS. Law Implemented 455.711, 483.817 FS. History—New 2-22-94, Formerly 61F3-8.002, Amended 8-25-94, 12-26-94, 5-3-95, 12-3-96, Formerly 59O-8.002, Amended 9-12-99, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Formulary

RULE NO.: 64B8-30.008

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address additions to the P.A. formulary in response to the recommendation of the Formulary Committee.

SUBJECT AREA TO BE ADDRESSED: The P.A. formulary.

SPECIFIC AUTHORITY: 358.309, 458.347(4)(f)3. FS.

LAW IMPLEMENTED: 458.347(4)(e),(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.008 Formulary.

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

(1) through (2) No change.

(3) Formulary.

(a) No change.

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

1. through 31. No change.

32. Amprenavir

32. through 37. renumbered as 33. through 38. No change.

39. Atropine/Scopolamine/Hyoscyamine/Phenobarbital

38. through 82. renumbered 40. through 84. No change.

85. Candesartan Cilexetil

86. ~~83.~~ Cantharidin

87. Capsaicin

84. through 98. renumbered 88. through 102. No change.

103. Celecoxib

99. through 118. renumbered 104. through 123. No change.

124. Cilostazol

119. through 122. renumbered 125. through 128. No change.

129. Citalopram

123. through 177. renumbered 130. through 184. No change.

185. Dihydroergotamine Mesylate

178. through 194. renumbered 186. through 202. No change.

203. Efavirenz

195. through 226. renumbered 204. through 235. No change.

236. Fenofibrate

227. through 318. renumbered 237. through 328. No change.

329. Levalbuterol

319. through 403. renumbered 330. through 414. No change.

415. Nicotine

404. through 429. renumbered 416. through 441. No change.

442. Orlistat

430. through 469. renumbered 443. through 482. No change.

483. Polyethylene Glycol

470. through 516. renumbered 484. through 530. No change.

531. Rizatriptan Benzoate

532. Rofecoxib

533. Rosiglitazone Maleate

517. through 526. renumbered 534. through 543. No change.

544. Sildenafil Citrate

527. through 555. renumbered 545. through 573. No change.

574. Synthetic Conjugated Estrogens, A

575. ~~556.~~ Tamsulosin HCl

576. ~~557.~~ Tazarotene

577. Telmisartan

558. through 568. renumbered 578. through 588. No change.

589. Tiagabine

569. through 617. renumbered 590. through 638. No change.

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE CHAPTER TITLE: Public Assistance Programs

RULE CHAPTER NO.: 65A-1

RULE TITLE: Eligibility Determination Process

RULE NO.: 65A-1.205

PURPOSE AND EFFECT: This rule amendment will implement revised procedures for the department's processing of Medicaid applications involving a disability determination.

**SUBJECT AREA TO BE ADDRESSED:** The department is adopting revised Medicaid application processing procedures for those applications due to a claim of disability and potentially involving a disability determination. These procedures will encompass expedited application processing and substantial gainful activity criteria specified in 20 CFR s. 416.920

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.903, 409.904, 409.919 FS.

**IF REQUESTED AND DEEMED NECESSARY 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., October 11, 1999

**PLACE:** 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

**RULE CHAPTER TITLE:** Public Assistance Programs **RULE CHAPTER NO.:** 65A-1

**RULE TITLES:** Definitions **RULE NOS.:** 65A-1.701

Special Provisions 65A-1.702

Family-Related Medicaid Coverage Groups 65A-1.703

Family-Related Medicaid Eligibility4 65A-1.703

Determination Process 65A-1.704

Family-Related Medicaid General 65A-1.705

Eligibility Criteria 65A-1.706

Family-Related Medicaid Needs 65A-1.707

Family-Related Medicaid 65A-1.707

Income Criteria 65A-1.708

Family-Related Medicaid Budgeting 65A-1.716

Criteria 65A-1.708

Income and Resource Criteria 65A-1.716

**PURPOSE AND EFFECT:** These rule amendments will fully implement separate eligibility determination procedures in the department's processing of temporary cash assistance and Medicaid applications and will cleanup references to other rules within these rules.

**SUBJECT AREA TO BE ADDRESSED:** The department is adopting revised procedures for processing Medicaid applications that will eliminate references and implications that link Medicaid eligibility to temporary cash assistance eligibility. Where necessary Medicaid application criteria will

be more fully stated to assure that separate criteria for the two application processes are in place. Additionally, citation of repealed rules will be corrected.

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.903, 409.904, 409.919 FS.

**IF REQUESTED AND DEEMED NECESSARY 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., October 12, 1999

**PLACE:** 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES DEVELOPMENT IS:** Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, FLORIDA 32399-0700

**THE PRELIMINARY TEXT OF THE PROPOSED RULES DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

**RULE TITLES:** Definitions **RULE NOS.:** 65A-1.701

Special Provisions 65A-1.702

**PURPOSE AND EFFECT:** These rule amendments will implement revised procedures for the department's processing of disability determinations for Medicaid eligibility.

**SUBJECT AREA TO BE ADDRESSED:** The department is adopting revised procedures for applications in which a disability determination must be made before Medicaid eligibility can be determined. These procedures will assure that these Medicaid applications are timely processed to the maximum extent possible.

**SPECIFIC AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.903, 409.904, 409.919 FS.

**IF REQUESTED AND DEEMED NECESSARY 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., October 11, 1999

**PLACE:** 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Substance Abuse Program**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Title	65D-30.001
Definitions	65D-30.002
Common Licensure Standards	65D-30.003
Standards for Private Office Practices	65D-30.004
Standards for Addictions Receiving Facilities	65D-30.005
Standards for Detoxification	65D-30.006
Standards for Residential Treatment	65D-30.007
Standards for Day or Night Treatment	65D-30.008
Standards for Outpatient Treatment	65D-30.009
Standards for Intervention	65D-30.010
Standards for Prevention	65D-30.011
Standards for Inmate Substance Abuse Programs	65D-30.012
Standards for Medication and Methadone Maintenance Treatment	65D-30.013
Departmental Licensure and Regulatory Standards	65D-30.014

**PURPOSE AND EFFECT:** Chapter 65D-30, entitled Substance Abuse Services, is being adopted to implement statutory requirements under Chapter 397, F.S., enacted in 1993, and to enable the department, as the regulatory authority for substance abuse services, to respond more effectively to changing trends and practices in the substance abuse field.

**SUBJECT AREA TO BE ADDRESSED:** Specific program standards for substance abuse licensable service components as defined in section 397.311(19), F.S.

**SPECIFIC AUTHORITY:** 397.321(5),(8) FS.

**LAW IMPLEMENTED:** 20.19, 232, 384, 397.311, 397.311(19)(a)(b)(c)(d)(e)(f)(g)(h)(i), 397.321(23), 397.321(28), 397.401, 397.403, 397.405, 397.406, 397.407, 397.409, 397.411, 397.415, 397.419, 397.427, 397.431(5), 397.451, 397.471, 397.501, 397.601, 397.601(2), 397.675, 397.6751, 397.6751(2),(3), 397.6752, 397.6758, 397.6759, 397.677, 397.6771, 397.6772, 397.6773, 397.6774, 397.6775, 397.679, 397.6791, 397.6793, 397.6795, 397.6797, 397.6798, 397.6799, 397.681, 397.6811, 397.6814, 397.6815, 397.6818, 397.6819, 397.6821, 397.6822, 397.693, 397.695, 397.6951, 397.6955, 397.6957, 397.697, 397.6971, 397.6975, 397.6977, 397.705, 397.707, 397.752, 397.753, 397.754, 397.901, 465, 633.022, 944.026, 948 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:** 1:00 p.m. – 4:00 p.m., Monday, October 11, 1999

**PLACE:** Department of Children and Family Services, 2720 Blair Stone Road, Unit C, Conference Room, Tallahassee, FL

PRIOR TO, OR AT THE TIME OF THE WORKSHOP, ANY PERSON MAY SUBMIT INFORMATION (1) RELATING TO THE DEPARTMENT’S STATEMENT OF ESTIMATED REGULATORY COSTS (IF ONE HAS BEEN REQUESTED OR IF ONE HAS BEEN PREPARED); AND (2) ANY PROPOSALS AS TO HOW THE SAME DEPARTMENT REGULATORY GOAL CAN BE ACHIEVED WITH A LOWER REGULATORY COST.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Phil Emenheiser  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Educational Facilities	6-2.001

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to update the rule as it relates to life cycle cost criteria, standards for new and existing relocatable classroom buildings, to reformat and reorganize the material for future incorporation of the “new construction” standards into the Florida Building Code, and to include other updates in response to changed requirements of Florida Statute. The effect will be a rule which reflects the changes made in law.

**SUMMARY:** This rule is to be amended to comply with current facility standards and with present legislative directive. Chapter 235 Florida Statute requires the Commissioner of Education to provide standards and requirements for the procurement and management of educational facilities. Incorporated in the rule by reference is the document “State Requirements for Educational Facilities” (SREF). The SREF requirements include, but are not limited to: leasing, planning, constructing, inspecting and maintaining public educational facilities from public school child care through community colleges. Financing of public educational capital outlay projects includes kindergarten through university facilities and other educational agencies.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** None.

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 the notice.

**SPECIFIC AUTHORITY:** Section AXIIS9(a), AXIIS9(d), State Constitution; 215.61(5), 229.053(1), 230.23(9), 230.64, 235.01(2), 235.06, 235.19, 235.211, 235.26, 235.31, 235.32, 239.229, 240.327(1) FS.