

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Classification of Roads  
 RULE CHAPTER NO.: 14-12

RULE TITLE: Scenic Highways  
 RULE NO.: 14-12.021

PURPOSE AND EFFECT: This rule amendment is to adopt a revised version of Appendix F to the Department's Florida Scenic Highways Program Manual.

SUBJECT AREA TO BE ADDRESSED: Rule 14-12.021 is being amended to incorporate a revised version of Appendix F to the Department's Florida Scenic Highways Program Manual, which will supersede the October 1997, version previously adopted.

SPECIFIC AUTHORITY: 334.044(2), 335.093(2) FS.

LAW IMPLEMENTED: 335.093(1) FS.

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

TIME AND DATE: 10:00 a.m., February 15, 1999

PLACE: Florida Department of Transportation, Haydon Burns Building, 605 Suwannee Street, Third Floor, Conference Room, Room 348, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-12.021 Scenic Highways.

The Department will designate scenic highways under Section 335.093, Florida Statutes, in accordance with Appendix F of the Florida Scenic Highways Manual (Rev. 1/7/99 40/22/97), which is incorporated by reference herein. Copies of this document may be obtained from: Department's Environmental Management Office, 605 Suwannee Street, M.S. 37, Tallahassee, FL 32399-0450.

Specific Authority 334.044(2), 335.093(2) FS. Law Implemented 335.093(1) FS. History--New 2-24-98, Amended \_\_\_\_\_.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Participation by Socially and Economically Disadvantaged Individuals in Department of Transportation Contracts  
 RULE CHAPTER NO.: 14-78

RULE TITLES: Procedure for Certification  
 Challenge Procedure  
 Suspension or Revocation  
 RULE NOS.: 14-78.007  
 14-78.0071  
 14-78.008

PURPOSE AND EFFECT: The rule chapter is being amended to conform with the new Uniform Rules of Procedure, which now govern all agency procedures.

SUBJECT AREA TO BE ADDRESSED: Rules 14-78.007, 14-78.0071 and 14-78.008 are being amended to conform with the new Uniform Rules of Procedure, which now govern all agency procedures.

SPECIFIC AUTHORITY: 334.044(2), 337.137(3), 339.0805(2) FS.

LAW IMPLEMENTED: 120.569, 120.57, 334.044(27), 337.137, 339.05, 339.0805 FS.

IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND HELD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-78.007 Procedure for Certification.

(1) through (5) No change.

(6) The Department is required to provide written notice its intent to certify or deny the firm. If the Department intends to deny an application for certification as a DBE, notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. the Department shall provide, by certified mail, return receipt requested, or by personal delivery to the office of the applicant, notice of the facts which warrant such action. A mailed notice shall constitute full and complete notice even if the mail is returned as refused or unclaimed by the applicant provided the Department mails such notice to the last known address as provided by the applicant in writing.

~~(a) The written notice of denial of an application for certification shall contain:~~

~~1. The particular facts or basis for denial of the application.~~

~~2. A statement that the applicant has the right to an administrative hearing pursuant to Section 120.57, Florida Statutes.~~

~~3. A statement that the denial shall become conclusive and final agency action if no request for a hearing is filed within 15 days of receipt of the notice of denial.~~

~~(b) All requests for hearing shall be made in writing and shall be filed with the Clerk of Agency Proceedings, 605 Suwannee Street, MS 58, Room 562, Haydon Burns Building, Tallahassee, Florida 32399-0458, within 15 days of receipt of the notice of denial of the application and shall include:~~

- ~~1. The name and address of the party making the request;~~
- ~~2. A statement that the party is requesting a formal proceeding pursuant to Section 120.57(1), Florida Statutes, or an informal proceeding pursuant to Section 120.57(2), Florida Statutes; and~~
- ~~3. A reference to the notice of denial of the application.~~

~~(c) If the applicant fails to file a request for a hearing within 15 days after receipt of the notice of denial of the application, the denial shall become conclusive and final agency action.~~

~~(d) Where the notice is refused or unclaimed, the 15 days will begin to run as of the last date of attempted contact by the delivery agent.~~

Specific Authority 334.044(2), 339.0805(1) FS. Law Implemented 120.569, 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History—New 12-9-81, Amended 5-23-84, Formerly 14-78.07, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, 4-30-96, \_\_\_\_\_.

14-78.0071 Challenge Procedure.

(1) Pursuant to 49 C.F.R. Subtitle A, Subpart D, Section 23.69, any third party may challenge the socially and economically disadvantaged status of any individual (except an individual who has a current 8(a) certification from the Small Business Administration) who is a member of one of the presumptive groups listed in Rule 14-78.002(18) if that individual is an owner of a firm certified by or seeking certification from the Department as a disadvantaged business.

(1) and (a) through (c) No change.

(d) The Department shall evaluate the information available to it and make a proposed determination of the disadvantaged status of the challenged party. The Department shall notify both parties of this proposed determination in writing, setting forth the reasons for its proposal. Notice of the Department's proposed determination will be provided in accordance with Rule 28-106.111, F.A.C. The Department's determination will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. The

Department shall provide an opportunity to the parties for an informal hearing, at which they can respond to this proposed determination in writing and in person.

(e) Following the informal hearing, the Department shall make a final determination. The Department shall inform the parties in writing of the final determination, setting forth the reasons for its decision.

(e)(f) In making the determinations called for in paragraphs (b) ~~and~~; (d) ~~and~~ (e) of this section, the Department shall use the standards set forth in 14-78.005 of this Rule Chapter.

(f)(g) During the pendency of a challenge under this section, the presumption that the challenged party is a disadvantaged individual shall remain in effect.

(g)(h) The final determination of the Department under paragraphs (1)(a) 2.a. and (1)(a) 5. may be appealed to the U.S. Department of Transportation by the adversely affected party to the proceeding under the procedures of 49 CFR Subtitle A, Section 23.55.

(2) The Department shall initiate a challenge against any applicant's status or certified DBE if it obtains credible information which questions the disadvantaged status of the applicant.

(2)(a) No change.

(b) If the Department challenges the socially and economically disadvantaged status of a currently certified DBE, the Department shall revoke certification under the procedures specified in Rule Sections 14-78.008(2) ~~and~~; (3); ~~and~~ (4).

Specific Authority 120.53(1)(b), 334.044(2), 339.0805 (1) FS. Law Implemented 120.57, 120.60, 334.044(27), 339.05, 339.0805 FS. History—New 6-24-91, Amended 12-2-93, \_\_\_\_\_.

14-78.008 Suspension or Revocation.

(1) through (2) No change.

(3) With the exception of a change in the qualifying 51% minority ownership, prior to suspending or revoking certification as a DBE, notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C. the Department shall inform the DBE in writing by certified mail, return receipt requested, or personal delivery to the office of the DBE, of the following:

(a) ~~The statutory provision(s) or rule(s) of the Florida Administrative Code which is alleged to have been violated.~~

(b) ~~The specific facts or conduct relied upon to justify the revocation or suspension.~~

~~(c) A statement that the DBE has the right to file a request for an administrative hearing pursuant to Section 120.57, Florida Statutes, within 15 days of receipt of the notice of revocation or suspension.~~

~~(d) A statement that the suspension or revocation shall become conclusive and final agency action if no request for a hearing is filed within 15 days of receipt of the notice of revocation or suspension of certification.~~

~~(4) All requests for a hearing shall be made in writing and shall be filed with the Clerk of Agency Proceedings within 15 days of receipt of the notice of suspension or revocation of certification. The request shall include:~~

~~(a) The name and address of the DBE making the request;~~

~~(b) A statement that the DBE is requesting a formal proceeding pursuant to Section 120.57(1), Florida Statutes, or an informal proceeding, pursuant to Section 120.57(2), Florida Statutes; and~~

~~(c) A reference to the notice of revocation or suspension of certification received from the Department and a statement of the specific grounds on which the proposed action is being challenged.~~

~~(5) If the DBE fails to file a request for a hearing within 15 days after receipt of the notice of revocation or suspension of certification, the suspension or revocation shall become conclusive and final agency action.~~

Specific Authority 334.044(2), 337.137(3), 339.0805(2) FS. Law Implemented 120.569, 120.57, 334.044(27), 337.137, 339.05, 339.0805 FS. History—New 12-9-81, Amended 5-23-84, Formerly 14-78.08, Amended 9-21-87, 5-4-88, 6-24-91, 12-2-93, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: RULE NO.:

Employee Relationships with Inmates 33-4.020  
and Offenders

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish reporting requirements for Department employees who have relatives housed with or supervised by the Department and to prohibit Department employees from maintaining business or personal relationships with inmates or offenders. The rule further provides guidelines for visitation of inmate relatives by Department employees.

SUBJECT AREA TO BE ADDRESSED: Personnel.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

TIME AND DATE: 9:00 a.m., February 16, 1999

PLACE: Law Library, Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gary Grant, Bureau of Legal Services, 2601 Blair Stone Road, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-4.020 Employee Relationships with Inmates and Offenders.

(1) No employee shall engage in a personal or business relationship with an inmate or offender. Any pre-existing relationship other than marriage or a familial relationship shall be discontinued when the offender is committed to department custody or supervision or when the employee is hired by the department. If an employee becomes aware that he or she is involved in a personal or business relationship with an offender, the employee must immediately suspend the relationship and notify his or her supervisor.

(2) If a relative of an employee becomes an inmate or offender supervised by the department, the employee must notify in writing his or her supervisor of the situation. No employee shall be allowed to work in the same location where an inmate spouse is housed or work in the same office from which an offender spouse is supervised.

(3) If an employee becomes aware that he or she has an inmate or offender relative housed at or supervised from the same location where the employee works, the employee shall immediately notify his or her supervisor in writing upon becoming aware of the conflict. The inmate or offender shall be transferred or reassigned upon receipt of the report.

(4) If a probation officer is assigned supervisory responsibility for an offender who is currently or was previously a relative of the probation officer, or for an offender who is now maintaining or has ever maintained a personal or business relationship with the probation officer, the officer must file a written report with his or her immediate supervisor upon becoming aware of the conflict. The offender will be reassigned to another location or another officer at the same location.

(5) All applicants for employment shall be asked whether they have any relatives in the custody of or under supervision of the department, and shall be advised of the reporting requirements of this rule for all employees.

(6) For the purposes of this rule, "immediate family" means a spouse, child, parent, brother, sister, grandparent or grandchild. Additionally, for purposes of this rule, a "relative" includes: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, and grandchild.

(a) Pursuant to rule 33-5.006(3)(a), no employee shall be on the visiting list of an inmate unless the employee is an immediate family member of that inmate. The employee shall be responsible for advising in writing the superintendent where the relative is housed that the employee is visiting an inmate relative.

(b) Employees approved as authorized visitors shall adhere to all rules, visiting procedures and guidelines as other visitors. Employees shall not wear any department uniform, department clothing or department equipment during visiting periods, nor display any department ID card, badge or credentials.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE TITLE: Approved Forms  
PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of seven new forms and three revised forms related to Florida Retirement System participation, service credit, and benefits.

RULE NO.: 60S-9.001

SUBJECT AREA TO BE ADDRESSED: Forms DP-TN, DP-PM, and DP-RO are new Deferred Retirement Option Program (DROP) forms to be used for verification of the DROP participant’s termination date, selection of the participant’s preferred distribution method of DROP funds, and verification of the DROP rollover amount by the participant and custodian of the amount, respectively, to implement the provisions of Section 121.091(13), F.S. Form FR-30 is being revised to include certain non-FRS in-state service as service that FRS members can claim for retirement credit, to implement the provisions of Section 121.1122, F.S. Form FR-30b is being adopted, in compliance with Section 121.091(7), F.S., for verification of out-of-state or in-state service to be purchased by the spouse or other joint annuitant of a deceased member in order to vest. Form JA-NUL is being adopted to allow a retiree, following a divorce, to nullify the designation of a joint annuitant, to implement the provisions of Section 121.091(6)(d). Form EOC-1 is being adopted to allow elected officers the opportunity to elect to participate in the Senior Management Service Class (SMSC), the Senior Management Service Optional Annuity Program (SMSOAP), or a local annuity in lieu of the Elected Officers’ Class, in compliance with Sections 121.052(3)(c) and 121.055(1)(f), F.S. Form OCC-1 is being adopted to allow eligible community college employees to elect to participate in the Community College Optional Retirement Program or to remain in the Florida Retirement System, to implement the provisions of Section 121.051(2)(c), F.S. Form FRS-M10 is being revised to declare a deceased member’s spouse to be the primary beneficiary unless a beneficiary is designated after the member’s most recent marriage, according to the provisions of

Section 121.091(8), F.S. Form SMSD-1 is being revised to implement Section 121.055(1)(b), F.S., which changed the number of SMSC positions allowed for local agencies from one for every 200 employees to one for every 100 employees. SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.051, 121.052, 121.055, 121.091, 121.1122 FS.

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

TIME AND DATE: 10:00 a.m., February 8, 1999

PLACE: 2nd Floor, Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND TO OBTAIN A COPY OF THE PRELIMINARY RULE TEXT IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE TITLE: Application Evaluations  
PURPOSE AND EFFECT: The proposed amendment to Rule 61G16-5.004 clarifies the manner in which the Board will calculate work experience credits for purposes of evaluating an application for licensure.

RULE NO.: 61G16-5.004

SUBJECT AREA TO BE ADDRESSED: Application Evaluations.

SPECIFIC AUTHORITY: 492.104, 492.105 FS.

LAW IMPLEMENTED: 492.105 FS.

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

TIME AND DATE: 9:00 a.m., February 19, 1999

PLACE: Department of Business and Professional Regulation, Board Meeting Room, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, 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:

61G16-5.004 Application Evaluations.

(1) through (3) No change.

(4) Because the evaluation of work experience is a complex and subjective matter, the Board establishes the following guidelines which shall be generally applicable absent extraordinary evidence and documentation supporting a departure therefrom:

1. No change.

2. Geological work experience credit shall be granted on a month-for-month basis for those periods in which the applicant was engaged in geological work in a responsible position on a 40 hour per week, full-time basis. Periods in which the applicant was engaged in geological work in a responsible position on a part-time, less than 40 hour per week basis shall be credited toward the geological work experience requirements based on the percentage of a full-time, 40 hour work week that the applicant actually performed the geological work. No additional geological work experience credit is allowable for any period of time for which the applicant has received credit toward the geological work experience requirements based upon any undergraduate or graduate study or full-time teaching or research in the geological sciences at the college level.

3. Each year of undergraduate or graduate study in the geological sciences shall be to be credited toward the geological work experience requirements on a month-for-month basis for those periods ~~shall have consisted of a normal, approximate nine month academic period~~ during which the applicant was enrolled as a full-time student in pursuit of a geological or other related science education or degree. No additional geological work experience credit is allowable for any period of time for which the applicant has received credit toward the geological work experience requirements based upon any period of actual geological work experience or full-time teaching or research in the geological sciences at the college level.

4. No change.

Specific Authority 492.104, 492.105 FS. Law Implemented 492.105 FS. History—New 12-8-98, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE CHAPTER TITLE: Examination  
 RULE CHAPTER NO.: 61G17-4

PURPOSE AND EFFECT: The Board proposes to consider possible amendments to the rules within this chapter pursuant to earlier discussions held by this Board.

SUBJECT AREA TO BE ADDRESSED: Written examination designated; general requirements; content of examination; grading criteria and procedures; passing grades; grades review procedure; re-examination.

SPECIFIC AUTHORITY: 455.217(1)(2), 472.008, 472.013 FS.

LAW IMPLEMENTED: 455.217(1)(2), 472.013, 472.015 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE CHAPTER TITLE: Penalties  
 RULE CHAPTER NO.: 61G17-9

PURPOSE AND EFFECT: The Board proposes to consider possible amendments to the rules within this chapter pursuant to earlier discussions held by this Board.

SUBJECT AREA TO BE ADDRESSED: Penalties; aggravating or mitigating circumstances; citations; notices of noncompliance; mediation, probation; survey review.

SPECIFIC AUTHORITY: 455.2235, 455.224, 455.225(3), 455.2273(1), 472.008 FS.

LAW IMPLEMENTED: 455.2235, 455.224, 455.2273, 455.225(3), 472.018, 472.033(3)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Rimes, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0756

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Licensee  
 RULE NO.: 61H1-20.001

PURPOSE AND EFFECT: The proposed rule is being amended in order to be in compliance with the underlying statutes.

SUBJECT AREA TO BE ADDRESSED: Licensee.  
 SPECIFIC AUTHORITY: 473.304 FS.  
 LAW IMPLEMENTED: 473.304 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: Martha P. Willis, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61H1-20.001 Licensee.  
 (1) No change.  
 (2) A "suspended certified public accountant" is prohibited from practicing public accounting as a sole proprietor, partner or shareholder and using the CPA designation. A suspended licensee must maintain an active license during the period of suspension ~~A suspended licensee may be an employee under the supervision of a certified public accountant who holds an active license.~~

Specific Authority 473.304 FS. Law Implemented 473.304 FS. History--New 12-4-79, Formerly 21A-20.01, Amended 10-20-86, Formerly 21A-20.001, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Commissions or Referral Fees  
 RULE NO.: 61H1-21.003  
 PURPOSE AND EFFECT: Under the authority of the Board, the proposed rule is being amended in order to add new language clarifying the rules intent and in order to be in compliance with the underlying statute.  
 SUBJECT AREA TO BE ADDRESSED: Commissions or Referral Fees.  
 SPECIFIC AUTHORITY: 473.304, 473.3205 FS.  
 LAW IMPLEMENTED: 473.3205 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: Martha P. Willis, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61H1-21.003 Commissions or Referral Fees.  
 (1) through (2) No change.  
(3) The CPA must hold appropriate licenses as required.  
(4) If the CPA is not independent as described in 61H1-21.001, F.A.C., it must be disclosed in the engagement letter. However, if the only reason for not being independent is the fact that the Certified Public Accountant is being compensated by a commission or contingent fee then the lack of independence does not have to be disclosed.

Specific Authority 473.304, 473.3205 FS. Law Implemented 473.3205 FS. History--New 12-4-79, Formerly 21A-21.03, Amended 3-28-89, Formerly 21A-21.003, Amended 2-23-98, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Fees  
 RULE NO.: 61H1-31.001  
 PURPOSE AND EFFECT: Under the authority of the Board, the proposed rule is being amended in order to decrease the amount for candidates transferring partial credits from another state and in order to delete the late fees imposed by the Board for scan sheets for the Laws and Rules Examination.  
 SUBJECT AREA TO BE ADDRESSED: Fees.  
 SPECIFIC AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.  
 LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 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: Martha P. Willis, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61H1-31.001 Fees.  
 (1) For the applicant to sit for the Uniform CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, thirty-five dollars (\$35.00) and fifty dollars (\$50.00) per part; fifty dollars (\$50.00) per part for extended/conditioned candidates; ~~one hundred ninety-five dollars (\$195.00) for candidates transferring partial credits from another state.~~ The Department will defer the fee until the next examination if the applicant is unable to sit for the examination due to illness, death in the

immediate family, military service, or jury duty provided the applicant's illness is supported by a notarized statement of a physician, or absence, by reason of military service is supported by a copy of military order or a letter from the Commanding Officer or death in immediate family is supported by a notarized statement by the applicant and a copy of the death certificate or obituary, or jury duty is supported by evidence from the appropriate court. Such request must be made in writing within sixty (60) days from the last day of the examination.

(2) through (9) No change.

(10) The scan sheet for the Laws and Rules Examination must be postmarked by or on July 15. ~~If it is postmarked after July 15 but by or on September 15, a \$100 fee will be imposed by the Board. If it is postmarked between September 16 and December 1, a \$200 fee will be imposed.~~ No Laws and Rules Examination scan sheet will be accepted if it is postmarked after December 1.

(11) through (12) No change.

Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History--New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLES: RULE NOS.:

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances 61H1-36.004 Citations 61H1-36.005

Minor Violation, Notice of Non-Compliance 61H1-36.0055

PURPOSE AND EFFECT: The proposed rules are being amended in order to be in compliance with the underlying statutes.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances; Citations; and Minor Violation, Notice of Non-Compliance.

SPECIFIC AUTHORITY: 455.224, 455.225, 455.225(3), 455.2273, 473.304 FS.

LAW IMPLEMENTED: 455.224, 455.225, 455.2273, 473.3101, 473.323(1)(m) 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: Martha P. Willis, Executive Director, Board of Accountancy, 2610 Northwest 43rd Street, Suite 1-A, Gainesville, Florida 32606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-36.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE
	MINIMUM      MAXIMUM

(a) through (k) No change.

(l) <u>Licensees practicing in an unlicensed firm (including sole proprietors)</u> <del>Firm practicing without license</del> or otherwise in violation of 473.309, 473.3101, and 473.323(1)(g), F.S.	Reprimand and \$100 per month fine to maximum of \$5,000 and suspension of right to practice until corrected
---	--

(m) through (o) No change.

(3) No change.

Specific Authority 455.2273 FS. Law Implemented 455.2273, 473.323(1)(m) FS. History--New 1-7-87, Amended 9-16-87, 8-25-88, 6-18-91, 12-30-91, Formerly 21A-36.004, Amended 12-7-93, 5-23-94, \_\_\_\_\_.

61H1-36.005 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) No change.

(b) <u>Licensees practicing in an unlicensed firm (including sole proprietors)</u> <del>Firm practicing without license</del> or otherwise in violation of 473.309, <del>473.323(1)(g)</del> , 473.3101, and 473.323(1)(g), F.S.	Reprimand and \$100 per month fine to maximum of \$5,000 and suspension of right to practice until corrected.
--	---

(c) No change.

(4) through (5) No change.

Specific Authority 455.224, 455.225, 473.304 FS. Law Implemented 455.224 FS. History--New 12-30-91, Formerly 21A-36.005, Amended 12-7-93, 5-23-94, \_\_\_\_\_.

61H1-36.0055 Minor Violation, Notice of Non-Compliance.

(1) No change.

(2) The following violations are minor violations for which the Department may issue a notice of non-compliance:

(a) through (b) No change.

(c) Licensees practicing in a firm which was not licensed  
~~Failure of a firm to become licensed~~ within three months of the date the firm began doing business. Any late fees shall still apply.

(d) through (h) No change.

(3) No change.

Specific Authority 455.225(3), 473.304 FS. Law Implemented 455.225, 473.3101 FS. History--New 10-15-97, Amended 7-16-98,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE TITLE: Practitioner Profile RULE NO.: 64B-2.001

PURPOSE AND EFFECT: To identify the form of the practitioner profiles which will be made available to the public through the World Wide Web and other commonly used means of distribution.

SUBJECT AREA TO BE ADDRESSED: Practitioner profile.

SPECIFIC AUTHORITY: 455.5654 FS.

LAW IMPLEMENTED: 455.565, 455.5651, 455.5652, 455.5653, 455.5654, 455.5655, 455.5656 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lucy Gee, Chief, Bureau of Operations, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: Examination Security RULE NO.: 64B9-3.007

PURPOSE AND EFFECT: The purpose of the amendment is that the Department of Health will implement security and monitoring procedures pursuant to rule 64B1.010 F.A.C. The Department shall also comply with and implement those security measures set out in the examination contract negotiated between the Department and the National Council of State Boards of Nursing, Inc.

SUBJECT AREA TO BE ADDRESSED: Examination Security.

SPECIFIC AUTHORITY: 455.574(1)(d) FS.

LAW IMPLEMENTED: 455.574(1)(d) 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: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.007 Examination Security.

In addition to those security and monitoring procedures implemented by the Department of ~~Health Business and Professional Regulation~~ pursuant to Rule ~~64B-1.010 64-11.014~~, F.A.C., the Department, when administering a licensing examination to applicants for nursing licensure, shall comply with and implement those security measures set out in the examination contract negotiated between the Department and the National Council of State Boards of Nursing, Inc.

Specific Authority 455.574(1)(d) ~~455.217(1)(d)~~ FS. Law Implemented ~~455.574(1)(d) 455.217(1)(d)~~ FS. History--New 10-6-82, Formerly 21O-17.01, 21O-17.001, 61F7-3.007, 59S-3.007, Amended\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE TITLE: The Probable Cause Panel RULE NO.: 64B9-8.001

PURPOSE AND EFFECT: The purpose of the amendment is to reflect a change in the number of probable cause panels established by the Board.

SUBJECT AREA TO BE ADDRESSED: The Probable Cause Panel.

SPECIFIC AUTHORITY: 464.006, 455.621(1),(3) FS.

LAW IMPLEMENTED: 455.621(3) 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: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207



