

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF LABOR AND EMPLOYMENT  
SECURITY**

**Division of Workers' Compensation**

RULE NOS.:	RULE TITLES:
38F-6.007	Compensation Notice
38F-6.008	Termination of Workers' Compensation Insurance
38F-6.009	Forms and Instructions
38F-6.012	Notice of Election to be Exempt and Notice of Revocation of Election to be Exempt by Sole Proprietors, Partners or Corporate Officers
38F-6.014	Filing Documents and Penalty Assessments
38F-6.015	Employer Record Keeping Requirements

**NOTICE OF CHANGE**

Notice is hereby given, in accordance with subparagraph 120.54(3)(d)1., F.S., that the following text indicates changes to proposed administrative rule Chapter 38F-6, F.A.C., and incorporates changes made since the rules were published in the November 20, 1998 issue of the Florida Administrative Weekly (Vol. 24, No. 47).

38F-6.007 Compensation Notice.

(1) Upon issuance of an insurance policy or certificate of membership in a self-insurance fund or a renewal certificate thereof, the ~~insurer insurance carrier~~ or self-insurance servicing agent shall furnish the employer a sufficient number of typewritten or printed compensation notices, ~~in accordance commonly referred to as the "broken arm poster." with the form as prescribed herein.~~ The Such ~~c~~Compensation notice shall be:

(a) red with white lettering on the background and with black, blue and red lettering on the arm, ~~as shown in the sample. The notice shall be:~~

(b) 11 inches by 17 inches, printed on paper or cardboard stock ~~and shall be:~~

(c) headed "Workers' Comp Works for You" in lettering not less than one-half inch high; and

(d) contain the following words: "This notice of compliance must be posted by the employer and maintained conspicuously in and about the employer's place or places of employment." ~~Copies of the notice may be obtained from: Florida Bureau of Workers' Compensation Compliance, 2562 Executive Center Circle, East, 201L Montgomery Building, Tallahassee, FL 32399-0661.~~

(2) The following information shall, in addition to paragraph (1) above, be included on the compensation notice if the employer is carrier insured through a commercial insurer: the following wording shall be, used on the insert:

EMPLOYER	Name Address
CARRIER	Name Address
AGENT	Name Policy Number Effective Date

(a) the name and address of the employer; and

(b) the name and address of the insurer and the agent of record of the employer's current workers' compensation insurance policy and the policy number and effective date of coverage of that policy.

(3) The following information shall, in addition to paragraph (1) above be included on the compensation notice if the employer is self insured through a self-insurance fund: the following information shall be given:

(a) the nName and aAddress of the employer;

(b) the nName of sSelf-Insurers fFund to which the employer belongs;

(c) the employer's mMembership nNumber;

(d) the eEffective dDate of coverage; and

(e) the sService aAgent employer's account number.

(f) Address and Phone Number of Service Agent

(4) The compensation notice may also include such other information, in addition to information required by paragraphs (1), (2), and (3) above, as the insurer or self-insurance fund may desire concerning accident reports, the names of physicians, or other pertinent information. The Compensation Notice issued by the carrier or fund shall also carry the following wording: This notice of compliance must be posted by the employer and maintained conspicuously in and about the employer's place or places of employment.

(5) Insurers or self insurer funds may purchase compensation notices from: The Florida Division of Workers' Compensation, Bureau of Compliance, 2562 Executive Center Circle, East, Suite 109, Montgomery Building, Tallahassee, FL 32399-0661 ~~Such other wording as the carrier or self-insurance fund may desire concerning accident reports, the names of physicians or other pertinent information may be included in addition to the above named items.~~

Specific Authority 440.40 FS. Law Implemented 440.40 FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.07, Amended \_\_\_\_\_.

38F-6.008 ~~Cancellation~~ Termination of Workers' Compensation Insurance by an Insurer.

(1) Except as hereinafter provided, a workers' compensation contract ~~or insurance policy~~ shall not be cancelled by an insurer terminated until and unless 30 days

have elapsed after the insurer has filed with the Division a Notice of Cancellation or Reinstatement (LES Form BCM-242) termination has been given to the Division and the employer in accordance with Section 440.42(2), Florida Statutes, on the Notice of Termination of Workers' Compensation Insurance (LES Form BCM-201). When an the insurer sends a Notice of Cancellation or Reinstatement (LES Form BCM-242) to the Division termination is sent by U.S. mail, the 30 days deadline will be calculated from the first 1st day following the date of mailing as evidenced by postmark; or in the event the postmark is missing or illegible, or the form is delivered to the Division by other than U. S. mail, the first day following the date such form is received by the Division.

(2) A workers' compensation Such policy of insurance policy may be cancelled by the insurer the same day it became effective if the insurer files a flat by filing such Notice of Cancellation or Reinstatement (LES Form BCM-242) termination with the Division and serves serving a copy of the notice of cancellation thereof upon the employer in person or by mail, stating therein the reason for such cancellation termination, if it is shown to the satisfaction of the Division that:

- (a) ~~t~~The policy has been rewritten by the same insurer, company with the same effective date; or
- (b) ~~p~~Prior to the effective date of the policy the employer ~~had~~ sold his business or otherwise went was out of business and thereafter had no employees; or
- (c) ~~t~~The insurer filed with the Division and the employer ~~were given such~~ notice of cancellation termination prior to the effective date of the policy.

(3) When duplicate or dual coverage exists because by reason of two different insurers carriers each having issued policies to the same employer, and both policies have the same effective the same date, secure securing the same liability, and proof of coverage for both policies was duly filed by the insurers as required by this rule chapter, then evidenced by certificates of insurance on file with the Division, one of those the policies may be cancelled by one of the insurers as of the date of the a Notice of Cancellation or Reinstatement (LES Form BCM-242) termination is filed by that insurer with the Division, and a copy served upon the employer; provided that the terminating carrier The canceling insurer may effect retroactive cancellation by filing with the Division a letter of assumption written statement from the other insurer stating carrier that the other insurer it assumes full liability under the terms of its policy in connection with the assured from the cancellation date of the policy being cancelled which is to be terminated.

(4) ~~When~~ Where duplicate or dual coverage exists because by reason two different insurers carriers having each issued policies of insurancee with different effective dates to the same employer, and both of those policies secure the covering the same liability, the insurer carrier which was first on the risk

(the canceling insurer) may cancel terminate its policy by filing with the Division a Notice of Cancellation or Reinstatement (LES Form BCM-242), coverage upon the effective date of the later coverage of the other carrier by giving notice to the Division and to the employer on LES Form BCM-201. Once such notice is filed the cancellation date of the policy being canceled shall become the same as the effective date of the policy not being canceled, unless a later cancellation date is specified by the canceling insurer.

~~(a) Where the policy with the later effective date has already been terminated by filing official notice of termination, in the absence of other certificates of insurance it will be presumed that the employer is without coverage.~~

Specific Authority 440.42(2)(3), 440.185(7) FS. Law Implemented 440.42(2)(3), 440.185(7) FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.08, Amended 12-28-97, \_\_\_\_\_.

38F-6.009 Forms and Instructions.

(1) The following forms are hereby adopted for use in connection with these rules:

(a) LES Form BCM-240 Proof of Coverage, revised 1/99 ~~LES BCM 201 Notice of Termination of Workers' Compensation Insurance, eff. 9/80~~

(b) LES Form BCM-240-A Proof of Coverage Attachment, revised 1/99 ~~LES BCM 205 Notice of Election of Coverage under Workers' Compensation Law, rev. 2/85~~

(c) LES Form BCM-241 Notice of Endorsement, revised 1/99 ~~LES BCM 206 Certificate of Insurance 11/82~~

(d) LES Form BCM-241-A Notice of Endorsement Attachment, revised 1/99 ~~LES BCM 207 Certificate of Exemption from Coverage under Workers' Compensation law, rev. 2/85~~

(e) LES Form BCM-242 Notice of Cancellation or Reinstatement, revised 1/99 ~~LES BCM 212 Reinstatement or Withdrawal of Policy Termination, rev. 2/85~~

(f) LES Form BCM-250 Notice of Election to be Exempt, revised 1/99 ~~LES BCM 216 Withdrawal of Election of Coverage, rev. 2/85; and instructions for same (Construction Industry Instructions for LES Form BCM-250 and Non-Construction Industry Instructions for LES Form BCM-250.~~

(g) LES Form BCM-250-R Notice of Revocation of Election to be Exempt, revised 1/99 ~~LES BCM 217 Revocation of Certificate of Exemption from Coverage under Workers' Compensation Law, rev. 2/85~~

(h) LES Form BCM-250-D Notice of Election to be Exempt, Request for Duplicate Copy, revised 1/99 ~~LES BCM 204 Construction Industry Notice of Election to be Exempt, revised 12/93~~

(i) LES Form BCM-251 Notice of Election of Coverage, revised 1/99 ~~LES BCM 214 Construction Industry Revocation of Election to be Exempt, effective 5/28/91~~

(j) LES Form BCM-251-R Notice of Revocation of Election of Coverage, revised 1/99

(2) The following forms may be obtained from any field office of the Division of Workers' Compensation, Bureau of Compliance: Notice of Election to be Exempt (LES Form BCM-250) and Notice of Revocation of Election to be Exempt (LES Form BCM-251-R). All other forms may be obtained from an insurer or from private suppliers as approved by the Division of Workers' Compensation. Copies of the Compensation Notice, the Construction Industry Notice of Election to be Exempt, and the Construction Industry Revocation of Election to be Exempt may be obtained from the Division of Workers' Compensation in Tallahassee. Other forms may be obtained from the carrier or from private suppliers.

(3) All instructions on reports and forms required by this rule are considered a part of these rules.

Specific Authority 440.591-440.05, 440.05(7), 440.05(9), 440.10, 440.103, 440.185(7), 440.42(2) FS. Law Implemented 440.05, 440.10(1)(c), 440.103, 440.185(7), (9), 440.38(2), 440.42(2) FS. History—New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, \_\_\_\_\_.

38F-6.012 Notice of Construction Industry Election to be of Exemption and Notice of Revocation of Election to be Exempt by Sole Proprietors, Partners or Corporate Officers.

(1) Any sole proprietor or partner actively engaged in the construction industry, and any corporate officer of a construction or non-construction industry corporation, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, Florida Statutes) shall file with the Division in Tallahassee a Construction Industry Notice of Election to be Exempt (LES Form BCM-250(04)). Such election shall become effective at 12:01 a.m. on the 31st day from the date of mailing, if properly filed and accepted by the Division, provided, however, such notice given less than 30 days after the effective date of the current coverage shall be effective as of 12:01 a.m. of the day following the date it is mailed to the Division in Tallahassee.

(2) The following documentation shall be attached by the applicant to every Notice of Election to be Exempt (LES Form BCM-250):

(a) Each sole proprietor shall attach a copy of the sole proprietor's Federal Income Tax Form 1040 and its accompanying Schedule C as filed by the applicant with the Internal Revenue Service (IRS) for the most recent tax year.

(b) Each partner shall attach a copy of the partner's Federal Income Tax Schedule K-1 (Form 1065), and Form 1040 and its accompanying Schedule E as filed as filed by the applicant with the IRS for the most recent tax year.

(c) EXCEPTION FOR NEW BUSINESSES: A sole proprietor or partner of a business entity that has not been in operation long enough to have filed or is required to file by the IRS its first annual Federal Income Tax return may, in lieu of

attaching a copy of such annual tax return to his/her exemption application, file with the IRS and attach to his/her exemption application an estimated or quarterly Federal Income Tax return.

(d) Each corporate officer shall attach, if the applicant is not listed as an officer of the corporation on the current records of the Florida Secretary of State, Division of Corporations, a notarized affidavit stating that the applicant is a bona fide officer of the corporation and stating the date such appointment or election became or shall become effective. Any partner or corporate officer in a business actively engaged in the construction industry, who elects to be exempt from the provisions of the workers' compensation law, shall file with the Division in Tallahassee a Construction Industry Notice Election to be Exempt, LES Form BCM 204. Such election shall become effective at 12:01 am on the 31st day from the date of mailing, if properly filed and accepted by the Division provided, however, such notice given less than 30 days after the effective date of the current coverage shall be effective as of 12:01 a.m. of the day following the date it is mailed to the Division in Tallahassee. In no instance shall more than three partners nor more than three corporate officers be exempt from the same business at any one time. All filings exceeding the exemption limit shall be returned as not accepted by the Division.

(3) The following information may be stricken by any applicant from his/her Federal Income Tax Form 1040 or estimated or quarterly Federal Income Tax return, before filing same with the Division: identification of the spouse and dependents of the applicant, including filing status; any W-2 income, interest and dividend income, refunds, credits, alimony received, capital gains or losses other than those associated with the applicant's business enterprise; IRA distributions, pensions, annuities, farm income, unemployment compensation, or social security benefits; any deductions from income in order to derive adjusted gross income; tax computation, credits, other taxes, payments, refunds or amounts owed. Each Construction Industry Notice of Election to be Exempt filed in accordance with (1) or (2) above shall be in effect for two (2) years from the effective date stated thereon by the Division in Tallahassee or until revoked whichever occurs first.

(4) Fees pursuant to this rule shall be as follows:

(a) Each application for initial or renewal of an initial Notice of Election to be Exempt (LES Form BCM-250), shall require payment to the Workers' Compensation Administration Trust Fund of a processing fee in the amount of \$50.00.

(b) An applicant shall have thirty days from the date his/her application is mailed or otherwise returned by the Division to the applicant as insufficient or incomplete in which to file documentation or information which cures the deficiency or completes the application, at which time the application shall

be processed without any additional processing fee. Failure of the applicant to meet such deadline shall mean the application shall not be processed.

(c) Each application to replace a lost or destroyed exemption card shall require payment to the Workers' Compensation Administration Trust Fund of a processing fee in the amount of \$25.00. Such request shall be made by filing with the Division a Notice of Election to be Exempt, Request for Duplicate Copy (LES Form BCM-250-D).

(d) An application filed by an applicant who has an exemption on file for the same business, which is current at the time a duplicate application is received by the Division, shall be treated as a new application. Any duplicate exemption on file shall be null and void as of the date a new exemption is issued by the Division. ~~Each Construction Industry Notice of Election to be Exempt shall include a fee payable to the "W.C. Administration Trust Fund" in the amount of \$25.00. Form of payment shall be by money order or cashiers check. Any other form of payment shall be unacceptable and will result in the return of the filing.~~

(5) ~~Any sole proprietor, partner or corporate officer who has been issued an exemption from the provisions of Florida's Workers' Compensation law (Chapter 440, Florida Statutes) may revoke such exemption by filing with the Division a Revocation of Notice of Election to be Exempt (LES Form BCM-250-R). Any sole proprietor, partner or corporate officer, who has elected to be exempt from the provisions of the workers' compensation law by filing proper notice may revoke such exemption by giving notice to the Division in Tallahassee on LES form BCM-214, Construction Industry Revocation of Election to be Exempt. Such acceptance of the provisions of the law shall become effective at 12:01 a.m. on the 31st day from the date of mailing of the notice to the Division, in Tallahassee. If an accident or occupational disease occurs less than 30 days after the effective date of the insurance policy under which the payment of compensation is secured or the date the employer qualified as a self insurer, such notice of acceptance shall be effective as of 12:01 a.m. of the day following the date it is mailed to the Division.~~

(6) ~~The issue date of any exemption, and effective date of any revocation of exemption, for which the application or notice is complete and sufficient, shall be the date following the day such application or notice is postmarked; or, in the event that a postmark is not present or not legible, or the application or notice is delivered to the Division by other than U. S. mail, the date following the day such application or notice is received by the Division. It shall be incumbent upon the sole proprietor, partner or corporate officer to make the required filing of the Construction Industry Notice of Election to be Exempt form. It shall not be the responsibility of any agent carrier, self insurance fund or agency of state government to notify such individual.~~

(7) A Notice of Election to be Exempt (LES Form BCM-250), or Notice of Revocation of Election to be Exempt (LES Form BCM-250-R), can only be filed by an applicant on his/her own behalf.

(8) Any application for exemption or notice of revocation of exemption which is returned to the applicant by the Division as being insufficient or incomplete, within thirty days after such application or notice is received by the Division, shall not be considered received for purposes of Chapter 440, Florida Statutes.

(9) In the event an exemption has been issued and the Division thereafter determines that any information or attachment to the application for same, or payment tendered for same, is insufficient, inaccurate, incomplete, or otherwise fails to satisfy the requirements of these rules or of Chapter 440, Florida Statutes, whether or not such omission, inaccuracy, or other deficiency is intentional, the exemption so issued shall be null and void from the date it was issued.

Specific Authority 440.591, 440.05(3),(6),(9), 440.103 FS. Law Implemented 440.104(+); 440.05(3),(4),(6), 440.103, 440.38 FS. History--New 5-28-91, Amended 2-15-94, 12-28-97, \_\_\_\_\_.

38F-6.014 Policy Information Filing Requirements For Insurers; Insurer Penalty Assessments.

(1) Every insurer shall file with the Division the following forms:

(a) A Proof of Coverage (LES Form BCM-240) and if applicable, a Proof of Coverage Attachment (LES Form BCM-240-A), shall be filed by an insurer within twenty-one days of the issue date of each contract issued by the insurer for workers' compensation insurance coverage.

(b) A Notice of Endorsement (LES Form BCM-241) and if applicable, a Notice of Endorsement Attachment (LES Form BCM-241-A) shall be filed by an insurer within twenty-one days of the issue date of each endorsement to a policy or contract issued by the insurer for workers' compensation insurance coverage.

(c) A Notice of Cancellation or Reinstatement (LES Form BCM-242) shall be filed by an insurer within twenty-one days of the issue date of each notice of reinstatement of a policy or contract for workers' compensation insurance coverage, and within thirty days of the issue date of each notice of cancellation of a policy or contract for workers' compensation insurance coverage, issued by the insurer.

(2) Failure or refusal by an insurer to timely file with the Division any document required herein shall result in a civil penalty to the insurer in the amount specified below, depending upon the number of days late the document is filed, except that there shall be no penalty for the late filing of a Notice of Cancellation or Reinstatement (LES Form BCM-242) following the cancellation by the insurer of a policy for workers' compensation insurance coverage.

(a) \$100.00 for each document filed from one to four days late;

(b) \$200.00 for each document filed from five to nine days late;

(c) \$300.00 for each document filed from ten to fourteen days late;

(d) \$400.00 for each document filed from fifteen to nineteen days late; and

(e) \$500.00 for each document filed twenty or more days late.

(3) For purposes of this rule, the term "filed" shall mean received by the Division at the following address: Florida Bureau of Workers' Compensation Compliance, 2562 Executive Center Circle, East, Montgomery Building, Room 201, Tallahassee, FL 32399-0661.

Specific Authority 440.185(7),(9) FS. Law Implemented 440.185(7),(9) FS. History—New \_\_\_\_\_.

### 38F-6.015 Record Keeping Requirements for Business Owners.

Every business entity conducting business within the state of Florida shall maintain true and accurate records for that business for all periods of time from the present to a minimum of three years prior. Such business records shall include, but not be limited to, original documentation of (or copies, when originals are not in the possession of or under the control of the business entity: any and all policies purchased by the business entity for workers' compensation insurance coverage, and any and all endorsements, notices of cancellation or reinstatement of same; and any and all records, including correspondence, pertaining to premium audits conducted by an insurer of such policies. In the event a business entity is unable or unwilling, upon request by the Division, to produce in a timely manner any of the above, and/or the business claims to not be required by Chapter 440, Florida Statutes to carry workers' compensation insurance coverage, and/or the Division determines that the business entity is not in compliance with the provisions of Chapter 440, Florida Statutes, by failing to carry workers' compensation insurance coverage, then that business entity shall be required to produce to the Division the following records:

(a) time sheets, time cards, attendance records, earnings records, payroll summaries, or other records indicating for every pay period a description of work performed and amount of pay or description of other remuneration paid or owed to each person by the business entity;

(b) any and all contracts to which the business is or was a party for the services of a professional employer organization (PEO) or employee leasing company, temporary labor company, payroll or business record keeping company; and in

the event a written contract was not executed, written documentation including the name, business address, telephone number, and FEIN or social security number of all principals if an FEIN is not held, of each such PEO, temporary labor company, payroll or business record keeping company; and

1. for every contract with a PEO – a payroll ledger for each pay period during the contract period identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed during each pay period by each worker, and the amount paid each pay period to each worker. A business entity may maintain such records or contract for their maintenance by the PEO to which the records pertain.

2. for every contract for temporary labor – work slips for each day temporary labor services were used identifying each worker by name, address, home telephone number, and social security number or documentation showing that the worker was eligible for employment in the United States during the contract for his/her services, and a description of work performed each pay period by each worker, and the amount paid each pay period to each worker and by the business entity to the temporary labor company. A business entity may maintain such records or contract for their maintenance by the temporary labor provider to which the records pertain.

(c) any and all contracts to which the business was or is a party for services performed by an independent contractor, or in the event a written contract was not executed, written documentation including the name, business address, telephone number, and FEIN or social security number if an FEIN is not held, of each independent contractor; and proof of workers' compensation insurance held by each independent contractor during the life of the contract for his/her services or records sufficient to prove that the independent contractor was not required pursuant to Chapter 440, Florida Statutes, to have workers' compensation insurance coverage during that time period;

(d) any and all check ledgers and bank statements for checking, savings, credit union, or any other bank accounts established by the business entity or on its behalf; and

(e) any and all federal income tax forms prepared by or on behalf of the business and all State of Florida, Division of Unemployment Compensation UCT-6 forms and any other forms or reports prepared by the business or on its behalf for filing with the Florida Division of Unemployment Compensation.

Specific Authority 440.107(2) FS. Law Implemented 440.107(2) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: RULE TITLE:  
61G1-17.001 Professional Fees and Penalties for Architects

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 46, November 13, 1998, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the Joint Administrative Procedures Committee. The Board, at its meeting on January 14, 1999, in Orlando, Florida, voted to change Subsection (6) of the rule to read as follows:

(6) The fee for reactivation from inactive status shall be \$100.00.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.: RULE TITLE:  
61G1-17.002 Professional Fees and Penalties for Interior Designers

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 46, November 13, 1998, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the Joint Administrative Procedures Committee. The Board, at its meeting on January 14, 1999, in Orlando, Florida, voted to change Subsection (6) of the rule to read as follows:

(6) The fee for reactivation from inactive status shall be \$100.00.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Auctioneers**

RULE NO.: RULE TITLE:  
61G2-5.001 Requirements for Conducting an Auction

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 35, August 28, 1998, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: RULE TITLE:  
61G4-16.001 Written Certification Examination Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 25, No. 1, January 8, 1999, issue of the Florida Administrative Weekly.

The following changes are made to address comments received by the Joint Administrative Procedures Committee:

Paragraph (19) of the proposed rule shall now read as follows:

(19) Business and Finance Examination.

Test one for all construction certification categories shall consist of questions relating to the business and financial management of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- (a) 20% Managing Cash Flow
- (b) 20% Estimating and Bidding Jobs
- (c) 5% Negotiating and Interpreting Contracts and Agreements
- (d) 5% Processing Change Orders
- (e) 5% Controlling Purchasing
- (f) 5% Scheduling for a Contract
- (g) 5% Controlling Costs of Fixed Assets
- (h) 10% Obtaining Insurance and Bonding
- (i) 10% Complying with Contracting Laws and Rules

- (j) 5% Managing Personnel
- (k) 5% Complying with Payroll and Sales Tax Laws
- (l) 5% Interpreting Financial Statements and Reports

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE NO.: 61G14-11.008  
 RULE TITLE: Cross Licensing  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 24, No. 33, August 14, 1998, issue of the Florida Administrative Weekly. The following changes are made to address comments received by the Joint Administrative Procedures Committee:

Paragraph (8) of the proposed rule shall now read as follows:

(8) Upon the recommendation of the pilot(s) in the cross licensed port or upon action by the Board if there is no licensed pilot in the cross licensed port, certificated cross licensed deputy pilots shall be issued a state pilot license for the cross licensed port area, provided the deputy pilot receives a score of at least 75% on the examination for the cross licensed port area consisting of the subject areas specified in Rule 61G14-11.003(1)(e), F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John P. Currie, Executive Director, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF HEALTH**

RULE NO.: 64-1.014  
 RULE TITLE: Listing of Final Orders  
 SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 24, No. 49, (December 4, 1998), issue of the Florida Administrative Weekly. The first Notice of Change was published in Vol. 25, No. 2, (January 15, 1999), issue of the Florida Administrative Weekly. The new changes are as follows:

- (1) through (2) No change.
- (3) Final Orders issued pursuant to Sections 120.57(2) or 120.57(4), Florida Statutes, which do not resolve a substantial legal issue of first impression; establish for the first time a rule

of, law, principle, or policy; alter, modify, or clarify a prior Final Order; resolve conflicting Final Orders; or harmonize decisions of appellate courts shall be listed, but not indexed.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-11.002  
 RULE TITLE: Examination for Licensure  
 NOTICE OF WITHDRAWAL

The Board of Podiatric Medicine hereby gives notice that the above-referenced rule, as noticed in Vol. 24, No. 24, of the June 12, 1998, issue of the Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

**Section IV  
 Emergency Rules**

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game 56 Specifics  
 RULE NO.: 53ER99-1

SUMMARY OF THE RULE: This emergency rule relates to Florida Lottery Instant Game 56, "STRAIGHT POKER," for which Lottery retailers will begin selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

- 53ER99-1 Instant Game 56 Specifics.
- (1) Name of Game. Instant Game Number 56, "STRAIGHT POKER."
- (2) Price. STRAIGHT POKER tickets sell for \$1.00 per ticket.
- (3) STRAIGHT POKER Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning STRAIGHT POKER Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any STRAIGHT POKER Lottery ticket, the VIRN number under the latex shall prevail over the bar code.