

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE CHAPTER TITLE: Repayment of Excellent Teaching Program Certification Fee
 RULE CHAPTER NO.: 6A-10

PURPOSE AND EFFECT: This rule development is to incorporate in rule provisions pursuant to Chapter 236.08106, Florida Statutes, for forgiveness and repayment of certification fees paid by the State of Florida to the National Board for Professional Teaching Standards.

SUBJECT AREA TO BE ADDRESSED: The repayment of certification fees to the State of Florida by teachers who fail to complete the National Board of Professional Teaching Standards program or fail to teach in a public school in this state for one year after completion of the program will be the subject area addressed.

SPECIFIC AUTHORITY: 236.08106 FS.

LAW IMPLEMENTED: 236.08106 FS.

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

Requests for the rule development workshop should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Betty Coxe, Director, Division of Human Resource Development, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions
 RULE NO.: 33-22.012

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the meaning of the term "self-mutilation" as used in the rules of prohibited conduct for inmates.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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., March 2, 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: Perri Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-22.012 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Section 1 through Section 8 No change.

Section 9 – Miscellaneous Infractions

9-1 through 9-29 No change.

9-30	Self Mutilation – <u>includes body piercing or other non-life threatening acts as determined by health care staff.</u>	30 DC + 60 GT
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9-31 through 9-32 No change.

Section 10 through Section 11 No change.

Specific Authority ~~944.09, 944.14, 945.09~~ FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28, ~~945.04, 945.09~~ FS. History–New 3-12-84, Formerly 33-22.12, Amended 1-10-85, 12-30-86, 9-7-89, 11-2-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: Prospectus and Rental Agreement
 RULE NO.: 61B-31.001

PURPOSE AND EFFECT: The purpose of this rule is to clarify how to serve an association with notice of a rent increase and to consider additional circumstances in which a prospectus can be amended. The effect of this rule, consistent with section 723.006, Florida Statutes, is to educate owners and operators of mobile home parks and communities and to enhance and improve their understanding of and compliance with the department's regulations.

SUBJECT AREA TO BE ADDRESSED: This rule addresses the procedure to be followed to serve a notice of rent increase on an association. Consideration will also be given to additional circumstances in which amendments to a prospectus can be made.

SPECIFIC AUTHORITY: 723.006(7),(8) FS.

LAW IMPLEMENTED: 723.006(8), 723.037(1) 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 26, 1999

PLACE: Fuller Warren Building, Conference Room, #B03, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: MARY DENISE O'BRIEN, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, 1940 NORTH MONROE STREET, CLEMONS BUILDING, TALLAHASSEE, FLORIDA 32399-1007.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Norred, Chief, Bureau of Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, or Mary Denise O'Brien, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
Minor Violation Categories	61B-35.002
Enforcement of Minor Violations	61B-35.003

PURPOSE AND EFFECT: The purpose of this rule chapter is to continue implementation of section 723.006, Florida Statutes, by establishing additional categories of minor violations. The effect of this rule, consistent with section 723.006, Florida Statutes, is to educate owners and operators

of mobile home parks and communities and to enhance and improve their understanding of and compliance with the department's regulations.

SUBJECT AREA TO BE ADDRESSED: These rules may establish violations which do not endanger the health, safety, or welfare of mobile home residents, which do not involve the failure to make full and fair disclosure, and which do not cause economic harm to mobile home park residents.

SPECIFIC AUTHORITY: 723.006(9),(11) FS.

LAW IMPLEMENTED: 723.006(9),(11) 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 26, 1999

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Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Mobile Home Resolution Guidelines	61B-36

PURPOSE AND EFFECT: The purpose of the resolution guidelines to implement the division's responsibility to ensure compliance with the provisions of chapter 723, Florida Statutes, and the division's administrative rules. The guidelines detail the education and enforcement procedures the division

will use to seek statutory or rule compliance. The guidelines are also intended to implement the division's statutory authority to give reasonable and meaningful notice to persons regulated by chapter 723, Florida Statutes, and the administrative rules of the range of penalties that normally will be imposed, if an enforcement resolution is taken by the division.

SUBJECT AREA TO BE ADDRESSED: These rules will establish guidelines for determining the range of penalties that will be imposed for violations of chapter 723, Florida Statutes and the administrative rules.

SPECIFIC AUTHORITY: 723.006, FS.

LAW IMPLEMENTED 723.006 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 26, 1999

PLACE: Fuller Warren Building, Conference Room, #B03, 202 Blount Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING: MARY DENISE O'BRIEN, DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION, 1940 NORTH MONROE STREET, CLEMONS BUILDING, TALLAHASSEE, FLORIDA 32399-1007.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Norred, Chief, Bureau of Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, or Mary Denise O'Brien, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
RULE NO.: 61G1-12.004

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to modify the penalty range.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

SPECIFIC AUTHORITY: 455.2273, 481.2055 FS.

LAW IMPLEMENTED: 455.227(1), 455.2273 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: Hearing to be scheduled if requested.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Mall, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-12.004 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) Failure to date plans (481.221(1)(a), F.S.)	Guidance Letter Reprimand.	Reprimand \$250 fine.
(b) Signing or sealing work not competent to perform (481.221(2), (3), F.S.)	Reprimand and \$1,000 fine.	Reprimand, \$1,000 fine; and one (1) year suspension followed by and two (2) year probation.

(c) "Plan stamping" (481.221(4), (5), F.S.)	Reprimand & \$1,000 fine.	Reprimand, \$1,000 fine, one (1) year suspension and followed by two (2) year probation, <u>or</u> revocation.	(k) Knowingly making or filing false report (481.225(1)(e) and 481.2251(1)(h), F.S.)	One (1) year suspension, <u>followed by</u> two (2) year probation and \$1,000 fine.	Revocation and \$1,000 fine.
(d) Plans not sufficiently detailed (481.221(6), (7), F.S.)	(see negligence penalty) <u>Reprimand, two (2) years probation \$1000 fine.</u>	Reprimand, <u>\$1000 fine, and one (1) year & suspension followed by two (2) years probation.</u>	(l) Fraudulent, false, deceptive, or misleading advertising (481.225(1)(f) and 481.2251(1)(d), F.S.)	Letter of guidance <u>Reprimand.</u>	Reprimand, <u>One (1) year probation and \$1,000 fine.</u>
(e) through (f) No change.			(m) Negligence (481.225(1)(g) and 481.2251(1)(k), F.S.)	Reprimand, two (2) year probation and \$1,000 fine.	Reprimand, <u>\$1,000 fine; and five (5) year suspension and ten (10) year probation revocation.</u>
(g) Criminal conviction relating to architecture (481.225(1)(d) and 481.2251(1)(c), F.S.)	Misdemeanor: Reprimand. Felony: One (1) year suspension; <u>followed by</u> two (2) year probation & \$1,000 fine.	Reprimand, \$1,000 fine; <u>and</u> one (1) year suspension <u>and</u> <u>followed by</u> two (2) year probation. Revocation and \$1,000 fine.	(n) Fraud or deceit 481.2251(1)(i), F.S.)	Reprimand, <u>One (1)</u> year suspension, followed by two (2) year probation and \$1,000 fine.	Revocation & \$1000 fine.
(h) No change.			(o) Misconduct (481.225(1)(i), F.S.) 1. Rule 61G1-12.001(6)(d) Soliciting or accepting gratuities without client knowledge	Reprimand & \$1,000 fine.	Reprimand, <u>One</u> (1) year suspension; <u>followed by</u> two (2) year probation and \$1,000 fine.
(i) Practice on inactive <u>or delinquent</u> license (481.225(1)(f) & (d), F.S.)	Fine based on length of time in practice while inactive <u>or</u> <u>delinquent</u> ; \$100 month or <u>to</u> \$1000 maximum. (Penalty will require license to renew license or cease practice).	<u>One (1) year suspension followed by one (1) year probation and \$1000 fine.</u>	2. Rule 61G1-12.001(6)(h) failure to preserve client's confidence	Reprimand & \$1,000 fine.	One (1) year suspension <u>and followed</u> <u>by</u> two (2) year probation (if pecuniary benefit accrues to architect) <u>&</u> <u>\$1000 fine.</u>
(j) No change.					

- 3. Rule
61G1-12.001(6)(j) Professional judgment is overruled by unqualified person
Reprimand and \$1,000 fine.
One (1) year suspension, two (2) year probation and \$1,000 fine.
(if pecuniary benefit accrues to architect.
- 4. Rule
61G1-12.001(6)(k) use of name/firm in fraudulent venture
Reprimand and \$1,000 fine.
~~Reprimand~~ \$1,000 fine, one (1) year suspension ~~and followed~~ by two (2) year probation.
- (p) through (r) No change.
- (s) Aiding unlicensed practice (481.225(1)(i) and 481.2251(1)(f), F.S.)
Reprimand and \$1,000 fine.
~~Reprimand,~~ \$1,000 fine, one (1) year suspension ~~and followed~~ by two (2) year probation.
- (t) Firm practicing without certificate of authorization (481.219, F.S.)
~~Guidance Letter to become certified or cease practice.~~ Reprimand. If firm applies for certificate, Board will impose a fine of \$100/month or a \$1,000 maximum per month of uncertified practice
- (u) No change.
- (3) No change.

Specific Authority 455.2273 FS. Law Implemented 455.227(1), 455.2273 FS. History—New 12-11-86, Formerly 21B-12.004, Amended 5-16-94, 10-20-96,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Citations
PURPOSE AND EFFECT: The Board proposes to amend the existing rule to broaden criteria for which citations can be issued for persons practicing without an active license. Also, to reduce the maximum amount of a fine for persons practicing on an inactive license.

RULE NO.: 61G1-12.005

SUBJECT AREA TO BE ADDRESSED: Citations.
SPECIFIC AUTHORITY: 455.224, 455.225, 481.306 FS.
LAW IMPLEMENTED: 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: Hearing to be announced if requested.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Department of Business and Professional Regulation, 1940 North Monroe Street, Northwood Mall, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-12.005 Citations.

(1) Pursuant to Section 455.224, F.S. (1991), the Board sets forth in (3) of this rule those violations for which there is no substantial threat to the public health, safety and welfare; or, if there is a substantial threat to the public health, safety and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the fine to be imposed.

(2) Prior to issuance of the citation, the Department must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.

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

(a) Practice on an inactive or delinquent license. (481.225(1)(h), F.S.)

Fine based on length of time in practice while inactive; \$100/month or ~~\$500~~ \$1,000 maximum. The individual must reactivate the license or cease practice.

~~(b) Practice on a delinquent license for over 120 days (481.225(1)(h), F.S.)~~

~~Fine based on length of time in practice while delinquent: \$100/month or \$1000 maximum. The individual must reactivate the license or cease practice.~~

~~(b)(6)~~ Firm practicing without certificate of authorization (481.219, F.S.)

A penalty of \$100 per month or \$500 maximum. (Penalty requires firm to obtain certificate of authorization or cease practice). Guidance letter to become certified or cease practice. Once application for certificate of authorization is made, the Department of Business and Professional Regulation shall issue citations against each registered licensee identified as an employee of the firm. Citations will total \$100 for each month of unlicensed activity. However, the cumulative total shall not exceed \$5,000 and will be imposed and prorated by period of individual employment among all licensed employees as identified at the time of application. No individual fine will exceed \$1,000. Dissolution of a firm after application for a certificate of authorization will not eliminate the imposition of citations against a licensee.

~~(c)(4)~~ Failure of individual or firm to include either the firm’s or individual’s number (as applicable) when advertising in a “newspaper, telephone directory or other advertising medium” (481.221(8), F.S., and Rule 61G1-11.013(10)(a), F.A.C.)

~~(e) Failure to obtain continuing education hours (481.215(3), F.S.)~~

NUMBER OF HOURS LACKING	PENALTY
1 to 4 hours	\$250 fine, makeup missing hours, suspension until all hours are completed
5 to 9 hours	\$500 fine, makeup missing hours, suspension until all hours are completed
10 to 14 hours	\$750 fine, makeup missing hours, suspension until all hours are completed
15 to 19 hours	\$1,000 fine, makeup missing hours, suspension until all hours are completed
20 hours	\$1,000 fine, makeup missing hours, suspension until all hours are completed

(4) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions thereof. The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 61G1-12.004(3)(a), F.A.C.

(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 455.225, F.S., to be applied. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 455.225, F.S., shall apply.

Specific Authority 455.224, 455.225, 481.306 FS. Law Implemented 455.224 FS. History—New 12-22-91, Amended 1-3-93, 3-28-93, Formerly 21B-12.005, Amended 11-16-93, 5-4-97, 2-25-98, 12-3-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Architecture and Interior Design**

RULE TITLE: Education Requirements for

RULE NO.: 61G1-22.003

Interior Designers

61G1-22.003

PURPOSE AND EFFECT: The Board proposes to amend the existing rule modifying education requirements for the licensure of interior designers.

SUBJECT AREA TO BE ADDRESSED: Education Requirements for Interior Designers.

SPECIFIC AUTHORITY: 481.203(8), 481.209(2), 481.2055 FS.

LAW IMPLEMENTED: 481.203(8), 481.209(2), 481.2055 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: Hearing to be announced if requested.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Mall, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G1-22.003 follows. See Florida Administrative Code for present text.)

61G1-22.003 Education Requirements for Interior Designers.

(1) Evaluation of curriculum and standards of board approved degree programs required in Section 481.209(2), F.S., shall be based upon an overview of programs in interior design within the United States including those accredited by the Foundation for Interior Design Education Research (FIDER) and/or the National Association of the Schools of Art and Design (NASAD) an evaluation of such programs, schools, and colleges in light of the definition of interior design found in Subsection 481.203(8), F.S.

(2) An applicant must have completed 481.209(2)(c), F.S., or must have obtained a degree from a board approved program of study according to the diversity of programs as required in Section 481.209(2), F.S. Board approved educational standards are based on the academic studies of history and theory and the practicable studies of basic and creative design, interior design, technical knowledge, communication skills and the profession. Practicable studies shall be completed in residence and supported by appropriate

portfolio demonstrating developmental abilities in problem solving, application of skills, principles or concepts to difficult, complex situations as promoted by the National Council for Interior Design Qualifications (NCIDQ). Board approved programs shall conform to one of the following models:

(a) The First-Professional Degree program of study available at a 3 year professional certificate or degree program, a 4 or 5 year professional degree program or a first-professional master's degree program in interior design based on an accumulation of not less than 120 semester, or equivalent, credits hours including a minimum of 30 semester, or equivalent, credit hours of diverse university-level liberal arts, sciences and humanities obtained at an institution which has been recognized by appropriate regional or national institutional crediting body. The first-professional degree program curriculum shall conform to the following pattern with a minimum of coursework. Where applicable, those programs requiring in excess of these requirements shall, after fulfilling the minimum requirements, determine the type of additional studies to promote their individual mission.

1. Basic and Creative Arts: study of two and three dimensional design fundamentals; minimum of 6 semester, or equivalent, credit hours.

2. Theory: study of the elements and principles of design, color theory, human environment, proxemics, behavior, design theories and spatial composition; minimum of 3 semester, or equivalent, credit hours.

3. Interior Design: study of special populations such as the physically challenged, mentally challenged, elderly, children, low income and special purposes such as historic preservation and adaptive re-use; the design process to include programming, conceptualization, problem solving and evaluation, space planning, furniture layout and selection and design attributes of materials, lighting, furniture, fixtures, equipment, textiles and color; the design of space relative to human factors such as anthropometrics and ergonomics; minimum of 15 semester, or equivalent, credit hours.

4. Technical knowledge: study of structure and construction, building systems, HVAC, lighting, electrical, computer technology, plumbing, acoustics, energy conservation, passive and/or active solar energy, ecology and sustainable design as related to the interior environment; the detailed design of furniture, cabinetry and interiors and materials such as surfaces and structural materials, soft goods and textiles, laws, building codes, ordinances, life safety and fire; minimum of 9 semester, or equivalent, credit hours.

5. Communication Skills: study of computer systems such as word processing, CAD and other technical and graphics systems; presentation skills such as sketching, delineation, rendering, models, photography, and written and oral

communication skills, graphics, signage, lettering, drafting and working drawings; minimum of 9 semester, or equivalent, credit hours.

6. Profession: study of the interior design profession, organizations, ethics and related professions, business practices, specifications, industry, product safety standards, estimating and business and project management; minimum of 3 semester, or equivalent, credit hours.

7. History: study of interiors, furniture accessories; minimum of 6 semester, or equivalent, credit hours.

8. Electives: to include any of the foregoing categories of related studies in interior design; theory and methods of research related to experimental, survey, literature search and observation; diverse liberal studies; minimum of 9 semester, or equivalent, credit hours.

(b) the 2 year degree program which meets the requirements of Section 481.209(2)(d), F.S., exists where the program offers the common body of knowledge of interior design education through course work as detailed in student achievements to follow. Requirements consist of an accumulation of not less than 60 semester, or equivalent, credit hours including a minimum of 15 semester, or equivalent, credit hours of diverse post-secondary level liberal arts, sciences and humanities obtained at an institution which has been recognized by the appropriate regional or national accrediting body. The 2 year degree program shall consist of the following pattern with a minimum of 45 semester, or equivalent, credit hours in interior design, or related course work. Where applicable, those programs requiring in excess of these requirements shall, after fulfilling the minimum requirements, determine the type of additional studies to promote their individualized mission.

1. Basic Design: study of two and three dimensional design fundamentals and color; minimum of 3 semester or equivalent hours.

2. Theory: study of color theory and the human environment related to proxemics and behavior, elements and principles of design; design theories and spatial composition; minimum of 3 semester, or equivalent, credit hours.

3. Interior Design: study of lighting, space planning, furniture arrangements, furnishings and materials selection, finish materials and color, special populations such as the physically challenged, mentally challenged, elderly, children, low income and special purposes such as historic preservation and adaptive re-use; minimum of 12 semester, or equivalent, credit hours.

4. Technical Knowledge: study of structure and construction, building systems, HVAC, lighting, electrical, plumbing, acoustics, energy conservation, ecology and the environment, cabinetry, and interiors and materials such as surfaces and structural materials, soft goods, and textiles, laws, building codes, ordinances, life safety and fire; minimum of 9 semester, or equivalent, credit hours.

5. Visual Communication: study of sketching, rendering, drafting, presentation boards, CAD and word processing; minimum of 6 semester, or equivalent, credit hours.

6. Business Practice: study of specifications, the interior design profession and organizations, business organizations and operations, sales, estimating, installations, schedules and documentation; minimum of 3 semester, or equivalent, credit hours.

7. History: study of interiors and furnishings; minimum of 6 semester, or equivalent, credit hours.

8. Electives: to include any of the foregoing categories, theories, methods of research related to experimental, survey, literature search and observation; minimum of 3 semester, or equivalent, credit hours.

(3) The evaluation of an applicant's transcript shall include a determination of whether such transcript is comparable to the above mentioned models. Equivalency of credit hours shall be determined by dividing quarter credit hours by 1.5 to convert to semester credit hours.

(4) In order to meet acceptable standards of accreditation the institution offering the course of study in interior design from which the applicant receives his degree or which he attends must be adequate as regards educational requirements in the following areas:

(a) Auspices, control and organization of the institution and of the interior design program;

(b) Educational programs and degrees conferred;

(c) Maturity and stability of the institution and the individual educational programs;

(d) Basis of and requirements for admissions for students;

(e) Number of students enrolled in the applicable college or division as a whole and to the individual educational programs;

(f) Teaching loads and faculty salaries;

(g) Physical facilities and adequacy of the educational plant devoted to interior design as justified by the resources available;

(h) Finances and investments, expenditures and sources of income of the institution;

(i) Curricular content of the program as sanctioned by the Foundation for Interior Design Education Research (FIDER) or as found to be substantially equivalent by the Board;

(j) Provisions for keeping the program current.

(5) In order to verify an applicant's curriculum and interior design program the Board may require information from the applicant's institution(s) as to the areas mentioned in Section 61G1-22.003(4). Institutions will be required to verify to the Board, in writing, every two years, that the current program of studies offered meets the minimum requirements of the applicable program(s) of studies as listed in Section 61G1-22.003. Passage by the applicant of the NCIDQ (the National Council for Interior Design Qualification)

Examination will be used by the Board in evaluating whether an applicant's institution(s) meets applicable educational standards.

Specific Authority 481.203(8), 481.209(2), 481.2055 FS. Law Implemented 481.203(8), 481.209(2), 481.2055 FS. History—New 12-4-90, Amended 7-14-93, Formerly 21B-22.003, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

RULE NO.: 61G4-18.001

PURPOSE AND EFFECT: Rule 61G4-18.001 is being amended in order to increase continuing education opportunities for licensees and registrants.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.213(7), 489.108 FS.

LAW IMPLEMENTED: 489.105(14), 489.115, 489.116 FS.

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

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:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) through (2) No change.

(3) Any course approved for the continuing education requirements for persons certified under Chapter 468, Part XIII, F.S., shall be accepted for continuing education for renewal under this rule, for persons who are certified under Part XIII or ~~and~~ who are certified or registered under this part.

(4) No change.

Specific Authority 455.213(7), 489.108 FS. Law Implemented 489.105(14), 489.115, 489.116 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Electrical Contractors

RULE TITLE: Approval of Continuing Education Courses

RULE NO.: 61G6-9.006

PURPOSE AND EFFECT: The Board proposes to add a new rule allowing persons who serve on the Florida Building Code Commission to be credited with continuing education hours for their service.

SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses.

SPECIFIC AUTHORITY: 455.213, 489.507(3) FS.

LAW IMPLEMENTED: 489.517 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: Hearing to be announced if requested.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ida Jones, Executive Director, Electrical Contractors Licensing Board, Northwood Mall, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-9.006 Approval of Continuing Education Courses.

(1) through (13) No change.

(14) The Board shall grant a maximum of four (4) continuing education credits to any licensee who participates as a member of any technical advisory committee to the Florida Building Code Commission within the Department of Community Affairs.

Specific Authority ~~455.225, 455.227,~~ 489.507(3), 455.213 FS. Law Implemented ~~489.531, 489.533,~~ 489.517 FS. History—New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Continuing Education Requirements

RULE NO.:

for Reactivation of Inactive License 61G15-22.001

PURPOSE AND EFFECT: The Board proposes to amend the existing rule outlining the criteria for which inactive licenses may be reactivated.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Reactivation of Inactive License.

SPECIFIC AUTHORITY: 471.019(2) FS.

LAW IMPLEMENTED: 471.019(2) 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., March 8, 1999

PLACE: Office of the Attorney General

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.001 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to FEMC and demonstration to the Board by the licensee of having attended twelve hours of engineering related education per inactive year. The education shall be related to the licensee’s field of practice. Of the first twelve hours of such education, at least eight shall involve be contact hours involving engineering professionalism and ethics and the law and rules governing the practice of engineering in a course approved by the Board. Verification of the above-mentioned education shall be in the form of tuition or registration receipts, records, or letters of verification from the institutions or entities providing the training in question.

Specific Authority 471.019(2) FS. Law Implemented 471.019(2) FS. History–New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Marine Resources

DOCKET NO.: 98-71R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Non-refundable Processing Fee
for the Replacement of Saltwater
Fishing Licenses, Permits, Retail or
Wholesale Dealer Licenses 62R-19

PURPOSE AND EFFECT: This is a new rule that will allow assessment of a \$10.00 non-refundable processing fee for the replacement of saltwater fishing licenses, permits, retail or wholesale dealers licenses.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will allow the agency to assess a \$10.00 non-refundable processing fee for the replacement of saltwater fishing licenses, permits, retail or wholesale dealers licenses.

SPECIFIC AUTHORITY: 370.06, 370.021 FS.

LAW IMPLEMENTED: 370.06(8) FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 7:00 p.m. – 9:00 p.m., March 10, 1999

PLACE: Government Building Complex, 2796 Overseas Highway, Rm. #104/105, Marathon, Florida 33050

TIME AND DATE: 7:00 p.m. – 9:00 p.m., March 11, 1999

PLACE: Florida Marine Research Institute, 100 Eighth Avenue, S. E., 1st Floor, Conference Rm., St. Petersburg, Florida 33701

TIME AND DATE: 6:00 p.m. – 8:00 p.m., March 12, 1999

PLACE: Department of Environmental Protection, 3900 Commonwealth Blvd., Douglas Bldg., 1st Floor, Conference Rm. A, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alex M. Cordero, Environmental Specialist III, Office of Fisheries Management and Assistance Services, MS. 240, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)922-4340

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT MAY BE OBTAINED AT NO COST FROM THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: RULE NO.:

Qualifications and Responsibilities 64B3-5.002

PURPOSE AND EFFECT: The Board proposes to amend this existing rule to add the word “masters” to subsection (1)(b).

SUBJECT AREA TO BE ADDRESSED: Qualifications and Responsibilities for licensed supervisors.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED 381.0034, 483.800, 483.809, 483.815, 483.823 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., March 9, 1999

PLACE: Office of the Attorney General

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe R. 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:

64B-3-5.002 Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to Rule 64B3-6.002(6). In order to be licensed as a supervisor, an applicant shall have four hours of Board approved HIV/AIDS continuing education and one of the following:

- (a) No change.
(b) a masters degree in clinical laboratory science, one of the licensure categories, or one of the chemical or biological sciences, and three years of pertinent clinical laboratory experience in the categories for which licensure is sought, one (1) year of which shall be post masters baccalaureate.
(c) through (f) No change.
(2) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99,_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Application for Licensure Fees

RULE NO.: 64B7-27.002

PURPOSE AND EFFECT: The purpose of the amendments will be to delete unnecessary language, and to increase the colonics examination fee to cover more of the costs of administration of the examination.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure Fees.

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1) 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: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

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

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Residual Markets and Special Risk Pools

RULE TITLE: Depopulation Coordination

RULE NO.: 4J-1.022

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee staff has consistently contended that Rule 4J-1.022 is without proper authority. The repeal will resolve this longstanding issue.

SUMMARY: The existing rule was created to provide an incentive for RPCJUA takeouts by providing a credit against the FWUA assessment for business taken out of the RPCJUA. The FWUA plan of operation was recently amended to include Section XXII, Takeout Credits, which implements §627.351(2)(b)2.a.(VI), F.S., which provides a similar method of providing takeout credits. The amended FWUA plan is incorporated by reference in Rule 4J-1.001. Rule 4J-1.022 is therefore no longer needed and is being repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 this notice.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 627.351 FS.

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

TIME AND DATE: 9:30 a.m., March 9, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Valentine, Senior Attorney, Division of Legal Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4140

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4J-1.022 Depopulation Coordination.

Specific Authority 624.308 FS. Law Implemented 627.351 FS. History--New 3-6-96, Repealed_____.