

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Prohibited Business Practices for  
 Dealers and Their Associated Persons

RULE NO.: 3E-600.013

PURPOSE AND EFFECT: The title for Rule 3E-600.013 is being amended to designate that the rule describes prohibited business practices for dealers and their associated persons. Rule 3E-600.013 is also being amended to provide reference dates of March 1, 1999 for federal and regulatory rules. A new Rule 3E-600.013(1)(m) will make failing to execute a customer's order a prohibited business practice for a dealer. A number of NASD rules have been renamed and Rule 3E-600.013(1)(p)1. is being amended to reflect the name changes. Rule 3E-600.013(1)(p)3. is being amended to add violations of SEC rules 419 and 481 as prohibited business practices. Also, violating Section 15(b)(4)(E) of the Securities Exchange Act of 1934 will be a prohibited business practice for a dealer. Rule 3E-600.013(1)(s) is being amended to read that it is a demonstration of unworthiness as a dealer to recommend to a customer that they engage the services of an investment adviser that is not registered or exempt from registration. Rule 3E-600.013(2) is being amended to designate that the practices specified are demonstrations of unworthiness by an associated person of a dealer. Rule 3E-600.013(2)(h) is being amended to include 3E-600.013(1)(m) as a prohibited business practice of an associated person of a dealer.

SUBJECT AREA TO BE ADDRESSED: Prohibited business practices for dealers and their associated persons.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.161(1), 517.081 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., July 14, 1999

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill Reilly, Financial Administrator, Division of Securities and Investor Protection, Fletcher Building, Room 664, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.013 Prohibited Business Practices for Dealers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by a dealer under Section 517.161(1)(h), F.S., Florida Statutes, without limiting that term to the practices specified herein:

(a) through (e) No change.

(f) Extending, arranging for, or participating in arranging for credit to a customer in violation of the provisions of Regulation T (~~12~~ 12 CFR ~~ss.~~ 220.1 - 220.131, inclusive) promulgated by the Federal Reserve Board, as such provisions existed on ~~March 1, 1999~~ February 28, 1992;

(g) through (h) No change.

(i) Hypothecating a customer's securities in violation of SEC Rule 8c-1 (17 CFR 240.8c-1) of the Securities and Exchange Commission, as such rule existed on ~~March 1, 1999~~ February 28, 1992;

(j) through (k) No change.

~~(l) Entering into a transaction for its own account with a customer in which a commission is charged;~~

~~(l)(m)~~ Entering into a transaction with or for a customer at a price not reasonably related to the current market price;

(m) Failing to execute a customer's order;

(n) through (o) No change.

(p) With respect to any customer, transaction or business in this state, violating:

1. Any by-law, schedule thereto, rule or appendix thereto, of the National Association of Securities Dealers ("NASD"), interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC, including: the Conduct Rules; the Marketplace Rules ~~the Government Securities Rules; The Small Order Execution System ("SOES") Rules; the Intermarket Trading System/Computer Assisted Execution System Automated Interface ("ITS/CAES") Rules; The Automated Confirmation Transaction Service for Self-Clearing Firms ("ACT") Rules;~~ and the Uniform Practice Code, as published in the NASD Manual as of July 1998 and any amendments as existed on March 1, 1999 ~~dated May, 1996;~~

2. For members of the New York Stock Exchange, Rules 405, 412 or 435 of the New York Stock Exchange, as such rules existed on ~~March 1, 1999~~ February 28, 1992, interpreted in accordance with the guidelines, policies, and interpretations of the NYSE or SEC;

3. Sections 2, 4, 5, or 6 of the Securities Act of 1933 or SEC Rules 134 (17 CFR ~~§~~ 230.134); 134a (17 CFR ~~§~~ 230.134a); 135a (17 CFR ~~§~~ 230.135a); 144 (17 CFR ~~§~~ 230.144); 144A (17 CFR 230.144A); 156 (17 CFR ~~§~~ 230.156);

419 (17 CFR 230.419); 481 (17 CFR 230.481); or 482 (17 CFR ~~s.~~ 230.482) of the SEC promulgated pursuant thereto, as such provisions existed on March 1, 1999 ~~February 28, 1992~~, interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC; ~~or~~

4. Section 15(b)(4)(E) of the Securities Exchange Act of 1934 as it existed on March 1, 1999; or

~~5.4.~~ Any rule of the Municipal Securities Rulemaking Board ("MSRB") including the Definitional Rules (~~i.e.~~, Rules D-1 through D-11, inclusive), and the General Rules with the exception of Rule G-35 (~~i.e.~~, Rules G-1 through G-34, inclusive), promulgated pursuant to Section 15B of the Securities Exchange Act of 1934, as such rules existed on March 1, 1999 ~~February 28, 1992~~, interpreted in accordance with the guidelines, policies, and interpretations of the MSRB, NASD, or SEC.

~~6.5.~~ To the extent that any of the rules described in subparagraphs 1. through - ~~5.4.~~ of this section or their interpretation by the NASD, NYSE, MSRB, or SEC, as appropriate, conflict or are inconsistent with other provisions of the Florida Securities and Investor Protection Act or rules promulgated pursuant thereto, this paragraph of this rule shall not be deemed controlling.

(q) No change.

(r) Introducing customer transactions on a "fully disclosed" basis to another dealer that is not registered under Chapter 517, F.S. Florida Statutes, unless the customer is a person described in Section 517.061(7), F.S. Florida Statutes.

(s) Recommending to a customer that the customer engage the services of an investment advisor that is not registered or exempt from registration ~~licensed~~ under Chapter 517, F.S. Florida Statutes, unless the customer is a person described in Section 517.061(7), F.S. Florida Statutes;

(t) No change.

(u) Selling or offering for sale any security in a transaction exempt from registration pursuant to Section 517.061(17)(a) 1. ~~(+)~~, F.S., where the issuer of such securities has not filed with the SEC within the specified period of time all reports required by Sections 13 or 15(d) of the Securities Exchange Act of 1934, as such sections existed on March 1, 1999 ~~February 28, 1992~~.

(v) No change.

(2) The following are deemed demonstrations of unworthiness by an associated person of a dealer under Section 517.161(1)(h), F.S. Florida Statutes, without limiting that term to the practices specified herein:

(a) through (b) No change.

(c) Effecting transactions in securities, or investments; as defined by Section 517.301(2), F.S. Florida Statutes, not recorded on the regular books or records of the dealer which the associated person represents, unless the transactions are disclosed to, and authorized in writing by, the dealer prior to execution of the transactions;

(d) through (g) No change.

(h) Engaging in any of the practices specified in paragraphs subsection (1)(b), (c),(d),(e), (f), (g), (m),(n)(o),(p), (q),(s),(t),(u), or (v).

Specific Authority 517.03(1) FS. Law Implemented 517.161(1), 517.081 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.13, Amended 8-1-91, 6-16-92, 1-11-93, 11-7-93, 5-5-94, 9-9-96, 10-20-97, \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Prohibited Business Practices for Investment Advisers and Their Associated Persons

RULE NO.: 3E-600.0131

PURPOSE AND EFFECT: During the past several years, there has been a significant increase in the number of firms and associated persons offering investment advisory services. Currently, there are no rules that specify unethical business practices of investment advisers and their associated persons. In order to protect the investing public, the Division of Securities and Investor Protection is proposing this new rule to specify such activities.

Rules concerning investment adviser conduct have been promulgated on the federal level. The rules proposed by the Division are based on the model rules proposed by the North American Securities Administrators Association.

SUBJECT AREA TO BE ADDRESSED: Practices that are deemed demonstrations of unworthiness by investment advisers and their associated persons.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.161(1), 517.081 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., July 14, 1999

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill Reilly, Financial Administrator, Division of Securities and Investor Protection, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.0131 Prohibited Business Practices for Investment Advisers and Their Associated Persons.

(1) The following are deemed demonstrations of unworthiness by an investment adviser or an associated person of an investment adviser under 517.161(1)(h), F.S., without limiting that term to the practices specified herein:

(a) With respect to any customer, transaction or business in, to or from this state, violating:

1. Sections 204, 204A, 205, 206, 207, 208 of the Investment Advisers Act of 1940 or SEC Rules 204-3 (17 CFR 275.204-3); 205-1 (17 CFR 275.205-1); 205-2 (17 CFR 275.205-2); 205-3 (17 CFR 275.205-3); 206(3)-1 (17 CFR 275.206(3)-1); 206(3)-2 (17 CFR 275.206(3)-2); 206(4)-1 (17 CFR 275.206(4)-1); 206(4)-2 (17 CFR 275.206(4)-2); 206(4)-3 (17 CFR 275.206(4)-3); and 206(4)-4 (17 CFR 275.206(4)-4) promulgated pursuant thereto, as such provisions existed on March 1, 1999, interpreted with the guidelines, policies, no-action letters, and interpretations of the SEC;

(b) Borrowing money or securities from a customer unless the customer is a dealer, an affiliate of the investment adviser, or a financial institution engaged in the business of loaning funds;

(c) Loaning money to a customer unless the investment adviser is a financial institution engaged in the business of loaning funds or the customer is an affiliate of the investment adviser;

(d) Recommending to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that the recommendation is suitable for the customer on the basis of information furnished by the customer after reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other information known by the investment adviser;

(e) Exercising any discretionary power in placing an order for the purchase or sale of securities for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time or price for the execution of orders;

(f) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources, investment objectives, and character of the account;

(g) Placing an order to purchase or sell a security on behalf of a customer without authority to do so;

(h) Placing an order to purchase or sell a security for a customer's account upon instruction of a third party without first having obtained a written third-party trading authorization from the customer;

(i) Misrepresenting the qualifications of the investment adviser or any employee of the investment adviser to a client or prospective client when the representation does not fairly describe the nature of the services offered, the qualifications of the person offering the services, and the method of compensation for the services or omitting to state a material fact;

(j) Charging a customer an unreasonable advisory fee;

(k) Failing to disclose to customers in writing before any advice is rendered any material conflict of interest relating to the adviser or any of its employees which could reasonably be expected to impair the rendering of unbiased and objective advice including:

1. Compensation arrangements connected with advisory services to customers which are in addition to compensation from such customers for such services; and

2. Charging a customer an advisory fee for rendering advice when a commission for executing securities transactions pursuant to such advice will be received by the adviser or its employees;

(l) Guaranteeing a customer that a specific result will be achieved with the advice to be rendered;

(m) Recommending to a customer that the customer engage the services of a dealer that is not registered or exempt from registration under Chapter 517, F.S., unless the customer is a person described in Section 517.061(7), F.S.;

(n) Recommending to a customer that the customer engage the services of a dealer in connection with which the investment adviser receives a fee or remuneration from the dealer, except as permitted in Rule 3E-600.003, F.A.C.;

(o) Disclosing the identity, affairs, or investments of any customer unless required to do so by law or consented to by the customer;

(p) Giving false or otherwise misleading customer information to any financial institution or regulatory agency;

(q) Entering into, extending or renewing any investment advisory contract unless such contract is in writing and discloses, in substance, the services to be provided, the term of the contract, the advisory fee, the formula for computing the fee, the amount of prepaid fee to be returned in the event of contract termination or non-performance, whether the contract grants discretionary power to the adviser and that no assignment of such contract shall be made by the investment adviser without the consent of the other party to the contract; and

(r) Including, in an advisory contract, any condition, stipulation, or provisions binding any person to waive compliance with any provision of Chapter 517, F.S., or of the Investment Advisers Act of 1940, or any other practice contrary to the provisions of Section 215 of the Investment Advisers Act of 1940.

(2) The federal statutory and regulatory provisions referenced herein shall apply to investment advisers and federal covered advisers, to the extent permitted by the National Securities Markets Improvement Act of 1996.

Specific Authority 517.03(1) FS. Law Implemented 517.161(1), 517.081 FS. History--New

**DEPARTMENT OF BANKING AND FINANCE****Division of Securities and Investor Protection**

RULE TITLE: Books and Records Requirements  
 RULE NO.: 3E-600.014

PURPOSE AND EFFECT: The rule is being amended to provide a reference date for federal and regulatory agency rules.

The National Securities Market Improvement Act of 1996 ("NSMIA") provided states with the exclusive authority for registration of investment advisers with less than \$25 million in assets under management. The amended rule describes those books and records that must be maintained by investment advisers with a principal place of business in Florida. All books and records must be maintained in a true, accurate and current manner. The books and records described in the amended rule are required of those investment advisers registered with the Securities and Exchange Commission ("SEC").

NSMIA also prohibited states from imposing on dealers any requirement relating to books and records or financial or operational reporting that differ from or are in addition to those under federal law. Therefore, the rule is being amended to delete all references to branch office books and records and financial or operational reporting that differ from or are in addition to those under federal law.

The amended rule also describes the books and records to be maintained by investment adviser representatives registered or required to register in this state and who have a business location in this state.

Preservation of the required books and records is also described in the amended rule.

Those investment advisers having a principal place of business in another state will be exempt from the requirements of this rule provided the investment adviser is registered in that state and is in compliance with that state's record keeping requirements.

The proposed rules are based on the model rules suggested by the North American Securities Administrators Association and are intended to ensure uniformity among the states as to books and records requirements and retention.

SUBJECT AREA TO BE ADDRESSED: The amended rule describes the maintenance and preservation of books and records required of investment advisers and investment adviser representatives subject to registration with the Florida Department of Banking and Finance.

SPECIFIC AUTHORITY: 517.03(1), 517.121 FS.

LAW IMPLEMENTED: 517.121 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., July 14, 1999

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill Reilly, Financial Administrator, Division of Securities and Investor Protection, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed hereinafter, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) All dealers are required to prepare and maintain appropriate books and records relating to their business as described in either ~~SEC S.E.C.~~ Rules 17a-3 (17 CFR 240.17a-3) and 17a-4 (17 CFR 240.17a-4) or ~~MSRB M.S.R.B.~~ Rules G-7 and G-8 ~~of the Securities and Exchange Commission or the Municipal Securities Rule Making Board~~, as such rules existed on ~~March 1, 1999~~ February 28, 1992; and records evidencing compliance with NASD Conduct Rule 3000, as published in the NASD Manual ~~as of July 1998~~ dated ~~May, 1996~~.

(2)(a) through (e) No change.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current appropriate records relating to their business as described in SEC Rule 275-204-2 of the Investment Advisers Act of 1940 as amended (17 CFR 275.204-2) as it existed on March 1, 1999, and general rules and regulations promulgated by the Securities and Exchange Commission; and have available for the Department at least the following records:

(a) All trial balances, financial statements prepared in accordance with generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this subsection, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 3E-300.002, F.A.C. Proof of money balances and all ledger accounts in the form of a trial balance;

(b) A list or other record of all accounts with respect to the funds, securities, or transactions of any client. Record of all customer accounts reflecting at least the name and address of such customers and any contractual agreements or correspondence pertaining to each such customer.

(c) A copy in writing of each agreement entered into by the investment adviser with any client.

(d) A file containing a copy of each record required by SEC Rule 204-2(11) (17 CFR 275.204-2(11)) as it existed on March 1, 1999 including any communication by electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(e) A copy of each written statement and each amendment or revision given or sent to any client or prospective client of the investment adviser in accordance with the provisions of SEC Rule 204-3 (17 CFR 275.204-3 as it existed on March 1, 1999 and a record of the dates that each written statement, and each amendment or revision was given or offered to be given to any client or prospective client who subsequently becomes a client.

(f) For each client that was obtained by the adviser by means of a solicitor to whom a cash fee was paid by the adviser, records required by SEC Rule 206(4)-3 (17 CFR 275.206(4)-3) as it existed on March 1, 1999.

(g) All records required by SEC Rule 204-2(16) (17 CFR 275.204-2(16)) as it existed on March 1, 1999, including but not limited to electronic media that the investment adviser circulates or distributes, directly or indirectly, to two or more persons, other than persons connected with the investment adviser.

(h) A file containing a copy of all communications received or sent regarding any litigation involving the investment adviser or any investment adviser representative or employee, and regarding any customer or client complaint.

(i) Written information about each investment advisory client that is the basis for making any recommendation or providing any investment advice to such client.

(j) Written procedures to supervise the activities of employees and investment adviser representatives that are reasonably designed to achieve compliance with applicable securities laws and regulations.

(k) A file containing a copy of each document, other than any notices of general dissemination, that was filed with or received from any state or federal agency or self regulatory organization and that pertains to the registrant or its investment adviser representatives which file should contain, but is not limited to, all applications, amendments, renewal filings, and correspondence.

(4) A dealer or investment adviser and its appropriate principals shall ensure that each branch office and any other location which is listed on a Form U-4 as an Office of Employment Address shall prepare and maintain such records,

as described in subsections (1) and (3) of this Rule, as are applicable, including, but not necessarily limited to customer new account information records, customer account activity records, a record of all transactions in securities executed by or through such office, a record of receipt and disbursement of all monies through such office relating to the purchase or sale of securities or the rendering of investment advice, and a record of all securities received or delivered by or through such office, and shall maintain copies of all documentation as required under subsections (5) and (8) of this Rule.

(5) Notwithstanding the applicability of the books and records requirements set forth in subsections (1), (2), and (3) of this Rule, all dealers, investment advisers, branch offices and any other location which is listed on a Form U-4 as an Office of Employment Address, shall maintain either in the original or copies thereof, at least the following documents with respect to those persons employed by, and registered as associated persons of, said dealers, investment advisers, and branch offices, which records will be referred to as "associated persons files":

(a) Form U-4, Uniform Application for Securities Industry Registration (Revised 11-91), which application shall be approved in writing by a principal of such dealer or investment adviser.

(b) Full documentation and details pertaining to affirmative responses.

(c) Documentation pertaining to any outstanding or resolved customer complaints, actions, internal reviews or investigations into such person's activities while associated with said dealer or investment adviser.

(d) License evidencing registration as an associated person, and any evidence of registration with a national securities exchange or association, if applicable.

(e) A copy of any written disclosure required by subsection (8) of this rule, if applicable.

(6) Every associated person of a dealer or investment adviser conducting business from a location in this state other than that of a registered branch office shall be responsible for maintaining each of the books and records described in paragraph (4) of this section. The dealer or investment adviser with which said associated person is registered, and its appropriate principals, shall be responsible for ensuring compliance with the provisions of this section.

(7) Every dealer and investment adviser conducting business in the state of Florida shall maintain a current list of all locations in this state, other than registered branch offices, from which any associated person renders investment advice or offers for sale or sells securities on behalf of or through such investment adviser or dealer. Such list shall include the street address and mailing address of such location; the name under which business is conducted at such location; the name of associated persons conducting business at said location; the names of the persons responsible for operating such location or

having any fiscal responsibility associated with such location; the phone number of such location; and the name, title, CRD number, and employment location of the registered principal or principals responsible for supervising the activities of each said location. A current, accurate, and complete copy of such list shall be provided to the Department within five (5) business days of any request by the Department for such list.

(8) For each location which conducts business under a name other than that of the dealer or investment adviser exclusively, the dealer or investment adviser shall also maintain a copy of the written disclosure required by Rule 3E-600.004(3)(d)4., and shall evidence on such copy that a principal of the dealer or investment adviser has approved such disclosure as being in compliance with the provisions of said rule and the date of such approval.

(9) The provisions of subsections (6)–(8), inclusive, shall not be enforced by the Department prior to August 1, 1992.

(10) All dealers shall establish and keep current a set of written supervisory procedures, and a system for implementing such procedures, which may be reasonably expected to prevent and detect any violations of Chapter 517, Florida Statutes, and rules thereunder. The procedures shall include the designation by name or title of those persons delegated supervisory responsibility in at least the areas of sales, financial operations, and compliance. A complete set of such procedures and systems shall be kept in all branch offices registered with this Department.

(4)(11) No provisions of this Rule, unless specifically designated otherwise as a required form, shall be deemed to require the preparation, maintenance, or preservation of a dealer's or investment adviser's books and records in a particular form or system, provided that whatever form or system utilized by such dealer's or investment adviser's course of business is sufficient to provide an audit trail of all business transactions.

(5)(12) All such books and records as heretofore described in this Rule shall be preserved in accordance with the following:

(a) Those records required under subsection (1) of this Rule shall be preserved for such periods of time as specified in either SEC S.E.C. Rule 17a-4 (17 CFR 240.17a-4), or MSRB M.S.R.B. Rule G-9, as such rules existed on March 1, 1999 are amended.

(b) Those records required under subsections (2) ~~and (3)~~ of this rule shall be preserved for a period of not less than five (5) years while effectively registered with the Department, nor for less than five (5) years after withdrawal or expiration of registration in this State.

~~(c) Those records required under subsection (4) of this Rule shall be preserved for a period of not less than three (3) years at the branch office maintaining such records, and~~

thereafter, for the periods of time specified in paragraphs (a) and (b) of this subsection. Such records shall be accessible through the main office of the dealer or investment adviser.

~~(d) Notwithstanding the provisions of paragraph (c) above, all associated persons files shall be maintained and preserved in the locations specified by this Rule during the period such associated persons are affiliated with each dealer or investment adviser, and for a period of not less than three (3) years subsequent to the termination of such associated person.~~

(c) Books and records required to be prepared under the provisions of subsection (3) shall be maintained and preserved in an easily accessible place for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record, the first two years in the principal office of the investment adviser.

(d) Books and records required to be made under the provisions of subsection (3), shall be maintained and preserved for a period of not less than five years from the end of the fiscal year during which the last entry was made on such record or for the time period during which the investment adviser was registered or required to be registered in the state, if less.

(e) Each investment adviser representative who is registered or required to be registered in this state and who has a business location in this state shall maintain at such business location:

1. The records or copies required under the provisions of paragraphs (a)(3), (a)(7)-(10), (a)(14)-(15), (b), and (c) of SEC Rule 204-2 (17 CFR 275.204-2); and

2. The records or copies required under the provisions of subsections (3)(a)-(j) above related to customers or clients for whom the investment adviser representative provides or has provided investment advisory services; and

3. The records or copies required under the provision of paragraphs (a)(11) and (a)(16) of SEC Rule 204-2 (17 CFR 275.204-2) which records or related records identify the name of the investment adviser representative or which identify the business locations' physical address, mailing address, electronic mailing address, or telephone number. The records will be maintained for the period described in subsections (d) and (e) of SEC Rule 204-2 (17 CFR 275.204-2). The investment adviser shall be responsible for ensuring compliance with the provision of this subsection.

(6) To the extent that the U.S. Securities and Exchange Commission promulgates changes to the above-referenced rules of the Investment Advisers Act of 1940, investment advisers in compliance with such rules as amended shall not be subject to enforcement action by the Department for violation of this rule to the extent that the violation results solely from the investment adviser's compliance with the amended rule.

(7) Every investment adviser that has its principal place of business in a state other than this state shall be exempt from the requirements of this section, provided the investment adviser is licensed in such state and is in compliance with that state's record keeping requirements.

Specific Authority 517.03(1), 517.121(1) FS. Law Implemented 517.121(1) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96.

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: Certificate of Authority; Financial Requirements

RULE NO.: 3F-5.0016

PURPOSE AND EFFECT: The purpose of the proposed amendments is to amend portions of the rule concerning with requirements of the Certificate of Authority holder.

SUBJECT AREA TO BE ADDRESSED: Certificate of Authority; Financial Requirements.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.405, 497.407 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

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

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: Processing Fee

RULE NO.: 3F-8.007

PURPOSE AND EFFECT: The purpose and effects of the proposed rule development is to establish procedures and define "Processing Fee" within the text.

SUBJECT AREA TO BE ADDRESSED: Processing Fee.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.103 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: Diana

M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

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

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: Disbursement from the Preneed Funeral

RULE NO.: 3F-10.002

PURPOSE AND EFFECT: The purpose of the Preneed Contract Consumer Protection Trust Fund is to provide restitution to preneed contract purchasers and their estates due to a Certificateholder or otherwise covered provider's failure to provide the benefits of a preneed contract or failure to refund the appropriate principal amount by reason of cancellation thereof.

SUBJECT AREA TO BE ADDRESSED: Disbursement from the Preneed Funeral Contract Consumer Protection Trust Fund.

SPECIFIC AUTHORITY: 497.103, 497.413(7) FS.

LAW IMPLEMENTED: 497.413(7) 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

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

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE CHAPTER TITLE: Florida Mausoleum Construction

RULE CHAPTER NO.: 3F-13

PURPOSE AND EFFECT: The Board propose to discuss the rules within this chapter and determine if the rules will require amendments.

SUBJECT AREA TO BE ADDRESSED: Florida Mausoleum Construction.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.103 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: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE CHAPTER TITLE: Florida Bright Futures Scholarship Program  
RULE CHAPTER NO.: 6A-20

PURPOSE AND EFFECT: The purpose of this rule development is to promulgate a rule to address the Florida Bright Futures Scholarship Program.

SUBJECT AREA TO BE ADDRESSED: Provisions to be mandated in rule for the Florida Bright Futures Scholarship Program.

SPECIFIC AUTHORITY: 229.053(1), 240.40201, 240.40202, 240.40203, 240.40204, 240.40205, 240.40206, 240.40207, 240.40208, 240.40209 FS.

LAW IMPLEMENTED: 232.0201, 232.246, 232.2466, 240.1201, 240.40202, 240.40203, 240.40204, 240.40205, 240.40206, 240.40207, 240.40208, 240.40209, 240.404 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: C. Wayne Hood, Director, Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-4095

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLES: Florida Public Student Assistance Grant  
Florida Private Student Assistance Grant  
Florida Postsecondary Student Assistance Grant  
RULE NOS.: 6A-20.031  
6A-20.032  
6A-20.033

PURPOSE AND EFFECT: The purpose of this action is to amend existing Florida Student Assistance Grant rules to reflect changes in law by the Legislature.

SUBJECT AREA TO BE ADDRESSED: The administration of the Florida Student Assistance Grant Programs and changes mandated by the Legislature will be the subject area to be addressed.

SPECIFIC AUTHORITY: 229.0539(1), 240.409, 240.4095, 240.4097 FS.

LAW IMPLEMENTED: 229.053, 240.1201, 240.404, 240.4042, 240.409, 240.4095, 240.4097 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: C. Wayne Hood, Director, Office of Student Financial Assistance, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)488-4095

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Logo Sign Program  
RULE CHAPTER NO.: 14-85  
RULE TITLE: Logo Sign Program  
RULE NO.: 14-85.004

PURPOSE AND EFFECT: Rule 14-85.004 is being amended to correct the inadvertent deletion of 14-85.004(11)(e)4. in the May 25, 1999, amendment. In response to questions resulting from the Joint Administrative Procedures Committee review, we had added a new 14-85.004(11)(e)4. and the intent was to renumber the existing "4." to "5." However, in the change notice and in the final filed version of the rule amendment, the new "4." was added and the existing "4." was deleted.

SUBJECT AREA TO BE ADDRESSED: This is an editorial amendment to reinstate the language of the previous 14-85.004(11)(e)4. as a new 14-85.004(11)(e)5.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(27), 479.261 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:**

14-85.004 Logo Sign Program.

(1) through (10) No change.

(11) Permitting.

(a) through (d) No change.

(e) Annual Permit Renewal.

1. through 4. No change.

5. Failure to submit the Annual Permit Renewal by December 1, will result in expiration of the permit and removal of the business logo sign from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

(12) through (13) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(27), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, Amended 10-10-96, 12-31-96, 10-8-97, 5-25-99,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**RULE TITLE:** Loss Reimbursement Procedures

**RULE NO.:** 19-8.011

**PURPOSE AND EFFECT:** To discuss proposed loss reimbursement procedures for the Florida Hurricane Catastrophe Fund.

**SUBJECT AREA TO BE ADDRESSED:** Loss reimbursement procedures for the Florida Hurricane Catastrophe Fund.

**SPECIFIC AUTHORITY:** 215.555(3) FS.

**LAW IMPLEMENTED:** 215.555 FS.

**REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m. – 12:00 noon, Wednesday, July 14, 1999

**PLACE:** Room 116, Hermitage Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Dr. Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1340

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON JUNE 25, 1999.**

Copies of the proposed amended rule and the agenda for the workshop may be obtained from: Anne Bert, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, Telephone (850)413-1349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Bert at least 5 calendar days before the workshop.

**STATE BOARD OF ADMINISTRATION**

**RULE TITLE:** Auditing Procedures

**RULE NO.:** 19-8.014

**PURPOSE AND EFFECT:** To discuss proposed auditing procedures for exposure and claims audits for the Florida Hurricane Catastrophe Fund.

**SUBJECT AREA TO BE ADDRESSED:** Auditing procedures for exposure and claims audits for the Florida Hurricane Catastrophe Fund.

**SPECIFIC AUTHORITY:** 215.555(3) FS.

**LAW IMPLEMENTED:** 215.555 FS.

**REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m. – 12:00 noon, Wednesday, July 14, 1999

**PLACE:** Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Dr. Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1340

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON JUNE 25, 1999.**

Copies of the proposed amended rule and the agenda for the workshop may be obtained from: Anne Bert, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; Tel. (850)413-1349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Bert at least 5 calendar days before the workshop.

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

RULE CHAPTER TITLE: The Poinciana Community Development District  
 RULE CHAPTER NO.: 42AA-1  
 RULE TITLES: Creation 42AA-1.001  
 Boundary 42AA-1.002  
 Supervisors 42AA-1.003

**PURPOSE AND EFFECT:** The purpose of this proposed rule is to establish a community development district (CDD), The Poinciana Community Development District (“the District”), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Avatar Properties, Inc., (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule The Poinciana CDD. The land area proposed to be served by the District will be approximately 3,031 acres. All proposed lands in the District are within Polk County, bounded on the North by Cypress Parkway; bounded on the South by Huckleberry Avenue and Juniper Street and lands of the South Florida Water Management District and Poinciana Village 3 Neighborhood 6 South; bounded on the West by Rhododendron Avenue and land of Parker-Poinciana, Inc.; and bounded on the East by Marigold Avenue, Walnut Avenue, and Haines City Road, and Poinciana Village 3 Neighborhood 3. This District is designed to provide community infrastructure, services, and facilities along with their operations and maintenance to the Poinciana development. The District will be a fully amenitized residential community oriented toward the active adult. The development plan for the proposed lands within the District includes the construction of approximately 6,500 single family and higher density residential dwelling units, neighborhood pools, an arts and crafts center, outdoor sports center, a ballroom, 18 holes of golf, golf clubhouse, spa and fitness center, restaurants, and parks. All are authorized for inclusion within the District.

**SUBJECT AREA TO BE ADDRESSED:** Establishment of the Poinciana Community Development District.

**SPECIFIC AUTHORITY:** 190.005 FS.

**LAW IMPLEMENTED:** 190.004, 190.005 FS.

**IF REQUESTED 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., Tuesday, July 19, 1999

**PLACE:** Room 2106, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)488-7793, at least 5 business days in advance to make appropriate arrangements.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Teresa Moore, Greenberg Traurig, Post Office Box 20629, West Palm Beach, Florida 33416-0629, telephone (561)650-7900 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLES: Pollutant Storage System Specialty Contractors 61G4-15.027  
 Precision Tank Testers 61G4-15.028  
 Tank Lining Applicators 61G4-15.029

**PURPOSE AND EFFECT:** Under the authority of the Board, the proposed rules are being promulgated in order to develop standards for the certification and registration of pollutant storage system specialty contractors, precision tank testers and tank lining applicators.

**SUBJECT AREA TO BE ADDRESSED:** Certification and Registration.

**SPECIFIC AUTHORITY:** 489.108, 489.113(3),(7), 489.129(3), 489.133 FS.

**LAW IMPLEMENTED:** 489.113(3),(7),(8), 489.115(4), 489.133 FS.

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

**TIME AND DATE:** 8:00 a.m., or shortly thereafter, Friday, July 16, 1999

**PLACE:** Doubletree Hotel, Tampa Westshore Airport, 4500 West Cypress Street, Tampa, Florida 33607

**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:

61G4-15.027 Pollutant Storage System Specialty Contractors.

(1) Scope of Rule: The purpose of this rule is to provide for the certification of pollutant storage system specialty contractors.

(2) Certification Procedures for Pollutant Storage Specialty Contractors:

(a) Qualifications:

1. Any person who desires to become a certified pollutant storage specialty contractor shall apply to the Board in writing on a form provided by the Department of Business and Professional Regulation.

2. A person shall be certified as a pollutant storage system specialty contractor if said person:

a. Is at least eighteen (18) years of age; and

b. Is of good moral character; and

c. Takes and successfully completes the state examination for certification as a pollutant storage system specialty contractor; or

d. Takes and successfully completes either a local licensure examination, a licensure examination of another state, or a licensure examination of a national organization which has been judged by the Board to be equal to or more stringent than the state pollutant storage system specialty contractor certification examination pursuant to Section 489.133(4)(c), F.S.

(b) Other certification procedures and fees: other certification procedures and fees for certified pollutant storage system specialty contractors shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, FS, including all other requirements for licensure as set forth in Rule Chapter 61G4-15, F.A.C. The amount of liability insurance for pollutant storage system specialty contractors shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance. Applicants for licensure shall submit competent substantial evidence to the Board demonstrating that the applicant has a net worth of \$10,000.00.

(3) Method of Operation: nothing in this rule chapter is intended to supersede or modify standards of operation established for pollutant storage system specialty contractors by the Department of Environmental Protection, as expressly stated in Rule Chapter 62-761, F.A.C., or any other licensing or supervisory agency of the State or any political subdivision thereof having jurisdiction over the operation of same.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133 FS. History—New

61G4-15.028 Precision Tank Testers.

(1) Scope of Rule: The purpose of this rule is to provide for the registration of precision tank testers.

(2) Registration Procedures for Precision Tank Testers:

(a) Qualifications:

1. Any person who desires to become a registered precision tank tester shall apply to the Board in writing on a form provided by the Department of Business and Professional Regulation.

2. A person shall be registered as a precision tank tester if said person:

a. Is at least eighteen (18) years of age; and

b. Is of good moral character; and

c. Who meets the standards established by the Florida Department of Environmental Protection pursuant to Rule 62-761.200(83), F.A.C. The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a precision tank tester meets these standards before the applicant is registered.

(b) Other registration procedures and fees: other registration procedures and fees for registered precision tank testers shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., including all other requirements for licensure as set forth in Rule Chapter 61G4-15, F.A.C. The amount of liability insurance for precision tank testers shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance. Applicants for registration shall submit competent substantial evidence to the Board demonstrating that the registrant has a net worth of \$10,000.00.

(3) Method of Operation: nothing in this rule chapter is intended to supersede or modify standards of operation established for precision tank testers by the Department of Environmental Protection, as expressly stated in Rule Chapter 62-761, F.A.C., or any other licensing or supervisory agency of the State or any political subdivision thereof having jurisdiction over the operation of same.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133 FS. History—New

61G4-15.029 Tank Lining Applicators.

(1) Scope of Rule: The purpose of this rule is to provide for the registration of tank lining applicators.

(2) Registration Procedures for Tank Lining Applicators:

(a) Qualifications:

1. Any person who desires to become a registered tank lining applicator shall apply to the Board in writing on a form provided by the Department of Business and Professional Regulation.

2. A person shall be registered as a tank lining applicator if said person:

- a. Is at least eighteen (18) years of age; and
- b. Is of good moral character; and
- c. Who meets the standards established by the Florida Department of Environmental Protection pursuant to Rule 62-761.700(2)(c), F.A.C. The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a tank lining applicator meets these standards before the applicant is registered.

(b) Other Registration procedures and fees: other registration procedures and fees for registered tank lining applicators shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., including all other requirements for licensure as set forth in Rule Chapter 61G4-15, F.A.C. The amount of liability insurance for tank lining applicators shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance. Applicants for registration shall submit competent substantial evidence to the Board demonstrating that the registrant has a net worth of \$10,000.00.

(3) Method of Operation: nothing in this rule chapter is intended to supersede or modify standards of operation established for tank lining applicators by the Department of Environmental Protection, as expressly stated in Rule Chapter 62-761, F.A.C., or any other licensing or supervisory agency of the State or any political subdivision thereof having jurisdiction over the operation of same.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133 FS. History—New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE CHAPTER TITLE: Certification  
 RULE CHAPTER NO.: 61G6-2

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G6-2.

SUBJECT AREA TO BE ADDRESSED: Return of previously issued licenses.

SPECIFIC AUTHORITY: 489.507(3), 489.513, 489.515, 489.521 FS.

LAW IMPLEMENTED: 489.521 FS.

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

TIME AND DATE: 11:00 a.m. or shortly thereafter on July 21, 1999

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE CHAPTER TITLE: Registration  
 RULE CHAPTER NO.: 61G6-3

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G6-3.

SUBJECT AREA TO BE ADDRESSED: Registration of limited or restricted competency licenses.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.513 FS.

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

TIME AND DATE: 11:00 a.m. or shortly thereafter on July 21, 1999

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE CHAPTER TITLE: Organization, Purpose, Meetings,  
 Probable Cause Panel, Procedures  
 RULE CHAPTER NO.: 61G6-4

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G6-4.

SUBJECT AREA TO BE ADDRESSED: Probable cause panel; board member compensation; and general definitions.

SPECIFIC AUTHORITY: 120.53(1)(c), 455.207(4), 455.225, 489.507(3) FS.



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

TIME AND DATE: 11:00 a.m. or shortly thereafter on July 21, 1999

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE CHAPTER TITLE: Fees RULE CHAPTER NO.: 61G6-8

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G6-8.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 119.07(1)(a),(b), 455.217(2), 455.219(1), 455.271(8), 489.509, 489.511(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: 11:00 a.m. or shortly thereafter on July 21, 1999

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE CHAPTER TITLE: Continuing Education RULE CHAPTER NO.: 61G6-9

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G6-9.

SUBJECT AREA TO BE ADDRESSED: Continuing education for reactivation; criteria for continuing education for reactivation of license; definitions; continuing education requirements for renewal for certificateholders and registrants; registration of course sponsors; approval of continuing education courses; qualifications of course instructors; course syllabus; required records maintained by course sponsors; audit of certifications of completion; advertising of continuing education courses; continuing education courses required by disciplinary action; fees.

SPECIFIC AUTHORITY: 455.219(3), 455.225, 455.227, 489.507(3), 489.509, 489.517(3), 489.519 FS.

LAW IMPLEMENTED: Chapter 94-119, Laws of Florida; 455.219(3), 489.507(3), 489.517, 489.519, 489.531, 489.533 FS.

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

TIME AND DATE: 11:00 a.m. or shortly thereafter on July 21, 1999

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE CHAPTER TITLE: Disciplinary Guidelines RULE CHAPTER NO.: 61G6-10

PURPOSE AND EFFECT: The Board proposes to review and to consider possible amendments to the rules in Chapter 61G6-10.

SUBJECT AREA TO BE ADDRESSED: Purpose; violations and penalties; aggravating or mitigating circumstances; payment of fine; minor violations and non-compliance; reinstatement and relicensure; mediation.



SUBJECT AREA TO BE ADDRESSED: Licensure and Examinations.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.061, 310.081(1),(2) FS.

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

TIME AND DATE: 1:00 p.m., July 15, 1999

PLACE: Doubletree Hotel, 2649 South Bayshore Drive, Miami, Florida 33133

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Glenda Albritton, Program Administrator, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-11.001 Determination of Openings for ~~Licensed State Pilots or Certificated Deputy Pilots.~~

(1) ~~The Board shall exercise its continuing duty to, from time to time, determine if there is a need for one or more new a licensed state pilot or pilots in the various ports of the state. The Board shall also, from time to time, determine if there is a need for a certificated deputy pilot or deputy pilots in any of the several various ports of the state. The Board may make such determination based upon request(s) received receive advice as to openings from licensed state pilots at the port involved, or it may make such determination from information otherwise available to it. Licensed state pilots, at a port, who perceive a need for one or more new deputy pilots at that port, shall may submit a written request that the Board declare, and publish to notice of, one an opening or more openings for either a licensed state pilot or pilots or certificated deputy pilot or deputy pilots to serve that port., Such request shall be acted upon in writing, for consideration and determination by the Board at a regularly or special scheduled meeting of the Board. Such When making a request to notice an openings for a licensed state pilot or certificated deputy pilot, must contain facts which demonstrate to the Board that the creation of such opening(s) is necessary in order to promote and protect the public health, safety or welfare they shall advise the Board in writing, accompanying the request, of the number of handlings by the most junior deputy with at least 24 months service immediately preceding the request and a general description of the types, tonnage, and drafts of vessels handled by the deputy pilot during the preceding 12 months. In all cases the Board shall make its determinations based on the supply and demand for piloting services and the public's interest in maintaining efficient and safe piloting services.~~

~~(2) Deputy pilot examinations are regularly scheduled for March of each year. In order for a port opening to be included in the next regularly scheduled examination, that port's initial~~

request to create one or more openings for certified deputy pilots must be received at the Board office in Tallahassee, Florida, no later than the first business day after (name month) 1, prior to the next regularly scheduled examination date. If a port's request for the declaration of openings for a specific number "or more" deputy pilots has been approved, that port may make a supplemental request for the declaration of a final specific number of openings which number may be more than the specific number appearing before the words "or more" in the initial request. Such supplemental request must be received at the Board office in Tallahassee, Florida not later than (specify number) days prior to the then scheduled examination for that port. Such supplemental request shall be considered and acted upon by the Board at a regular or special meeting of the Board held at any time prior to the administration of the examination. The specific number of openings declared upon consideration of the supplemental request shall constitute the maximum number of deputy pilots, for that port, to be appointed from among those who take the scheduled examination and thereupon become "certified" as provided by Section 310.081(2), Florida Statutes. If no such supplemental request is timely filed, the specific number appearing before the words "or more" in the initial request shall constitute the maximum number of deputy pilots, for that port, to be appointed from among those who take the scheduled examination and thereupon become "certified" as provided by Section 310.081(2), Florida Statutes. No new deputy pilot opening, to be filled from the participants in any examination, shall be approved by the Board after 23:59 hours, eastern time, of the day prior to that examination.

(3) If, as to any port, the Board finds the existence of an emergency of such a magnitude that a delay until the next regularly scheduled examination in providing for one or more new deputy pilots for that port would endanger the public health, safety or welfare, the board shall declare one or more emergency openings for deputy pilots for that port and shall make provision for giving notice of and scheduling a special examination for the sole purpose of filling such opening.

(4)(2) Other than in instances of cross licensing as permitted by § 310.061, Florida Statutes, the licensing of a pilot to serve in more than one port, prevents the board from adequately performing its duty under § 310.061, Florida Statutes, to assess the need for additional pilots in any of the ports to which such pilot is licensed. Therefore, other than in instances of cross licensing as permitted by § 310.061, Florida Statutes, no person shall become a certified deputy pilot or licensed state pilot in any Florida port so long as that person remains a licensed pilot in any other Florida port. This prohibition shall not apply where all ports for which certification or licensure is sought have been combined with each other for the purpose of licensing.

(5)(3) For the purposes of this rule, the Board will not be deemed to be on notice of the license resignation of a licensed pilot until the Board is in receipt of a copy of the licensee's irrevocable resignation letter and a copy of the Department of Business and Professional Regulation's letter acknowledging and accepting the resignation.

~~(4) The Board may declare deputy pilot vacancies and set a special examination date if twenty-five percent of the pilots in a port have been incapacitated and the pilots in that port have petitioned for one or more emergency openings.~~

Specific Authority 310.185 FS. Law Implemented 310.061, 310.081(1),(2) FS. History—New 3-21-76, Formerly 21SS-5.06, Amended 1-19-77, 12-7-78, 1-10-80, Formerly 21SS-5.09, Amended 5-11-87, 11-28-90, Formerly 21SS-5.009, 21SS-11.001, Amended 5-11-99,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLE: Renewal of Licenses and Certificates  
PURPOSE AND EFFECT: Reference to Rule 61G14-20.002 is being deleted to eliminate reference to a rule which is being repealed.

RULE NO.: 61G14-12.001

SUBJECT AREA TO BE ADDRESSED: Renewal of Licenses and Certificates.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.081(3), 310.121 FS.

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

TIME AND DATE: 1:00 p.m., July 15, 1999

PLACE: Doubletree Hotel, 2649 South Bayshore Drive, Miami, Florida 33133

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Glenda Albritton, Program Administrator, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-12.001 Renewal of Licenses and Certificates.

(1) Licenses and certificates must be renewed by January 31 of each odd-numbered year to remain valid and authorize continuing service. Unless then under suspension or revocation, each license and certificate will be renewed provided the holder:

(a) through (b) No change.

(c) submits documentary evidence that the holder continues to meet the requirements for good physical and mental health required by F.S. 310.081 and Rule Section 61G14-20.001, F.A.C., ~~if a deputy pilot, or Rule Section 61G14-20.002, F.A.C., if a state pilot.~~

(d) No change.

(2) No change.

Specific Authority 310.185 FS. Law Implemented 310.081(3), 310.121 FS. History—New 2-25-91, Formerly 21SS-6.006, 21SS-12.001, Amended 1-9-95, 6-11-95, 10-30-95, 3-17-96,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE TITLES: Deputy Pilots' and State Pilots'

RULE NOS.:

Physical and Mental Capabilities 61G14-20.001  
State Pilots Physical and Mental Capabilities 61G14-20.002

PURPOSE AND EFFECT: The amendments to Rule 61G14-20.001 further clarify the established minimum physical and mental capabilities of deputy pilots and to include state pilots in said rule. Rule 61G14-20.002 is being repealed in its entirety because it has been absorbed by 61G14-20.001 and is therefore no longer necessary.

SUBJECT AREA TO BE ADDRESSED: Physical and Mental Capabilities.

SPECIFIC AUTHORITY: 310.185(1) FS.

LAW IMPLEMENTED: 310.071, 310.073 FS.

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

TIME AND DATE: 1:00 p.m., July 15, 1999

PLACE: Doubletree Hotel, 2649 South Bayshore Drive, Miami, Florida 33133

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Glenda Albritton, Program Administrator, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-20.001 Deputy Pilots' and State Pilots' Physical and Mental Capabilities.

(1) The purpose of this rule is to establish minimum standards for the physical and mental capabilities necessary to carry out the professional duties of a certificated deputy pilot or licensed state pilot, as required by Sections 310.071 and 310.073, Florida Statutes, established by the Board of Pilot Commissioners, are as follows:

(2) As used in this rule, the following definitions shall apply:

"Applicant" shall mean a person applying for initial certification as a deputy pilot;

"Pilot" shall mean a Florida licensed state pilot or a Florida certified deputy pilot;

"Certification of physical fitness" shall consist of all the following documents signed by a physician who holds an active, valid license issued pursuant to Chapter 458 or 459, Florida Statutes:

(a) Certification that the applicant, or pilot is ~~An applicant for a certificate as a deputy pilot must be in good physical and mental health, as evidenced by documentary proof of having been certified by a licensed physician to be fully fit and qualified to perform the duties of a deputy pilot shall bear a date no later than twelve months after the date appearing on such certification most recently submitted; within the preceding six (6) months from the date the application is received by the Board.~~

(b) ~~An~~ 1. The applicant shall submit an original or true copy of the latest revision of form Dept.of.Trans., USCG, CG-719K BPR/BOPC/APP/EFF-2/95 entitled "Merchant Marine Personnel Physical Examination Report," which "Medical Examination Information" filled out by a physician who holds an active, valid license issued pursuant to Chapter 458 or 459, Florida Statutes. This form is incorporated herein by reference and can be obtained by contacting the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0773. The form shall bear a date no later than 12 months after the date appearing on the copy of such form most recently submitted, and;

(c) ~~2.~~ The applicant shall submit Documentation that the applicant or pilot he/she, within six months prior to the date the document is submitted the application is received by the Board, has been found to be drug free by a test approved by the United States Coast Guard. "Submitted" shall mean received at the Board office at 1940 North Monroe Street, Tallahassee, Florida 32399-0773.

(3) Certification of physical fitness shall be submitted at the following times:

(a) Applicants – within six months prior to the date the application is submitted;

(b) Pilots – not later than 12 months following the date the most recent certification of that pilot's physical fitness was ~~A certificated deputy pilot shall annually provide documentary proof of having satisfactorily passed a complete physical examination in accordance with the minimum standards of this rule section in order to maintain eligibility as a certificated deputy pilot. The completed physical examination form shall be submitted to the Board by November 1 each year.~~

(c) Failure to comply with this subsection shall result in discipline pursuant to rule chapter 61G14-17, F.A.C.

(4) ~~Either (e) Any~~ evidence from a physical examination which indicates that the subject has a clinical dependence upon alcohol use or use of a controlled substance (with zero tolerance) unless the subject applicant or certificated deputy pilot is under the care of a physician and the that controlled substance was prescribed by that physician; or the subject's failure to pass the physical examination required by pursuant to paragraph (1)(a) of this rule section shall constitute prima facie evidence of failure to meet the minimum standards for the physical and mental capabilities necessary to carry out the professional duties of a certificated deputy pilot and shall subject the applicant or pilot to the provisions of Section 310.101, Florida Statutes. Proceedings thereunder shall be in accordance with the requirements of Section 120.569 and 120.57, Florida Statutes.

1. The Board shall issue an intent to deny the application for certification order to the applicant, or in the case of the certificated deputy pilot seeking to maintain eligibility by submitting annual documentary proof of having satisfactorily completed the required physical examination, an intent to revoke the certification order to the certificated deputy pilot; stipulating the failure of the physical examination due to evidence of clinical dependence upon alcohol use or due to evidence of the use of a controlled substance regulated in Chapter 893, F.S., or stipulating the failure of the physical examination pursuant to paragraph (1)(a) of this rule section as the basis for the denial or revocation.

(5) ~~Any~~ 2. The applicant or the certificated deputy pilot affected by the Board's action may request a hearing in accordance with Chapter 120, F.S., and must do so within twenty-one (21) days of upon receipt of notice of Board action the order of intent to deny or revoke, otherwise the Board action order will become a final order of the Board on the day following the last day to request a hearing.



