

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Body Piercing RULE CHAPTER NO.: 64E-19

PURPOSE AND EFFECT: The principal purpose of the rule is to address sanitation and safety concerns associated with body piercing salons.

SUBJECT AREA TO BE ADDRESSED: The rule will cover sanitation practices, sterilization requirements and procedures, contents of client records, retention of personnel records, personnel training, client notification requirements and procedures, physical plant requirements and enforcement procedures.

SPECIFIC AUTHORITY: 381.0075(10) FS.

LAW IMPLEMENTED: 381.0075(10),(11) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY, RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 8:00 a.m., June 28, 1999

PLACE: Bay County Health Department, 597 West 11th Street, Panama City, FL 32401

TIME AND DATE: 8:00 a.m., June 29, 1999

PLACE: Cooperative Extension Service, 2350 E. Michigan Street, Orlando, FL 32806

TIME AND DATE: 8:00 a.m., June 30, 1999

PLACE: Broward County Health Department, 2421A Southwest 6th Avenue, Ft. Lauderdale, FL 33315

THE PERSON TO BE CONTACTED REGARDING A DRAFT OF THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leslie L. Harris, Environmental Manager, 2020 Capital Circle, S. E., Bin A08, Tallahassee, FL 32399-1710, (850)487-0004

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Style and Form for Filing Rules; Certification Accompanying Materials RULE NO.: 1S-1.002

PURPOSE, EFFECT AND SUMMARY: 1S-1.002 is being amended to add the requirement that, in addition to the original and two copies required to be submitted for rule adoption, the rule text must also be submitted on a diskette.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.55(1)(c) FS.

LAW IMPLEMENTED: 120.54(2),(3)(e)4., 120.55(1)(c),(d),(3) FS.

IF REQUESTED 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: 10:00 a.m., July 13, 1999

PLACE: R. A. Gray Building, Auditorium, Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Liz Cloud, Chief, Bureau of Administrative Code, 401 South Monroe Street, The Elliot Building, Tallahassee, FL 32399-0250, Telephone (850)488-8427

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-1.002 Style and Form for Filing Rules; Certification Accompanying Materials.

(1) In addition to the following requirements, the text of all rules filed for adoption shall be submitted on 3.5" diskette, and shall comply with the specifications listed in Rule 1S-1.003(2)(a), F.A.C.

(1) through (10) renumbered (2) through (11) No change.

Specific Authority 120.55(1)(c) FS. Law Implemented 120.54(3)(e)4., (6), 120.55(1)(c),(d), 403.8055 FS. History--New 5-29-80, Formerly 1-1.02, Amended 12-30-81, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 10-1-96, 9-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Liz Cloud, Chief, Bureau of Administrative Code

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ethel Baxter, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLES: Duplicate Warrants RULE NOS.: 3A-10.081

Forgeries 3A-10.082

PURPOSE AND EFFECT: To adopt changes that have been made to the Affidavit for Duplicate Warrant and the Affidavit Attesting to Forgery.

SUMMARY: The Affidavit for Duplicate Warrant and the Affidavit Attesting to Forgery have been updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 17.14, 17.29 FS.

LAW IMPLEMENTED: 17.13, 17.14, 95.11(3)(p), 117.03(3)(a) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 12, 1999

PLACE: Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Sharpton, Chief, Bureau of Accounting, Room 414, Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9951

THE FULL TEXT OF THE PROPOSED RULES IS:

3A-10.081 Duplicate Warrants.

When a warrant has been lost, stolen, or otherwise cannot be located, and the payee is entitled to the proceeds, it is necessary for the agency to request that the Comptroller place a stop order on the warrant in order to obtain a duplicate. This is followed up by the agency with an Affidavit for Duplicate Warrant (Form DBF-AA-408) signed by the payee and notarized, or signed by an authorized agency employee if the warrant was never delivered to the payee. When it has been determined that the original warrant has not been paid, a new warrant bearing the exact information as the original is forwarded to the agency for delivery to the payee. Form DBF-AA-408 (revised 4/99 effective 4-28-96) is hereby incorporated by reference and is available from the Department of Banking and Finance, Reconciliation Subsection, Room ~~308~~ **414**, Fletcher Building, Tallahassee, Florida 32399-0350. The original warrant should not be cancelled when a duplicate has been issued. In the event that the original warrant is found, the agency is requested to return the original to the Comptroller to be voided.

Specific Authority 17.14, 17.29 FS. Law Implemented 17.13, 17.14 FS. History—New 10-21-75, Formerly 3A-10.81, Amended 4-28-96, _____.

3A-10.082 Forgeries.

(1) An Affidavit Attesting to Forgery, Form DBF-AA-409 (revised 4/99 3-3-98), must be filed with the Department of Banking and Finance within 48 months of the date of the issuance of the original warrant. Form DBF-AA-409, which is

hereby incorporated by reference, is available from the Department of Banking and Finance, Reconciliation Subsection, Room 308E, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) Requests to the Comptroller for reissuance of forged warrants should include three original Affidavits Attesting to Forgery. The affidavits should be signed by the payee and notarized. The original warrant will be charged back for collection. When notice of collection and credit to the appropriate fund is made, the agency may issue a new warrant in lieu of the original. If the agency has sufficient cash and budget, the warrant may be reissued upon notification that the warrant has been charged back. Section 117.05(3)(a), Florida Statutes, lists the requirements of the State of Florida for notarizing documents. On forgery affidavits that are notarized in another state whose notary laws do not mandate a notary commission number, the State Treasurer requires that a letter with a copy of that state's notary laws be attached to the affidavit for forgery before they will process that request.

Specific Authority 17.14, 17.29 FS. Law Implemented 17.13, 17.14, 95.11(3)(p), 117.03(3)(a) FS. History—New 10-21-75, Formerly 3A-10.82, Amended 4-28-96, 5-3-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Sharpton, Chief, Bureau of Accounting

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: Definitions
 RULE NO.: 3E-200.001

PURPOSE AND EFFECT: Definitions will be amended to correct cite references and to comply with federal rules. Communications via the Internet will also be included within the definition of advertising. A definition of the term "custody" will be added.

SUMMARY: The rule is being amended to include communications via the Internet as advertising. Federal rules have been changed to allow certain individuals to receive cash payments for solicitation activities from investment advisers registered with the SEC. Rule 3E-200.001(7)(c) is being added to exclude these individuals from the definition of associated person of an investment adviser. Rule 3E-200.001(9)(b)4. is being amended to correct a cite reference. A new Rule 3E-200.001(11) is being added to define the term "custody."

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.161 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 19, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Reilly, Financial Administrator, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0305, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-200.001 Definitions.

As used in the Rules and Regulations of the Division of Securities and Investor Protection, pursuant to Chapter 517, F.S. Florida Statutes, unless the context otherwise specifically requires:

- (1) No change.
- (2) "Advertising" means any circular, prospectus, advertisement or other material or any communication by radio, television, Internet, pictures or similar means used in connection with a sale or purchase or an offer to sell or purchase any security.
- (3) through (6) No change.
- (7)(a) "Associated person" as defined in Section 517.021(2), F.S., shall include any person who for compensation refers, solicits, offers, or negotiates for the purchase or sale of securities and/or of investment advisory services. A person whose activities fall within this definition is required to register with the Department as an associated person pursuant to Sections 517.12(1) or (4), F.S.

(b) Notwithstanding the provisions of ~~sub~~paragraph (a), an associated person registered with the Department and operating in compliance with Rule 3E-600.003(2), F.A.C., shall not be deemed an associated person of any investment adviser other than the investment adviser or dually registered dealer/investment adviser with which such associated person is registered.

(c) Any person acting in compliance with SEC Rule 206(4)-3 (17 CFR 275.206(4)-3), as it existed on March 1, 1999, shall not be deemed an associated person of an investment adviser.

- (8) No change.
- (9)(a) Except as otherwise provided herein, the term "Branch Office" shall mean any location in Florida other than a home office:

- 1. which is owned or controlled by a dealer or investment adviser for purposes of offering for sale or selling securities or for rendering investment advice and in which two or more associated persons are engaged in such activities. "Control" as used herein and in Section 517.021(4), F.S., shall be presumed from the fact that such location is used by associated persons of a dealer or investment adviser to conduct business on behalf of such dealer or investment adviser;
- 2. which is listed in any publication, including a professional digest or telephone directory, or advertised in any media as an office of a dealer or investment adviser; or
- 3. which is designated with the Securities and Exchange Commission or with a securities exchange ~~or~~ of self-regulatory organization as a branch office of a dealer or investment adviser.

(b) The following locations shall not be deemed branch offices for purposes of Section 517.12(5), F.S.:

- 1. Locations used temporarily for the purposes of conducting seminars or distributing printed information;
- 2. The home of a client;
- 3. A public location, such as a restaurant, which is occasionally used by a registered associated person to conduct business on behalf of the dealer or the investment adviser provided the location is not held out to the investing public as an office of the dealer or investment adviser; or
- 4. Any location defined as a branch office in paragraph ~~(9)~~ ~~40~~(a) of this Rule from which an associated person registered with a dealer and one or more investment advisers registered with the Department conducts business on behalf of said multiple entities provided that such location is lawfully registered with the Department as a branch office of at least one of said entities.

- (10) No change.
- (11) "Custody" means a person directly or indirectly holds customer funds or securities, has any authority to obtain possession of them, or has the ability to appropriate them.

(11) through (28) renumbered (12) through (29) No change.

~~(30)(29)~~ "Securities Act of 1933," "Securities Exchange Act f 1934," "Investment Company Act of 1940," "Investment ~~Advisers~~ Advisors Act of 1940," and "Internal Revenue Code" mean the federal statutes of those names as amended.

(30) through (32) renumbered (31) through (33) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.051, 517.061, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill Reilly, Financial Administrator, Division of Securities
 NAME OF PERSON OR SUPERVISOR WHO APPROVED
 THE PROPOSED RULE: Don Saxon, Director, Division of
 Securities
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 24, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: March 26, 1999

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLES: RULE NOS.:

Registration of Issuer Dealers, Principals and Branch Offices	3E-600.004
Rules of Conduct	3E-600.012
Continuing Education Requirement	3E-600.020

PURPOSE AND EFFECT: The National Securities Markets Improvement Act of 1996 (“NSMIA”) amended the Securities Exchange Act of 1934 to prohibit any state from imposing on dealers any requirements relating to records and other areas that differ from or are in addition to those under federal law. Rule 3E-600.004(3)(d)4. requires a disclosure document be provided to customers in this state by branch offices or associated persons conducting securities or investment advisory business under a name other than that of the dealer or investment adviser with whom they are registered. This disclosure document is not required under federal law and this rule provision is being deleted. Rule 3E-600.004(3)(d)5. is also being deleted as it describes instances where the disclosure requirements do not apply.

Rule 3E-600.012(1)(d) is being amended to provide a reference date of March 1, 1999 for rules of the Securities and Exchange Commission (SEC) and the Municipal Securities Rulemaking Board (MSRB).

Schedule C to the National Association of Securities Dealers (“NASD”) By Laws, Part XII was renamed Membership and Registration Rule 1120 in July 1996. Rule 3E-600.020(1) is being amended to reflect the correct name of the NASD rule. The reference date for the self-regulatory rules cited in 3E-600.020(1) through (8) is being amended to March 1, 1999.

SUMMARY: The amendment to Rule 3E-600.004 repeals the disclosure document to be provided to customers in this state by branch offices or associated persons conducting a securities or investment advisory business under a name other than that of the dealer or investment adviser with whom they are registered. Rule 3E-600.012 is updated to provide a reference

date of March 1, 1999 for various SEC and MSRB Rules. Rule 3E-600.020 is amended to update the reference date of various exchanges’ continuing education rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12(5),(10), 517.121, 517.301 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 19, 1999
 PLACE: 101 East Gaines Street, Room 664, Fletcher Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

3E-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

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

(3)(d) It is prohibited for any branch office or associated person to conduct a securities or investment advisory business in this state under any name other than that of the dealer or investment adviser with which the branch office or associated person is registered unless each of the following conditions is met:

1. The business conducted does not violate or evade any provision of Chapter 517, F.S.;

2. The business conducted does not fall within the definition of “dealer” or “investment adviser” as used in Chapter 517, F.S.; and

3. The dealer or investment adviser with which the branch office or associated person is registered has received written notice of the name under which business will be conducted; and

~~4. Each customer in this state is provided written disclosure prior to the first transaction conducted on behalf of such customer. Such disclosure shall include but not be limited to: an explicit description of the relationship between the registered dealer or investment adviser and any other entity~~

~~conducting business at this location; the reason business is conducted under a name other than that of the dealer or investment adviser; the respective services provided by the dealer or investment adviser and any other entity which conducts business at this location; the fact that such entity is not registered with any state or federal agency as a dealer or investment adviser and therefore may not be subject to protections afforded by such registration; the name, title, address, and phone number of the person employed by the dealer or investment adviser which is responsible for supervising the conduct of the associated person(s) conducting business from this location; and a statement that prior to the initial transaction this disclosure is required by the State of Florida to be provided to every customer in this state transacting business with an entity conducting securities or investment advisory business under any name other than that of a registered dealer or investment adviser exclusively. For those persons required to comply with the provisions of this subsection, it shall be considered a violation of Section 517.121(1), F.S., for any associated person to effect a transaction on behalf of a dealer or investment adviser unless the associated person, dealer, or investment adviser possesses a copy of the disclosure required herein which copy has been originally signed and dated by the customer to evidence the customer's receipt of such disclosure.~~

~~5. The disclosure requirements of paragraph 4. of this rule shall not apply where:~~

~~(i) the business of a branch office or associated person is conducted under a name which is not misleading and which is similar to or includes any part or abbreviation of the name of a corporation or other entity which has an ownership interest in the dealer or investment adviser with which the branch office or associated person is registered;~~

~~(ii) unless previously provided pursuant to this rule, written disclosure of the relationship between the controlling entity and the registered dealer or investment adviser is provided to each customer prior to effecting a securities transaction on behalf of the customer or rendering investment advice to the customer; and~~

~~(iii) the complete name of the registered dealer or investment adviser with which the branch office or associated person is registered is disclosed in each account agreement, statement of account, or transaction confirmation provided to the customer by or on behalf of the registered dealer or investment adviser.~~

~~Specific Authority 517.03(1) FS. Law Implemented 517.12(5),(10) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99,_____.~~

3E-600.012 Rules of Conduct.
 (1)(a) through (c) No change.

(d) Compliance with SEC Rule 10b-10 (17 CFR 240.10b-10) of the Securities Exchange Act of 1934, and the confirmation, preparation and disclosure requirements of SEC S.E.C. Rule 17a-3 (17 CFR 240.17a-3) or MSRB M.S.R.B. Rules G-8 and G-15, as those rules existed on March 1, 1999, shall be deemed compliance with this Rule.

(2) through (4) No change.

(5) It shall be unlawful and a violation of Section 517.301(1), F.S., for any dealer or associated person to engage in any "device, scheme, or artifice to defraud" which shall include selling or effecting the purchase of any security into, in, or from offices in this state in violation of Sections 9, 10, 11A, or 15(c) of the Securities Exchange Act of 1934 or of SEC S.E.C. Rules 9b-1, 10b-1 et seq., 11Aa3-1, 15c1-1 et seq., or 15c2-1 et seq. (17 CFR 240.9b-1; 17 CFR 240.10b-1 et seq.; 17 CFR 240.11Aa3-1 ~~(as amended on January 10, 1997)~~; 17 CFR 240.15c1-1 et seq.; or 17 CFR 240.15c2-1 et seq., respectively), as such provisions existed were in existence on March 1, 1999 ~~February 28, 1992~~; or Section 15(g) of the Securities Exchange Act of 1934 or of SEC S.E.C. Rules 15g-1, et seq. (17 CFR 240.15g-1 et seq.) as such provisions existed on August 11, 1993; or Regulation M (17 CFR 242.100-.105) as such provisions existed on March 4, 1997.

~~Specific Authority 517.03(1) FS. Law Implemented 517.121, 517.301(1)(a) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.12, Amended 12-25-89, 10-14-90, 8-1-91, 6-16-92, 1-11-93, 4-11-94, 1-3-99,_____.~~

3E-600.020 Continuing Education Requirements.

Failure to comply with any of the applicable continuing education requirements set forth in any one of the following shall be deemed a demonstration of unworthiness by a dealer or associated person under Section 517.161(1)(h), F.S. Florida Statutes:

(1) Membership and Registration Rule 1120 Schedule C to the National Association of Securities Dealers By-Laws, Part XXII of the National Association of Securities Dealers, as such provisions existed on March 1, 1999 ~~July 1, 1995~~;

(2) Rule 345A of the New York Stock Exchange, as such provisions existed on March 1, 1999 ~~July 1, 1995~~;

(3) Rule G-3(h) of the Municipal Securities Rulemaking Board, as such provisions existed on March 1, 1999 ~~July 1, 1995~~;

(4) Rule 341 A of the American Stock Exchange, as such provisions existed on March 1, 1999 ~~July 1, 1995~~;

(5) Rule 9.3A of the Chicago Board of Options Exchange, as such provisions existed on March 1, 1999 ~~July 1, 1995~~;

(6) Article VI, Rule 9 of the Chicago Stock Exchange, as such provisions existed on March 1, 1999 ~~July 1, 1995~~;

(7) Rule 9.27(c) of the Pacific Stock Exchange, as such provisions existed on March 1, 1999 ~~July 1, 1995~~; or

(8) Rule 640 of the Philadelphia Stock Exchange, as such provisions existed on March 1, 1999 ~~July 1, 1995~~.

~~Specific Authority 517.03(1) FS. Law Implemented 517.12(18), 517.161(1) FS. History—New 12-21-95, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill Reilly, Financial Administrator, Division of Securities
 NAME OF PERSON OR SUPERVISOR WHO APPROVED
 THE PROPOSED RULE: Don Saxon, Director, Division of
 Securities
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 24, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: March 26, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: RULE NO.:

Adoption of Uniform Packaging and 5F-3.001
 Labeling Regulation

PURPOSE AND EFFECT: The purpose of 5F-3.001 is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 1999 edition of National Institute of Standards and Technology Handbook 130 and change the title of the subsection. Adoption of the current national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade. The title change better reflects the content of the subsection.

SUMMARY: Updates Chapter 5F-3.001 to adopt the current national requirements for the packaging and labeling of commodities as adopted by the National Conference on Weights and Measures and published as the "Uniform Packaging and Labeling Regulation" in the 1999 edition of National Institute of Standards and Technology Handbook 130 and changes the title of the subsection to better reflect the content of the subsection.

SUMMARY OF STATEMENT OF 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: 531.41 (3) FS.

LAWS IMPLEMENTED: 531.41 (13), 531.47, 531.49 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Tuesday, July 6, 1999

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone: (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation Purpose.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, ~~1999~~ 1998 Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, ~~1999~~ 1998 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4) FS. History--New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Ben Faulk, Director, Division of
 Standards

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: May 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: May 14, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: RULE NO.:

Specifications, Tolerances and Other Technical 5F-5.001
 Requirements for Commercial Weighing and
 Measuring Devices

PURPOSE AND EFFECT: The purpose of this rule is to amend 5F-5.001 to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 1999 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

SUMMARY: 5F-5.001 adopts the current national standards for specifications, tolerances and other technical requirements for commercial weighing and measuring devices as published in the 1999 edition of National Institute of Standards and Technology Handbook 44.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 531.40, 531.41(3) FS.

LAWS IMPLEMENTED: 531.40 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Tuesday, July 6, 1999

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone: (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 1999 1998 Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 1999 1998 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History--New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Adoption of Uniform Methods of Sale

RULE NO.: 5F-7.005

PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for the method of sale of commodities established by the National Conference on Weights and Measures and published in the 1999 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.

SUMMARY: Adopts the current national model methods of sale of commodities being sold by weight, measure or count, as published in National Institute of Standards and Technology Handbook 130 to provide for interstate commerce, facilitate value comparison and provide adequate quantity information for consumers and purchasers.

SUMMARY OF STATEMENT ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(4), 531.45 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Tuesday, July 6, 1999

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone: (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department

of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 1999 1998 Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 1999 1998 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Max Gray, Chief, Bureau of Weights and Measures
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Ben Faulk, Director, Division of
Standards
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 3, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 14, 1999

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Definition and Process for
Establishing Educational Sites

RULE NO.: 6C-8.009

PURPOSE AND EFFECT: To modify the rule governing the offering of lower-division course work on branch campuses, centers and sites. With the revision, lower-division courses may be offered at the branch campuses, center or sites with specific approval of the Board of Regents.

SUMMARY: Lower-division course work is permitted at two branch campuses. The rule is revised to allow the offering of lower-division course work with the specific approval of the Board of Regents at branches, centers or sites.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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: 240.209(1),(3)(o) FS.

LAW IMPLEMENTED: 240.209(1),(3)(o), 240.2011 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW:

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

PLACE: Ballroom, University Center, Florida State University, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-8.009 Definition and Process for Establishing Educational Sites.

(1) The following definitions and processes for establishment shall apply to educational locations of public universities within the state:

(a) Main campus is defined as the focal point of university educational and administrative activities, authorized by Section 240.2011, F.S. Lower-division courses are offered only on the main campus of each university unless the university receives specific Board of Regents' approval to offer lower-division courses at a branch campus, center or site.

(b) Branch campus is defined as an instructional and administrative unit of a university that offers students upper-division and graduate programs as well as a wide range of support services. ~~The North Miami campus of Florida International University and the New College campus of the University of South Florida shall be exceptions to this definition as these campuses offer lower-division coursework.~~ Distance learning techniques may be used to complement on-site instruction at all types of campuses. Branch campuses may be of various types to meet the particular needs of a region:

Specific Authority 240.209(1),(3)(o)(*) FS. Law Implemented 240.209(1),(3)(o), 240.2011 FS. History—New 4-9-87, Amended 6-8-92, 2-15-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James A. Mau
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Adam W. Herbert, Chancellor, State
University System
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 9, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: May 21, 1999

DEPARTMENT OF EDUCATION

Board of Regents

RULE TITLE: Certification of Residency for
Appropriated Programs

RULE NO.: 6C-10.013

PURPOSE AND EFFECT: Appropriations Act proviso language accompanying annual appropriations to the University of Miami School of Medicine and Nova Southeastern University's Colleges of Osteopathic Medicine, Optometry and Pharmacy requires that supported students in

these programs must meet the definition of Florida residency for tuition purposes pursuant to s. 240.1201, F.S. Because the annual appropriations to these programs had appeared in the Board of Regents General Office Budget, Rule 6C-10.013 was promulgated to provide a procedure for the review and certification of the Florida residency of students in supported programs. The FY 1999-2000 General Appropriations Act transfers administration of these appropriated programs out of the State University System budget. Therefore, this rule is no longer needed.

SUMMARY: Rule 6C-10.013 providing a procedure for the certification of residency for appropriated programs is repealed, as the BOR no longer has responsibility for these programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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: 240.209(1),(3)(r) FS.

LAW IMPLEMENTED: 240.209(1), 242.62, 240.1201 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: Ballroom, University Center, Florida State University, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 1454 Florida Education Center, 325 West Gaines Street, Tallahassee, Florida 32399-1950

THE FULL TEXT OF THE PROPOSED RULE IS:

6C-10.013 Certification of Residency for Appropriated Programs

Specific Authority 240.209(1),(3)(r) FS. Law Implemented 240.209(1), 244.01, 244.02, 242.62, 240.1201 FS. History—New 6-2-87, Amended 6-16-88, 10-15-90, 12-9-91, 11-27-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia C. Haynie, Ph.D.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Adam W. Herbert, Chancellor, State University System

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 1999

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Self-Accrual Authorization
RULE NO.: 12A-1.0911

PURPOSE AND EFFECT: The proposed amendments to Rule 12A-1.0911, FAC, are necessary to implement the changes to Chapter 212, F.S., made by the 1998 Legislature in Section 7 of Chapter 98-140, Laws of Florida.

SUMMARY: The proposed amendments to Rule 12A-1.0911, FAC, provide that the Department may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer, in lieu of having the independent seller register as a dealer and remit the tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since the proposed amendments to this rule do not implement any new administrative program or procedure, but instead reduce the administrative burden on specific taxpayers, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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: 212.17(6), 212.18(2),(3), 212.183, 213.06(1) FS.

LAW IMPLEMENTED: 212.05(1)(e)3.,4., 212.0598, 212.06(11), 212.08(8),(9), 212.12(13), 212.18(3), 212.183 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 13, 1999

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4714

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULE IS:

12A-1.0911 Self-Accrual Authorization.

(1) through (4) No change.

(5)(a) The Department may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer in lieu of

having the independent seller register as a dealer and remit the tax. The dealer applicant must agree to report and pay directly to the Department all sales tax liabilities that are transferred from the independent sellers to the dealer applicant as a result of the request.

(b)1. A dealer applicant seeking authorization to remit sales tax on behalf of its independent sellers must send a written request for such authorization to:

Florida Department of Revenue
Central Registration
P. O. Box 2096
Tallahassee, Florida 32316-2096

2. The request shall include:

a. the date;

b. the signature of the dealer applicant's President or Chief Executive Officer;

c. a statement by the dealer applicant agreeing to report and pay directly to the Department all sales and use tax liabilities that are transferred from the independent sellers to the dealer applicant as a result of the request;

d. the dealer applicant's sales tax certificate of registration number;

e. the dealer applicant's address and telephone number;

f. a description of the property being sold by the independent sellers;

g. documentation of dealer applicant's financial resources, including financial statements and federal tax returns; and

h. a detailed description of the dealer applicant's information processing system to be used for the tax liabilities assumed and to allocate the local taxes involved.

(c)1. Upon receipt of a request for authorization, the Department will inform the dealer applicant in writing that the request is complete and has been accepted; or, that the request is deficient and specify what additional information is required to make the request complete. Upon acceptance of a complete request for authorization, the Department will approve or deny the request and notify the dealer applicant in writing of its decision.

2. If the request has been approved, the Department will issue a numbered authorization permit and will indicate the effective date of a dealer's authorization to remit tax on the permit.

(d)1. If a request for authorization to remit tax is granted, the dealer must report and remit the amount of sales tax and local discretionary sales surtax applicable to each county in which the first delivery of the taxable property to the independent seller occurs.

2. The dealer shall notify the Department within 30 days of any change of circumstances that might affect the dealer's qualification for the authorization. The authorization can be

revoked at any time if it is determined by the Department that the holder no longer meets the requirements set forth in this subsection.

Specific Authority 212.17(6), 212.18(2),(3), 212.183, 213.06(1) FS. Law Implemented 212.05(1)(e)3,4, 212.0598, 212.06(11), 212.08(8),(9), 212.12(13), 212.18(3), 212.183 FS. History--New 4-7-92, Amended 5-19-93, 9-14-93, 11-16-93,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4714

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rule amendments were noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 23, 1999 (Vol. 25, No. 16, pp. 1782-1783). The workshop was held on May 10, 1999. No one appeared at the workshop to testify, and no one submitted written comments.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Part I Tax on Production of Oil and Gas	
Imposition of Tax	12B-7.001
Administration	12B-7.002
Liability for Tax	12B-7.007
Payment of Tax; Interest and Penalties	12B-7.009
Part II Tax on Production of Solid Minerals	
Penalties and Interest	12B-7.023

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rules 12B-7.001, 12B-7.002, 12B-7.007, 12B-7.009, 12B-7.023, FAC, is to remove language from the administrative code that restates the statutory provisions.

SUMMARY: The proposed repeal of Rule 12B-7.001 (Imposition of Tax), Rule 12B-7.002 (Administration), Rule 12B-7.007 (Liability for Tax), Rule 12B-7.009 (Payment of Tax; Interest and Penalties) and 12B-7.023 (Penalties and Interest), is necessary to conform to the legislative mandate in s. 120.74(1), F.S., that each agency review and revise its rules to remove language which is redundant of statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since the proposed repeal of these rules does not implement any new administrative program or

procedure, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs has been prepared.

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: 211.125(1), 211.33, 213.06(1) FS. LAW IMPLEMENTED: 211.02, 211.025, 211.026, 211.07, 211.075, 211.076, 211.09, 211.125, 211.33 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 13, 1999
PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4709

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

12B-7.001 Imposition of Tax.

Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.02, 211.025, 211.026 FS. History--New 12-28-78, Formerly 12B-7.01, Amended 12-18-94, Repealed.

12B-7.002 Administration

Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.07, 211.125 FS. History--New 12-28-78, Formerly 12B-7.02, Amended 12-18-94, Repealed.

12B-7.007 Liability for Tax.

Specific Authority 213.06 FS. Law Implemented 211.09 FS. History--New 12-28-78, Formerly 12B-7.07, Repealed.

12B-7.009 Payment of Tax; Interest and Penalties.

Specific Authority 211.125(1), 213.06(1) FS. Law Implemented 211.075, 211.076 FS. History--New 12-28-78, Formerly 12B-7.09, Amended 12-18-94, Repealed.

12B-7.023 Penalties and Interest.

Specific Authority 211.33(6), 213.06(1) FS. Law Implemented 211.33 FS. History--New 12-18-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Parramore, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, Post Office Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4709

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)922-4746

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rule repeals were notice for a Rule Development Workshop in the Florida Administrative Weekly on April 16, 1999 (Vol. 25, No. 15, pp. 1633-1634). The workshop was held on May 6, 1999. No one appeared at the workshop to testify, and no one submitted written comments

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Definitions Applicable to the 1994-1995 Contract Year	19-8.002
1994 Provisional Premiums	19-8.003
Aggregate Retention Levels	19-8.004
Special Provisions	19-8.005
Insurer Reporting	19-8.006
1994 Reimbursement Premium Formula	19-8.009

PURPOSE AND EFFECT: These rules proposed to be repealed implement Section 215.555, regarding the Florida Hurricane Catastrophe Fund, for the 1994 contract year.

SUMMARY: Proposed repealed rule 19-8.002 establishes definitions for the 1994 contract year; proposed repealed rule 19-8.003 establishes the procedure for determining provisional premiums for the 1994 contract year; proposed repealed rule 19-8.004 establishes provisions to determine aggregate retention levels for the 1994 contract year; proposed repealed rule 19-8.005 establishes special provisions for the 1994 contract year; proposed repealed rule 19-8.006 establishes the insurer reporting requirements for the 1994 contract year; and proposed repealed rule 19-8.009 establishes the premium formula for the 1994 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS. LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

REGARDLESS OF WHETHER OR NOT ONE IS REQUESTED, A HEARING 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 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jack Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; tel.: (850)413-1340

THE FULL TEXT OF THE PROPOSED RULES IS:

19-8.002 Definitions Applicable to the 1994-1995 Contract Year.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 6-12-95, Amended 7-19-95, Repealed.

19-8.003 1994 Provisional Premiums.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 6-12-95, Repealed.

19-8.004 Aggregate Retention Levels.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 6-12-95, Repealed.

19-8.005 Special Provisions.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 6-12-95, Repealed.

19-8.006 Insurer Reporting.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 6-12-95, Repealed.

19-8.009 1994 Reimbursement Premium Formula.

Specific Authority 215.555(3) FS. Law Implemented 215.555(5) FS. History—New 7-19-95, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 1999

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Contract RULE NO.: 19-8.010

PURPOSE AND EFFECT: This rule is promulgated to implement recent legislative changes to Section 215.555, regarding the Florida Hurricane Catastrophe Fund, for the 1999-2000 contract year.

SUMMARY: Proposed amended rule 19-8.010 adopts the addendum to the 1999 reimbursement contract reflecting changes enacted by the Legislature during the 1999 session to Section 215.555.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

A HEARING 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 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300, Telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) The reimbursement contract for the 1995-1996 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1995K- “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 7/95, is hereby adopted and incorporated by reference into this Rule.

(2) The reimbursement contract for the 1996-1997 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1996K- “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/96, is hereby adopted and incorporated by reference into this Rule.

(3) The reimbursement contract for the 1997-1998 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1997K- “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/ NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/97, is hereby adopted and incorporated by reference into this Rule.

(4) The reimbursement contract for the 1998-1999 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1998K- “Reimbursement Contract

("Contract") between (name of insurer) (the "Company")/ NAIC # () and The State Board of Administration of the State of Florida ("SBA") Which Administers the Florida Hurricane Catastrophe Fund ("Fund"), rev. 5/98, is hereby adopted and incorporated by reference into this Rule.

(5) The reimbursement contract for the 1999-2000 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-1999K- "Reimbursement Contract ("Contract") between (name of insurer) (the "Company")/ NAIC # () and The State Board of Administration of the State of Florida ("SBA") Which Administers the Florida Hurricane Catastrophe Fund ("FHCF"), rev. 5/99, is hereby adopted and incorporated by reference into this Rule. Addendum No. 1 to the 1999-2000 reimbursement contract, which is called Form FHCF-1999K-1, - "Reimbursement Contract ("Contract") between (name of insurer) (the "Company")/NAIC # () and The State Board of Administration of the State of Florida ("SBA") Which Administers the Florida Hurricane Catastrophe Fund ("FHCF"), rev.8/99, is hereby adopted and incorporated by reference into this Rule.

(6) Copies of the reimbursement contract may be obtained from the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)488-4406.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History-- New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

STATE BOARD OF ADMINISTRATION

RULE TITLE: 1999 Reimbursement Premium Formula RULE NO.: 19-8.028

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, regarding the Florida Hurricane Catastrophe Fund, for the 1999-2000 contract year.

SUMMARY: Proposed new rule 19-8.028 establishes the premium formula and adopts reports and insurer reporting forms for the 1999-2000 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

REGARDLESS OF WHETHER OR NOT ONE IS REQUESTED, A HEARING 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 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; tel.: (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 1999 Reimbursement Premium Formula.

(1) The purpose of this rule is to adopt the Premium Formula for the 1999-2000 contract year to determine the actuarially indicated reimbursement premium to be paid to the FHCF, as required by Section 215.555(5)(b), Florida Statutes.

(2) Because of the diversity of the insurers and the risks they insure which are affected by Section 215.555, Florida Statutes, the 1999 Premium Formula adopted in subsection (3), below, adopts the basic Formula and also addresses special circumstances.

(3) The 1999 Premium Formula.

(a) The 1999 Formula for determining the actuarially indicated premium to be paid to the Fund, as required by Section 215.555(5)(b), is the rate times the exposure per \$1,000 of insured value and this equals the premium to be paid in dollars. The rates adopted in paragraph (b), below, were determined by taking into account four factors: geographic location by zip code; construction type; policy deductible; and type of insurance. The Formula is developed by an independent actuarial consultant selected by the Board, as required by Section 215.555(5)(b). The Formula developed by the Board's independent actuarial consultant, "Florida Hurricane Catastrophe Fund: 1999 Ratemaking Formula Report to the Florida State Board of Administration, March 5, 1999," which is supplemented by the "Florida Hurricane Catastrophe Fund Addendum to the March 5, 1999 Ratemaking Report, May 26, 1999, both of which are hereby adopted and incorporated by reference.

(b) The basic premium rates developed in accordance with the premium formula methodology approved by the Board on 5/11/99, are hereby adopted and incorporated by reference in Form FHCF-Rates1999, "Florida Hurricane Catastrophe Fund/1999-00 Rates," rev. 8/99.

(c) Special Circumstances.

1. The premium formula for Section II exposure will be based on the use of computer modeling for each individual company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. Because of the wide variations in attachments, retentions, limits, and participation levels for excess insurance, it is not practical to develop separate rates for all the potential combinations of per policy excess/high deductible exposures. Therefore, the Actuarial Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. The minimum exposure threshold for FHCF Section II rating will be sufficient to generate FHCF premium greater than the cost of modeling and other considerations. Upon the Board's approval of the 1999/2000 FHCF rates, the Actuarial Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90%. This methodology will be based on sound actuarial principles to establish greater actuarial equity in the premium structure. The calculated thresholds will be included in the 1999-2000 Data Call, as adopted and incorporated by reference in Rule 19-8.029. Companies with exposure meeting the definition of Section II, but with an aggregate of such exposure under the applicable threshold, shall report the said exposure under Section I using Section I reporting specifications.

2. a. Insurers which have forfeited their certificates of authority or which have withdrawn from the state or discontinued writing all kinds of insurance in this state after the beginning of the contract year shall have their premiums determined in accordance with paragraphs (a) and (b), above. Special recognition is not given to insurers which do not have exposure for covered policies for an entire contract year, except for new companies as described in subparagraph 4 of this rule.

b. Any insurer which has forfeited its certificate of authority or which has discontinued writing in accordance with an order issued by the Department of Insurance effective prior to June 1 of each calendar year shall not be required to execute a Reimbursement Contract with the Board provided that the insurer has no exposure to hurricane loss after June 1.

3. Any policy exclusively covering specialized fine arts risks and not covering any residential structure and/or contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria and requires its policyholders to adhere to sub-subparagraphs a. through g., immediately below. For purposes of the exemption in this subparagraph, a "specialized fine arts risk policy" is one which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture, antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum premium of \$500.00; which insures scheduled items valued, in the aggregate, at no less than \$100,000.00; and which requires an investment by the insured in loss control measures to protect the fine arts risks being insured.

a. The policyholder must demonstrate a willingness and determination to reduce the probability of loss.

b. The insurer must perform a periodic and thorough specialized inspection and must provide a specialized loss prevention service designed to prevent or minimize loss.

c. Insurable values must be sufficient to produce a premium amount to warrant the furnishing of special inspection and loss prevention service by the insurer. For purposes of this rule, the insurable value of the scheduled items must be, in the aggregate, no less than \$100,000.00, and the minimum premium amount must be no less than \$500.00.

d. The structural design of the residence and the degree of protection, together with efficient specialized inspection and loss protection service, must have the effect of reducing the relative importance of such otherwise applicable rating factors as exposure and quality of public fire protection.

e. The structure in which the fine arts being insured are housed must be fire-resistive or incombustible, made of heavy timber or other approved construction, and in good state of preservation and repair.

f. The structure and its fine arts contents must be provided with satisfactory watchman or alarm service or its equivalent where necessary.

g. The insurer must maintain a force of trained and competent loss prevention specialists, who perform the following tasks:

i. make complete loss prevention surveys of each specialized fine arts risk;

ii. make available specialized loss prevention service for the purpose of providing consultation regarding hazards to the fine arts being insured;

iii. confirm through periodic and unannounced inspections that loss prevention devices are properly maintained;

iv. investigate reported losses; and

v. confer with the policyholder and confirm through periodic and unannounced inspections that recommended safety and loss control improvements are actually made.

4.a. For purposes of this rule, the term "new companies" refers to:

i. all companies which write covered policies, as that term is defined in Section 215.555(2)(c), Florida Statutes, and

ii. which are granted a certificate of authority by the Department of Insurance on or after the beginning of the Fund's contract year on June 1; or which already have a certificate of authority but begin writing covered policies on or after the beginning of the Fund's contract year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year.

b. For purposes of this rule, a company is writing new business if it writes covered policies on or after the beginning of the Fund's contract year on June 1 and did not do so prior to the beginning of the contract year, or if it removes exposure from the RPCJUA pursuant to an assumption agreement on or after June 1 and had written no other covered policies before June 1.

c. All new companies shall enter into a reimbursement contract with the Fund.

d. All new companies shall pay a reimbursement premium to the Fund in accordance with the applicable subparagraphs below and in accordance with the applicable provisions of the reimbursement contract adopted in rule 19-8.010.

e. This sub-subparagraph applies to companies writing new business after June 1 but prior to December 1 of the contract year.

i. All new companies writing new business during the period specified above shall pay a provisional premium of \$1,000 to provide consideration for the contract.

ii. On or before March 1 of the contract year, the company shall report its actual exposure as of December 31 of the contract year to the Administrator on Form FHCF-D1B, "Florida Hurricane Catastrophe Fund 1999 Data Call for Newly Licensed Companies," rev. 5/99; Form FHCF-MOD, "CLASIC DATA FORMAT (tm) for Excess Insurance, Version 1.1," rev. 12/22/94; and the FHCF computer validation software provided on diskette and called "FHCF Preliminary Validation Software Version 5.0," with its Instructions. The two forms and the software with its instructions identified in the immediately preceding sentence are hereby adopted and incorporated by reference. The forms and the software are available from the Administrator as defined in Rule 19-8.027. All new companies engaging in JUA take-outs on an assumption basis as described in subparagraph 5 of this paragraph shall comply with the reporting requirements of that subparagraph, except for the reporting due dates. The reporting requirements for assuming insurers are set out in Form FHCF-D1B adopted immediately above. The Administrator shall calculate the company's actual

reimbursement premium for the period specified in sub-subparagraph b. based on its actual exposure. To recognize that new companies have limited exposure during this period, the actual premium as determined by processing the company's exposure data shall then be divided in half, the provisional premium shall be credited, and the resulting amount shall be the total premium due for the company for the remainder of the contract year. However, if that amount is less than \$1,000.00, then the insurer shall pay \$1,000.00. The premium payment is due no later than May 1 of the contract year. The company's retention and coverage will be determined based on the total premium due which is the premium calculated based on the company's 12/31 exposure and divided in half as described in this sub-subparagraph.

f. This sub-subparagraph applies to companies writing new business on or after December 1 but up to and including May 31. All new companies writing new business during this period shall pay a premium of \$1,000 to provide consideration for the contract. The company shall pay no other premium for the remainder of the contract year. The company shall not report its exposure data for this period to the Board. The premium shall be paid upon signing the reimbursement contract.

g. For purposes of this subparagraph, the requirement that a report is due on a certain date means that the report shall be in the physical possession of the Fund's Administrator in Minneapolis no later than 5 p.m., Central Time, on the due date applicable to the particular report. If the applicable due date is a Saturday, Sunday or legal holiday, and if the due date's being a Saturday, Sunday or legal holiday means that neither the United States Postal Service nor private delivery services are operating that day, then the applicable due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal holiday. For purposes of the timeliness of the submission, neither the United States Postal Service postmark nor a postage meter date is in any way determinative. Reports sent to the Board in Tallahassee, Florida, will be returned to the sender. Reports not in the physical possession of the Fund's Administrator by 5 p.m., Central Time, on the applicable due date are late.

5.a. Treatment of Assumed Exposure for Purposes of Calculating Reimbursement Premium. So as not to impair the financial incentives for insurers engaging in RPCJUA take-outs pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes, the Board has determined that for purposes of reporting exposure, calculating reimbursement premiums, determining retentions, and paying loss reimbursements, the Board shall treat all exposure removed from the RPCJUA pursuant to an assumption agreement as the exposure of the assuming insurer. This policy is effective December 1, 1996.

b. RPCJUA Reporting Requirement after Each Assumption. The RPCJUA, after entering into an agreement for a take-out pursuant to Sections 627.351(6)(g)3. and

627.3511, Florida Statutes, which has the effect of transferring covered policies on an assumption basis to an authorized insurer, shall report the transaction to the Board within 10 days of the date of the transaction. The RPCJUA shall report each assumption separately. If an assuming insurer enters into more than one assumption agreement, then the RPCJUA shall report each assumption transaction for that insurer separately. The report shall include a copy of the agreement between the RPCJUA and the authorized insurer effecting the take-out pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes, along with a summary of the number of covered (wind) policies assumed; and the total wind exposure assumed by type of business and by line of business. In support of the summary report, the RPCJUA shall submit a detailed report to the Board which includes the following for each assumed policy: the insured's name, policy number, policy period, date assumed, zip code, deductible, construction code, total insured value – building, total insured value – appurtenant structures, and total insured value – contents. The detailed report shall be sorted by type and line of business and shall reconcile to the summary report.

c. RPCJUA Reporting Requirements for the Exposure Report as of 6/30. The RPCJUA shall report its wind exposure as of 6/30 of the contract year pursuant to the requirements of Rule 19-8.029. Pursuant to the provisions of subsubsubparagraph i of this subparagraph c, the RPCJUA shall not report wind exposure removed from the RPCJUA pursuant to an assumption agreement pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes. However, in order to facilitate audits of policies removed from the RPCJUA under assumption agreements and pursuant to the requirements of Rule 19-8.029, the RPCJUA shall also report, in addition to, but separate from, the 6/30 data call, all exposure removed from the RPCJUA which, as of 6/30, had not been renewed onto the assuming insurer's policy forms. The report shall be in the same format as prescribed by the data call adopted and incorporated by reference in Rule 19-8.029. The report shall report the exposure separately for each assuming company subject to an assumption agreement and reported to the FHCF pursuant to sub-subparagraph c.i., above.

d. Assuming Company Reporting Requirements for the Exposure Report as of 6/30. Those authorized insurers to which subparagraph c.i. applies shall report their exposure as of 6/30 of the contract year pursuant to the requirements of Rule 19-8.029 and shall include in that exposure all direct business of the insurer and all RPCJUA exposure removed from the RPCJUA pursuant to an assumption agreement pursuant to Sections 627.351(6)(g)3. and 627.3511, Florida Statutes, which exposure has been renewed onto such authorized insurer's policy forms. Pursuant to the requirements of Rule 19-8.029, such authorized insurer shall also report, in a separate file, all wind exposure removed from the RPCJUA

which has not renewed onto such authorized insurer's policy forms as of 6/30 in the same format as prescribed by the data call adopted and incorporated by reference in Rule 19-8.029.

e. Records Retention Requirements for the RPCJUA and the Assuming Insurers. For purposes of compliance with the records retention requirements of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, both the RPCJUA and the assuming insurers shall maintain auditable records, in policy level detail, as of 6/30 of the contract year, of the exposure which was the subject of the assumption agreement. Neither the RPCJUA nor any of its servicing agents, contractors, or carriers, nor any authorized insurer engaging in a take-out on an assumption basis shall delete, remove, or otherwise eliminate any information required by the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010 or any other rules relating to the Board's audit requirements for 5 years or until the Fund has completed either an exposure audit or a loss reimbursement audit or both, whichever is later.

f. Calculation of Final Premium Installment Due on December 1 for the RPCJUA. The RPCJUA shall pay the full premium on the wind exposure determined in accordance with this rule and Rule 19-8.029. Payments shall be made in accordance with the premium installment payment schedule in the Reimbursement Contract as adopted and incorporated by reference in Rule 19-8.010.

g. Calculation of Final Premium Installment Due on December 1 for the Assuming Insurers. The assuming insurers shall pay the full premium on the wind exposure determined in accordance with this rule and Rule 19-8.029. Payments shall be made in accordance with the premium installment payment schedule in the Reimbursement Contract as adopted and incorporated by reference in Rule 19-8.010.

h. Retention Calculation and Loss Reporting. The Board shall calculate the reimbursement premium and determine the retentions of the authorized insurers removing covered policies from the RPCJUA on an assumption basis and of the RPCJUA as if all the exposure for covered policies included in the assumption agreement is the exposure of the authorized insurer as of 6/30 of the contract year. The authorized insurer removing covered policies from the RPCJUA on an assumption basis shall report its losses for those covered policies to the Board and the Board shall reimburse those authorized insurers for losses for those covered policies directly to such authorized insurer.

6. Since the calculation of the actuarially-indicated rates assumes that the companies will pay their reimbursement premiums timely, interest charges will accrue under certain circumstances. If a company chooses to estimate its own premium installments, then an interest charge will accrue on any premium which is underestimated. No interest will accrue regarding any provisional premium, if paid as billed by the Fund's Administrator. However, if the premium payment is not

received from a company when it is due, an interest charge will accrue on a daily basis until the payment is received. An interest credit will be applied for any premium which is overpaid as either an estimate or as a provisional premium. Interest shall not be credited past December 1 of any contract year. The applicable interest rate for interest credits will be the projected average rate earned by the Board for the Fund for the first six months of the Contract Year. The applicable interest rate for interest charges will accrue at this rate plus 3%.

(4) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 1998

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
RULE NO.: 33-3.0066

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow for the provision of chemical agents to designated security staff for use in self-defense or to prevent injury to others.

SUMMARY: The proposed rule provides for the issuance of chemical agents to designated security staff for use in self-defense or to prevent injury to others.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: (If one has been prepared)

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 FS.

IF REQUESTED 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: 9:00 a.m., July 14, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-3.0066 Use of Force.

(1) through (12) No change.

(13) Use of Chemical Agents.

(a) The following chemical agents are authorized for use by the department:

1. OC – Oleoresin Capsicum – causes tearing and involuntary closing of the eyes, nasal discharge, sneezing, disorientation, and the sensation of respiratory distress.

2. CS – Orthochlorbenzal Malononitrile or Orthochlorobenzylidene Malononitrile – causes eyes to burn and tear, nasal discharge, and skin and upper respiratory irritation.

3. CN – Chloroacetophene – causes tearing of the eyes, nasal discharge, and skin and upper respiratory irritation.

(b) Chemical agents, OC CN or CS gas, shall be used only after all other reasonable efforts to control a disorderly inmate or group of inmates have been exhausted. All chemical agents shall be used with caution.

(c) In controlled situations when time constraints are not an issue, cChemical agents shall be used only by order of the Superintendent or a high ranking employee specifically designated by the superintendent. For purposes of this paragraph, “high ranking” means shift supervisor or higher. Additionally, in accordance with (k) below, certified correctional staff will be designated by the superintendent to carry chemical agents and will be pre-authorized to administer chemical agents in instances where chemical agents must be used for intervention in self-defense, i.e., when the officer believes that he or she is in imminent threat of bodily harm or that the use of chemical agents will prevent injury to other staff, visitors, volunteers or inmates.

(d) Except in cases of emergency, as determined by the Superintendent or officer in charge, chemical agents shall be employed only by persons trained in their use.

(e) Chemical agents shall never be used to punish an inmate.

(f) No inmate shall be removed from his assigned cell and placed into another cell for the purpose of administering chemical agents.

(g) No inmate shall be handcuffed solely for the purpose of administering chemical agents. If chemical agents are administered to a handcuffed inmate, an explanation as to why the removal of the handcuffs was not feasible shall be included in Section I of the Report of Force Used, Form DC3-300.

(h) No inmate shall be stripped of his clothing or comfort items for the explicit purpose of administering chemical agents.

(i) Chemical agents shall only be used when a use force is necessary and when this level of force is the least likely to cause injuries to staff or inmates.

(j) All chemical agents shall be used with caution and in accordance with the manufacturer's instructions. The Material Safety Data Sheet (MSDS) for chemical agents shall be kept at the institution.

(k) Chemical agents shall be stored in the main arsenal. A small amount of chemical agents may be stored in secure locations such as the control room mini-arsenal or the officer's station in confinement and close management units until their use is authorized. Shift supervisors, correctional officer sergeants, and other assigned internal security officers shall be issued one dispenser of MK-4 Defense Technologies 10% non-flammable OC pepper spray or equivalent, with marking dye, which shall be securely encased and attached to the officer's belt.

(l) In any case where chemical agents are used, an accurate record shall be maintained as to what type of agent was used, how much was used, method of administration, persons authorized to draw chemical agent when issued from a secure location, person administering and administer the chemical agent, location administered, and reason for use. This information shall be included in section I of the use of force report. Individual chemical agent dispensers carried by staff will be weighed by staff as designated by the superintendent at the beginning and end of each shift. These inspections will be documented on Form DC3-019, Chemical Agent Dispenser Accountability Log, and any discrepancies shall be immediately reported. Form DC3-019 is hereby incorporated by reference. Copies of this form are available from the Office of Security and Institutional Management, 2601 Blair Stone Road, Tallahassee, Florida, 32399-1500. Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is _____.

(m) Procedure for the use of chemical agents on disruptive inmates under controlled conditions:

1. If an inmate becomes disorderly, disruptive, unruly, and attempts by officers at counseling and ordering the cessation of disruptive behavior fails, the shift supervisor or higher shall be contacted for further instructions.

2. If the shift supervisor's efforts to control the disorderly inmate have failed and the use of chemical agents is the least level of force that can be expected to successfully gain control of the disruptive inmate while minimizing the risk of injuries to all involved, the shift supervisor shall:

a. Ensure that medical staff are contacted when time and circumstances permit, to determine if the inmate has a medical condition that would prevent the use of chemical agents; and

b. Contact the superintendent, if in the institution, or his designee, if superintendent is not available, and request authorization to utilize chemical agents.

3. Prior to using chemical agents, the inmate again shall be ordered by staff to cease his actions.

a. If these efforts fail, the shift supervisor shall order the disorderly inmate to cease his actions and inform him that chemical agents will be administered if he continues his disruptive behavior.

b. Any uninvolved inmates in the cell or immediate area shall be given an opportunity to leave the potentially affected area, if it will not jeopardize the safety of staff or other inmates.

c. Except in cases of emergency, the shift supervisor shall be present during the time of the final counseling period and the administering of chemical agents.

(n)4. Medical Requirements. All The inmates shall be examined by medical staff as soon as possible after the chemical agent has been used but not more than one hour after the first exposure, except in cases of emergency where this may not be possible. In each instance a DC4-701C, Emergency Room Record, shall be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. If an injury is claimed or found to exist, Form DC4-708, Diagram of Injury, shall also be completed in its entirety with applicable data, or the letters N/A used to indicate not applicable. In each case, the examination shall be complete and result in a clear statement by the medical provider that there is or is not an injury, and the record shall provide sufficient documentation to support that conclusion. In those cases where an injury is claimed but not substantiated by medical examination, the statement shall indicate that, and the documentation shall be sufficient to support that no injury was found upon examination.

(o)(n) Any part of the body exposed to the chemical agents, especially eyes, shall be flushed with water as soon as possible after exposure.

(14) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Stan Czerniak

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF THE LOTTERY

RULE TITLE: FANTASY 5 Drawings
RULE NO.: 53-29.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend the days of the week on which FANTASY 5 drawings are conducted.

SUMMARY: The rule amends the days of the week on which Fantasy 5 drawings are conducted, from Monday through Friday, to daily.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 24.105(2)(a), 24.105(10)(d) FS.

LAW IMPLEMENTED: 24.105(10)(d) FS.

IF REQUESTED 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: 9:00 a.m., July 13, 1999

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-29.002 FANTASY 5 Drawings.

(1) FANTASY 5 drawings shall be conducted daily three ~~(3) times per week, on Monday, Wednesday and Friday.~~

(2) through (12) No change.

Specific Authority 24.105(2)(a), 24.105(10)(d) FS. Law Implemented 24.105(10)(d) FS. History--New 11-22-93, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 1999

DEPARTMENT OF MANAGEMENT SERVICES

Division of Building Construction

RULE CHAPTER TITLE: Procedures for Construction Contract
RULE CHAPTER NO.: 60D-5

Bidding, Award, Negotiation and Changes
RULE NOS.: 60D-5.003

Public Announcement
60D-5.004

Bidder's Qualification Requirements and Procedures
60D-5.0082

Competitive Selection
60D-5.0082

PURPOSE, EFFECT AND SUMMARY: Updating forms of announcements of projects requiring construction services, form of experience questionnaire and financial statement used by contractors in prequalifying; and evaluation form used in determining relative ability of construction firms to perform a project.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

Any person who wishes to provide information regarding the estimated regulatory costs or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 255.29 FS.

LAW IMPLEMENTED: 255.29, 255.05, 255.051, 255.0525 FS.

IF REQUESTED 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: 2:00 p.m. EST, July 13, 1999

PLACE: Suite 335N, 4030 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: H. R. Hough, Contracts Administrator, Department of Management Services, Division of Building Construction, Suite 315, 4030 Esplanade Way, Tallahassee, Florida 32399-0950, Telephone: (850)487-9926; SUNCOM: 277-9926

THE FULL TEXT OF THE PROPOSED RULES IS:

60D-5.003 Public Announcement.

Pursuant to the provisions of 60D-5.0073(4) and (5), the Agency shall publish an announcement in the "Florida Administrative Weekly" published by the Department of State, Division of Elections, Tallahassee, Florida 32399, available by subscription through the Division of Elections, providing a general description of each project requiring construction services and defining the scope of services to be provided. The form of announcement is suggested to be the "Form of Advertisement" form nos. S and R, effective date 2/99, ~~2/93~~, and 2/99 ~~3/96~~ respectively which are incorporated herein by

reference. These forms may be obtained from the Division of Building Construction, Department of Management Services, Building 4030, Suite 335, 4050 Esplanade Way, Tallahassee, Florida 32399-0950. The announcement may also be published on the Florida Community Network at <http://fcn.state.fl.us/dms/dbc/oppor1.html>.

Specific Authority 255.29 FS. Law Implemented 255.29 FS. History—New 5-26-76, Amended 6-7-77, 7-14-81, 7-7-83, Formerly 13D-11.03, Amended 1-25-89, 11-5-91, Formerly 13D-11.003, Amended.

60D-5.004 Bidder's Qualification Requirements and Procedures.

(1) No change.

(2)(a) Prequalification to submit a bid. (Prequalification requirements apply to all bidders as well as potential bidders on Levels Four and Five contracts.)

1. Requirements: Each potential bidder on Levels Four and Five contracts, whose field or area is governed by Chapter 399, 455, 489 or 633, F.S., for licensure will be prequalified by the Agency to participate in the bid process for a specific field or area of construction based on the bidder's area of license or certification. In order to be eligible to submit a bid for construction, renovation, repairs, modifications, demolition or other work on an Agency project, during the current two year period (beginning on July 1 of each odd numbered year and continuing for a period of twenty-four months), a potential bidder under the jurisdiction of Chapter 399, 455, 489 or 633, F.S., must provide to the Agency evidence of the following qualifications biennially after July 1, of each odd-numbered year, or during the bidding of a specific project. Prequalification with one Agency will not automatically prequalify the contractor with other Agencies. Contractors not governed by the requirements of Chapter 399, 455, 489, or 633, F.S., are not required to be prequalified under this section.

a. through b. No change.

2. through 4. No change.

(b) Prequalifications for award of the contract on Levels Four and Five Contracts.

1. Requirements: any bidder that has submitted a bid on Levels Four and Five contracts must satisfy the following requirements as judged by the Agency in order to be eligible for award of the contract for construction.

a. through d. No change.

e. On Levels Four and Five projects the bidder must provide a completed experience questionnaire and financial statement on the form entitled "Experience Questionnaire and Contractor's Financial Statement", form number DBC-5085, effective 1/98, ~~4/95~~ incorporated herein by reference. Form number DBC-5085 may be obtained from the Department of

Management Services, Division of Building Construction, Building 4030, Suite 335, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, or from the appropriate Agency. The Contractor's financial condition must demonstrate that adequate liquid assets and equipment are available to properly perform this project as follows: The value of liquid assets must be less than one-twentieth of the amount of the base bid. Liquid assets shall include cash, stocks, bonds, pre-paid expenses and receivables, but shall not include the value of equipment.

f. through j. No change.

2. No change.

Specific Authority 255.29 FS. Law Implemented 255.05, 255.051, 255.29 FS. History—New 5-26-76, Amended 6-7-77, 7-14-81, 7-7-83, 9-2-85, Formerly 13D-11.04, Amended 1-1-87, 11-5-91, Formerly 13D-11.004, Amended 8-28-96, _____.

60D-5.0082 Competitive Selection.

When authorized under Rule 60D-5.008 or Rule 60D-5.0081, the Agency shall determine the prime contractor most able to perform the work as follows:

(1) No change.

(2) No change.

(3) The Selection Committee shall determine the relative ability of each firm to perform the services required for each project. Determination of ability shall be developed utilizing the evaluation criteria set forth in the evaluation scoring form, number DBC-5033 entitled "Evaluation Summary Sheet – General Contractor/Construction Manager Selection", effective 2/99 ~~3/22/95~~ which is hereby incorporated by reference. The form with instructions for its use may be obtained from the Division of Building Construction, Department of Management Services, Building 4030, Suite 335, 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

(4) No change.

Specific Authority 255.29(3) FS. Law Implemented 255.29 FS. History—New 1-25-89, Amended 11-5-91, Formerly 13D-11.0082, Amended 8-28-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Deborah Whitehouse, Director of Facilities Development
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Mills, Deputy, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Definitions
RULE NO.: 61G4-12.011

PURPOSE AND EFFECT: Rule 61G4-12.001 is being amended within subsection (3) to include any electronic media, including Internet sites, to the list of tools used under the definition of "advertise" or "advertises." New subsection (14) is being added to define the term "system" as it applies to central air conditioning, refrigerating, heating and ventilating systems.

SUMMARY: The definitions of the terms "advertise or advertises," and "system" are being clarified and created, respectively.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 489.103(5), 489.105(3), 489.108, 489.113(3) FS.

LAW IMPLEMENTED: 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS.

IF REQUESTED 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: 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 IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.011 Definitions.

(1) through (2) No change.

(3) The terms "advertise" and "advertises" shall apply to business cards, business proposals, contracts, construction site signs, all newspapers, airwave transmission (other than internal company communications), any electronic media including Internet sites, phone directory, and other media including

handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications), classified advertisements, manufacturer's "authorized dealer" listings, and signs on vehicles. They shall not apply to balloons, pencils, pens, hats, shirts, articles of clothing, or other promotional novelties. Neither shall the terms apply to any single line phone directory listing; nor to free phone directory listings (regardless of page color) of one, two or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole and in part in an unbolded or unhighlighted print or without further textual or pictorial elaboration or touting in its overall display.

(4) through (13) No change.

(14) System: As it pertains to central air conditioning, refrigerating, heating and ventilating systems, pursuant to Sections 489.105(f)(g)(h), F.S., the term "system" is defined as starting at the distribution and return air grills and ending at the HVAC (heating, ventilating, or air conditioning) unit, including all duct work in connection therewith. The replacement of filters shall not constitute the partial disassembly of the system.

Specific Authority 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS. History--New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Exemption from Business and Finance Test
RULE NO.: 61G4-16.0015

PURPOSE AND EFFECT: Rule 61G4-16.0015 is being amended within subsection (4) to include Division I applicants due to the fact that the business and finance examination is the same for Division I and Division II; therefore, applicants would have already taken the business and finance portion of the examination.

SUMMARY: The amendment includes Division I applicants due to the fact that the business and finance examination is the same for Division I and Division II.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 489.108 FS.

LAW IMPLEMENTED: 455.217(1)(b) FS.

IF REQUESTED 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: 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 IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.0015 Exemption from Business and Finance Test.

(1) through (3) No change.

(4) Any current active certified Division II licensee (excluding pool service, internal pollutant storage tank lining applicator, precision tank tester, and air conditioning "C"), who is an applicant for any other state certified Division II or Division I licensure examination, shall not be required to take the business and finance portion of the exam, provided:

(a) through (b) No change.

Specific Authority 489.108 FS. Law Implemented 455.217(1)(b) FS. History—New 1-24-96, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Examination Review Procedures
 RULE NO.: 61G6-6.006

PURPOSE AND EFFECT: The Boards has determined that a new rule is necessary in order to define the examination review procedures.

SUMMARY: A new rule is being created by the Board which will set forth the examination review procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.217(3) FS.

LAW IMPLEMENTED: 455.217(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-6.006 Examination Review Procedures.

(1)(a) An applicant who fails the examination is entitled to review, subject to the conditions set forth in Rule 61-11.017, copies of: the applicant's examination questions, pertinent exhibits related to those questions, the correct answers to those questions, the applicant's responses to the same questions, the scratch papers used at the examination, and the grades and grading key used in the licensure examination.

(b) Test booklets used by the candidate during the examination are not retained. Candidates reviewing the examination will be provided with a clean, exact copy of the original test booklets. They will not be given the actual test booklets they used during the examination. Consequently, any marks or notes made by candidates in their test booklets during the examination will not be available during the review.

(2) Unsuccessful examinees may not bring other persons with them to the examination review. The examination review is limited to the examinee and cannot be extended to expert witness(es) and/or attorneys. The review session will be conducted in accordance with the examination administration procedures to the extent possible and feasible. Only those text books and other reference materials listed in the Candidate

Information Brochure and reference list and which were permitted at the examination will be used during the review session.

(3) Prior to the commencement of examination reviews, examinees shall be instructed and shall sign a statement stating that they understand that no notes or recordings may be taken from the examination review room, that they shall be monitored during the review, and that they have the right to challenge any question which the examinee believes may be ambiguous or any solution which the examinee believes may be incorrect and to request a hearing if the challenge is found to be without merit. The challenges must be submitted in writing during the review. Any challenges or supporting documentation submitted after the candidate has left the review room shall not be analyzed. At least 30 days must elapse between examination review and any subsequent retake of that examination.

(4) If a successful challenge results in a regrade of an examination, that regrade shall be limited to the candidate who filed the successful challenge and shall apply only if the examination successfully challenged is the last examination for which the candidate has tested.

(5) The examinee may file a petition for a hearing which must be in writing and postmarked within twenty-one days from the date on the grade notification or twenty-one days from the date of the post-examination review, or from the date on the letter notifying the candidate of the Department's evaluation decision regrading his/her challenges, if any, and must clearly identify the question(s) that the examinee believes is ambiguous or the test solution(s) that the examinee believes is incorrect.

Specific Authority 455.217(3) FS. Law Implemented 455.217(3) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Fees
PURPOSE AND EFFECT: The purpose is to update the rule text with regard to fees.

RULE NO.: 61G6-8.001

SUMMARY: The Board has determined that amendments are necessary in order to amend certain fees prescribed by the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 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 WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-8.001 Fees.

The following fees are prescribed by the Board:

- (1) No change.
- (2) The initial application fee for licensure by endorsement as a certified unlimited electrical contractor shall be one hundred fifty three hundred dollars ~~(\$150.00) (\$300.00)~~.
- (3) The fee for issuance, renewal or reinstatement of certification for electrical contractor or alarm systems contractor shall be two hundred fifty three hundred dollars ~~(\$250.00) (\$300.00)~~.
- (4) No change.
- (5) The initial fee for registration shall be one hundred fifty dollars ~~(\$100.00) (\$150.00)~~.
- (6)(a) through (b) No change.
- (7) The fee for renewal of registration shall be one hundred fifty dollars ~~(\$100.00) (\$150.00)~~.
- (8) through (9) No change.
- (10) Transfer fee. The fee to transfer a certificate or registration from one business organization to another shall be one hundred fifty two hundred dollars ~~(\$150.00) (\$200.00)~~ for a certified contractor and fifty one hundred dollars ~~(\$50.00) (\$100.00)~~ for a registered contractor.
- (11) through (12) No change.
- (13) The initial application fee for licensure by second entity as certified unlimited electrical contractor or alarm system contractor shall be two hundred fifty three hundred dollars ~~(\$250.00) (\$300.00)~~.

(14) through (15) No change.

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. History—New 1-2-80, Amended 10-27-80, 5-13-81, 5-3-82, 8-4-82, 5-2-83, 1-19-84, Formerly 21GG-8.01, Amended 7-9-86, 12-24-87, 10-30-88, 2-20-89, 8-26-90, 4-1-91, 7-3-91, Formerly 21GG-8.001, Amended 3-14-94, 11-30-94, 4-5-95, 7-13-95, 12-25-96, 6-1-97, 3-10-98, 12-31-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE TITLE: _____ RULE NO.: _____

Proof of Completion by Certificate by Certificate Holders and Registrants 61G6-9.0105

PURPOSE AND EFFECT: The purpose of this rule is define the proper form to used when submitting proof of completion of continuing education requirements.

SUMMARY: The Board has determined that a new rule is necessary in order to properly explain the form to use when providing proof of completion by certificate holders and registrants and how the form may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 489.507(3), 489.509, 489.517 FS.

LAW IMPLEMENTED: 455.217 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-9.0105 Proof of Completion by Certificate Holders and Registrants.

Proof of completion of the continuing education requirements shall be submitted by the certificate holder or registrant with his or her renewal application on Form BPR/ECLB.CERT.COMP.5/99, which is hereby incorporated by reference, effective _____, copy of which may be obtained from the Board office.

Specific Authority 489.507(3), 489.509, 489.517 FS. Law Implemented 489.517 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors’ Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors’ Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE TITLE: _____ RULE NO.: _____

Violations and Penalties 61G6-10.002

PURPOSE AND EFFECT: The purpose is to amend this rule to update the rule text.

SUMMARY: The Board has determined that an amendment is necessary to Subsection (15)(e) to include the words “continuing education”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.2273 FS.

LAW IMPLEMENTED: 455.2273 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.002 Violations and Penalties.

In imposing disciplinary penalties upon licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty corresponding to the violations set forth below absent aggravating and mitigating circumstances and subject to the other provisions of Chapters 455 and 489, Part II: The cited statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited following the violation description.

(1) through (14) No change.

(15) Failure to comply with Chapter 489, Part II, F.S. (489.533(1)(o), F.S.):

(a) through (d) No change.

(e) Failure to respond to request to submit any proof of continuing education, liability or workers' compensation insurance. A \$1,000 fine for each offense.

(f) No change.

(16) through (21) No change.

Specific Authority 455.2273 FS. Law Implemented 455.2273 FS. History--New 12-10-86, Amended 2-26-89, Formerly 21GG-10.002, Amended 12-24-97, 2-18-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Safety Guidelines RULE NO.: 61G14-15.003

PURPOSE AND EFFECT: Rule 61G14-15.003 is being amended within subsection (5) to ensure statutory compliance with Sections 310.075(4) and 310.101(1)(d), Florida Statutes, and to remove portions of the rule for which statutory authority may be questionable.

SUMMARY: The amendments to Rule 61G14-15.003 ensure statutory compliance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 310.185 FS.

LAW IMPLEMENTED: 310.075(4), 310.101(1)(d) FS.

IF REQUESTED 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: 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 IS: Glenda Albritton, Program Administrator, Board of Pilot Commissioners, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-15.003 Safety Guidelines.

(1) through (4) No change.

(5) The pilots in each port shall submit to the Board for its review and approval, the current maximum allowable draft of vessels calling at the port and operational guidelines of each port giving consideration to maritime interests and other regulatory agencies in each port area. The operational guidelines will provide for safe and prudent handling of commercial vessels and be subject to an annual review. It shall include, but not be limited to, restrictions on bottom clearance or maximum draft for each berth and channel, as required by Sections 310.075(4) and 310.101(1)(d), Florida Statutes wind and tide restrictions, agreements, port regulations, and guidelines for radio communications of vessel traffic. The Board of Pilot Commissioners shall provide this information on each port to the publishers of the U.S. Coast Pilot.

(6) No change.

Specific Authority 310.185 FS. Law Implemented 310.075(4), 310.101(1)(d) FS. History--New 11-6-89, Amended 6-26-90, 12-30-91, 10-25-92, Formerly 21SS-9.001, 21SS-15.003, Amended 11-15-93, 1-26-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 7, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Approval of Courses
 RULE NO.: 61G19-9.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide for granting continuing education credit.

SUMMARY: The proposed amendment to the current rule will establish that certificate holders may receive up to seven (7) hours credit toward the required fourteen (14) hours of continuing education by attending a meeting of the Florida Building Commission, or any of the meetings of any technical committees of that Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ila Jones, Executive Director, Building Code Administrators and Inspectors' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.004 Approval of Courses.

(1) through (12) No change.

(13) Of the required fourteen (14) continuing education hours, up to seven (7) hours credit may be earned by attending a meeting of the Florida Building Commission within the Department of Community Affairs, or any of the meetings of any technical committees of the Commission. Certificate holders shall be responsible for obtaining and maintaining satisfactory proof of attendance at such meetings as specified in Rule 61G19-9.008.

Specific Authority 468.606, 468.627 FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 5-21-95, 10-1-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Building Code Administrators and Inspectors' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors' Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: Education Requirements
 RULE NO.: 61J1-4.001

PURPOSE AND EFFECT: The purpose and effect of amending Rule 61J1-4.001 is to establish educational requirements for registered assistant appraisers who decide to obtain a new registration following the expiration of the original registration. The Florida Real Estate Appraisal Board wants to ensure that those who decide to obtain a new registration have current information so the public will be protected. The amendment will also limit the time the Uniform Standards of Professional Appraisal Practice course is valid for obtaining a registration.

SUMMARY: Rule 61J1-4.001 informs registered assistant appraisers whose registrations expire that the original 75 classroom hours they completed to become originally registered are insufficient to obtain a new registration. In addition, an applicant will need to have completed the 15 classroom hour Uniform Standards of Professional Appraisal Practice course within the two years prior to filing the application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs was prepared.

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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as possible, August 3, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as an appraiser must satisfactorily complete 75 classroom hours, inclusive of examination, of board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. A classroom hour is defined as 50 minutes out of each 60 minute segment.

(b) If a registration expires due to failure to renew pursuant to Rule 61J1-4.007, Florida Administrative Code, the original 75 classroom hours to become initially registered will be invalid and may not be used to secure another registration.

(c) If an initial application to become registered is not received within 2 years after the successful completion of the 15 classroom hour Uniform Standards of Professional Appraisal Practice course, the course will be invalid for purposes of securing registration.

(2) through (12) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, FS. History--New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-19R

RULE CHAPTER TITLE: Stationary Sources – Preconstruction

Review 62-212

RULE TITLE: Prevention of Significant Deterioration (PSD) 62-212.400

PURPOSE AND EFFECT: To amend the prevention-of-significant-deterioration (PSD) rule in accordance with U.S. Environmental Protection Agency (EPA) guidance to provide an exemption from PSD review for pollution control projects (PCPs) involving pulp and paper mills and municipal solid waste landfills.

SUMMARY: The proposed amendments would revise the PSD air permitting rule to exempt from PSD review those pulp and paper and municipal solid waste landfill projects that are considered environmentally beneficial and qualify as PCPs according to EPA guidance. The proposed amendments would also correct discrepancies between existing state and federal rule language relating to PCP exemptions for electric power plants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

IF REQUESTED 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: 9:00 a.m., Tuesday, July 20, 1999

PLACE: Douglas Building, First Floor, Conference Room B, 3900 Commonwealth Blvd., Tallahassee, Florida

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)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Venkata Panchakarla, Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Mail Station 5500, Tallahassee, Florida 32399-2400, (850)921-9556

THE FULL TEXT OF THE PROPOSED RULE IS:

62-212.400 Prevention of Significant Deterioration (PSD).

(2)(a) Facility and Project Exemptions.

2. Pollution Control Project Exemptions.

a. A pollution control project that is being added, replaced, or used at an existing electric utility steam generating unit and that meets the requirements of 40 CFR 52.21(b)(2)(iii)(h), adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the preconstruction review requirements of this rule.

b. A significant net increase in the actual emissions of a collateral pollutant that would occur solely as a result of a project undertaken for the purpose of complying with the hazardous air pollutant emission reduction requirements of 40 CFR Part 63, Subpart S, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the

preconstruction review requirements of this rule, provided the owner or operator demonstrates to the Department that such increase would not cause or contribute to a violation of any ambient air quality standard, maximum allowable increase, or visibility limitation.

c. A significant net increase in the actual emissions of a collateral pollutant that would occur solely as a result of a project undertaken for the purpose of complying with the non-methane organic compound emission reduction requirements of 40 CFR Part 60, Subpart Cc or WWW, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the preconstruction review requirements of this rule, provided the owner or operator demonstrates to the Department that such increase would not cause or contribute to a violation of any ambient air quality standard, maximum allowable increase, or visibility limitation.

3. Temporary Clean Coal Technology Demonstration Project Exemption. The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project that meets the requirements of 40 CFR 52.21(b)(2)(iii)(i), adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the preconstruction review requirements of this rule. A temporary clean coal technology demonstration project shall have the meaning provided in 40 CFR 52.21(b)(36), adopted and incorporated by reference at Rule 62-204.800, F.A.C.

4.3. Permanent Clean Coal Technology Demonstration Project Exemption. The installation or operation of a permanent clean coal technology demonstration project that constitutes repowering shall not be subject to the preconstruction review requirements of this rule, provided that the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant unit-by-unit basis. A clean coal technology demonstration project shall have the meaning provided in 40 CFR 52.21(b)(35), adopted and incorporated by reference at Rule 62-204.800, F.A.C.

5.4. Very Clean-Coal Fired Electric Utility Steam Generating Unit Exemption. The reactivation of a very clean-coal fired electric utility steam generating unit, as defined under 40 CFR 52.21(b)(38), adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not be subject to the preconstruction review requirements of this rule.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.500 Amended 2-2-93 Formerly 17-212.400 Amended 11-23-94, 1-1-96, 3-13-96, 2-5-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Howard L. Rhodes, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Howard L. Rhodes, Director, Division of Air Resource Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physician Assistant Licensure
RULE NO.: 64B8-30.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to set forth the passing scores and relative weight of questions for the examination for graduates of foreign medical schools.

SUMMARY: The proposed rule amendments set forth a written examination score of 325 questions; the relative weight of the exam questions; and deletes the clinical portion of the examination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 458.309, 458.347 FS.

LAW IMPLEMENTED: 458.347, 459.79(2) FS.

IF REQUESTED 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: 10:00 a.m., July 14, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) The physician assistant examination for Requirements for Licensure of graduates of foreign medical schools. An individual must pass the examination developed and administered by the Department for the Department and as approved by the Board.

~~(a) The examination must have been previously validated and administered in its totality.~~

(a)(b) The physician assistant examination for graduates of foreign medical schools shall consist of the following parts:

I. a general written examination containing 325 250 questions; and

~~2. a clinical examination consisting of three (3) clinical problems (75 scoreable units); and~~

~~2.3. a specialty primary care multiple-choice written examination containing 150 questions; and/or~~

~~3.4. a specialty surgery multiple-choice written examination containing 150 questions.~~

~~(b)(e)~~ In order to be eligible for licensure ~~licensed~~, the candidate must pass:

1. the general written examination; and

~~2. the clinical examination; and~~

~~2.3.~~ either the specialty surgery or primary care written examination.

~~(c)(d)~~ The minimum passing scores for the examination shall be:

1. ~~A~~ The minimum passing score for the general written examination shall be a standardized score of 600 for the general written examination;

~~2. The minimum passing score for the clinical examination shall be a standardized score of 600.~~

~~2.3. The minimum passing score for the specialty surgery written examination shall be a A standardized score of 600 for the specialty surgery written examination; and-~~

~~3.4. The minimum passing score for the specialty primary care written examination is to be a A standardized score of 600 for the specialty primary care written examination.~~

~~(d)(e)~~ The general written examination shall assess candidate knowledge, and skill in applying knowledge, related to health care functions that physician assistants should be skilled in performing. The examination questions may be drawn from the entire range of physician assistant activities, including, but not limited to, the content areas listed below:

1. Endocrine System
 - a. General Skills 2-4% ~~3-5%~~
 - b. Primary Care 3-5%
 - c. Surgical Skills 1-3%
2. Pediatric
 - a. General Skills 6-8% ~~5-10%~~
 - b. Primary Care 5-10%
 - c. Surgical Skills 1-3%
3. Nutritional/Metabolism
 - a. General Skills 1-3% ~~2-4%~~
 - b. Primary Care 2-4%
 - c. Surgical Skills 1-2%
4. Blood and Blood-forming Hematology
 - a. General Skills 2-4% ~~3-5%~~
 - b. Primary Care 3-5%
 - c. Surgical Skills 1-3%
5. Head and Neck
 - a. General Skills 1-3% ~~2-4%~~
 - b. Primary Care 2-4%
 - c. Surgical Skills 2-4%

6. Eyes
 - a. General Skills 1-3% ~~2-3%~~
 - b. Primary Care 2-3%
 - c. Surgical Skills 1-3%
7. Ears
 - a. General Skills 1-3%
 - b. Primary Care 1-3%
 - c. Surgical Skills 1-3%
8. Mental Health
 - a. General Skills 1-2% ~~1-3%~~
 - b. Primary Care 1-3%
 - c. Surgical Skills 0-1%
9. Nervous System and Sense Organs
 - a. General Skills 2-4% ~~3-5%~~
 - b. Primary Care 3-5%
 - c. Surgical Skills 4-6%
10. Circulatory System
 - a. General Skills 3-5% ~~4-6%~~
 - b. Primary Care 4-6%
 - c. Surgical Skills 8-10%
11. Respiratory System
 - a. General Skills 4-6%
 - b. Primary Care 4-6%
 - c. Surgical Skills 3-5%
12. Digestive System
 - a. General Skills 3-5% ~~4-6%~~
 - b. Primary Care 4-6%
 - c. Surgical Skills 8-10%
13. Genitourinary System
 - a. General Skills 2-4%
 - b. Primary Care 2-4%
 - c. Surgical Skills 4-6%
14. Gynecology and Pregnancy
 - a. General Skills 3-5% ~~4-6%~~
 - b. Primary Care 4-6%
 - c. Surgical Skills 5-7%
15. Skin and Subcutaneous Tissue
 - a. General Skills 2-3%
 - b. Primary Care 2-3%
 - c. Surgical Skills 2-4%
16. Musculoskeletal System and Connective Tissue
 - a. General Skills 2-4%
 - b. Primary Care 2-4%
 - c. Surgical Skills 6-8%
17. Infectious Diseases
 - a. General Skills 10-12% ~~10-20%~~
 - b. Primary Care 10-20%
 - c. Surgical Skills 8-10%
18. Trauma/Emergency
 - a. General Skills 4-6% ~~6-8%~~

- b. Primary Care 6-8%
- c. Surgical Skills 12-15%
- 19. Preventive ~~Disease Medicine~~ Section
 - a. General Skills 1-2%
 - b. Primary Care 1-2%
 - c. Surgical Skills 0-1%
- 20. Pharmacology
 - a. General Skills ~~5-7%~~ 6-10%
 - b. Primary Care 6-10%
 - c. Surgical Skills 6-10%
- 21. Scope of Practice
 - a. General Skills ~~1-3%~~ 2-3%
 - b. Primary Care 0%
 - c. Surgical Skills 0%
- 22. Practice Competencies
 - a. General Skills 20-22%
 - b. Primary Care 0%
 - c. Surgical Skills 0%

(e)(f) The specialty written examination shall assess candidates' knowledge, and skill in applying knowledge, related to health care functions that physician assistants should be skilled in performing, such as those noted above in paragraphs 64B8-30.003(2)(d) (e)1.-22, 24-, F.A.C., as applied to patient care situations relevant to the appropriate specialty area.

(g) ~~The format of the clinical examination is as follows:~~

~~1. Candidates will be presented with three (3) clinical problems and asked to perform an assessment examination on a live model patient for each problem.~~

~~2. The candidate's performance on each problem will be observed by two (2) examiners and recorded on a pre-developed and validated check list. The clinical check lists are scored by giving one (1) point for each correct step in the 10 minute scenarios and two (2) points for each step in the 20 minute scenario. The examiner will be either a licensed physician or a certified physician assistant.~~

(f)(h) Examination fees shall be ~~\$620~~ \$650 for candidates who want to take the general and one specialty examination practical and one core examination and \$700 for candidates who want to take the general practical and both specialty core examinations. ~~(The breakdown on the costs of the examinations are as follows: the clinical examination costs \$500; the general written examination costs \$100; to take only the primary care examination costs \$50; or to take only the surgical care examination costs \$50.)~~

(3) through (5) No change.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347, 459.79(2) FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Department of Health, Examination Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 1998

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Medicinal Drugs Which May be Ordered by Pharmacists
RULE NO.: 64B8-36.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to conform the rule to the current pharmacy rule and to address additions made by the pharmacists formulary committee.

SUMMARY: The proposed rule amendment makes additions which have been approved by the pharmacists formulary committee and also conforms the rule to the current pharmacy rule on the same subject.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 FS.

IF REQUESTED 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: 10:00 a.m., July 14, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-36.003 Medicinal Drugs Which May Be Ordered by Pharmacists.

A Pharmacist may order and dispense from the following formulary, subject to the stated conditions:

- (1) Oral analgesics. ~~The following may be ordered~~ for mild to moderate pain: magnesium salicylate/phenyltoloxamine citrate, acetylsalicylic acid (Zero order release, long acting tablets), choline salicylate and magnesium

salicylate, naproxen sodium, naproxen, and ibuprofen ~~IBUPROFEN~~ (no more than 400 mg per dosage unit for minor pain and menstrual cramps for patients with no history of peptic ulcer disease; limited to a six (6) day supply for one treatment). When appropriate, such prescriptions shall be labeled to be taken with food or milk.

(2) Urinary analgesics: ~~The following may be ordered:~~ phenazopyridine, not exceeding a two (2) day supply. Such prescriptions shall be labeled as to the tendency to discolor urine and when appropriate shall be labeled to be taken after meals.

(3) Otic analgesics: ~~The following may be dispensed:~~ antipyrine 5.4%, benzocaine 1.4%, glycerin, which shall be labeled for use in the ear only.

(4) Hemorrhoid medications. ~~The following may be dispensed: 0.5% hydrocortisone acetate and 0.5% dibucaine ointments and creams, limited to a seven (7) day supply.~~

(5) Leg cramps. ~~The following may be ordered: quinine sulfate tablets, except to patients with cardiac arrhythmias, and not to patients currently using anticoagulant or digitalis containing drugs. When appropriate, such prescriptions shall be labeled to be taken with or after meals.~~

(4)(6) Anti-nausea preparations: ~~The following may be dispensed:~~ Meclizine up to 25 mg., except for a patient currently using a central nervous system (CNS) depressant. The prescription shall be labeled to advise of drowsiness ~~side effects~~ and caution against concomitant use with alcohol or other depressants. Scopolamine not exceeding 1.5 mg. per dermal patch. Patient to be warned "if eye pain develops, seek appropriate medical attention."

(5)(7) Antihistamines and decongestants. The following, including their salts, either as a single ingredient product or in combination, including nasal decongestants, may be ordered for patients above (6) years of age:

- (a) Diphenhydramine
- (b) Carbinoxamine
- ~~(c) Clemastine 1.34 mg.~~
- ~~(c)(d) Pyrilamine~~
- ~~(e) Chlorpheniramine~~
- (d)(f) Dexchlorpheniramine
- (e)(g) Brompheniramine
- (f) Loratadine (maximum 14 days supply only)

The patient should be warned that antihistamines should not be used by patients with bronchial asthma or other lower respiratory symptoms, glaucoma, cardiovascular disorders, hypertension, prostate conditions and urinary retention. Antihistamines shall be labeled to advise of drowsiness ~~side effect~~ and caution against the concomitant use with alcohol or other depressants.

- (g) Fexofenadine
- (h) Azelastine
- (h) Triprolidine

- ~~(i) Pseudoephedrine~~
- ~~(j) Phenylpropanolamine~~
- ~~(i)(k) Ephedrine~~
- ~~(j)(l) Phenylephrine~~
- ~~(k)(m) Phenyltoloxamine~~
- ~~(l)(n) Azatadine~~
- ~~(m)(o) Diphenylpyraline~~

Oral decongestants shall not be ordered for use by patients with coronary artery disease, angina, hyperthyroidism, diabetes, glaucoma, prostate conditions, hypertension, or patients currently using monoamine oxidase inhibitors.

(6)(8) Anthelmintic: ~~The following may be ordered:~~ Pyrantel pamoate. The drug product may only be ordered for use by patients over 2 years of age.

(7)(9) Topical antifungal/antibacterials: ~~The following may be ordered:~~ Iodochlorhydroxyquin with 0.5% Hydrocortisone (not exceeding 20 grams), Haloprogin 1%, Clotrimazole topical cream and lotion, Nystatin topical cream, ointment, lotion or powder, miconazole nitrate topical cream, erythromycin topical. The patient shall be warned that all of the above products should not be used near deep or puncture wounds, and Iodochlorhydroxyquin preparations shall be labeled as to the staining potential.

(8)(10) Topical anti-inflammatory: ~~The following may be ordered:~~ ~~p~~Preparations containing hydrocortisone not exceeding 2.5% ~~0.5%~~. The patient shall be warned that hydrocortisone should not be used on bacterial infections, viral infections, ~~or~~ fungal infections or by patients with impaired circulation. Such prescriptions shall be labeled to avoid contact with eyes and broken skin.

(9)(11) Otic antifungal/antibacterial: ~~The following may be ordered:~~ acetic acid 2% in aluminum acetate solution, which shall be labeled for use in ears only.

(10)(12) Keratolytics: ~~The following may be ordered:~~ salicylic acid 16.7% and lactic acid 16.7% in flexible collodion, to be applied to warts, except for patients under two (2) years of age, and those with diabetes or impaired circulation. Prescriptions shall be labeled to avoid contact with normal skin, eyes and mucous membranes.

(11)(13) Vitamins with fluoride (This does not include vitamins with folic acid in excess of 0.9 mg.)

(12)(14) Medicinal drug shampoos containing Lindane may be ordered pursuant to the following conditions:

(a) The pharmacist shall limit the order to the treatment of head lice only and provide the patient with the appropriate instructions and precautions for use.

(b) The amount allowed per person shall be four ounces.

(13) Antidiarrheal: Loperamide 2mg. per dosage unit. No more than a two day supply may be dispensed.

(14) Smoking cessation products: Nicotine transdermal systems.

(a) Before prescribing, the pharmacist:

1. Must have successfully completed a comprehensive smoking cessation training program such as the American Cancer Society Physician Training Program or other ACPE approved certification program.

2. Must insure patient involvement in a behavior modification program.

3. Must insure that there are no medical contraindications for patient participation including pregnancy or breastfeeding, cardiovascular disease (postinfarction, arrhythmias, hypertension, peripheral vascular disease), pheochromocytoma, hyperthyroidism, or insulin dependent diabetes mellitus.

4. Must inform patients of all contraindications and hazards of drug therapy including drug, food, and nutritional interactions.

5. Must counsel patients on proper drug use of prescribed product.

(b) After prescribing, the pharmacist:

1. May dispense no more than a 14 day supply of nicotine transdermal patches.

2. May dispense smoking cessation products for no more than 24 consecutive weeks of drug therapy.

3. May prescribe these products for nicotine replacement only.

4. Must perform and document follow-up counseling during therapy.

(15) Ophthalmics: Naphazoline 0.1% ophthalmic solution.

(16) Cough suppressants:

(a) Guaifenesin

(b) Dextromethorphan.

(17) Vaginal antifungals: Miconazole nitrate suppositories and/or miconazole nitrate cream.

(18) Histamine H2 antagonists:

(a) Cimetidine

(b) Famotidine

(c) Ranitidine HCL

Pharmacists shall advise patients that these agents may mask serious disorders.

(19) Topical Antiviral:

(a) Acyclovir ointment may be ordered for the treatment of herpes simplex infections of the lips.

(b) Penciclovir.

(20) Acne product: Benzoyl peroxide.

Specific Authority 465.186(2) FS. Law Implemented 465.186 FS. History—New 5-1-86, Formerly 21M-39.003, 61F6-39.003, 59R-36.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pharmacists Formulary Committee

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees
RULE NO.: 64B8-41.001

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to increase the fees prescribed by the Council.

SUMMARY: The Council recommended to the Board of Medicine that the fee for renewal of inactive status and the change of status processing fee should be increased and the Board of Medicine concurred.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.711, 468.507, 468.508 FS.

LAW IMPLEMENTED: 455.711, 455.641, 468.508 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council/MQA, 2020 Capital Circle, S. E., Bin #05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) through (9) No change.

(10) The fee for renewal of inactive status shall be \$25.00, ~~\$10.00~~; \$5.00 of which shall be earmarked for the fund to combat unlicensed activity pursuant to Section 455.2281, Florida Statutes.

(11) The change of status processing fee shall be \$25.00, ~~\$10.00~~.

Specific Authority 455.711, 468.507, 468.508 FS. Law Implemented 455.711, 455.641, 468.508 FS. History—New 4-9-89, Amended 8-28-90, 11-9-92, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Licensure by Examination
RULE NO.: 64B8-42.002

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to add the words "or its successor".

SUMMARY: The Council recommended to the Board of Medicine that an amendment be made to this rule to include the words "or its successor" in an attempt to clarify the content of this rule and the Board of Medicine agreed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.574(1), 468.507 FS.

LAW IMPLEMENTED: 468.509 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council/MQA, 2020 Capital Circle, S. E., Bin #05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-42.002 Licensure by Examination.

(1) Every applicant for certification by examination shall demonstrate to the Council that he meets one of the following:

(a)1. Has a baccalaureate or post baccalaureate degree with a major in human nutrition, food and nutrition, dietetics, food management or equivalent major as determined by the Council from a school or program accredited by the appropriate accrediting agency recognized by the Council on Post-secondary Accreditation or its successor and the United States Department of Education and

2. No change.

(b)1. No change.

2. No change.

(2) through (5) No change.

Specific Authority 455.574(1), 468.507 FS. Law Implemented 468.509 FS. History—New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B8-44.003

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update the rule text with regard to disciplinary guidelines.

SUMMARY: The Council recommended to the Board of Medicine that Subsection (4)(a) be amended to update the rule text to narrow the recommended range of penalty and the Board of Medicine approved these changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 455.627, 458.309, 468.507 FS.

LAW IMPLEMENTED: 455.627, 468.517, 468.518(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council/MQA, 2020 Capital Circle, S. E., Bin #05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.003 Disciplinary Guidelines.

(1) through (3) No change.

(4) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY
(a) Violating Practice Act or Board or Department Rules (468.518(1)(a))	(a) From a <u>minimum of six months' probation, reprimand</u> to revocation or denial of licensure and an administrative fine from \$150 \$400 to \$1,000, depending on the seriousness of the underlying offense and the magnitude of the violation
(b) through (n) No change.	
(5) through (7) No change.	

Specific Authority 455.627, 468.507, 458.309 FS. Law Implemented 455.627, 468.517, 468.518(2) FS. History--New 12-4-90, Formerly 21M-50.003, Amended 6-22-94, Formerly 61F6-50.003, 59R-44.003, Amended 3-16-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dietetics and Nutrition Practice Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 14, 1999

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Healthy Start Coalitions
RULE CHAPTER NO.: 64F-2
RULE TITLE: Operations of Coalitions
RULE NO.: 64F-2.005
PURPOSE AND EFFECT: Repeals rule that lacks specific statutory authority pursuant to 120.536, F.S.
SUMMARY: Repeals 64F-2.005.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding this 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: 383.216(10) FS.
LAW IMPLEMENTED: 383.216 FS.
IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 10:00 a.m., July 15, 1999

PLACE: 1311 Winewood Boulevard, Building 5, Room 406, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Pan, Division of Family Health Services, 2020 Capital Circle, S. E., Bin #A-13, Tallahassee, FL 32399-0700, (850)922-1218, (FAX) (850)488-2341

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-2.005 Operation of Coalitions.

Specific Authority 383.216(10) FS. Law Implemented 383.216 FS. History--New 11-11-91, Formerly 10D-113.007, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Laura Pan, Division of Family Health Services, 2020 Capital Circle, S. E., Bin #A-13, Tallahassee, FL 32399-0700
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Bureau Chief for Family and Community Health
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 24, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE CHAPTER TITLE: Group Living Home Trust Fund
RULE CHAPTER NO.: 65B-5
RULE TITLE: Authority to Loan; Provisions and Determination of Eligibility
RULE NO.: 65B-5.003
PURPOSE AND EFFECT: The department's Group Living Home Trust Fund rule chapter has been re-titled and revised to more clearly reflect changes in statutory language, program direction and philosophy.

SUMMARY: This rule establishes the criteria and standards under which a developmental services program shall be eligible to receive a loan and also establishes loan repayment, forgiveness and default procedures.

SPECIFIC AUTHORITY: 393.15 FS.

LAW IMPLEMENTED: 393.15 FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. (EDT), July 15, 1999
PLACE: 1317 Winewood Blvd., Building 3, Room 313, Tallahassee, FL 32399
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: George Gill, Operations and Management Consultant II, Florida Department of Children

and Family Services, Developmental Services Program Office, 1317 Winewood Blvd., Building 3, Room 303, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

65B-5.003 Authority to Loan; Provisions and Determination of Eligibility.

(1) Eligible Expenses – ~~The funds provided by the Group Living Home Trust Funds under this chapter~~ are for the purpose of granting loans to eligible programs ~~group living homes~~. Initial costs of development are those permissible costs for establishment of new programs and those permissible costs necessary for an already established program to initiate the accommodation of hard to place clients. Cost of development may include structural modification, purchase of equipment and fire and other safety devices, and the purchase of insurance. Cost of structural modification shall include only those changes required for compliance with building, fire safety and health codes and those changes necessary for the implementation of the intended program. Purchase of equipment shall include only those basic furnishings, equipment, and appliances necessary to furnish, equip, and maintain the premises and considered essential to the operation of the intended program. Such cost shall not include the actual construction, lease or any other costs of acquisition of the program ~~group living home~~.

(2) Amounts of Loans – An eligible program ~~group living home~~ may receive a lump sum loan in one payment, not to exceed the approved ~~CRPP~~ rate for providing two months of residential or non residential service ~~care and maintenance~~ to each developmental services client ~~mentally retarded, autistic, or developmentally disabled person~~ to be placed in the program ~~home~~ by the Department. Loans granted to programs ~~group living homes~~ shall not be in lieu of payment for residential or non-residential service ~~maintenance~~ and care provided, but shall stand separate and distinct. The amount of the monthly care and maintenance payment shall be determined by the appropriate rate or rate formula for the category of client.

(3) Terms of the Loan – Any loan granted through the Trust Fund ~~under the Group Home Loan Program~~ shall be repaid in five equal annual installments without interest.

(4) A program ~~group living home~~ receiving a loan under the act and operating as a nonprofit corporation meeting the requirements of Section 501(c)3. of the Internal Revenue Code shall submit to the Department a report setting forth the ~~residential~~ service it has provided during the year and upon approval of each such annual statement, the Department shall forgive 20 per cent of the principal of such loan. The report shall include:

(a) A brief narrative description of the facility and programs;

- (b) The age, functioning level and handicapping conditions of the client served;
- (c) Client-staff ratio;
- (d) The average number of clients served per month for the previous 12 months;
- (e) A list of actual loan expenditures;
- (f) A report by Developmental Services Program Office staff who have surveyed the operation of the facility;
- (g) Proof of compliance with health, fire, building and zoning regulations;
- (h) Proof of compliance with section 501(c)3. of the Internal Revenue Code; and
- (i) A recommendation from the District Administrator that the loan be forgiven.

(5) In the event the borrower ceases to accept and provide care and maintenance to persons placed in the home program by the Department, or the borrower files papers of bankruptcy, at that point, the loan shall become an interest bearing loan at the rate of 5% per annum on the entire amount of the initial loan which shall be repaid within a one year period from the date at which the home ceases to provide care or files papers in bankruptcy and the amount of the loan due plus interest shall constitute a lien in favor of the State of Florida against all real and personal property of the borrower.

Specific Authority 393.15 FS. Law Implemented 393.15 FS. History—New 3-31-76, Amended 1-1-77, Formerly 10F-5.03, 10F-5.003, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: George Gill
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bill Wendt
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 1998

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: 1T-1.001
 RULE TITLE: Division of Cultural Affairs

NOTICE OF CHANGE

Notice of Change is hereby given to the above referenced rule based upon comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 15, of the April 16, 1999 issue of the Florida Administrative Weekly.

When changed, Rule 1T-1.001(6) will read as follows: