

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

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PURPOSE AND EFFECT: The purpose of the proposed amendments is to incorporate changes made by Chapter 99-213, Laws of Florida, to adopt new application, renewal, and reactivation forms, and to make other technical and grammatical changes to Chapter 3D-40, FAC.

SUBJECT AREA TO BE ADDRESSED: Application, renewal, and reactivation procedures for mortgage brokers, mortgage lenders, mortgage brokerage businesses, savings clause mortgage lenders, and branch offices.

SPECIFIC AUTHORITY: 494.0011(2) FS.

LAW IMPLEMENTED: 494.0031, 494.0032, 494.0033, 494.0034, 494.0036, 494.0037, 494.0038, 494.0041, 494.0061, 494.0062, 494.0064, 494.00065, 494.0066, 494.0068, 494.0072 FS.

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

TIME AND DATE: 10:00 a.m., September 7, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bob Tedcastle or Robert Pursell, Division of Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.001 Definitions.

The definitions provided in Section ~~s~~: 494.001, F.S., and the following defined terms, shall apply to this rule chapter and shall serve as the Department's interpretation unless the language of the rule indicates to the contrary:

(1) through (5) No change.

(5) For the purposes of Section ~~s~~: 494.001(26)(20), F.S., "receive" means obtaining possession of money or a negotiable instrument prior to receipt by the lender or investor.

(6) For the purposes of Section ~~s~~: 494.0043(1)(a), F.S., when providing an opinion of value of security property for brokering or selling a mortgage loan to a noninstitutional investor, "appraiser" means any person who is licensed, registered or certified in the State of Florida pursuant to the provisions of Chapter 475, F.S.

(7) For purposes of licensing and enforcement actions under Chapter 494, F.S., the phrase "Having a license, or the equivalent, to practice any profession or occupation revoked, suspended, or otherwise acted against..." as utilized in Section ~~§~~ 494.0041(2)(i) and Section ~~§~~ 494.0072(2)(i), F.S., is deemed to include state or federal enforcement actions for orders of prohibition or removal of an officer, director, or employee of a state or federal financial institution, or any orders of prohibition or orders of removal, or any combination thereof, entered against or stipulated to by officers, directors, and employees of state or federal financial institutions.

(8) For the purpose of Section ~~§~~ 494.006(2)(a), F.S., "employed" or "employee" means a natural person engaged in the service of another for a salary or wages. Such person is subject to withholding, FICA, and other lawful deductions by the employer as a condition of employment and ~~and~~ ~~or~~ is subjected to the right of the employer to direct and control the actions of the employee.

(9) No change.

(10) "Notice of non-compliance" means a notification by the Department that a person has violated an administrative rule which is classified as a minor offense as set forth in Section ~~§~~ 120.695, F.S. The mandatory fine that is associated with the administrative rule is waived for the first offense.

(11) No change.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001, 494.004(1), 494.0041(2)(a),(i), 494.0043, 494.0061(2), 494.0062(2), 494.0067(5), 494.0072(2)(i) FS. History—Revised 9-23-65, Renumbered from 3-3.01 to 3D-40.01 on 9-8-75, Formerly 3D-40.01, Amended 12-7-89, 6-23-91, 8-24-92, 2-11-93, 11-17-93, 4-14-94, 9-7-94, 5-14-95, 7-25-96, \_\_\_\_\_.

3D-40.020 Changes of Address.

All licensees shall notify the Department of any change of address in writing to the Department of Banking and Finance, Division of Finance, Attention: Licensing Section, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

Specific Authority 494.0011(2) FS. Law Implemented 494.0031, 494.0032, 494.0033, 494.0034, 494.0036, 494.0039, 494.0061, 494.0062, 494.0064, 494.0065, 494.0065, 494.0066, 494.0067 FS. History—New 10-1-91, Amended 8-24-93, 7-25-96, \_\_\_\_\_.

3D-40.031 Application Procedure for Mortgage Broker License.

Each person desiring to obtain licensure as a mortgage broker shall apply to the Department by submitting the following:

(a) ~~A~~ completed Application for Licensure as a Mortgage Broker, Form DBF-MB-101, revised 10/99 9-3-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. The application must be completed and signed within thirty (30) days prior to receipt by the Department;

(b) The statutory, a non-refundable application fee required by Section 494.0033, F.S., of \$200 which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof; ~~and~~

(c) ~~A~~ completed fingerprint card accompanied by a \$15 non-refundable processing fee; ~~and~~

(d) Evidence that the applicant has completed the mortgage broker education requirements of Section 494.0033(3), F.S.

(2) through (6) No change.

(7) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 494.0011(2), 494.0033, 215.405 FS. Law Implemented 494.0033(2)(d) FS. History—New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, \_\_\_\_\_.

3D-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., of \$150 and a completed renewal form. Form DBF-F-103, Mortgage Broker License Renewal and Reactivation Form, revised 10/99 9-3-95, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) A mortgage broker license that is not renewed ~~Failure to submit the fee and form~~ as required in Subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status ~~automatically result in the license becoming inactive.~~ An inactive ~~The~~ license may be reactivated within two (2) years after becoming inactive ~~the end of the biennial period~~ upon payment of the statutory renewal fee and a reactivation fees required by Section 494.0034, F.S., of \$100 and submission of a completed reactivation ~~renewal~~ form.

(3) A mortgage broker license that is not renewed within two (2) years after becoming inactive shall expire.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.00174, 494.0034 FS. History—New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, \_\_\_\_\_.

3D-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) Each person desiring to obtain licensure as a mortgage brokerage business shall apply to the Department by submitting the following:

(a) A completed Application for Licensure as a Mortgage Brokerage Business, Form DBF-MB-201, revised ~~10/99 5-14-95~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building~~, Tallahassee, Florida 32399-0350;

(b) ~~The statutory~~. A non-refundable application fee ~~required by Section 494.0031, F.S., of \$350~~ which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Each ultimate equitable owner of 10% or greater interest, the chief executive officer and each director of an entity applying for licensure as a mortgage brokerage business, shall submit a completed fingerprint card and Biographical Summary, Form MBB-96-1 (~~revised 10/99 effective 6/96~~), to the Department along with a \$15 nonrefundable processing fee. Form MBB-96-1 is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building~~, Tallahassee, FL 32399-0350.

(a) through (7) No change.

(8) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 494.0011(2), 494.031(2), 215.405 FS. Law Implemented 494.0031(2) FS. History—New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-25-97, \_\_\_\_\_.

3D-40.053 Mortgage Brokerage Business License and Branch Office License Permit Renewal and Reactivation.

(1) Each active mortgage brokerage business license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee ~~required by Section 494.0032, F.S., of \$300~~ and a completed renewal form. Form DBF-MB-707, Mortgage Brokerage Business License Renewal and Reactivation Form, Form DBF-MB-707, revised 10/99 effective 10-1-91, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building~~, Tallahassee, Florida 32399-0350.

(2) A mortgage brokerage business license that is not renewed ~~Failure to submit the fee and form~~ as required in Subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status automatically result in a late renewal fee of \$100 being assessed. An inactive ~~The~~ license may be renewed within six (6) months after becoming inactive the end of the biennial period upon payment of the statutory renewal fee and reactivation late fees required by Section 494.0032, F.S., and submission of a completed reactivation ~~renewal~~ form.

(3) Each active mortgage brokerage business branch office license permit shall be renewed in conjunction with the mortgage brokerage business license renewal upon submission of the statutory ~~permit~~ renewal fee required by Section 494.0032, F.S., of \$150 and a completed renewal form. Form DBF-MB-708, Mortgage Brokerage Business Branch Office License Permit Renewal and Reactivation Form, Form DBF-MB-708, revised 10/99 effective 10-1-91, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building~~, Tallahassee, Florida 32399-0350.

(4) A mortgage brokerage business branch office license that is not renewed ~~Failure to submit the fee and form~~ as required in Subsection (3) prior to September 1 of the renewal year shall revert from active to inactive status automatically result in a late renewal fee of \$100 being assessed. An inactive branch office license ~~The permit~~ may be renewed within six (6) months after becoming inactive the end of the biennial period upon ~~renewal of the business license~~, payment of the statutory renewal fee and reactivation late fees required by Section 494.0032, F.S., and submission of a completed reactivation ~~renewal~~ form.

(5) A mortgage brokerage business license and branch office license that is permit not renewed within six (6) months after the end of the biennial period automatically expires.

Specific Authority 494.0011(2), 494.0032(2),(3), 494.0036(2) FS. Law Implemented 494.0032, 494.0036 FS. History—New 11-2-86, Amended 2-8-90, 10-1-91, \_\_\_\_\_.

3D-40.058 Application Procedure for Mortgage Brokerage Business Branch Office License Permit.

(1) Every mortgage brokerage business which conducts mortgage brokerage business in this state from a branch office shall apply to the Department for a license permit to operate a branch office by submitting the following:

(a) ~~A~~ completed Application for Mortgage Brokerage Business Branch Office License Permit, Form DBF-MB-301, revised ~~10/99 5-14-95~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building~~, Tallahassee, Florida 32399-0350;

(b) ~~The statutory, a non-refundable license permit fee required by Section 494.0036, F.S., of \$150 which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.~~

(2) ~~Any office or location shall be deemed to be a branch office if it meets the definition in Section 494.001(7), F.S. the name or advertising of a mortgage brokerage business shall be displayed in such a manner as to reasonably lead the public to believe that such mortgage brokerage business may be conducted at such office, location or advertised address.~~

(3) No change.

(4) Amendment of Application. If the information contained in an Application for Mortgage Brokerage Business Branch Office License Permit becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall be responsible for correcting the inaccurate information within ten (10) days of the change occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise the application may be amended only with prior written permission from the Department. Requests to make changes which are material to the application or to the Department's evaluation of the application filed at any time after the application has been received may be deemed by the Department to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) No change.

(6) Refunds. If the application is withdrawn or denied, the license permit fee is non-refundable.

(7) Upon approval of an application, a license permit will be issued for the remainder of the biennial licensure period.

Specific Authority 494.0011(2), 494.0036(2) FS. Law Implemented 494.0036 FS. History—New 10-1-91, Amended 6-6-93, 5-14-95,\_\_\_\_\_.

3D-40.099 Change of Name, Change of Entity and Change in Control or Ownership.

(1) Each person licensed as a mortgage broker, mortgage brokerage business, mortgage lender, or correspondent mortgage lender which changes his name of record, as filed with the initial application for licensure, or any subsequent change on file and acknowledged by the Department thereafter, shall notify the Department, in writing, of the name change and shall provide documentation authorizing such name change within thirty days of the date effecting such change. Any licensee pursuant to Sections ss: 494.0061 or 494.0062, F.S., shall additionally provide a completed surety bond, on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond (effective 10/91), executed in the new name of the licensee as documented by the requirements of this subsection herein. ~~The effective date of Form DBF-ML-444 is 10-1-91.~~ The form is available by mail from the Department of

Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, FL 32399-0350.

(2) Each licensed mortgage brokerage business, mortgage lender, or correspondent mortgage lender which proposes to change the entity licensed with the Department shall file a new application for licensure pursuant to Sections ss: 494.0031, 494.0061, or 494.0062, F.S. Application forms are available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(3) Any person or persons who, directly or indirectly, seek to own, control, or hold with power to vote, or hold proxies representing 50 percent or greater of any class of equity securities or ultimate equitable ownership of a mortgage brokerage business, mortgage lender, or correspondent mortgage lender shall file a new application for licensure pursuant to Sections ss: 494.0031, 494.0061, or 494.0062, F.S., prior to the effective date of the change in ownership or control interest.

(4) Any person who is subjected to the requirements of subsections (2) or (3) herein, and who seeks to own, control, or hold power to vote of a mortgage lender licensed pursuant to the Saving Clause, Section s: 494.0065, F.S., is subjected to the net worth requirements as specified in Section s: 494.0065(1)(a)2., F.S., when reapplying for licensure as required in subsections (2) and (3) above. An application for licensure under this subsection shall be submitted in accordance with Rule 3D-40.100, F.A.C. on Form DBF-MLST, Change in Ownership or Control of Saving Clause Mortgage Lender, revised 9-3-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, Capitol Building, Tallahassee, Florida 32399-0350.

(5) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 494.0011(2) FS. Law Implemented ~~494.0017~~; 494.0031, 494.0061, 494.0062, 494.0065 FS. History—New 1-10-93, Amended 5-24-95, 9-3-95,\_\_\_\_\_.

3D-40.100 Application Procedure for Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person who seeks to obtain a controlling ownership or voting interest in a mortgage lender licensed pursuant to the saving clause shall apply to the Department by submitting the following:

(a) ~~A~~ completed application for Change in Ownership or Control of Saving Clause Mortgage Lender, Form DBF-MLST, revised 10/99 ~~9-3-95~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350;

(b) ~~A~~ non-refundable application fee of \$500, which shall be the fee for the biennial period beginning September 1 of each even numbered year or any part thereof;

(c) Audited ~~audited~~ financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, then an audited statement from the previous fiscal year end is acceptable.

(2) through (6) No change.

Specific Authority 494.0011(2) FS. Law Implemented ~~494.00171, 494.0061(1), 494.0065~~ FS. History--New 8-24-93, Amended 9-3-95, \_\_\_\_\_.

3D-40.105 Branch Office License Permit for Change in Ownership or Control of Saving Clause Mortgage Lender.

(1) Each person applying for a change in ownership or control of a saving clause mortgage lender, who also wishes to operate branch offices of that saving clause mortgage lender shall apply to the Department for a license permit to operate each branch office by submitting the following:

(a) ~~A~~ completed Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License Permit. Form DBF-ML-222B, revised 10/99 ~~9-3-95~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350;

(b) The statutory, a non-refundable license permit fee required by Section 494.0066, F.S., of \$250 which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if it meets the definition in Section 494.001(7), F.S. the name or advertising of a mortgage lender licensed pursuant to the saving clause shall be displayed in such a manner as to reasonably lead the public to believe that such mortgage lending business may be conducted at such office, location or advertised address.

(3) through (6) No change.

(7) Upon approval of an application, a license permit will be issued for the remainder of the biennial period.

Specific Authority 494.0011(2) FS. Law Implemented ~~494.00171, 494.0065, 494.0066~~ FS. History--New 8-24-93, Amended 9-3-95, \_\_\_\_\_.

3D-40.156 Third-Party Fee Accounts.

(1) All third-party fees and refundable application fees received by a mortgage brokerage business shall immediately be deposited in a segregated account in a federally insured financial institution located in Florida. The account shall be in the name of the mortgage brokerage business and shall provide for withdrawal of funds without notice. The account shall be used exclusively for third-party fees and refundable application fees. The licensee shall maintain an updated and accurate record of account activity on Form DBF-MX-999 (effective 12/91), which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350, or on a format which is substantially similar to Form DBF-MX-999.

(2) through (4) No change.

(5) For purposes of Section ~~§~~ 120.695, F.S., a violation of the above rule shall not be considered a minor violation.

Specific Authority 494.0011(2), 494.0016(4), 494.0037(4) FS. Law Implemented 120.695, 494.0037(4), 494.0038(5), 494.0041(2)(e), 494.0068(3), 494.0072(2)(e) FS. History--New 12-3-91, Amended 7-25-96, \_\_\_\_\_.

3D-40.160 Principal Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the principal broker and the individual designated shall accept responsibility by completing the Principal Broker Designation, Form DBF-MB-PB, effective October 7, 1991, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) Upon any change of principal broker, the licensee and the newly designated principal broker shall complete the Principal Broker Designation, Form DBF-MB-PB, (effective 10/91). Form DBF-MB-PB shall be maintained at the principal office ~~in Florida~~ of the mortgage brokerage business, and a copy mailed to the Department within thirty (30) days of said designation or change in designation.

(3) No change.

(4) Each principal broker shall notify the Department of Banking and Finance, Division of Finance, Attention: Licensing Section, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, FL 32399-0350 in writing, within thirty (30) days, of termination of principal broker status.

Specific Authority 494.0011(2), 494.0035 FS. Law Implemented 120.695, 494.0016, 494.0035, 494.0037 FS. History--New 10-7-91, Amended 7-25-96, \_\_\_\_\_.

3D-40.165 Branch Brokers.

(1) Each mortgage brokerage business shall designate a licensed mortgage broker as the branch broker of the branch office, and the individual shall accept such responsibility by completing the Branch Broker Designation, Form

DBF-MB-BB, ~~(effective 10/91) effective October 7, 1991,~~ which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building,~~ Tallahassee, FL 32399-0350.

(2) through (4) No change.

Specific Authority 494.0011(2), 494.0035(2) FS. Law Implemented 120.695, 494.0016, 494.0035(2), 494.0037 FS. History—New 10-7-91, Amended 7-25-96,\_\_\_\_\_.

3D-40.170 Books and Records.

(1)(a) A licensee may maintain required books, accounts, and records at a location other than the principal place of business. The licensee must notify the Department in writing prior to said books, accounts, and records being maintained in any place other than the designated principal place of business. Such notification shall be submitted to the Department of Banking and Finance, Division of Finance, Attention: Regulatory Support, ~~101 East Gaines Street Suite 550, Fletcher Building,~~ Tallahassee, Florida 32399-0350.

(b) The notification shall include confirmation by the licensee that the proposed storage facilities are buildings of stationary construction wherein the books, accounts, and records will be kept in a secured location under conditions which will not lead to the damage or destruction of the records.

(2) Books, accounts, and records ~~maintained at a location other than the principal place of business~~ shall be made available to the Department within three (3) business days from the date of written request by the Department and at a reasonable and convenient location in this State designated by the Department.

~~(3) "Principal place of business" means the location designated in writing by the licensee on the initial application for licensure or as amended thereafter in writing to the Department.~~

~~(3)(4)~~ All books, accounts, and records must be maintained for three (3) years from the date of "original entry." For the purpose of this rule, "original entry" means the date the documentation was originated by the licensee or received by the licensee.

~~(4)(5)~~(a) The penalty for maintaining books, accounts, and records at a location other than the principal place of business without written notification to the Department, shall be the issuance of a "notice of noncompliance" for a first offense. Any subsequent finding of a violation of this rule during an examination or investigation shall be a \$500 fine.

(b) The penalty for refusal to permit an investigation or examination of books, accounts, and records, after a reasonable request by the Department, shall be revocation of the license. This paragraph shall not apply to a proceeding governed by the rules of civil procedure of any state or federal court.

Specific Authority 494.0011(2), 494.0016(2), 494.0037(2) FS. Law Implemented 120.695, 494.0016, 494.0037, 494.0041(1) FS. History—New 2-16-92, Amended 7-25-96,\_\_\_\_\_.

3D-40.177 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage brokerage business and lender acting in the capacity of a mortgage brokerage business shall maintain a journal of mortgage brokerage transactions, which shall include, at least, the following information:

- (a) Name of Applicant;
- (b) Date applicant applied for the mortgage loan;
- (c) Disposition of the mortgage loan application. The Mortgage Brokerage and Lending Transaction Journal shall indicate the result of the brokerage transaction. The disposition of the case shall be categorized as one of the following: loan funded, loan denied, application withdrawn, or other (with explanation);
- (d) Name of lender, if applicable.

(2) The journal shall be maintained in a format which is substantially similar to form DBF-MX-888, Mortgage Brokerage and Lending Transaction Journal, ~~revised 7-25-96,~~ which is hereby incorporated by reference and is available by mail from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building,~~ Tallahassee, Florida 32399-0350.

(3) through (4) No change.

Specific Authority 494.0011(2), 494.0016, 494.0037(4) FS. Law Implemented 120.695, 494.0016, 494.0037, 494.0041 FS. History—New 2-16-92, Amended 7-25-96,\_\_\_\_\_.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) Each corporation, general partnership, limited liability company or other lawful entity desiring to obtain licensure as a mortgage lender shall apply to the Department by submitting the following:

(a) ~~A~~ completed Application for Licensure as a Mortgage Lender, Form DBF-ML-222B, ~~revised 10/99 11-5-95,~~ which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building,~~ Tallahassee, Florida 32399-0350;

(b) ~~The statutory, a~~ non-refundable fee ~~required by Section 494.0061, F.S. of \$500~~ which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) ~~Audited~~ ~~audited~~ financial statements documenting a minimum net worth of \$250,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) ~~A~~ surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form DBF-ML-444,

Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) Each ultimate equitable owner of 10% or greater interest, chief executive officer and each director of an entity applying for licensure as a mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form ML-BIO-1 (revised 10/99) ~~ML-96-1 (effective 7-14-96)~~, to the Department along with a \$15 nonrefundable processing fee. Form ML-BIO-1 ~~ML-96-1~~ is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, FL 32399-0350.

(a) through (7) No change.

(8) Restoration of Civil Rights

(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 494.0011(2), 494.0061(3), 215.405 FS. Law Implemented 494.0061(3) FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-25-97, \_\_\_\_\_.

3D-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Savings Clause, and Branch Office License Permit Renewal and Reactivation.

(1) Each active mortgage lender license and mortgage lender license pursuant to the savings clause shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., of \$500, a completed renewal form, and a copy of the lender's most recent audited financial statements. Form DBF-ML-R, Mortgage Lender License Renewal and Reactivation Form, Form DBF-ML-R, revised 10/99, and Form DBF-ML-RS, Mortgage Lender License Pursuant to Saving Clause Renewal and Reactivation Form, Form DBF-ML-RS, revised 10/99 9-3-95, are hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) ~~A license that is not renewed~~ Failure to submit the fee and form as required in Subsection (1) prior to September 1 of the renewal year shall revert to inactive status automatically result in a late renewal fee of \$100 being assessed. An inactive ~~The~~ license may be reactivated ~~renewed~~ within 6 months after becoming inactive ~~the end of the biennial period~~ upon payment

of the statutory renewal fee and reactivation ~~late~~ fees required by Section 494.0064, F.S., and submission of a completed reactivation ~~renewal~~ form.

(3) Each active mortgage lender branch office license permit shall be renewed in conjunction with the mortgage lender license renewal upon submission of the statutory permit renewal fee required by Section 494.0064, F.S., of \$250 and a completed branch office license permit renewal form. Form DBF-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Permit Renewal and Reactivation Form, Form DBF-ML-RB, revised 10-1-99 9-3-95, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(4) A mortgage lender branch office license that is not renewed ~~Failure to submit the permit renewal fee and form~~ as required in Subsection (3) prior to September 1 of the renewal year shall revert to inactive status automatically result in a late renewal fee of \$100 being assessed. An inactive license ~~The~~ permit may be reactivated ~~renewed~~ within six (6) months after becoming inactive ~~the end of the biennial period~~ upon renewal of the lender license, payment of the statutory renewal fee and reactivation ~~late~~ fees required by Section 494.0064, F.S., and submission of a completed license reactivation permit ~~renewal~~ form.

(5) A mortgage lender license and branch office license that is permit not renewed within six months after the end of the biennial period automatically expires.

Specific Authority 494.0011(2) FS. Law Implemented ~~494.00171~~, 494.0064 FS. History--New 10-1-91, Amended 9-3-95, 7-25-96, 8-5-96, \_\_\_\_\_.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) Each corporation, general partnership, limited liability company, or other lawful entity desiring to obtain licensure as a correspondent mortgage lender shall apply to the Department by submitting the following:

(a) ~~A~~ completed Application for Licensure as a Correspondent Mortgage Lender, Form DBF-CL-333, revised 10/99 11-5-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350;

(b) ~~The~~ statutory, a non-refundable fee required by Section 494.0062, F.S., of \$400 which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof;

(c) Audited financial statements documenting a minimum net worth of \$25,000 as of the applicant's most recent fiscal year end. If the application is submitted within three (3) months of the most recent fiscal year end and an audited

statement from the most recent fiscal year is not available, an audited statement from the previous fiscal year end is acceptable;

(d) ~~A~~ surety bond, issued by a bonding company or insurance company authorized to do business in this State, in the amount of \$10,000; and submitted on Form DBF-ML-444, Mortgage Brokerage and Mortgage Lending Act Surety Bond, effective 10-1-91, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, FL 32399-0350.

(2) Each ultimate equitable owner of 10% or greater interest, chief executive officer and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card and Biographical Summary, Form CL-BIO-1 (revised 10/99) ~~(CL-96-1 (effective 6/96))~~, to the Department along with a \$15 nonrefundable processing fee. Form CL-BIO-1 MBB-96-1 is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, FL 32399-0350.

(a) through (7) No change.

(8) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the mortgage industry, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction is directly related to the mortgage industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 494.0011(2), 494.0062(3), 215.405 FS. Law Implemented 494.0062(3) FS. History--New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-25-97,\_\_\_\_\_.

3D-40.225 Correspondent Mortgage Lender License and Branch Office License Permit Renewal and Reactivation.

(1) Each active correspondent mortgage lender license shall be renewed for the biennial period beginning September 1 of each even-numbered year upon submission of the statutory renewal fee required by Section 494.0064, F.S., of \$400, a completed renewal form, and a copy of the lender's current audited financial statements. Form DBF-CL-R, Correspondent Mortgage Lender License Renewal and Reactivation Form, Form DBF-CL-R, revised 10/99 9-3-95, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(2) A correspondent mortgage lender license that is not renewed ~~Failure to submit the fee and form~~ as required in Subsection (1) prior to September 1 of the renewal year shall

~~revert to inactive status automatically result in a late renewal fee of \$100 being assessed. An inactive~~ The license may be reactivated renewed within 6 months after becoming inactive the end of the biennial period upon payment of the statutory renewal fee and reactivation late fees required by Section 494.0064, F.S., and submission of a completed reactivation renewal form.

(3) Each active correspondent mortgage lender branch office license permit shall be renewed in conjunction with the correspondent mortgage lender license renewal upon submission of the statutory permit renewal fee required by Section 494.0064, F.S., of \$250 and a completed branch office license permit renewal form. Form DBF-ML-RB, Mortgage Lender and Correspondent Mortgage Lender Branch Office License Permit Renewal and Reactivation Form, Form DBF-ML-RB, revised 10/99 9-3-95, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(4) A correspondent mortgage lender branch office license that is not renewed ~~Failure to submit the license renewal fee and form~~ as required in Subsection (3) prior to September 1 of the renewal year shall revert to inactive status automatically result in a late renewal fee of \$100 being assessed. An inactive license ~~The permit~~ may be renewed within six (6) months after becoming inactive the end of the biennial period upon renewal of the correspondent mortgage lender license, payment of the statutory renewal fee and reactivation late fees required by Section 494.0064, F.S., and submission of a completed license reactivation permit renewal form.

(5) A correspondent mortgage lender license and branch office license that is permit not renewed within six (6) months after the end of the biennial period automatically expires.

Specific Authority 494.0011(2) FS. Law Implemented ~~494.00171~~, 494.0064 FS. History--New 10-1-91, Amended 9-3-95, 7-25-96,\_\_\_\_\_.

3D-40.240 Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office License Permit.

(1) Every mortgage lender or correspondent mortgage lender which conducts mortgage lending business in this state from a branch office shall apply to the Department for a license permit to operate a branch office by submitting the following:

(a) ~~A~~ completed Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office License Permit, Form DBF-ML-222B, revised 10/99 9-3-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350;



(b) ~~The statutory, a non-refundable license permit fee required by Section 494.0064, F.S., of \$250~~ which shall be the fee for the biennial period beginning September 1 of each even-numbered year or any part thereof.

(2) Any office or location shall be deemed to be a branch office if ~~it meets the definition in Section 494.001(7), F.S., the name or advertising of a mortgage lender or correspondent mortgage lender shall be displayed in such a manner as to reasonably lead the public to believe that such mortgage lending business may be conducted at such office, location, or advertised address.~~

(3) No change.

(4) Amendment of Application. If the information contained in an Application for Mortgage Lender Branch Office or Correspondent Mortgage Lender Branch Office ~~License Permit~~ becomes inaccurate for any reason before the applicant becomes licensed, the applicant shall be responsible for correcting the inaccurate information within ten (10) days of the change occurring by following the procedures set forth in this subsection. An applicant may amend the application as to those factors generally within the control or selection of the applicant once, as a matter of course, at any time within thirty (30) days from its receipt for filing. Otherwise the application may be amended only with prior written permission from the Department. Requests to make changes which are material to the application or to the Department's evaluation of the application filed at any time after the application has been received may be deemed by the Department to be grounds for denial, and a new application, accompanied by the appropriate filing fee, may be required.

(5) No change.

(6) Refunds. If the application is withdrawn or denied, the ~~license permit~~ fee is non-refundable.

(7) Upon approval of an application, a ~~license permit~~ will be issued for the remainder of the biennial period.

Specific Authority 494.0011(2) FS. Law Implemented ~~494.00171, 494.0066~~ 120.695, 494.0016, 494.0072(1) FS. History--New 1-10-93, Amended 7-25-96, \_\_\_\_\_.

3D-40.245 Independent Contractors.

A natural person is not exempt from the licensure requirements of ~~Section 494.0033 ss 494.003--0043, F.S.,~~ when acting as an independent contractor as defined in Rule 3D-40.001(9), F.A.C., for licensees pursuant to ~~Sections ss: 494.006-.0077, F.S.~~

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.001, 494.0025, 494.0041 FS. History--New 7-25-96, Amended \_\_\_\_\_.

3D-40.265 Mortgage Brokerage and Lending Transaction Journal.

(1) Each mortgage lender or correspondent mortgage lender shall maintain a Mortgage Brokerage and Lending Transaction Journal, which shall include, at least, the following information:

(a) Name of applicant;

(b) Date applicant applied for the mortgage loan;

(c) Disposition of the mortgage loan application. The journal shall indicate the result of the lending transaction. The disposition of the transaction shall be categorized as one of the following: loan funded, loan denied, or application withdrawn.

(d) Name of lender, if applicable.

(2) The journal shall be maintained on Form DBF-MX-888, Mortgage Brokerage and Lending Transaction Journal or a form substantially similar. Form DBF-MX-888 (revised 7-25-96) is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building,~~ Tallahassee, FL 32399-0350.

(3) through (5) No change.

Specific Authority 494.0011(2), 494.0016(1),(4) FS. Law Implemented 120.695, 494.0016, 494.0072(1) FS. History--New 1-10-93, Amended 7-25-96, \_\_\_\_\_.

3D-40.270 Financial Guaranty in Lieu of Uniform Single Audit.

(1) A mortgage lender which services an aggregate value of less than \$7.5 million in outstanding mortgage loans and elects to provide a fidelity bond, financial guaranty bond, fidelity insurance, or other financial guaranty providing protection against theft, loss or other illegal diversion of funds in lieu of the single line audit required shall have such financial guaranty in full force and effect by the lender's first fiscal year end ~~after January 1, 1992.~~ The financial guaranty shall designate the Department of Banking and Finance as the recipient of the amount of the financial guaranty.

(2) A mortgage lender electing to provide a financial guaranty in lieu of the single line audit shall document (monthly) the aggregate value of mortgage loans serviced on Form DBF-MX-887, or a form substantially the same. Form DBF-MX-887, Calculation of Aggregate Value of Mortgage Loans Serviced, effective 2-16-92, is incorporated by reference and available by writing, Department of Banking and Finance, Division of Finance, ~~101 East Gaines Street Suite 550, Fletcher Building,~~ Tallahassee, FL 32399-0350. The lender shall maintain work-papers substantiating the aggregate value documented.

(3) through (4) No change.

(5) For the purposes of ~~Section s:~~ 120.695, F.S. a violation of the above rule shall not be considered a minor violation.

Specific Authority 494.0011(2), 494.0076(2)(b) FS. Law Implemented 120.695, 494.0072, 494.0076 FS. History--New 2-16-92, Amended 7-25-96, \_\_\_\_\_.

3D-40.285 Noninstitutional Investor Funds Account.

(1) All money received by a mortgage lender or correspondent mortgage lender from a noninstitutional investor for disbursement at a mortgage loan closing shall be deposited in a trust account in a federally insured financial institution

within seven business days of receipt of the funds unless otherwise directed, in writing, by the noninstitutional investor. Such trust account may be used for more than one noninstitutional investor's funds. Noninstitutional funds may not be commingled with the licensee's operating account or funds. The account shall be in the name of the mortgage lender or correspondent mortgage lender and shall provide for withdrawal of funds without notice. The licensee shall maintain an updated and accurate record of account activity on Form DBF-MX-555 (effective 8/92), which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350, or on a format which is substantially similar to Form DBF-MX-555. ~~The effective date of the form is 8-24-92.~~

(2) through (3) No change.

(4) For purposes of Section ~~§~~ 120.695, F.S., a violation of the above rule shall not be considered a minor violation.

Specific Authority 494.0011(2) FS. Law Implemented 120.695, 494.0043, 494.0073 FS. History--New 8-24-92, Amended 7-25-96,\_\_\_\_\_.

3D-40.290 Acts Requiring Licensure as a Mortgage Broker, Mortgage Brokerage Business, Mortgage Lender or Correspondent Mortgage Lender.

(1) A person shall not be deemed to be acting as a mortgage broker pursuant to Section ~~§~~ 494.001(3)(2), F.S., or to be acting as a correspondent mortgage lender pursuant to Section 494.001(1), F.S., or a mortgage lender pursuant to Section ~~§~~ 494.001(4)(1), (3), F.S., for:

(a) Purchasing or offering to purchase a mortgage loan from a member of the general public.

(b) Selling or offering to sell a mortgage loan to an institutional investor.

(c) Negotiating or offering to negotiate the purchase or sale of a mortgage loan to an institutional investor.

(2) The phrase "holds himself out to the public in any manner" in Section ~~§~~ 494.006(1)(h) and (i) means that any person who does any of the following, but not limited to, is not exempt from mortgage lender or correspondent mortgage lender license requirements:

(a) Is a business entity which makes, sells, or offers to sell, mortgage loans to noninstitutional investors;

(b) Is employed or associated with a business where mortgage lending or mortgage brokering services may be received;

(c) Has placed himself in a position where he is likely to come into contact with borrowers or investors or buyers or sellers of mortgage loans;

(d) Advertises, related to mortgage loans, by soliciting for borrowers, lenders or purchasers in a telephone directory;

(e) Advertises in newspapers, magazines, or the like in a manner which would lead the reader to believe the person was in the business of buying, making or selling mortgage loans. For example, placing an advertisement which states "I buy and sell mortgages" would lead the public to believe the person was in the mortgage lending business; or

(f) Solicits in a manner which would lead the reader to believe the person was in the business of buying, making or selling mortgage loans.

Specific Authority 494.0011(2) FS. Law Implemented 494.001(1),(2),(3), 494.006(1)(h)(i) FS. History--New 1-10-93, Amended\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLES:	RULE NOS.:
Miscellaneous Charges	3D-50.001
Application Procedure for Motor Vehicle	
Retail Installment Seller License	3D-50.055
Motor Vehicle Retail Installment Seller	
Branch Office License	3D-50.058
Motor Vehicle Retail Installment and Motor	
Vehicle Retail Installment Seller Branch	
Office License Renewal and Reactivation	3D-50.070

PURPOSE AND EFFECT: The purpose of the proposed amendments is to incorporate changes made by Chapter 99-164, Laws of Florida; to incorporate changes to the application, renewal and reactivation forms; and to make other technical or grammatical changes to Chapter 3D-50, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Application, renewal, and reactivation procedures for motor vehicle retail installment seller licenses and branch office licenses.

SPECIFIC AUTHORITY: 520.03(2), 520.995(5) FS.

LAW IMPLEMENTED: 520.03(2),(3) FS.

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

TIME AND DATE: 1:00 p.m., September 7, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bob Tedcastle or Robert Pursell, Division of Finance, Suite 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-50.001 Miscellaneous Charges.

(1) Other than the items and charges properly included as part of the cash price as defined in Section ~~§~~ 520.02(2)(1), F.S., the following are the only charges permitted to be made

by the retail installment seller. All authorized charges are permitted only to the extent they are actually paid, used, or disbursed for the purposes stated.

(a) Charges for taxes, prescribed by law, to the extent same are not included as part of the cash price.

(b) Charges for official fees as defined in Section ~~§~~ 520.02(9)(8), F.S., and charges for licenses and other fees prescribed by law.

1. In order to support motor vehicle license charges and liens for perfecting any security interest in the collateral, the registration form provided by the Department of Motor Vehicles shall be maintained. In addition, the month of birth of the retail buyer must be shown on the face of the contract and the trade-in amount must be clearly described.

2. Charges for documentary excise tax must be supported by attaching documentary stamps to the appropriate document and canceling or by paying the appropriate amount of tax directly to the Department of Revenue and maintaining documentation necessary to determine compliance.

(c) Charges for insurance purchased by the retail buyer to the extent such charges are not included as part of the finance charge as defined in Section ~~§~~ 520.02(5)(4), F.S. The type of such insurance shall be specifically noted on the contract. Vendors Single Interest Insurance (V.S.I.) coverage issued to a contract holder on a blanket form may also be written in addition to the buyer's physical damage coverage, and a charge made to the buyer provided the contract contains a provision authorizing the contract holder to purchase the V.S.I. coverage. Should the contract holder purchase V.S.I. coverage at the time the contract is signed, the contract holder shall deliver or cause to be delivered to the buyer evidence of insurance at the time the contract is signed and the buyer shall receive a copy of the policy within thirty (30) days from the date the contract was signed.

(d) No change.

Specific Authority 17.29, 520.994(5) FS. Law Implemented 520.02, 520.07 FS. History—Renumbered from 3-6.01 to 3D-50.01 on 8-26-75, Amended 11-1-77, 4-22-84, Formerly 3D-50.01, Amended 7-10-96,\_\_\_\_\_.

3D-50.055 Application Procedure for Motor Vehicle Retail Installment Seller License.

(1) Each person desiring to obtain licensure as a motor vehicle retail installment seller shall apply to the Department by submitting:

(a) ~~A~~ completed Application for Motor Vehicle Retail Installment Seller License, Form DBF-HV-1, revised 10/99 ~~8-9-95~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350; and

(b) The statutory, ~~the~~ non-refundable application fee required by Section 520.03, F.S., of \$50.00 which shall be the fee for the annual period beginning January 1, 1996 until December 31, 1996 or any part thereof. Effective January 1,

~~1997, the non-refundable application fee shall be \$100 which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) calendar days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to s. 120.60(1)(2), F.S.

(3) through (4) No change.

(5) Upon approval of an application, a license will be issued for the remainder of the ~~annual~~ or biennial licensure period.

(6) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of operating a retail installment business, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction is directly related to the operation of operating a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 520.03(2), 520.994(5) FS. Law Implemented 120.60(1)(2) 520.03(2) FS. History—New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96,\_\_\_\_\_.

3D-50.058 Motor Vehicle Retail Installment Seller Branch Office License.

(1) Every motor vehicle retail installment seller which conducts business in a branch office shall apply for a license to operate a branch office on Form DBF-HV-2, Application for Motor Vehicle Retail Installment Seller Branch Office License, revised 10/99 ~~8-9-95~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. Any office or location shall be deemed to be a branch office if the name or advertising of a motor vehicle retail installment seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address. If a motor vehicle retail installment seller has more than one location in the same county, only one license is required for that county.

(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.03, F.S., shall be the fee \$50.00 which shall be the fee for the annual period beginning January 1, 1996 through December 31, 1996 or any part thereof. Effective January 1, 1997, the

~~non-refundable application fee shall be \$100 for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) calendar days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1)(2), F.S.

(4) through (5) No change.

(6) Upon approval of an application, a license will be issued for the remainder of the ~~annual or~~ biennial licensure period.

Specific Authority 520.03(2), 520.994(5) FS. Law Implemented 120.60(1)(2), 520.03(2) FS. History--New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96,\_\_\_\_\_.

3D-50.070 Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation.

~~(1) Each active motor vehicle retail installment seller and motor vehicle retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year annual period beginning January 1, 1996 and ending December 31, 1996, upon receipt of the statutory renewal fee required by Section 520.03, F.S., of \$50.00 and the renewal/reactivation notice, Form DBF-MV-3, revised 10/99 effective 12-18-93, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. Effective January 1, 1997, each active motor vehicle retail installment seller and motor vehicle retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd year upon receipt of the renewal fee of \$100 and verifiable evidence of the existing license or renewal notice, Form DBF-MV-3.~~

(2) If the Department has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to automatically become inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation renewal notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal notice and fee shall be considered submitted when received in the Department's cashier's office in Tallahassee, Florida.

(4) ~~The r~~Received date shall be the date stamped on the notice when received by the Department's cashier's office in Tallahassee, Florida.

(5) Engaging in a retail installment transaction as defined in Section subsection 520.02(15)(13), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person license to disciplinary action.

(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., Florida Statutes, then the renewals received on the next business day will be considered timely received.

Specific Authority 520.03(2),(3), 520.994(5) FS. Law Implemented 520.03(2),(3) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 8-9-95, 9-29-96,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Application Procedure for Retail Installment Seller License	3D-60.060
Retail Installment Seller Branch Office License	3D-60.065
Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation	3D-60.070

**PURPOSE AND EFFECT:** The purpose of the proposed amendments is to incorporate changes made by Chapter 99-164, Laws of Florida; to incorporate changes to the application, renewal and reactivation forms; and to make other technical and grammatical changes to Chapter 3D-60, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Application, renewal, and reactivation procedures for retail installment seller licenses and branch office licenses.

**SPECIFIC AUTHORITY:** 520.32(2), 520.994(5) FS.

**LAW IMPLEMENTED:** 520.32, 520.331 FS.

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

**TIME AND DATE:** 1:00 p.m., September 7, 1999

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Bob Tedcastle or Robert Pursell, Division of Finance, Suite 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-60.060 Application Procedure for Retail Installment Seller License.

(1) Each person desiring to obtain licensure as a retail installment seller shall apply to the Department by submitting the following:

(a) ~~A~~ completed Application for Retail Installment Seller License, Form DBF-HR-1, revised 10/99 ~~8-9-95~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350; and

(b) ~~The statutory~~ the non-refundable application fee required by Section 520.32, F.S., of \$50.00 which shall be the fee for the ~~annual period beginning January 1, 1996 until December 31, 1996 or any part thereof. Effective January 1, 1997, the non-refundable application fee shall be \$100, which shall be the fee for the~~ biennial period beginning January 1 of each odd-numbered year or any part thereof.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) calendar days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section ~~§~~ 120.60(1)(2), F.S.

(3) through (4) No change.

(5) Upon approval of an application, a license will be issued for the remainder of the ~~annual or~~ biennial licensure period.

(6) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of operating a retail installment business, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction directly related to the operation of operating a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 520.32(2), 520.994(5) FS. Law Implemented 520.32(2) FS. History—New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, \_\_\_\_\_.

3D-60.065 Retail Installment Seller Branch Office License.

(1) Every retail installment seller which conducts business in a branch office shall apply for a license to operate a branch office on Form DBF-HR-2, Application for Retail Installment Seller Branch Office License, revised 10-1-99 ~~8-9-95~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. Any office or location shall be deemed to be a branch office if the name or advertising of a retail installment seller shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.

(2) ~~The statutory,~~ non-refundable application fee required by Section 520.32, F.S., for an initial branch office license shall be \$50.00 which shall be the fee for the ~~annual period beginning January 1, 1996 through December 31, 1996 or any part thereof. Effective January 1, 1997, the non-refundable application fee shall be \$100 for the~~ biennial period beginning January 1 of each odd-numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section ~~§~~ 120.60(1)(2), F.S.

(4) through (5) No change.

(6) Upon approval of an application, a license will be issued for the remainder of the ~~annual or~~ biennial licensure period.

Specific Authority 520.32(2), 520.994(5) FS. Law Implemented 520.32(2) FS. History—New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96, \_\_\_\_\_.

3D-60.070 Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation.

(1) Each active retail installment seller and retail installment seller branch office license shall be renewed for the for the biennial period beginning January 1 of each odd-numbered year ~~annual period beginning January 1, 1996 and ending December 31, 1996~~, upon receipt of the statutory renewal fee required by Section 520.32, F.S., of \$50.00 and the renewal/reactivation notice, Form DBF-RS-3, revised 10/99 ~~effective 12-18-93~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. Effective January 1, 1997, each active retail installment seller and retail installment seller branch office shall be renewed for the biennial period beginning January 1 of each odd-numbered

year upon receipt of the renewal fee of \$100 and verifiable evidence of the existing license or the renewal notice, Form DBF-RS-3.

(2) If the Department has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to automatically become inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation renewal notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal notice and fee shall be considered submitted when received in the Department's cashier's office in Tallahassee, Florida.

(4) ~~The r~~Received date shall be the date stamped on the notice when received by the Department's cashier's office in Tallahassee, Florida.

(5) Engaging in a retail installment transaction as defined in Section subsection 520.31(13)(H), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person ~~license~~ to disciplinary action.

(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., Florida Statutes, then the renewals received on the next business day will be considered timely received.

Specific Authority 520.32(2),(3), 520.994(5) FS. Law Implemented 520.32(2),(3) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 8-9-95, 9-24-96,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLES:	RULE NOS.:
Application Procedure for Sales Finance Company License	3D-70.050
Sales Finance Company Branch Office License	3D-70.055
Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation	3D-70.060

PURPOSE AND EFFECT: The purpose of the proposed amendments is to incorporate changes made by Chapter 99-164, Laws of Florida; to incorporate changes to the application, renewal, and reactivation forms; and to make other technical or grammatical changes to Chapter 3D-70, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Application, renewal, and reactivation procedures for sales finance company licenses and branch office licenses.

SPECIFIC AUTHORITY: 520.52(2), 520.994(5) FS.

LAW IMPLEMENTED: 520.52 FS.

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

TIME AND DATE: 1:00 p.m., September 7, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bob Tedcastle or Robert Pursell, Division of Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-70.050 Application Procedure for Sales Finance Company License.

(1) Each person desiring to obtain licensure as a sales finance company shall apply to the Department by submitting the following:

(a) ~~A~~ completed Application for Sales Finance Company License, Form DBF-HI-1, revised 10/99 8-9-95, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350; and

(b) The statutory ~~the~~ non-refundable application fee required by Section 520.52, F.S., of \$50.00 which shall be the fee for the annual period beginning January 1, 1996 until December 31, 1996 or any part thereof. Effective January 1, 1997, the non-refundable application fee shall be \$100 which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) calendar days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section ~~520.52~~ 120.60(1)(2), F.S.

(3) through (4) No change.

(5) Upon approval of an application, a license will be issued for the remainder of the ~~annual or~~ biennial licensure period.

(6) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of operating a retail installment business, the applicant shall provide evidence of restoration of civil rights.

(b) If one's civil rights have been restored and the conviction directly related to the operation of operating a retail installment business, the applicant shall provide evidence of

restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 520.52(2), 520.994(5) FS. Law Implemented 520.52(2) FS. History—New 11-5-87, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96,\_\_\_\_\_.

3D-70.055 Sales Finance Company Branch Office License.

(1) Every sales finance company which conducts business in a branch office shall apply for a license to operate a branch office on Form DBF-HI-2, Application for Sales Finance Company Branch Office License, revised ~~10/99~~ ~~8-9-95~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. Any office or location shall be deemed to be a branch if the name or advertising of a sales finance company shall be displayed in such a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.

(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.52, F.S., shall be \$50.00 which shall be the fee for the ~~annual period beginning January 1, 1996 through December 31, 1996 or any part thereof.~~ Effective January 1, 1997, the non-refundable application fee shall be \$100 for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) calendar days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section ~~520.52(2),~~ 120.60(1)(2), F.S.

(4) through (5) No change.

(6) Upon approval of an application, a license will be issued for the remainder of the ~~annual or~~ biennial licensure period.

Specific Authority 520.52(2), 520.994(5) FS. Law Implemented 520.52(2) FS. History—New 11-11-90, Amended 8-9-95, 7-10-96, 9-29-96,\_\_\_\_\_.

3D-70.060 Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation.

(1) Each active sales finance company and sales finance company branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year ~~annual period beginning January 1, 1996 and ending December 31, 1996,~~ upon receipt of the statutory renewal fee required by Section 520.52, F.S., of \$50.00 and the renewal/reactivation notice, Form DBF-SF-3, revised 10/99

~~effective 12-18-93,~~ which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. Effective January 1, 1997, each active sales finance company and sales finance company branch office license shall be renewed for the biennial period beginning January 1 of each odd year upon receipt of the renewal fee of \$100 and verifiable evidence of the existing license or the renewal notice, Form DBF-SF-3.

(2) If the Department has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to automatically become inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation renewal notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal notice and fee shall be considered submitted when received in the Department's cashier's office in Tallahassee, Florida.

(4) ~~The received~~ Received date shall be the date stamped on the notice when received by the Department's cashier's office in Tallahassee, Florida.

(5) Engaging in a business as a sales finance company as defined in Section subsection 520.31(16)(14), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the person license to disciplinary action.

(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S. Florida Statutes, then the renewals received on the next business day will be considered timely received.

Specific Authority 520.52(2),(3), 520.994(5) FS. Law Implemented 520.52(2),(3) FS. History—New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLES:	RULE NOS.:
Application Procedure for Home Improvement Finance Seller License	3D-80.015
Home Improvement Finance Seller and Home Improvement Seller Finance Branch Office License Renewal and Reactivation	3D-80.050
Home Improvement Finance Seller Branch Office License	3D-80.060

PURPOSE AND EFFECT: The purpose of the proposed amendments is to incorporate changes made by Chapter 99-164, Laws of Florida; to incorporate changes to the application, renewal, and reactivation forms; and to make other technical or grammatical changes to Chapter 3D-80, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Application, renewal, and reactivation procedures for home improvement finance seller licenses and branch office licenses.

SPECIFIC AUTHORITY: 520.63(2), 520.994(5) FS.

LAW IMPLEMENTED: 520.63 FS.

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

TIME AND DATE: 1:00 p.m., September 7, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bob Tedcastle or Robert Pursell, Division of Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-80.015 Application Procedure for Home Improvement Finance Seller License.

(1) Each person desiring to obtain licensure as a home improvement finance seller shall apply to the Department by submitting the following:

(a) ~~A~~ completed Application for Home Improvement Finance Seller License, Form DBF-HC-1, revised 10/99 ~~8-9-95~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street LL-22, The Capitol, Tallahassee, Florida 32399-0350; and

(b) The statutory ~~the~~ non-refundable application fee required by Section 520.63, F.S., of \$50.00 which shall be the fee for the annual period beginning January 1, 1996 until December 31, 1996 or any part thereof. Effective January 1, 1997, the non-refundable application fee shall be \$100 which shall be the fee for the biennial period beginning January 1 of each odd-numbered year or any part thereof.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) calendar days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section ~~s:~~ 120.60(1)(2), F.S.

(3) through (4) No change.

(5) Upon approval of an application, a license will be issued for the remainder of the ~~annual or~~ biennial licensure period.

(6) Restoration of Civil Rights.

(a) If one's civil rights have been restored and the conviction did not directly relate to the operation of operating a retail installment business, the applicant shall provide evidence of restoration of rights.

(b) If one's civil rights have been restored and the conviction directly related to the operation of operating a retail installment business, the applicant shall provide evidence of restoration of rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 520.63(2),(3), 520.994(5) FS. Law Implemented 520.63(2) FS. History--New 4-13-88, Amended 5-9-90, 11-11-90, 9-28-94, 8-9-95, 7-10-96, 9-29-96, \_\_\_\_\_.

3D-80.050 Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation.

(1) Each active home improvement finance seller and home improvement finance seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year annual period beginning January 1, 1996 and ending December 31, 1996, upon the receipt of the statutory renewal fee required by Section 520.63, F.S., of \$50.00 and the renewal/reactivation notice, Form DBF-HI-3, revised 10/99 ~~effective 12-18-93~~, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. ~~Effective January 1, 1997 each active home improvement seller and home improvement seller branch office license shall be renewed for the biennial period beginning January 1 of each odd numbered year upon receipt of the renewal fee of \$100 and verifiable evidence of the existing license or the renewal form notice, Form DBF-HI-3.~~

(2) If the Department has not received the renewal notice and renewal fee prior to January 1 of the renewal year, the license shall revert from active to automatically become inactive status. The inactive license may be reactivated within six (6) months after becoming inactive upon submission of the statutory renewal fee, a reactivation fee equal to the renewal fee, and the reactivation renewal notice. A license that is not reactivated within six (6) months after becoming inactive automatically expires.

(3) A renewal notice and fee shall be considered submitted when received in the Department's cashier's office in Tallahassee, Florida.



(4) ~~The received~~ **Received** date shall be the date stamped on the notice when received by the Department's cashier's office in Tallahassee, Florida.

(5) Acting as "home improvement finance seller" as defined in ~~Section subsection~~ 520.61(13)(12), F.S., with an inactive or expired license is a violation of Chapter 520, F.S., and subjects the ~~person~~ **license** to disciplinary action.

(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, ~~F.S. Florida Statutes~~, then the renewals received on the next business day will be considered timely received.

Specific Authority 520.63(2),(3), 520.994(5) FS. Law Implemented 520.63(2),(3) FS. History—New 4-13-88, Amended 11-11-90, 12-18-93, 9-29-96, \_\_\_\_\_.

3D-80.060 Home Improvement Finance Seller Branch Office License.

(1) Every home improvement finance seller which conducts home improvement business in a branch office shall apply for a license to operate a branch office on Form DBF-HC-2, Application for Home Improvement Finance Seller Branch Office License, revised 10/99 ~~8-9-95~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350. Any office or location shall be deemed to be a branch office if the name or advertising of a home improvement finance seller shall be displayed in a manner as to reasonably lead the public to believe that such business may be conducted at such office, location, or advertised address.

(2) The statutory, non-refundable application fee for an initial branch office license required by Section 520.63, F.S., shall be \$50.00 ~~which shall be the fee for the biennial period beginning January 1, 1996 through December 31, 1996 or any part thereof. Effective January 1, 1997, the non-refundable application fee shall be \$100 for the biennial period beginning January 1 of each odd-numbered year or any part thereof.~~

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) calendar days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) calendar days from the date of the request. Failure to respond to the request within forty-five (45) calendar days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to ~~Section~~ 120.60(1)(2), F.S.

(4) through (5) No change.

(6) Upon approval of an application, a license will be issued for the remainder of the ~~annual~~ or biennial licensure period.

Specific Authority 520.63(2), 520.994(5) FS. Law Implemented 520.63(2) FS. History—New 4-13-88, Amended 5-9-90, 11-11-90, 8-9-95, 7-10-96, 9-29-96, \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Application Procedure for Consumer Finance License	3D-160.030
Consumer Finance License Renewal and Reactivation	3D-160.031

**PURPOSE AND EFFECT:** The purpose of the proposed amendments is to incorporate changes made by Chapter 99-164, Laws of Florida; to incorporate changes to the application, renewal, and reactivation forms; and to make other technical or grammatical changes to Chapter 3D-160, F.A.C.

**SUBJECT AREA TO BE ADDRESSED:** Application, renewal, and reactivation procedures for consumer finance licenses.

**SPECIFIC AUTHORITY:** 516.22(1), 516.23(3) FS.

**LAW IMPLEMENTED:** 516.03, 516.05, 516.07 FS.

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

**TIME AND DATE:** 1:00 p.m., September 7, 1999

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Bob Tedcastle or Robert Pursell, Division of Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

3D-160.030 Application Procedure for Consumer Finance License.

(1) Each person desiring to apply for licensure as a consumer finance company shall submit the following to the Department:

(a) A completed Application for Consumer Finance License, Form DBF-CF-301, revised 10/99 ~~10-1-95~~, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350;

(b) The statutory, non-refundable investigation fee required by Section 516.03, F.S. of \$200.00;

(c) The statutory, biennial license fee required by Section 516.03, F.S., of \$550.00, which is refundable upon denial of licensure; and

(d) Documentation that the applicant has liquid assets of at least \$25,000.00 for the operation of the consumer finance company.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1)(2), F.S. ~~Florida Statutes.~~

(3) through (4) No change.

(5) If one's civil rights have been restored and the conviction did not directly relate to the consumer finance industry, the applicant shall provide evidence of restoration of civil rights. If one's civil rights have been restored and the conviction is directly related to the consumer finance industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

Specific Authority 516.22(1), 516.23(3) FS. Law Implemented 516.03(1), 516.05(1), 516.07 FS. History--New 12-18-88, Amended 5-9-90, 10-1-95, \_\_\_\_\_.

3D-160.031 Consumer Finance License Renewal and Reactivation ~~Revocation.~~

~~(1) All active consumer finance licenses in effect during the period ending December 31, 1988, shall automatically become inactive on January 1, 1989, unless timely renewed.~~

~~(1)(2) Each active consumer finance license will be renewed for the biennial period beginning January 1 of the renewal year, which is every odd-numbered year beginning January 1, 1989, and ending December 31 of the biennium period, which is every even numbered year beginning December 31, 1990, upon submission of the renewal fee of \$550.00 and return of the renewal notice to the Department.~~

~~(2)(3) Failure to return the renewal notice and fee prior to January 1 of the renewal year shall automatically result in the license becoming inactive. The inactive license may be reactivated within six (6) months after becoming inactive upon payment of the biennial license fee; and payment of the reactivation fee which is a fee equal to the biennial license fee; and return of the reactivation renewal notice.~~

Specific Authority ~~20.05(5),~~ 516.22(1), 516.23(3) FS. Law Implemented 516.05(1), ~~516.05(2)~~ FS. History--New 12-13-88, Amended \_\_\_\_\_.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Types  
RULE NO.: 19B-5.001

PURPOSE AND EFFECT: To provide that local fee plan contracts sold after July 1, 1999, provide coverage for the technology fee. The 1999 Legislature authorized community colleges to impose a technology fee.

SUBJECT AREA TO BE ADDRESSED: The inclusion of the technology fee in the coverage of the local fee plan contracts.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551(5),(7)(a) FS.

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

TIME AND DATE: 2:00 p.m., September 7, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.001 Contract Types.

The program offers purchasers three different types of tuition and local fee plan contracts, respectively, with an addendum dormitory plan to the university contract. All types of tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee contracts cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee contracts purchased after July 1, 1999 also cover the technology fee imposed by the community colleges.

(1) Tuition plans consist of three separate plans:

(a) University Plan – The university plan specifies that 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Plan – The community college plan specifies that 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary. For community college plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology or student activity fees.

(2) Local fee plans consist of three separate plans:

(a) University Local Fee Plan – The university local fee plan specifies that local fees for 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(3) Dormitory Plan – The dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the contract application is filed. Effective for enrollment periods beginning after July 1, 1997, the dormitory plan is not available unless the sale of dormitory contracts is specifically authorized by the Board prior to the enrollment period for that year and the sale of dormitory plan contracts will not adversely affect the status of the program as a “qualified state tuition program” under s. 529 of the Internal Revenue Code.

(4) The contracts do not cover fees and costs related to books, meals, transportation, graduate school, and institutionally-imposed fees such laboratory fees.

Specific Authority 240.551(5) FS. Law Implemented 240.551(5),(7)(a) FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, \_\_\_\_\_.

**COMMISSION ON ETHICS**

RULE TITLE: List of Forms and Instructions  
 PURPOSE AND EFFECT: The Commission is amending its various forms to reflect the current filing year and to clarify instructions.  
 SUBJECT AREA TO BE ADDRESSED: The forms promulgated by the Commission and adopted by reference in Rule 34-7.010, specifically: CE Form 1; CE Form 2; CE Form

6; CE Form 50; Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates, and Employees; and CE Form 10.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., September 2, 1999

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Staff Attorney

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2000 ~~4/99~~.

(b) Form 2, Quarterly Client Disclosure. To be utilized by elected constitutional officers, state officers, local officers and specified employees for compliance with Section 112.3145(4), Florida Statutes. Effective 1/2000 ~~4/98~~.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2000 ~~4/99~~.

(d) Form 50, Complaint. To be utilized by persons wishing to file a complaint against any public officer, public employee or candidate for public office alleging a violation of any provision of Part III, Chapter 112, Florida Statutes, or to be utilized by persons wishing to file a complaint which alleges any other breach of public trust on the part of a public officer or employee who is not within the jurisdiction of the Judicial Qualifications Commission. Effective 1/2000 ~~2/95~~.

(e) A Guide to the Sunshine Amendment and Code of Ethics for Public Officers, Candidates, and Employees. Instructions to be utilized by public officers, public employees, candidates for public office, and other interested persons in

complying with the Sunshine Amendment and the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes. Effective 1/2000 ~~4/99~~.

(f) through (m) No change.

(n) Form 10, Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses. To be utilized by persons who are required to file Form 1 or Form 6 and by State procurement employees for compliance with the gift disclosure requirements of Section 112.3148(6), Florida Statutes, and the honorarium disclosure requirements of Section 112.3149(6), Florida Statutes. Effective 1/2000 ~~4/99~~.

(o) No change.

(2) No change.

**PROPOSED EFFECTIVE DATE: January 1, 2000**

Specific Authority Art. II, Sec. 8(f), (h), Fla. Const., 112.3147, 112.3215(13), 112.322(7), (10), 112.324 FS. Law Implemented Art. II, Sec. 8(a), (f), (h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS. History--New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 1-1-00.

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: FLORIDA LOTTO Prize Divisions

RULE NO.: 53-28.003

PURPOSE AND EFFECT: The purpose of the rule is to amend the allocation of funding for rounding differences in second, third, and fourth FLORIDA LOTTO prizes.

SUBJECT AREA TO BE ADDRESSED: Rounding differences in second, third, and fourth FLORIDA LOTTO prizes.

SPECIFIC AUTHORITY: 24.105(10)(c), 24.115(1) FS.

LAW IMPLEMENTED: 24.115(10)(c), 24.115(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

53-28.003 FLORIDA LOTTO Prize Divisions.

(1) through (5) No change.

(6) Except for the Jackpot Prize which will pay the exact amount, the second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$3.50. All rounding

differences in the second, third and fourth prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions ~~prizes for the Florida Lottery's Flamingo Fortune game show.~~

Specific Authority 24.105(10)(c), ~~24.105(10)(a)~~; 24.115(1) FS. Law Implemented 24.105(10)(c), ~~24.105(10)(e)~~; 24.115(1) FS. History--New 11-22-93, Amended 7-31-95, \_\_\_\_\_.

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: FANTASY 5 Prize Divisions

RULE NO.: 53-29.003

PURPOSE AND EFFECT: The purpose of the rule is to amend the allocation of funding for rounding differences in second and third FANTASY 5 prizes.

SUBJECT AREA TO BE ADDRESSED: Rounding differences in second and third FANATASY 5 prizes.

SPECIFIC AUTHORITY: 24.105(10)(c), 24.115(1) FS.

LAW IMPLEMENTED: 24.105(10)(c), 24.115(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

53-29.003 FANTASY 5 Prize Divisions.

(1) through (4) No change.

(5) Except for the Grand Prize which will pay the exact amount, the second and third prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall be no less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions ~~prizes for the Florida Lottery's Flamingo Fortune game show.~~

Specific Authority 24.105(10)(c), 24.115(1) FS. Law Implemented 24.105(10)(c), 24.115(1), ~~24.105(10)(e)~~ FS. History--New 11-22-93, Amended 8-27-95, \_\_\_\_\_.

**DEPARTMENT OF THE LOTTERY**

RULE TITLES:	RULE NOS.:
How to Play MEGA MONEY	53-32.001
MEGA MONEY Drawings	53-32.002
MEGA MONEY Prize Divisions	53-32.003
Determination of Prize Winners	53-32.004
MEGA MONEY Odds of Winning	53-32.005
MEGA MONEY Rules and Prohibitions	53-32.006

PURPOSE AND EFFECT: The purpose of the proposed rule is to set forth the specifications of the on-line game, MEGA MONEY.

SUBJECT AREA TO BE ADDRESSED: MEGA MONEY.

SPECIFIC AUTHORITY: 24.105(10)(a)(b)(c)(d) FS.

LAW IMPLEMENTED: 24.105(10)(a)(b)(c)(d), 24.115(1),(2), 24.117(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 53-32.001 How To Play MEGA MONEY.

(1) Players select four numbers from a field of one through thirty-two and one Mega Ball number from a separate field of one through thirty-two.

(2) There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played must contain five number selections: four in the upper play area and one in the lower play area. Each panel played will cost one dollar per draw.

(3) Players must use only blue or black ballpoint pen or pencil for making selections.

(4) Play slips must be processed by an on-line retailer in order to obtain a ticket.

(5) Players can select their numbers by using a play slip, or may mark the "quick pick" box and the computer will randomly select any or all of the numbers from either or both play areas.

(6) Retailers can manually enter numbers selected by a player.

Specific Authority 24.105(10)(a)(b) FS. Law Implemented 24.105(10)(a)(b) FS. History--New

#### 53-32.002 MEGA MONEY Drawings.

(1) MEGA MONEY drawings shall be conducted two times per week, on Tuesday and Friday.

(2) The drawing machine used for each drawing shall be determined by random selection. An employee of the Lottery's Security Division (the "Draw Manager") shall select two (2) cards from a number of cards equal to the number of available drawing machines. Each card shall contain one number which shall correspond to the number assigned to one numbered drawing machine. The two cards shall be drawn individually and handed individually to an accountant employed by an

independent certified public accounting firm. The machine corresponding to the number contained on the first card drawn shall be designated the primary drawing machine and the machine corresponding to the number contained on the second card drawn shall be designated the backup drawing machine. The backup drawing machine shall be used only when necessitated by equipment failure.

(3) The ball set to be used in a drawing will be determined by random selection. The Draw Manager will select two cards from a number of cards equal to the number of available ball sets. Each card will contain one number which will correspond to the number assigned to one numbered ball set. The two cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The ball set corresponding to the number contained on the first card drawn shall be designated the primary ball set and the ball set corresponding to the number contained on the second card drawn shall be designated the backup ball set. The backup ball set shall be used only when there is question as to the reliability of the primary ball set. Each set contains sixty-four balls comprised of one set of balls numbered one through thirty-two and the MEGABALL set numbered one through thirty-two.

(4) The primary ball set is weighed and the weight is recorded. A primary ball set which does not fall within the manufacturer's weight tolerances shall be rejected and the backup ball set is weighed using the procedures herein.

(5) The primary ball set is placed in the primary drawing machine and six test drawings are conducted, using the following testing criteria. If the same numbered ball is drawn four times in the six test drawings, four additional test drawings are conducted. If the same numbered ball is drawn two times in the four additional test drawings, the primary ball set is rejected. The backup ball set is weighed, and if it falls within the manufacturer's weight tolerance, is placed in the primary drawing machine and tested using the testing criteria. If both the primary and backup ball sets fail the test drawings, the backup drawing machine will be used with the backup ball set and additional tests will be conducted. If the backup ball set fails the additional tests, another ball set will be selected and procedures will be followed as set forth in paragraphs (c), (d), and (e) until a ball set passes all required tests and procedures.

(6) Once a ball set has satisfactorily passed the required testing, the selected drawing machine is loaded by the Draw Manager, who randomly inserts the balls into the loading tubes.

(7) The two units of thirty-two balls each, located in the loading tubes of the MEGA MONEY machine are dropped into their respective mixing chambers and mixed by the action of an air blower.

(8) Four balls from the first unit of thirty-two balls and one MEGABALL from the second unit of thirty-two balls are drawn by vacuum action into the display tubes. The numbers

shown on the four balls from the first unit and the number shown on the one MEGABALL from the second unit are the official winning numbers for the drawing after certification by the Lottery Draw Manager and the accountant employed by the independent certified public accounting firm.

(9) Each drawing is witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(10) Equipment used in each drawing is tested and inspected before and after each drawing and then secured. Ball sets used in each drawing are weighed and recorded before and after each drawing and then secured.

(11) In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant referred to in paragraph (i). In using such substitute procedures, the Lottery shall strive to maintain the highest level of public confidence and integrity in MEGA MONEY drawings.

(12) The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

Specific Authority 24.105(10)(d)(f) FS. Law Implemented 24.105(10)(d)(f) FS. History—New

#### 53-32.003 MEGA MONEY Prize Divisions.

(1) MEGA MONEY is a pari-mutuel game. For each draw, fifty percent of the net sales after cancels and promotional plays shall be allocated as the winning pool for the payment of the Grand Prize, second prize, third prize, fourth prize, fifth prize and sixth prize.

(2) The Grand Prize shall consist of thirty-five percent of the winning pool plus any money carried forward from previous draws. Prize money allocated to the Grand Prize pool shall be divided equally among the Grand Prize winners for that drawing. If there is not a Grand Prize winner in a drawing, the Grand Prize pool shall be carried over and added to the Grand Prize pool of the next MEGA MONEY drawing.

(3) Second prize shall consist of three percent of the winning pool for the drawing. The second prize shall be divided equally among the second prize winners for that drawing. If there is not a winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the Grand Prize pool of the next MEGA MONEY drawing.

(4) Third prize shall consist of seven percent of the winning pool for the drawing. The third prize shall be divided equally among the third prize winners for that drawing. If there is not a winner in the third prize category for a drawing, the third prize pool is carried over and added to the Grand Prize pool of the next MEGA MONEY drawing.

(5) Fourth prize shall consist of thirty percent of the winning pool for the drawing. The fourth prize shall be divided equally among the fourth prize winners for that drawing. If there is not a winner in the fourth prize category for a drawing, the fourth prize pool is carried over and added to the Grand Prize pool of the next MEGA MONEY drawing.

(6) Fifth prize shall consist of ten percent of the winning pool for the drawing. The fifth prize shall be divided equally among the fifth prize winners for that drawing. If there is not a winner in the fifth prize category for a drawing, the fifth prize pool is carried over and added to the Grand Prize pool of the next MEGA MONEY drawing.

(7) The sixth prize shall consist of fifteen percent of the winning pool for the drawing. The sixth prize shall be divided equally among the sixth prize winners. If there is not a winner in the sixth prize category for a drawing, the sixth prize pool is carried over and added to the Grand Prize pool of the next MEGA MONEY drawing.

(8) Except for the Grand Prize, which will pay the exact amount, all prizes will be rounded down to the nearest fifty cents; provided, however, that the sixth prize shall be no less than \$1.00. All rounding differences will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

Specific Authority 24.105(10)(c), 24.115(1) FS. Law Implemented 24.105(10)(c), 24.115(1) FS. History—New

#### 53-32.004 Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, E) must match the official winning MEGA MONEY numbers for the draw date for which the ticket was purchased, in one of the following combinations:

(1) Grand Prize: Four numbers selected from the first draw unit plus the MEGABALL number selected from the second draw unit.

(2) Second Prize: Four numbers selected from the first draw unit excluding the MEGABALL number selected from the second draw unit.

(3) Third Prize: Three numbers selected from the first draw unit plus the MEGABALL number selected from the second draw unit.

(4) Fourth Prize: Three numbers selected from the first draw unit excluding the MEGABALL number selected from the second draw unit.

(5) Fifth Prize: Two numbers selected from the first draw unit plus the MEGABALL number selected from the second draw unit.

(6) Sixth Prize: Two numbers selected from the first draw unit excluding the MEGABALL number selected from the second draw unit.

Specific Authority 24.105(10)(c) FS. Law Implemented 24.105(10)(c) FS. History—New

53-32.005 MEGA MONEY Odds of Winning.

(1) The odds of winning the prizes described in section 53-32.004, F.A.C., are as follows:

- (a) Grand Prize – 1:1,150,720
- (b) Second Prize – 1:37,120
- (c) Third Prize – 1:10,274
- (d) Fourth Prize – 1:331
- (e) Fifth Prize – 1:507
- (f) Sixth Prize – 1:16

(2) The overall odds of winning a prize in a MEGA MONEY drawing are 1:15.

Specific Authority 24.105(10)(c) FS. Law Implemented 24.105(10)(c) FS. History–New

53-32.006 MEGA MONEY Rules and Prohibitions.

(1) When purchasing a ticket to play the MEGA MONEY game, the player agrees to comply with and abide by all rules and regulations of the Lottery.

(2) The play slip is not a valid receipt.

(3) Tickets shall not be sold to persons under the age of eighteen.

(4) A MEGA MONEY ticket can be cancelled by the retailer which sold the ticket within twenty minutes after printing, except that no MEGA MONEY ticket shall be cancelled after game close for that drawing. No MEGA MONEY ticket may be cancelled except through the optical mark reader.

(5) A MEGA MONEY ticket cannot be purchased after game close for that drawing.

(6) It is the responsibility of the player to determine the accuracy of selected panels of numbers on ticket(s). In the event that ticket(s) sold to the player by the retailer contain selections which are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of the player by the "quick pick" method of number selection.

Specific Authority 24.105(2)(a) FS. Law Implemented 24.105(2)(a), 24.117(2) FS. History–New

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Minimum Standards for Nursing Homes

RULE CHAPTER NO.: 59A-4

PURPOSE AND EFFECT: Conduct workshop for the development of minimum standards for nursing home transfer and discharge requirements and related issues in accordance with the provisions of HB 1971 passed during the 1999 Legislative Session.

SUBJECT TO BE ADDRESSED: Develop minimum standards for the purposes of notifying nursing home residents of transfer requirements, discharge requirements, and fair hearing entitlement in accordance with the provisions of HB 1971 passed during the 1999 Legislative Session.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.011, 400.022, 400.141, 400.23 FS.

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

TIME AND DATE: 10:00 a.m., September 10, 1999

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room E, Tallahassee, FL 32303

TIME AND DATE: 10:00 a.m., September 17, 1999

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room E, Tallahassee, FL 32303

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLE: Time-Share Plans

RULE NO.: 61B-37

PURPOSE AND EFFECT: The purpose of this rule chapter 61B-37 amendment is to allow advertising filings by facsimile and electronic filings; to delete some of the vacation certificate filing requirements; and to amend and renumber BPR Form 518 to reflect the amendments to the rule. The effect of this rule, consistent with sections 721.11 and 721.111, Florida Statutes, is to give effect to rules that implement the statute in the regulation of the advertisement of timeshare periods.

SUBJECT AREA TO BE ADDRESSED: The rule addresses timeshare advertising and prize and gift promotional offers used to promote the sale of timeshare periods.

SPECIFIC AUTHORITY: 721.026 FS.

LAW IMPLEMENTED: 721.11, 721.111 FS.

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

TIME AND DATE: 10:00 a.m., September 10, 1999

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise

the agency at least 48 hours before the workshop by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Mary Denise O'Brien, Department of Business and Professional Regulation, 1940 North Monroe Street, Clemons Building, Tallahassee, Florida 32399-1007.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE TITLE: Certification of Registered Contractors  
 RULE NO.: 61G6-5.0035

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule which will provide language for a registered contractor to become certified and set forth the qualifications which must be met.

SUBJECT AREA TO BE ADDRESSED: Certification of Registered Contractors.

SPECIFIC AUTHORITY: 489.507, 489.514 FS.

LAW IMPLEMENTED: 489.514 FS.

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

TIME AND DATE: 2:30 p.m., or shortly thereafter on September 15, 1999

PLACE: The Radisson Hotel, Sabal Park, 10221 Princess Palm Avenue, Tampa, Florida 33610

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-5.0035 Certification of Registered Contractors.

(1) Any registered contractor who wishes to become a certified contractor in the appropriate category pursuant to the "grandfathering" provisions of Section 489.514, F.S. shall submit a completed "Application for Change of Status from Registered Contractor to Certified Contractor" on Form BPR/ECLB. \_\_\_\_\_, which is hereby incorporated by reference, effective \_\_\_\_\_, copy of which may be obtained from the Board office. The Board, upon receipt of such application, shall issue a certificate in the appropriate category provided that the applicant can show that he or she meets each of the following requirements:

(a) Currently holds a valid registered license in one of the contractor categories defined in Section 489.513(3), F.S.;

(b) Has passed a written, proctored examination for the appropriate category as a registered contractor which the Board has determined to be substantially similar to the examination required to be licensed as a certified contractor in the same category as the registered license. For purposes only of the "grandfathering" provisions of Section 489.514, F.S. a written, proctored examination such as those produced by the National Assessment Institute, Block and Associates, or NAI/Block would be considered acceptable by the Board;

(c) Has at least five years of experience as a contractor in the license category sought. Additionally, only that time when the registered license is active and the registered contractor is not on probation shall count towards the five years required for this provision;

(d) Building code administrators and inspectors who hold a registered license or licenses may also apply for certification under the "grandfathering" provisions of Section 489.514, F.S. In order to be eligible such inspector or administrator must have five years experience as an inspector in the category sought, or, if an administrator, must have five years experience with oversight in the category sought, at the time of application;

(e) Has not had his or her contractor's license revoked at any time, or had his or her contractor's license suspended within the last five years, or has been assessed a fine of more than five hundred dollars (\$500.00) within the last five years prior to application;

(f) Is in compliance with the insurance and financial responsibility requirements of Section 489.115(5), F.S.

(g) Has submitted proof of continuing education pursuant to Rule 61G6-9.0105, F.A.C.

(2) Documentation of the successful passage of a written, proctored examination such as those produced by the National Assessment Institute, Block and Associates, or NAI/Block must be submitted to complete the application. This shall be supplied on the verification of examination form compiled by the local building official in the county of registration.



Specific Authority 489.507, 489.514 FS. Law Implemented 489.514 FS.  
History—New \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Resource Assessment and Management**

DOCKET NO.: 98-62R

RULE CHAPTER TITLE: Regulation of Oil & Gas Resources: RULE CHAPTER NO.:

Wetlands and Submerged Lands 62C-30

RULE TITLE: Operations Within Coastal Waters RULE NO.:

PURPOSE AND EFFECT: The purpose of the workshop is to develop the final draft of a new rule which will set forth the requirements necessary and sufficient for engaging in oil and gas exploration activities in Florida's coastal waters. The effect will be to better regulate exploration and production operations in Florida, onshore and offshore.

SUBJECT AREA TO BE ADDRESSED: Offshore exploration.

SPECIFIC AUTHORITY: 377.22, 377.24 FS.

LAW IMPLEMENTED: 377.21, 377.22, 377.241, 377.2425, 377.243, 377.371(1) FS.

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

TIME AND DATE: 9:30 a.m., September 13, 1999

PLACE: Conference Room 170, Carr Building, 3800 Commonwealth Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carolyn Stringer, Florida Geological Survey, 903 West Tennessee Street, Tallahassee, Florida 32304-7700, (850)487-2219

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62C-30.007 Operations Within Coastal Waters.

Operations within coastal waters shall mean all drilling and producing operations conducted on Lake Okeechobee or upon sovereign submerged lands below the mean high water line within the Atlantic Ocean or the Gulf of Mexico. All rules contained in Chapters 62C-25 through 30, FAC, shall also apply to operations within coastal waters unless clearly not applicable or unless superseded by this rule.

(1) Each Drilling Permit Application shall include an Organization Report, Application Fee, Surety Proposal, and 25 copies of the following items: Application to Drill, Vicinity Map, Well Location and Site Construction Plat, Site Characterization Report, Hurricane Plan, Well Design and Construction Plan, H<sub>2</sub>S Contingency Plan, Well Testing Plan,

Oil Spill Contingency Plan, Environmental Impact Report, and an Economic Impact Report. Applicants may use any of these items for more than one well by stating, under the appropriate item rubric in the current application, that a previously submitted item (identified by Item Name and Application under which it was submitted) will be used in lieu of a new item. Items substantially similar but not identical to the original item may be used by referencing the original item and attaching an addendum so as to update or make the referenced item fully applicable. Each of these items must be current at the time drilling operations begin but may be updated by addendum anytime prior to spudding.

(a) Organization Report (Form 1): File in accordance with 62C-25.008, FAC.

(b) Application Fee: File in accordance with 62C-26.003(8), FAC.

(c) Surety: File a proposal for a bond and/or other form of legal surety or financial responsibility as required under Section 377.2425(1)(c), F.S., together with an explanation of how the proposed surety amount was derived. The Department shall submit the proposed surety to the Administration Commission for its approval and shall treat the application as if complete with respect to the surety requirement. Should the Administration Commission not act within the time allotted under Chapter 120, F.S., the Department shall condition any permit granted upon the Commission's approval of the surety prior to drilling. The proposed surety shall be sufficient to cover all potential costs based on the following criteria:

1. Maximum Oil Spill. Calculate the maximum potential oil spill by assuming a maximum possible blowout rate based on the following criteria:

a. duration of 120 days;

b. the producing zone is completely penetrated by the well bore;

c. zero skin damage;

d. maximum potential porosity, permeability, and formation pressure and;

e. expected degree API oil.

2. Adverse Hydrographic/Atmospheric Conditions. Assume average winds for the entire 120 day period resulting in maximum adverse impact to adjacent environments along the coast.

3. Natural Resource Damages. Use the procedure described in Section 376.121, F.S., to calculate potential natural resource damages. Estimates of habitat acreage used in the calculation shall be submitted together with references. Assume damage to all habitats coming in contact with oil at or above a threshold thickness of one millimeter and submerged habitats overlain by less than 2 feet of water at mean low tide.

4. Projected Cleanup Costs. Prepare and submit a professional estimate of the Projected Cleanup Costs based upon the above assumptions. Include every cost that would result from such a spill, including on the water recovery,

shoreline recovery, waste disposal, personnel and equipment, land-based support of any kind for each phase of cleanup activity, and direct cleanup costs borne by third parties (e.g. USCG, FDEP). Describe the entire cleanup process and explain the rationale for any assumptions used in the estimate and include references.

5. Surety Total. All types of provided surety (bonds, letters of credit, cash, proofs of financial responsibility, etc.) shall be counted toward the total amount of required surety. Should an applicant enter into a partnership that obligates each partner full responsibility for well abandonment and site restoration under Chapter 377, Part I, F.S., and these rules, then each partner may contribute a portion of the total required surety. However, proof of such partnership and various sureties shall be provided by the applicant(s) and submitted by the Department to the Administration Commission for approval.

(d) Application to Drill (Form 3). File in accordance with 62C-25.008, FAC.

(e) Vicinity Map. Provide a navigational chart or other area map of sufficient scale to show the general location of the well and surrounding area, including all important physical features which help fix the location relative to Florida's coastline and offsetting political subdivisions. This map shall include barrier islands, military zones, shipping lanes, navigational markers and hazards, disposal areas, artificial reefs, coastal towns, county lines, river mouths, drilling unit boundaries, proposed support vessel and helicopter routes, shore facilities, area well locations, parks, nature preserves, and other known major natural features. The surface hole shall be plotted and labeled with well name, latitude-longitude coordinates, and proposed vertical depth.

(f) Well Location and Site Construction Plat. File a well location and site construction plat prepared by a registered surveyor or engineer and drawn to a scale sufficiently large, commonly 1:1000, to show the information described below. The Plat may be based on LORAN, GPS, or any other equally accurate and appropriate method of measurement.

1. Elevation, surface and bottom hole location of the proposed well.

2. Drilling unit boundaries of the proposed well.

3. Bearings and distances to adjacent wells, proposed locations, and unleased acreage.

4. Rig orientation; location of rig feet; pilings; anchors; landings for support vessels, barges, and helicopters.

5. A written description of the process or plan of moving in and rigging up, including any construction necessary prior to spudding, especially with respect to potential impacts on the seafloor. Include any drawings, illustrations, specifications, or other information necessary to fully clarify the Plan.

(g) Site Characterization Report. File a complete, site specific, professional, biological-ecological-geological survey of the drilling pad and all seabottom within 1,000 yards of the proposed wellbore. The Report shall include a detailed

photodocumentation survey together with a complete written report of all findings. Should ambient conditions prevent clear photodocumentation, sidescan sonar, subbottom profiling, biological sampling and analysis or other similar methods shall be used as necessary to fully characterize the study area.

1. Photodocumentation. Each photodocumentation survey shall be conducted along at least 12 transects, each 1,000 yards long and 30 degrees from adjacent transects, radiating away from the proposed wellbore. Both television and still color photos of sufficient quality to accurately characterize the seabottom shall be taken. Still photos, encompassing a standard surface area of approximately .25 m<sup>2</sup>, shall be taken along each transect at intervals of no more than 200 yards. Should a biological community (encrusting growth, sea grass bed, etc.) be encountered along any transect, representative still photographs and continuous, narrated, video documentation of the entire community, regardless of distance from the transect, shall be taken. In addition, complete video documentation with explanatory audio track shall be provided for the full length of each transect.

2. Written Report. The written report shall explain the scientific rationale upon which the report is based and shall completely describe all ambient conditions in the study area. The Report shall include an introduction; a description of each piece of equipment used; a fully indexed diagram of each photodocumentation transect and each photo taken; a large scale map of the study area showing relative locations of transects, photos, biological communities and other findings; and a full discussion of all findings and conclusions, including descriptions of the substrate, habitats, fauna, flora, samples taken, geological hazards found, and potential environmental impacts at the rig site.

(h) Hurricane Plan. File a Hurricane Plan fully describing the rigs ability to withstand category five hurricanes and listing procedures to be employed at the drill site in the event of such a hurricane. Should the applicant wish to use the same Plan for subsequent wells, he/she may include the Plan by reference in the manner described in (1) above.

(i) Well Design and Construction Plan. Submit a Well Design and Construction Plan fully explaining how the well will be drilled and equipped or plugged and abandoned and the site restored. A copy of the Drilling Prognosis provided to the rig superintendent may be provided for this purpose, otherwise submit complete Casing and Cementing, Drilling, Drilling Mud, Blowout Prevention and Well Control, Well Completion, and Plugging and Site Restoration Programs, all with sufficient detail to demonstrate that all components meet petroleum industry and Department standards. Applicants wishing to use the same Plan or component(s) in subsequent applications may do so by referencing as described in (1) above.

(j) H<sub>2</sub>S Contingency Plan. Submit a complete H<sub>2</sub>S Contingency Plan for controlling H<sub>2</sub>S should it be encountered. Treat all aspects of H<sub>2</sub>S control in accordance

with industry standards. In addition, the plan must model H<sub>2</sub>S dispersion in sufficient detail to determine with reasonable certainty the minimum safe distance (breathable concentration of H<sub>2</sub>S) from the rig in the event of a worst case release. For modeling purposes, use an H<sub>2</sub>S concentration of 26% and a contour interval of 5 ppm. When conditions warrant, the applicant may use a previously filed H<sub>2</sub>S Contingency Plan by referencing as described in (1) above.

(k) Well Testing Plan. Explain how the well will be tested and what will be done with produced fluids. Describe the flare system, transport mode and route, landfalls and shore facilities with construction details, etc. Applicants may use previously filed WTP's by appropriate referencing as above. At the applicant's request, this requirement may be waived if the applicant wishes to apply for a drilling permit only and return at a later date for an Operating Permit to transport test fluids. Previously used plans may be included by reference or updated by addendum as described in (1) above.

(l) Oil Spill Contingency Plan. Submit an Oil Spill and Contingency Plan for the prevention, control, and removal of a 42,000 gallon model spill and designate the person responsible for implementing the plan. This plan must include Quality Control, Zero Discharge, Spill Trajectory, and Cleanup components as discussed below. The applicant may use a previously filed Plan by properly referencing it as defined above or may file an addendum to a previously filed substantially similar Plan so as to update or make it site specific, etc. Alternatively, the OSCP required by the MMS under 40 CFR Part 254 is sufficient to meet the requirements of this section and may be submitted in lieu of the Departments OSCP described herein.

1. Quality Control. Submit a monitoring plan sufficient to guarantee the earliest possible detection of any leaks or spills that may occur during drilling operations.

2. Zero Discharge. The prevention component shall include plans for the use of a Zero Discharge Rig complete with a plan of implementation to guarantee that the rig (and all associated activities) is employed to its full potential in preventing discharges of all kinds, including runoff, materials transported to or from the rig, and produced fluids.

3. Spill Trajectory. Submit an analytical model depicting anticipated movements of a 42,000 gallon model spill. Include trajectory analysis based on meteorological and oceanographic data and reference the models or standard analytical procedures used.

4. Control and Removal. Completely describe all aspects of the spill response capability with regard to both the restraint and cleanup of any spill that may occur. Address every contingency in all manageable wind and weather conditions, including notification list and procedures, locations and identities of response vessels and equipment, various transit times to spill area, personnel required, inventory of containment and cleanup materials and equipment maintained

on site, dispersants (if authorized), communications systems, and all other components necessary to complete a petroleum industry standards plan together with a complete discussion of the plan of operations which will be put into place in the event of such a spill.

(m) Environmental Impact Report. Submit a professional Environmental Impact Report addressing all known or likely environmental impacts that may result from drilling, testing, and either producing or abandoning the well and restoring the well site as planned may have assuming first, that there are no accidental discharges and second, a 42,000 gallon model spill. Explain the rationale underlying the report and describe each possible impact that could occur, including those on air quality, birds, marine communities, archaeological resources, coastal habitats, barrier islands, threatened or endangered species (e.g.: various sea turtles, plovers, manatees), water quality, and the seafloor. Previously filed Reports applicable to new applications may be included by reference as above. In instances where Reports are substantially similar but minor differences occur, addendums may be added to update or otherwise revise the original Report.

(n) Economic Impact Report. Submit a professional Economic Impact Report addressing all known or likely economic impacts drilling and testing the well as planned may have, again assuming no accidents of any kind and 2) assuming a 42,000 gallon model spill. Explain the rationale underlying the report and treat all known or suspected impacts to the various businesses and individuals who might be affected as well as to the area economy in general. Reports already on file with the Department may be included by reference and/or updated by addendum as above.

(2) Production Platforms. All requirements for drilling a well from a portable drilling rig apply equally to drilling additional wells from a production platform.

Specific Authority 377.22(2) FS. Law Implemented 377.21, 377.22, 377.241, 377.2425, 377.243, 377.371(1) FS. History--New

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE TITLE:

RULE NO.:

Renewal of Approval for

Recognizing Agencies

64B8-11.0015

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the renewal procedure for approved recognizing agencies.

SUBJECT AREA TO BE ADDRESSED: Renewal of approval for recognizing agencies.

SPECIFIC AUTHORITY: 458.309, 458.3312 FS.

LAW IMPLEMENTED: 458.331(1)(d)(1)(n)(o), 458.3312 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-11.0015 Renewal of Approval for Recognizing Agencies.

Every recognizing agency approved by the Board pursuant to Rule 64B8-11.001 is required to renew such approval every three years.

(1) To facilitate Board review and renewal of approval each approved recognizing agency seeking to renew approval shall:

(a) Submit to the Board a written statement certifying that the recognizing agency's requirements continue to be as originally reviewed by the Board and that the recognizing agency continues to be in compliance with each of the requirements of Rule 64B8-11.001(2)(f)1.-7., Florida Administrative Code, or

(b) Submit to the Board a written statement stating any changes in the recognizing agency's requirements and providing a full description of such changes.

(2) Each written submission shall be filed with the Board at least three months prior to the third anniversary of the recognizing agency's initial approval and each subsequent renewal of approval by the Board. Upon review of the submission by the Board, written notice shall be provided to the recognizing agency indicating the Board's acceptance of the certification and the next date by which a renewal submission must be filed, or of the Board's decision that any identified changes are not acceptable and on that basis denial of renewal of approval as a recognizing agency.

(3) The recognizing agencies currently approved by the Board include:

(a) American Board of Facial Plastic & Reconstructive Surgery, Inc. (Approved February 1997).

(b) American Board of Pain Medicine. (Approved August 1999).

Any person interested in obtaining a complete list of approved recognizing agencies may contact the Board of Medicine or Department of Health.

Specific Authority 458.309, 458.3312 FS. Law Implemented 458.331(1)(d)(1)(n)(o), 458.3312 FS. History--New

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Examination Review Procedure

RULE NO.: 64B12-9.003

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the time frame for requesting an examination review.

SUBJECT AREA TO BE ADDRESSED: Examination review requests.

SPECIFIC AUTHORITY: 455.574(2) FS.

LAW IMPLEMENTED: 455.574(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-9.003 Examination Review Procedure.

(1) No change.

(2) If, following the review of his examination, an applicant believes that an error was made in the grading of his examination, or in the evaluation of his answers, he may request that the Department review his examination. Requests for review must be in writing, state with specificity the reasons why review is requested, and be received by the Department within twenty-one (21) ~~thirty (30)~~ days after the applicant received notice that he failed the examination.

(3) No change.

Specific Authority 455.574(2) FS. Law Implemented 455.574(2) FS. History--New 12-6-79, Formerly 21P-9.03, Amended 4-22-90, Formerly 21P-9.003, 61G13-9.003, 59U-9.003, Amended

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: Certification of Safe Drinking Water

RULE CHAPTER NO.: 64E-1

and Environmental Water Testing Laboratories

64E-1

PURPOSE AND EFFECT: The department proposes to consolidate its environmental testing laboratory certification programs into one program operated according to consensus standards adopted at the National Environmental Laboratory Accreditation Conference. Accordingly, the scope of certification offered will be reorganized into accreditation tiers based on laboratory organizational function, scientific discipline, EPA regulatory program, test method, and analytes.

Because of the increased costs in operating the certification program, the certification fees assessed to laboratories need to change. Provisions to offer certification for the latest methods for air, drinking water, wastewater, hazardous waste, solid waste, and sludge testing need to be adopted into this rule.

**SUBJECT AREAS TO BE ADDRESSED:** Certification of Safe Drinking Water and Environmental testing laboratories and field sampling organizations, the scope of certification to be offered, fees charged to pending and certified laboratories, and criteria for laboratories to be certified.

**SPECIFIC AUTHORITY:** 403.0625(1), 403.863(1), 403.8635(3), 381.00591\* FS.

**LAW IMPLEMENTED:** 403.0625(1), 403.0625(2), 403.863(1), 403.863(4), 403.8635(1), 403.8635(3), 381.005918\* FS.

\*anticipated, currently at ch. 99-397, Section 54, General Laws of Florida.

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

**TIME AND DATE:** 1:00 p.m., Tuesday, September 7, 1999

**PLACE:** Southwest County Regional Library, 20701 95th Avenue, South, Boca Raton, FL

**TIME AND DATE:** 9:00 a.m., Wednesday, September 8, 1999

**PLACE:** Lee County Agriculture Extension Service, Terry Park, 3410 Palm Beach Boulevard, Ft. Myers, FL

**TIME AND DATE:** 9:00 a.m., Thursday, September 9, 1999

**PLACE:** Tampa Bay Water, Board Room, 2535 Landmark Drive, Clearwater, FL

**TIME AND DATE:** 9:00 a.m., Friday, September 10, 1999

**PLACE:** Florida Department of Health, Emergency Medical Services, Conference Room, 2002 D Old St. Augustine Road, Tallahassee, FL

**TIME AND DATE:** 9:00 a.m., Tuesday, September 14, 1999

**PLACE:** Florida Department of Health, Bureau of Laboratories, Porter Auditorium, 1217 N. Pearl Street, Jacksonville, FL

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Stephen A. Arms, Florida Department of Health, Bureau of Laboratories, P. O. Box 210, Jacksonville, FL 32231, (904)791-1502, SunCom 866-1502

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	67-45.001
Notice of Fund Availability	67-45.002
General Program Restrictions	67-45.003
Application Procedures	67-45.004
Loan Processing	67-45.006

**PURPOSE AND EFFECT:** The purpose of Rule Chapter 67-45, Florida Administrative Code (FAC), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement Home Ownership Assistance Program provisions authorized by Florida Statutes, Section 420.5088(4) and identify the definitions for terms when used in conjunction with the Single Family Revenue Bond Program.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the (1) development of General Program Requirements that prescribe the procedures used for allocating Home Ownership Assistance Program funds and (2) ratification of universal terms, as well as, terms defined by the Florida Housing Finance Corporation when used in conjunction with the Single Family Mortgage Revenue Bond Program.

**SPECIFIC AUTHORITY:** 420.507(12),(23) FS.

**LAW IMPLEMENTED:** 420.507(23), 420.5088 FS.

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

**TIME AND DATE:** 2:00 p.m., September 7, 1999

**PLACE:** Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, FL 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Wallisa Cobb, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Linda Hawthorne, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-9770 (voice) or 1(800)988-8711 (TDD).

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

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	67-46.001
Notice of Fund Availability	67-46.002
General Program Restrictions	67-46.003
Loan Processing	67-46.006

**PURPOSE AND EFFECT:** The purpose of Rule Chapter 67-46, Florida Administrative Code (FAC), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement Home Ownership Assistance

Program provisions authorized by Florida Statutes, Section 420.5088(4) and identify the definitions for terms when used in conjunction with the Single Family Revenue Bond Program.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the (1) development of General Program Requirements that prescribe the procedures used for allocating Home Ownership Assistance Program funds and (2) ratification of universal terms, as well as, terms defined by the Florida Housing Finance Corporation when used in conjunction with the Single Family Mortgage Revenue Bond Program.

**SPECIFIC AUTHORITY:** 420.507(12),(23) FS.

**LAW IMPLEMENTED:** 420.507(23), 420.5088 FS.

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

**TIME AND DATE:** 2:00 p.m., September 7, 1999

**PLACE:** Florida Housing Finance Corporation, Sixth Floor Conference Room, 227 North Bronough Street, Tallahassee, FL 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Wallisa Cobb, Single Family Bonds Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Linda Hawthorne, Florida Housing Finance Corporation, (850)488-4197, at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-9770 (voice) or 1(800)988-8711 (TDD).

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

## Section II Proposed Rules

### DEPARTMENT OF INSURANCE

**RULE TITLE:** Procedures **RULE NO.:** 4-123.002

**PURPOSE AND EFFECT:** To adopt and incorporate Form DI4-363 into rule by reference.

**SUMMARY:** The form DI4-363 was never incorporated in the rule.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 624.308(1) FS.

**LAW IMPLEMENTED:** 624.155 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., September 14, 1999

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Raleigh Close, Division of Consumer Services, Department of Insurance

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3100, Ext. 4214.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

4-123.002 Procedure.

(1) No change.

(2) As a condition precedent to bringing such action, the department and the insurer shall be given 60 days' written notice of the violation. The notice shall be submitted on Form DI4-363, "Civil Remedy Notice of Insurer Violation," rev. ~~11-98~~ ~~10-87~~, which is hereby adopted and incorporated by reference. The form may be obtained from and shall be submitted to the Department of Insurance, Bureau of Consumer Assistance, 200 East Gaines Street, Tallahassee, FL 32399-0300. No fee is required.

(3) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.155 FS. History--New 4-25-90, Formerly 4-103.002, Amended.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Raleigh Close, Department of Insurance

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Susanne Murphy, Division Director, Department of Insurance

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** June 23, 1999

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