

SPECIFIC AUTHORITY: 471.025 FS.

LAW IMPLEMENTED: 471.025 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: Dennis Barton, Executive Director, Board of Professional Engineers, 1206 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-23.002 Seal, Signature and Date Shall Be Affixed.

(1) No change.

(2) Each sheet of plans and prints which must be sealed under the provisions of Chapter 471 shall be sealed, signed and dated by the professional engineer in responsible charge. Engineers shall legibly indicate their name, address, and number on each sheet. If practicing through a duly authorized engineering business, the name, address, and engineering business number shall be legibly indicated on each sheet. A title block on each sheet containing the printed name, address, and number of the engineer or engineering business will satisfy this requirement. A cover or index sheet for engineering specifications may be used and that sheet must be signed, sealed and dated by those professional engineers in responsible charge of the production and preparation of each section of the engineering specification or other engineering document with sufficient information on the cover sheet or index so that the user will be aware of each portion of the specifications for which each professional engineer is responsible. Engineering reports must be signed, sealed and dated on a signature page or cover letter by each professional engineer who is in responsible charge of any portion of the report. A professional engineer may only seal an engineering report, plan, print or specification if that professional engineer was in responsible charge of the preparation and production of the engineering document and the professional engineer has the expertise in the engineering discipline used in producing the engineering document in question.

(3) through (4) No change.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History--New 1-8-80, Amended 1-20-85, Formerly 21H-23.02, Amended 5-14-86, Formerly 21H-23.002, Amended 11-15-94, 8-18-98,\_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE TITLE:

RULE NO.:

Implementation of Florida's System of

School Improvement and Accountability 6A-1.09981

PURPOSE AND EFFECT: The purpose of this rule revision is to implement changes in the state's system of school improvement and accountability resulting from legislation enacted by the 1999 Legislature. The rule will have the effect of revising reporting requirements and criteria for designating school performance grades. The rule will also address timelines and procedures to be taken by the State Board when one or more schools in a school district fails to make adequate progress for two years in a four-year period.

SUMMARY: This rule provides for the implementation of Florida's system of school improvement and accountability by focusing on accountability on student learning. The rule specifies the procedures and criteria by which student achievement data from the Florida Comprehensive Assessment Test (FCAT) shall be used in designating and reporting school performance grades. It further delineates the criteria used in designating each school's performance grade and publicly reporting results. The process for invoking State Board action is described. Assistance and interventions for schools failing to make adequate progress or making less than satisfactory progress are specified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053, 229.0535, 229.592, 229.57 FS.

LAW IMPLEMENTED: 228.0565, 229.053, 229.57, 229.592, 230.23, 231.2905 FS.

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

TIME AND DATE: 9:00 a.m., December 14, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Betty Coxe, Division of Public Schools and Community Services, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)488-2601

## THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability.

(1) Policy Guidance. Accountability for student learning is the key focus of Florida's system of school improvement. Results from the statewide assessment program required by Section 229.57, Florida Statutes, shall form the basis of Florida's system of school improvement and accountability. Student achievement data from the Florida Comprehensive Assessment Test (FCAT) shall be used to establish both proficiency levels and annual progress for individual students, schools, districts, and the state. Results shall further be used as the primary criteria in calculating school performance grades as specified in subsection (5) of this rule, school improvement ratings, school rewards and recognition, and performance-based funding and shall be annually reported. Ultimately, the statewide assessment program shall be used to measure the annual learning gains of each student toward achievement of the Sunshine State Standards appropriate for the student's grade level as specified by Section 229.57(1), Florida Statutes. As this requires an expansion of the assessment program to include grades three (3) through ten (10), a fundamental shift to assess annual student progress, and other comprehensive changes, full implementation of the statewide accountability program shall occur beginning with school year 2001-2002. The Commissioner of Education (Commissioner) shall publish the report entitled Florida's System of School Improvement and Accountability, developed by the Florida Commission on Education Reform and Accountability and as approved annually by the State Board of Education, which shall be used by school boards and schools as a policy document for guidance in implementing their school improvement and accountability programs. The Commissioner shall make the report available to school superintendents for dissemination to each public school in the state.

(a) Existing School Year. For the existing school year, the following accountability elements shall be implemented:

1. FCAT reading and writing assessments in grades 4, 8, and 10 and FCAT mathematics assessments in grades 5, 8, and 10 shall be used in designating school performance grades.

2. Data including attendance, discipline data, cohort graduation rate, and dropout rate as specified in subparagraph (5)(e)6., of this rule shall be used in designating school performance grades.

3. FCAT mathematics assessments shall be field-tested in grades 3, 4, 6, 7, and 9.

4. FCAT reading assessments shall be field-tested in grades 3, 5, 6, 7, and 9.

5. School improvement ratings shall be based on the FCAT reading assessment and indicate if a school's student performance in reading has improved, remained the same, or declined compared to the previous year. School improvement ratings shall not be used in the designation of school grades.

6. Schools shall be required to assess at least ninety (90) percent of all eligible students to ensure that the student performance data accurately represents the performance of the school.

7. Emphasis shall be placed on adequate progress of students scoring in the lowest quartile.

8. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

9. Grade 10 FCAT reading and mathematics assessments shall be used in place of the High School Competency Test results as a graduation requirement for students entering grade 9.

10. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation shall be eligible for school recognition and awards.

11. Schools designated School Performance Grade A and schools improving at least two (2) performance grades shall be eligible for deregulated status and increased budget authority.

12. Intensive assistance and intervention including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule shall be provided to schools designated School Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade E.

(b) School Year 2000-2001. For the school year 2000-2001, the following accountability elements shall be implemented:

1. FCAT reading and mathematics assessments in grades 3-10 and FCAT writing assessments in grades 4, 8, and 10 shall be used in designating school performance grades.

2. Data including attendance, discipline data, cohort graduation rate, and dropout rate as specified in subparagraph (5)(e)6., of this rule shall be used in designating school performance grades.

3. FCAT reading and mathematics assessments in grades 3-10 shall be used as baseline data for determining annual learning gains for the same students.

4. School improvement ratings shall be based on the FCAT reading assessments and indicate if a school's student performance in reading has improved, remained the same, or declined compared to the previous year. School improvement ratings shall not be used in the designation of school grades.

5. Grade 10 FCAT reading and mathematics assessments shall be used as a graduation requirement for students who will be graduating in school year 2002-2003.

6. Emphasis shall be placed on the adequate progress of students scoring in the lowest quartile.

7. A new reporting element shall be required for the FCAT scores of students in the lowest twenty-five (25) percent of the state.

8. Schools shall assess at least ninety (90) percent of their eligible students to ensure that their student data accurately represents the school's performance for grade designation.

9. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

10. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation are eligible for school recognition and awards.

11. Schools designated School Performance Grade A and schools improving at least two (2) performance grades will be eligible for deregulated status and increased budget authority.

12. Intensive assistance and intervention including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule shall be provided to schools designated School Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade F.

(c) Full Implementation of Accountability System in School Year 2001-2002 and Thereafter. Beginning in school year 2001-2002, the school accountability system will be considered to be fully implemented with the following accountability elements.

1. Designation of school performance grades shall be based on:

a. Annual student learning gains in reading and mathematics;

b. FCAT reading and mathematics assessments in grades 3-10 and FCAT writing assessments in grades 4, 8, and 10;

c. Improvement of the FCAT score of students scoring in the lowest twenty-five (25) percent of the state; and

d. Data including attendance, school discipline data, cohort graduation rate, and dropout rate.

2. FCAT science assessments shall be field-tested in grades 4, 8, and 10.

3. School improvement ratings shall be based on the FCAT reading assessments and indicate if a school's student performance in reading has improved, remained the same, or declined compared to the previous year. School improvement ratings shall not be used in the designation of school grades.

4. Grade 10 FCAT reading and mathematics assessments shall be used as a graduation requirement for students who will be graduating in school year 2002-2003 and thereafter.

5. The FCAT scores of students in the lowest twenty-five (25) percent of the state shall be publicly reported.

6. The degree of improvement of the FCAT scores of students in the lowest twenty-five (25) percent in the state shall be publicly reported.

7. Adequate progress of the overall school population, including students scoring in the lowest twenty-five (25) percent in the state, shall be required for a school to be designated School Performance Grade C or better.

8. Schools shall be required to assess at least ninety (90) percent of their eligible students to ensure that their student data accurately represents the school's performance.

9. Statewide assessment results shall be publicly reported and shall include a comparison of the achievement of Florida students to the national average through the use of norm-referenced subtests in reading and mathematics.

10. Schools designated School Performance Grade A and schools improving at least one (1) performance grade designation shall be eligible for school recognition and awards.

11. Schools designated School Performance Grade A and schools improving at least two (2) performance grades shall be eligible for deregulated status and increased budget authority.

12. Intensive assistance and intervention including on-site assistance, preference for awarding grants, and priority for other discretionary funds as specified in subsections (9), (10), and (11) of this rule shall be provided to schools designated School Performance Grade F and School Performance Grade D. Renegotiation of bargained contracts as specified in subsection (9) of this rule may be provided to schools designated School Performance Grade F.

(d) In an effort to promote the continuous improvement of each student and each school within the state every school year, accountability reports shall be reflective of the data available for each year.

(2) School Accountability for Student Performance. All schools shall be accountable for performance relative to the Student Performance Goal stated in Section 229.591, Florida Statutes. Each school is accountable for the performance of its entire student population. ~~Beginning in the 1998-99 school year and each year thereafter, S~~student achievement data from the ~~FCAT Florida Comprehensive Assessment Test (FCAT) and the Florida Writing Assessment Program (Florida Writes!)~~ shall be used to ~~measure~~ determine a school's student performance for the subject areas of reading, mathematics, and writing. The FCAT levels in the performance criteria in subsection ~~(5)(6)~~ of this rule are those specified in Rule 6A-1.09422, FAC., for the year in which achievement data are used for accountability. In addition, the FCAT assessment shall include a norm-referenced subtest that shall be used to report student achievement as compared to national norms. Schools

shall report student achievement scores on these subtests to parents. Student achievement data on norm-referenced subtests shall not represent progress toward the Sunshine State Standards and shall not be used in designating school performance grades.

(3) Reporting Student Achievement Data for School Accountability. Student achievement data shall be reported for all students in a school as specified by Section 229.57, Florida Statutes, in disaggregated form by student racial/ethnic groups and economic status, as directed by the Commissioner, and shall be used to determine a school's performance in serving its student population. Disaggregated Reports of student achievement data shall be prepared for each school, the district, and the state, and shall include the results of students in the lowest twenty-five (25) percent of the state in the previous school year to report a school's progress in serving its lowest performing students. The format of the School Accountability Report shall indicate each school's performance status based on the level of student performance in that school and shall indicate if the school's performance in reading has improved, remained the same, or declined. The report Schools shall also report school performance data other than student achievement scores to include, but not be limited to, attendance, stability rate, in-school suspensions, out-of-school suspensions, drop-out rate, graduation rate, and other data for the entire student population as specified in Rule 6A-1.09982, FAC. Student achievement data shall be calculated as follows: Schools performing at critically low levels on the Student Performance Goal shall be considered as not having made adequate progress.

(a) For the purpose of calculating state and district results, the scores of all students enrolled in standard curriculum courses shall be included. This includes the scores of students who are language impaired, speech impaired, gifted, hospital homebound, and Limited English Proficient (LEP) students who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

(b) For the purpose of designating a school's performance grade, only the scores of those students used in calculating state and district results who are enrolled in the second period and the third period full-time equivalent student membership survey as specified in Rule 6A-1.0451, FAC., shall be included.

(4) School Performance Grades, Levels. The measure of school accountability shall be the School pPerformance grade, Level. The Commissioner of Education (Commissioner) is authorized to designate a School pPerformance grade Level for each school ~~all schools~~ that has at least thirty (30) eligible students in membership in each of the grade levels assessed for state accountability purposes as specified in subsection (3) of this rule. The Department shall identify schools that require accountability measures other than those specified in subsection (2) of this rule for designation of a school

performance grade. School performance grade designations shall be made in the summer fall of each school year, using student achievement data from the previous two (2) school years for which the designation is made. Performance designations shall be made using School Performance Grades A, B, C, D, and F, as specified in Section 229.57(7), Florida Statutes. Levels one through five. The lowest performing schools on state accountability criteria specified in subsections (5) and (6) of this rule shall be designated School Performance Level 1, and the highest performing schools based on these criteria shall be designated School Performance Level 5. In the fall of 1999, School Performance Levels shall be designated based on 1997-98 student achievement data using assessments and criteria specified in subsection (5) of this rule for first year data, and 1998-99 student achievement data using assessments and criteria specified in subsection (6) of this rule for second-year data. School pPerformance grades Levels in the fall of 2000 will shall be based on the 1998-99 and 1999-2000 assessments and criteria as specified in subsection (5)(6) of this rule, and, for each year thereafter, designations shall be based on the most recent previous two (2) school years of achievement data. The Commissioner is authorized to establish appropriate achievement level criteria in newly assessed grade levels for submission to the State Board for final approval.

~~(5) 1997-98 Student Achievement Data. For the purpose of designating School Performance Levels in the fall of 1999, first year data will be based on 1997-98 student achievement data using the following criteria:~~

~~(a) High Schools. Fewer than eighty five (85) percent of students passing the High School Competency Test in communications on the first attempt, fall administration; fewer than eighty (80) percent of students passing the High School Competency Test in mathematics on the first attempt, fall administration; and fewer than sixty seven (67) percent scoring "3" or above on Florida Writes!, tenth grade administration.~~

~~(b) Middle Schools/Junior High Schools. Fewer than forty (40) percent of the students scoring above the 50th percentile on reading comprehension, district administered norm-referenced assessment test; fewer than forty (40) percent of the students scoring above the 50th percentile on mathematics concepts/applications, district administered norm-referenced assessment test; and fewer than fifty (50) percent scoring "3" or above on Florida Writes!, eighth grade administration.~~

~~(c) Elementary Schools. Fewer than thirty three (33) percent of the students scoring above the 50th percentile on reading comprehension, district administered norm-referenced assessment test; fewer than thirty three (33) percent of the students scoring above the 50th percentile on mathematics concepts/applications, district administered norm-referenced assessment test; and fewer than thirty three (33) percent scoring "3" or above on Florida Writes!, fourth grade administration.~~

~~(5)(6) Criteria for Designating School Performance Grades. Levels in 2000 and thereafter. School performance grades Levels for the shall be designated in the summer of each year fall of 2000 and thereafter shall be based on the following:~~

~~(a) School Performance Grade F, Level 1. A school is critically low performing and designated School Performance Grade F, failing to make adequate progress, Level 1 if it meets the following criteria:~~

~~1. High Schools. Fewer For two (2) consecutive years, fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in reading on the FCAT, tenth grade administration; fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in mathematics on the FCAT, tenth grade administration; and fewer than seventy-five (75) percent of students scoring "3" or above in writing on the FCAT, Florida Writes!, tenth grade administration.~~

~~2. Middle Schools/Junior High Schools. Fewer For two (2) consecutive years, fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in reading on the FCAT, eighth grade administration; fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in mathematics on the FCAT, eighth grade administration; and fewer than sixty-seven (67) percent of students scoring "3" or above in writing on the FCAT, Florida Writes!, eighth grade administration.~~

~~3. Elementary Schools. Fewer For two (2) consecutive years, fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in reading on the FCAT, fourth grade administration; fewer than sixty (60) percent of students scoring at or above Achievement Level 2 two in mathematics on the FCAT, fifth grade administration; and fewer than fifty (50) percent of students scoring "3" or above in writing on the FCAT, Florida Writes!, fourth grade administration.~~

~~(b) School Performance Grade D, Level 2. A school is designated School Performance Grade D, making less than satisfactory progress, Level 2 if, for either of the two (2) most recent years, if the student achievement scores in at least one (1) of the subject areas specified for state accountability were below the criteria in paragraph (5)(6)(a) of this rule. At least ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed.~~

~~(c) School Performance Grade C, Level 3. A school is designated School Performance Grade C, making satisfactory progress, Level 3 if it meets the following criteria:~~

~~1. None of the school's For the most recent two (2) years, no student achievement scores were below the criteria in paragraph (5)(6)(a) of this rule in any of the subject areas identified for state accountability; and~~

~~2. At least ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed.~~

~~3.2. The school does not meet the performance criteria for designation of in School Performance Grade B, Level 4 or School Performance Grade A, Level 5.~~

~~(d) School Performance Grade B, Level 4. A school is designated School Performance Grade B, making above average progress, Level 4 if it meets the following criteria:~~

~~1. High Schools. Fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in reading on the FCAT, tenth grade administration; fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in mathematics on the FCAT, tenth grade administration; eighty (80) percent or more of the students scoring "3" or above in writing on the FCAT, Florida Writes!, tenth grade administration; and the criteria in subparagraphs (5)(6)(d)4., 5., and 6., of this rule.~~

~~2. Middle Schools/Junior High Schools. Fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in reading on the FCAT, eighth grade administration; fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in mathematics on the FCAT, eighth grade administration; seventy-five (75) percent or more of the students scoring "3" or above in writing on the FCAT, Florida Writes!, eighth grade administration; and the criteria in subparagraphs (5)(6)(d)4., 5., and 6., of this rule.~~

~~3. Elementary Schools. Fifty (50) percent of students scoring at or above Achievement Level 3 three in reading on the FCAT, fourth grade administration; fifty (50) percent or more of the students scoring at or above Achievement Level 3 three in mathematics on the FCAT, fifth grade administration; sixty-seven (67) percent or more of the students scoring "3" or above in writing on FCAT, Florida Writes!, fourth grade administration; and the criteria in subparagraphs (5)(6)(d)4., 5., and 6., of this rule.~~

~~4. The percent of students in the school who score in the lowest twenty-five (25) percent in the state in reading is maintained within two (2) percentage points or decreased from the previous year. This provision shall apply to schools that have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading. No student achievement scores were below the criteria levels specified in paragraph (6)(a) of this rule in any of the subject areas identified for state accountability.~~

~~5. At least ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed. No student achievement scores of the same student groups referenced in subsection (3) of this rule~~

were below the criteria levels specified in paragraph (6)(a) of this rule in any of the subject areas identified for state accountability.

6. The school does not meet the performance criteria for ~~designation in School Performance Grade A, Level 5.~~

(e) School Performance ~~Grade A, Level 5.~~ A school is designated School Performance Grade A, making excellent progress, Level 5 if it meets the following criteria:

1. The school's performance meets or exceeds the performance criteria as specified in subparagraphs (5)(d)1., 2., and 3., of this rule. ~~High Schools. Fifty (50) percent or more of the students scoring at or above achievement level three in reading on the FCAT, tenth grade administration; fifty (50) percent or more of the students scoring at or above achievement level three in mathematics on the FCAT, tenth grade administration; eighty (80) percent or more of the students scoring "3" or above on Florida Writes!, tenth grade administration; and the criteria in subparagraphs (6)(e)4., 5., and 6., of this rule.~~

2. The percent of students in the school who score in the lowest twenty-five (25) percent in the state in reading is maintained within two (2) percentage points or decreased from the previous year. This provision shall apply to schools that have at least thirty (30) students in the lowest twenty-five (25) percent in the state in reading. ~~Middle Schools/Junior High Schools. Fifty (50) percent or more of the students scoring at or above achievement level three in reading on the FCAT, eighth grade administration; fifty (50) percent or more of the students scoring at or above achievement level three in mathematics on the FCAT, eighth grade administration; seventy-five (75) percent or more of the students scoring "3" or above on Florida Writes!, eighth grade administration; and the criteria in subparagraphs (6)(e)4., 5., and 6., of this rule.~~

3. Student achievement scores demonstrate substantial improvement of more than two (2) percentage points gain in reading at or above FCAT Achievement Level 3. However, if the school has seventy-five (75) percent or more students scoring at or above FCAT Achievement Level 3 in reading and not more than a two (2) percentage point decrease from the previous year, then substantial improvement will be considered to have been met. ~~Elementary Schools. Fifty (50) percent of students scoring at or above achievement level three in reading on the FCAT, fourth grade administration; fifty (50) percent or more of the students scoring at or above achievement level three in mathematics on the FCAT, fifth grade administration; sixty-seven (67) percent or more of the students scoring "3" or above on Florida Writes!, fourth grade administration; and the criteria in subparagraphs (6)(e)4., 5., and 6., of this rule.~~

4. Student achievement scores do not decline five (5) or more percentage points in the percent of students scoring at or above FCAT Achievement Level 3 in mathematics and in the percent of students scoring "3" and above in writing on the

~~FCAT. No student achievement scores were below the criteria levels specified in paragraph (6)(a) of this rule in any of the subject areas identified for state accountability.~~

5. At least ninety-five (95) percent of the school's student population eligible for inclusion in the designation of the school's performance grade as specified in subsection (3) of this rule were assessed. No student achievement scores of the same student groups referenced in subsection (3) of this rule were below the criteria levels specified in paragraph (6)(a) of this rule in any of the subject areas identified for state accountability.

6. For elementary schools, the percent of students absent more than twenty (20) days was below the state average; for middle/junior high schools, the percent of students absent more than twenty (20) days in school suspensions and the percent of out-of-school suspensions were below the state average; and for high schools, the percent of students absent more than twenty (20) days, the percent of out-of-school suspensions, and the drop-out rate were below the state average, and the cohort graduation rate was above the state average.

~~(6)(7) Criteria for Designating Schools to a Higher School Performance Grade, Level.~~ For the purpose of designating a school to a higher ~~school performance grade, Level,~~ a school must meet the criteria listed in subsection (5) of this rule for a higher school performance grade, the following criteria:

(a) ~~Student achievement scores for all subject areas identified for state accountability must meet the criteria listed in subsection (6) of this rule for a higher School Performance Level; and~~

(b) ~~Student achievement scores of the same student groups referenced in subsection (3) of this rule are maintained or improved for all subject areas identified for state accountability.~~

(7)(8) Accuracy and Representativeness of Performance Data. The Commissioner is authorized to withhold the designation of a school's performance level or designate the school in a lower performance level, with the exception of School Performance Level 1, until performance data can be determined to accurately represent the progress of the school. Each school district superintendent shall certify is responsible for certifying the accuracy of performance data and shall be responsible for providing all related information to the Department within the time limits specified by the Commissioner of Education. Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school's performance grade or designate the school in a lower performance grade. If less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's performance grade were assessed, the school's performance grade shall be designated incomplete until the data are determined by the Commissioner to

accurately represent the performance of the school. The Commissioner's determination of a school's performance grade shall be final.

~~(8)(9)~~ Rewards and Recognition. Schools must have a designated school performance grade to participate in the Florida School Recognition Program designated in any School Performance Level beyond Level 1 are eligible for financial rewards as authorized by Section 231.2905, Florida Statutes, ~~if they meet the criteria established by the Commissioner for the Florida School Recognition Program. Schools designated in School Performance Levels 2, 3, 4, and 5 may be recognized as most improved, and in addition, Schools designated in School Performance Grade A and schools that have improved at least one (1) performance grade from the previous school year are eligible for school recognition and financial awards. Schools designated School Performance Grade A and schools that have improved at least two (2) performance grades may be given deregulated status as specified in Section 228.0565, Florida Statutes, and shall have greater authority over the allocation of the school's total budget. The school's total budget includes funds generated from the FEFP, state categoricals, lottery funds, grants, and local funds. Districts shall develop guidelines for the implementation of this provision. This increased authority remains in effect until the school's performance grade declines. Level 5 are eligible for recognition through the sustained high performance category as determined by the Florida School Recognition Program criteria.~~

~~(9)(10)~~ Assistance and Intervention for Schools Designated School Performance Grade F Level 1 or School Performance Grade D, Level 2. Assistance and intervention plans shall be provided for each school designated School Performance Grade F Level 1 and School Performance Grade D, Level 2.

(a) Assistance for Schools Designated School Performance Grade F Level 1 or School Performance Grade D, Level 2. Each school designated School Performance Grade F Level 1 or School Performance Level 2 shall develop its school improvement plan in collaboration with the school advisory council, school board, and the Department of ~~Education~~. The school improvement plan shall take into account the unique demographic characteristics of the school. The school board shall have final approval of the plan. Each school designated School Performance Grade F Level 1 or School Performance Grade D Level 2 shall receive specific assistance and interventions, including additional resources if needed, from the district school board as provided in Section 230.23(16)(c), Florida Statutes. The district's two-year plan of increasing individualized assistance and intervention for each school designated School Performance Grade F or School Performance Grade D shall be approved by the school board, and Assistance shall be provided to each a designated school in the district at increasingly intensive levels as long as the school

continues to be so designated. For the purpose of documenting compliance with Section 230.23(16)(c), Florida Statutes, ~~annually~~ school boards shall provide to the Department of ~~Education~~ annually a copy of the approved assistance and intervention plan for each school designated School Performance Grade F Level 1 in the district.

(b) The Commissioner is authorized to give preference to schools designated School Performance Grade F Level 1 and School Performance Grade D Level 2 in awarding federal and state grants designed to improve student achievement. The Department of ~~Education~~ shall give priority to School Performance Grade F Level 1 and School Performance Grade D Level 2 schools in providing school improvement assistance and resources. The Department of ~~Education~~ will identify demographically similar, but higher performing, schools in the state for possible assistance.

(c) The local school board is authorized to declare an emergency in order to negotiate special provisions of its contract with appropriate bargaining units to implement programs and strategies needed to improve student performance as specified in Section 230.23(19), Florida Statutes.

~~(10)(11)~~ State Board of Education Action for Schools Designated Performance Grade F. A process for invoking State Board of Education action shall be implemented if, during any two (2) years out of a four (4) year period, after three (3) years from its designation, a school is designated School Performance Grade F, Level 1 fails to exceed any of the criteria specified in paragraph (6)(a) of this rule. A process for invoking State Board of Education action may be implemented if, after three (3) years from its designation, a school designated School Performance Level 2 fails to exceed any of the criteria specified in paragraph (6)(b) of this rule. Any school formerly designated School Performance Level 1 for at least two (2) consecutive years shall be subject to State Board action if the school falls below the critically low performing levels as specified in paragraph (6)(a) of this rule any time within five (5) years of being removed from the list. The Commissioner shall coordinate the process and ensure that members of the State Board of Education and Florida Commission on Education Reform and Accountability are informed of each step leading to recommendations for action regarding schools failing to make adequate progress, critically low performing schools. This process shall include the following steps:

STEP 1: Within thirty (30) days after the school has been notified by the Department of ~~Education~~ that it has been designated School Performance Grade F, failed to make adequate progress, for the second year in a four-year period, performed at a critically low level for the third consecutive year, the district school board chair, the superintendent, the school advisory council chair, and the school principal shall submit a written report to the Commissioner, State Board of

~~Education and the Florida Commission on Education Reform and Accountability. The report shall outline outlining the steps taken to remedy the inadequate performance and identifying causes for continued failure to make adequate progress. The Commissioner shall provide the report to the State Board of Education and may include recommendations.~~

STEP 2: The State Board of Education shall review the school's performance data, including data reported as required in subsection (3) of this rule and Rule 6A-1.09982, FAC. The State Board of Education shall, if necessary, collect additional information on which to make a decision and may require the school district superintendent to provide additional written or verbal information.

STEP 3: Based on an analysis of all reports and data including a thorough consideration of the unique characteristics of the school, and after the district and school are given an opportunity to respond to any new information, the State Board of Education shall formally determine the degree of progress made by the school. Pursuant to this determination and recommendations of the Commissioner, the State Board of Education shall take action as authorized in Section 229.0535, Florida Statutes.

STEP 4: If the school board fails to comply with the actions recommended by the State Board of Education, within the time specified in said action, the school district's lottery funds shall be withheld unless the school board can justify its noncompliance, to the State Board's satisfaction. If the State Board accepts a district's justification for noncompliance, the State Board may amend its recommended actions, or extend the time allowed for compliance.

~~(11)(12) State Board of Education Review of Schools Designated Performance Grade D, with Critically Low Subjects. A process for invoking State Board of Education review may be initiated by the Commissioner if, during any two (2) years out of a four (4) year period, a school is designated School Performance Grade D. If a school has a critically low subject area for more than three (3) years, the Commissioner is authorized to require the school and district to report to the State Board of Education for an instructional review and action as authorized in Section 229.0535, Florida Statutes.~~

~~(12)(13) Responsibilities of Schools Performing at School Performance Grade C Level 3 and Above. Schools determined to be performing at School Performance Grade C Level 3 and above or determined to no longer be performing at critically low levels shall continue identifying needs, developing school improvement plans, and defining goals for improved performance adequate progress without required State Board of Education intervention and assistance. These schools shall continue to assess and report progress on the goals as required by Sections 229.592(8)(5) and 230.23(16)(18)(e), Florida Statutes, and Rule 6A-1.09982, FAC.~~

~~(13)(14) Measures of Student Performance. The Department of Education shall develop statewide assessments designed to measure student performance based on the following four standards to achieve the goal set forth in Section 229.591(3)(c), Florida Statutes, with special emphasis on reading, writing, and mathematics as defined in Rule 6A-1.09401, FAC., in the "Sunshine State Standards 1996" as incorporated by reference. Beginning in school year 2002-2003, science will be added as a subject area for special emphasis.~~

(a) Florida students locate, comprehend, interpret, evaluate, maintain, and apply information, concepts, and ideas found in literature, the arts, symbols, recordings, video and other graphic displays, and computer files in order to perform tasks and/or for enjoyment.

(b) Florida students communicate in English and other languages using information, concepts, prose, symbols, audio and video recordings, speeches, graphic displays, and computer-based programs.

(c) Florida students use numeric operations and concepts to describe, analyze, disaggregate, communicate, and synthesize numeric data, and to identify and solve problems.

(d) Florida students use creative thinking skills to generate new ideas, make the best decisions, recognize and solve problems through reasoning, interpret symbolic data, and develop efficient techniques for lifelong learning.

(14) If any provision of this rule or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared severable.

Specific Authority 229.053, 229.0535, 229.592, 229.57 FS. Law Implemented 228.0565, 229.053, 229.0535, ~~229.0535~~, 229.57, 229.591, 229.592, 230.23, 231.2905 FS. History—New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99,

NAME OF PERSON ORIGINATING PROPOSED RULE: Betty Coxe, Director, Division of Public Schools, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Gallagher, Commissioner of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999



DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE:

RULE NO.:

Vocational and Workforce Development Standards and Industry-Driven Benchmarks

6A-6.0571

PURPOSE AND EFFECT: Course standards for vocational and adult education are constantly evolving to meet the needs of business, industry, and community. The purpose of this rule amendment is to incorporate the performance standards for vocational and adult education programs. The performance standards will be used by school districts and community colleges. Adult education standards are also being incorporated into this rule. The effect will be consistency and continuity among vocational and workforce development education programs across the state.

SUMMARY: Section 239.229, F.S., requires the Department of Education to develop program standards and industry-driven benchmarks for vocational, adult, and community education programs. The program standards for vocational education are contained in the document "Vocational Education Program Courses Standards, 1999-2000." The program standards for Adult Education are contained in the document "Adult Education Program Courses Standards, July, 1999."

SUMMARY OF STATEMENT OF REGULATORY COST: None.

Anyone 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 the notice.

SPECIFIC AUTHORITY: 236.081(1)(c), 239.205, 239.229 FS.

LAW IMPLEMENTED: 229.565(1), 229.592, 232.2454, 236.081(1)(c), 239.205, 239.115, 239.229 FS.

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

TIME AND DATE: 9:30 a.m., December 14, 1999

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joseph E. Stephens, Director, Division of Workforce Development, Room 744 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0571 Vocational and Workforce Development Standards and Industry-Driven Benchmarks Criteria for Qualification of Special Vocational Technical Education Program Courses.

Section 239.229, Florida Statutes, requires the Department of Education to develop program standards and industry-driven benchmarks for vocational, adult and community education programs. The criteria for qualification of individual courses

for inclusion in the classification of secondary career education Special Vocational Technical programs prescribed in Section 236.081(1)(c), Florida Statutes, or Workforce Development Education programs as prescribed in Section 239.115, Florida Statutes, are annually adopted by the State Board and shall be published by the Commissioner in a document titled, "Vocational Education Program Courses Standards, July 1999 +1996.", or in the document "Adult Education Program Courses Standards, July 1999." These criteria are hereby incorporated by this rule and made a part of the rules of the State Board. Copies of these publications may be obtained from the Division of Workforce Development, Department of Education, The Turlington Building, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399 at a cost to be established by the Commissioner but which shall not exceed actual cost.

(1) District school boards and community colleges boards of trustees variance authority. District school boards of education and community college boards of trustees are authorized, through local rules, to vary approve a variance of up to ten (10) percent of the intended outcomes of each framework included in the document "Vocational Education Program Courses Standards, July 1999 +1996.", and the "Adult Education Program Courses Standards, July 1999." The variance does would not apply to frameworks identifying occupations requiring state or federal licensure, certification or registration.

(2) Commissioner of Education waiver authority. The Commissioner of Education may approve a school's waiver request submitted by a district school board to allow the school to substitute locally approved intended outcomes for State Board approved outcomes included in the document "Vocational Education Program Courses Standards, July 1999 +1996" provided that:

(a) The framework does not identify occupations requiring state or federal licensure, certification or registration;

(b) Locally approved outcomes specified for the state approved program adequately address the major concepts/content contained in the curriculum framework;

(c) The waiver requests fulfills the provisions of Section 229.592 (9)(6)(e), Florida Statutes; and

(d) The request for waiver is submitted in accordance with procedures specified in Section 229.592(6), Florida Statutes.

Specific Authority ~~229.053(1)~~, 236.081(1)(c), 239.205, ~~239.201~~ 239.229 FS. Law Implemented ~~120.53(2)(a)~~, 229.565 (1)(~~a~~)~~(b)~~, 229.592(6)(~~e~~), 232.2454, ~~233.011~~, 236.081(1)(c), 239.115 ~~239.201~~, 239.205, 239.229 FS. History--New 10-30-78, Amended 10-23-79, 5-29-80, 7-9-81, 7-6-82, 5-29-83, 6-14-84, 7-10-85, Formerly 6A-6.571, Amended 7-9-86, 7-22-87, 8-30-88, 7-31-89, 7-31-90, 7-31-91, 7-31-92, 7-31-93, 7-31-94, 4-30-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joseph E. Stephens, Director, Division of Workforce Development,

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. John Stewart, Deputy Commissioner for Educational Programs  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 1998

**DEPARTMENT OF EDUCATION  
State Board of Education**

RULE TITLE: Withdrawal and Forgiveness  
RULE NO.: 6A-14.0301

PURPOSE AND EFFECT: Rule 6A-14.0301, FAC., limits the number of attempts per course a student can have. Paragraph (3) states that: "...All grades from the third and subsequent attempts will be calculated in the grade point average." The purpose is to amend Rule 6A-14.0301, FAC., to conform with Rule 6A-10.024(5)(b), FAC., Articulation Between Universities, Community Colleges, and School Districts, which states:

- (5) The associate in arts degree shall be awarded upon:
- (b) Achievement of a grade point average of at least 2.0 in all courses attempted, and in all courses taken at the institution awarding the degree, provided that only the final grade received in courses repeated by the student shall be used in computing the average.

The effect is to conform Rule 6A-14.0301, F.A.C., with Rule 6A-10.024(5)(b), FAC.

SUMMARY: The rule amendment deletes a provision that was in conflict with another rule; thereby conforming the two.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 229.053(1), 240.325 FS.

LAW IMPLEMENTED: 240.325 FS.

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

TIME AND DATE: 9:30 a.m., December 14, 1999

PLACE: LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0301 Withdrawal and Forgiveness.

Community colleges shall adhere to the following procedures relating to student withdrawal from courses and to conditions under which forgiveness for grades earned will be granted to the student.

(1) Withdrawal.

(a) The student may withdraw without academic penalty from any course by the mid-point in the semester. Withdrawals after that date would be granted only through established institutional procedures.

(b) The student will be permitted a maximum of two (2) withdrawals per course. Upon the third attempt, the student will not be permitted to withdraw and will receive a grade for that course.

(b) Forgiveness. Each college shall publish, in the catalog or student handbook, a statement which:

(a) Limits repeats to courses where D and F grades were earned.

(b) Limits to two (2) the number of repeat attempts per course.

(c) Advises students regarding the potential impact of forgiven courses in the computation of a student's grade point average in transferring to other institutions, either public or private, and the need to consider the impact of retaking a course on their specific financial aid package.

(3) Total attempts. A student may have only three (3) attempts per course including the original grade, repeat grades, and withdrawals at any point in the semester. A fourth attempt may be allowed only through an academic appeals process based on major extenuating circumstances. ~~All grades from the third and subsequent attempts will be calculated in the grade point average.~~

(4) Effective date. These procedures shall be implemented by the community college no later than the Fall 1997 academic term. Students enrolled prior to the implementation of these procedures may follow the procedures in their college catalogue at the time of their admission.

Specific Authority 229.053(1), 240.325 FS. Law Implemented 240.325 FS. History--New 8-13-96, Amended 8-17-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Executive Director, Community College System

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

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Inmate Telephone Use  
 RULE NO.: 33-602.205

PURPOSE AND EFFECT: The proposed rule is necessary in order to reflect changes in form numbers and position titles, to eliminate reference to a telephone number which is no longer used, and to prohibit possession and use of telephone calling cards by inmates.

SUMMARY: The proposed rule provides correct form numbers and position titles related to inmate telephone use, eliminates obsolete references, and prohibits possession and use of telephone calling cards by inmates.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., December 8, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) To initiate telephone privileges, inmates shall complete Form DC6-223 ~~DC3-302~~, Inmate Telephone Agreement and Number List. Each inmate is limited to no more than 10 names and numbers of persons he or she wishes to access. Inmates shall not be allowed to telephone any person not on this list except as outlined in (3)(a) and (4) of this rule. Inmates shall not make three-way telephone calls nor make calls to numbers on the list which are then transferred to other telephone numbers not on the list.

(b) The reception center classification staff shall compile the inmate calling list through use of, Form DC6-223 ~~DC3-302~~, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 ~~DC3-302~~ shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 ~~DC3-302~~ is hereby

incorporated by reference. Copies of this form are available from the Forms Control Administrator Office of the General Counsel ~~Security and Institutional Management~~, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. If forms are to be mailed, the request must be accompanied by a self-addressed stamped envelope. The effective date of this form is \_\_\_\_\_ ~~December 21, 1998.~~

(c) through (f) No change.

(g) All calls from the monitored phones shall be collect and shall contain a prompt which clearly identifies the call as coming from a Florida Department of Corrections institution.

1. The prompt will advise the inmate and the party who is called that the call is subject to being monitored and recorded by the Department of Corrections.

2. The prompt shall clearly identify the caller on a pre-recorded cue which is input at the time of the inmate's first call.

~~3. The prompt shall provide the called party with a toll free number for problem resolution or for placing a block on future calls from the inmate or institution.~~

~~3.4.~~ The system requires the inmate caller to key in his or her PIN on the key pad before gaining access to an outside line.

~~4.5.~~ The system will detect conference calls or three way calling activity and terminate the call when such activity is detected.

(h) through (j) No change.

(k) Tape recordings of monitored calls shall be kept in an area where staff access is controlled. Records and tapes of monitored calls shall be retained for a minimum of one year. Access to records shall be limited to the following persons:

1. Secretary or Deputy Secretary;

2. Assistant Secretary for the Office of Security and Institutional Operations Management;

3. Regional Directors;

~~4. Regional Security and Institutional Management Directors;~~

~~4.5.~~ Inspector General or designee;

~~5.6.~~ The warden of each institution or his or her designee;

~~6.7.~~ Correctional officer ~~Senior prison~~ inspectors;

~~8. The institutional inspector of each institution.~~

(l) No change.

(3) through (12) No change.

(13) Inmates will not be allowed to possess or use telephone calling cards.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stan Czerniak

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

**DEPARTMENT OF MANAGEMENT SERVICES**

**Selected Exempt Service**

RULE CHAPTER TITLE: Selected Exempt Service  
 RULE TITLE: Insurance Benefits  
 RULE CHAPTER NO.: 60M-1  
 RULE NO.: 60M-1.009

PURPOSE AND EFFECT: Implements the changes to s. 110.205(2)(k), Florida Statutes, made by the 1999 Legislature.  
 SUMMARY: Provides dental insurance benefits to employees in the Selected Exempt Service if funds are available and provides for the retirement class of these employees.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 110.605(1) FS.  
 LAW IMPLEMENTED: 110.603, 110.205(2)(k) FS.  
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
 TIME AND DATE: 10:00 a.m., December 6, 1999  
 PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anna B. Gray, Human Resource Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60M-1.009 Insurance Benefits.

(1) Employees in the Selected Exempt Service shall be enrolled in the Regular Class of the Florida Retirement System, unless approved for membership in the Special Risk Class, as provided in Chapter 121, Florida Statutes.

(2) Subject to appropriation of funds, the State shall pay for the following insurance coverage for each full-time Selected Exempt Service employee member:

(a) ~~(1)~~ 100% of the premium for the state individual life insurance policy;

(b) ~~(2)~~ 100% of the premium for the individual or family state group health insurance plan; or up to an equal dollar amount for a health maintenance organization premium; and

~~(c)~~ ~~(3)~~ 100% of the premium for the state individual disability insurance policy.

(3) In addition, the State may pay 100% of the premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency.

Specific Authority 110.605(1) FS. Law Implemented 110.603, 110.205(2)(k), FS. History--New 2-1-87, Formerly 22SE-1.009, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director, Human Resource Management, Department of Management Services  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael T. Cochran, Deputy Secretary, Department of Management Services  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 1999  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

**DEPARTMENT OF MANAGEMENT SERVICES**

**Senior Management Service**

RULE CHAPTER TITLE: Senior Management Service  
 RULE TITLE: Benefits  
 RULE CHAPTER NO.: 60N-1  
 RULE NO.: 60N-1.008

PURPOSE AND EFFECT: Implements the changes to s. 110.205(2)(k), Florida Statutes, made by the 1999 Legislature.  
 SUMMARY: Provides dental insurance benefits to employees in the Senior Management Service if funds are available.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 110.403 FS.  
 LAW IMPLEMENTED: 110.402, 110.403, 110.205(2)(k) FS.  
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
 TIME AND DATE: 10 a.m., December 6, 1999  
 PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anna B. Gray, Human Resource Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60N-1.008 Benefits.

(1) ~~Employees in t~~The Senior Management Service member shall be eligible for membership in the Senior Management Service class of the Florida Retirement System, or the Senior Management Service Optional Annuity Program, as provided in Chapter 121, Florida Statutes, ~~however,~~ ~~e~~Elected state officers who are compulsory members of the elected state officers class are not eligible for this benefit.

(2) Subject to appropriation of funds the State shall pay for the following insurance coverage for each full-time member:

(a) 100% of the premium for the state individual life insurance policy;

(b) 100% of the premium for the individual or family, state group health insurance plan; or up to an equal dollar amount for a health maintenance organization premium, ~~and~~;

(c) 100% of the premium for the state individual disability insurance policy.

(3) In addition, the State may pay 100% of the premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency.

Specific Authority 110.403 FS. Law Implemented 110.402, 110.403, 110.205(2)(k) FS. History--New 5-29-86, Amended 2-1-87, Formerly 22SM-3.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon D. Larson, Director of Human Resource Management, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael T. Cochran, Deputy Secretary, Department of Management Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 1999

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE CHAPTER TITLE: CREDITABLE SERVICE RULE CHAPTER NO.: 60S-2

RULE TITLES: CREDIT FOR PRIOR SERVICE RULE NOS.: 60S-2.004

Credit for Leaves of Absence under the Florida Retirement System 60S-2.006

PURPOSE AND EFFECT: To implement the provision of Chapter 99-392, Laws of Florida, and 121.121, F.S.

SUMMARY: These amendments will change the period of time a member must be employed after returning to work from a leave-of-absence from "30 calendar days" to "one calendar month" in order to be eligible to purchase retirement credit for the leave-of-absence.

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

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

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.081(1), 121.121 FS.

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

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

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULES IS:

60S-2.004 Credit for Prior Service.

(1) through (6) No change.

(7) Educational Leave with Pay – Employees of a state agency, who were members of a state administered retirement system and who were granted educational leave with pay pursuant to a written educational leave with pay policy, may claim such periods of educational leave as prior service subject to the following conditions:

(a) through (b) No change.

(c) The employee must have returned to employment with a state agency that participated in the state administered retirement system, and the return must have been immediately upon termination of the educational leave, and the employee must have remained on the employer's payroll for at least one calendar month ~~30 calendar days~~ following his or her return to employment; and

(d) through (g) No change.

Specific Authority 121.031 FS. Law Implemented 121.021, 121.081 FS. History--New 1-1-72, Amended 10-20-72, 1-16-77, 7-1-79, 1-19-82, 11-6-84, Formerly 22B-2.04, Amended 2-4-86, 3-11-87, 2-7-89, Formerly 22B-2.004, Amended.

60S-2.006 Credit for Leaves of Absence Under the Florida Retirement System.

(1) A member may receive retirement credit for a total of two work years of creditable service for authorized leaves of absence under the Florida Retirement System, subject to the following:

(a) through (b) No change.

(c) The member must return to active employment performing service with a Florida Retirement System employer in a regularly established position immediately upon termination of the leave of absence and remain on the employer's payroll for one calendar month ~~30 calendar days~~. The exceptions to this requirement are:

1. A member placed on a leave of absence for medical reasons who retires on disability while on the leave of absence shall not be required to return to employment in order to be eligible to receive credit for the leave of absence; and

2. A member whose work year is less than 12 months and whose leave of absence terminates between school years shall be eligible to receive credit for the leave of absence as long as he or she returns to covered ~~the~~ employment ~~of his employer~~ at the beginning of the next school year and remains on the employer's payroll for one calendar month ~~30 calendar days~~.

(d) The leave of absence must occur after the employee becomes a member of the Florida Retirement System.

(e) The required contributions must be made in accordance with Section 60S-3.007.

(f) Such leave of absence shall include an unpaid leave as provided under the federal Family and Medical Leave Act of 1993 granted for up to 12 weeks to care for children at birth or adoption, or to care for a seriously ill child, spouse, or parent, or for the member's own serious illness.

(2) through (6) No change.

Specific Authority 121.031 FS. Law Implemented 121.071, 121.121 FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 1-16-77, 7-1-79, 8-26-81, 1-18-83, Formerly 22B-2.06, Amended 3-11-87, 2-7-89, 11-14-91, Formerly 22B-2.006, Amended 8-4-94, 2-24-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Retirement**

RULE CHAPTER TITLE: Contributions  
RULE CHAPTER NO.: 60S-3

RULE TITLE: Payment of Contributions  
RULE NO.: 60S-3.011

PURPOSE AND EFFECT: To change the required receipt date of employer retirement contributions to accommodate the implementation of new technology.

SUMMARY: Effective January 1, 2000, retirement contributions will be required to be received at the Division on or before the due date instead of postmarked on or before the due date.

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

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

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.071(5) FS.

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

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

PLACE: 2nd Floor Conference Room, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Beth Brewer, Senior Benefits Analyst, Division of Retirement, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-3.011 Payment of Contributions.

(1) All retirement contributions for current services rendered by covered employees shall be paid to the Division of Retirement. The required contribution rate shall be the rate in effect at the time the member is paid, as determined by his or her class of membership. Retirement contributions for each payroll period are due and payable each month no later than the 20th day of the month following the month in which covered wages are paid. Provided, however, if the due date falls on a weekend or holiday, the due date shall be the next succeeding workday.

(2) Effective January 1, 2000, retirement contributions not received at the Division ~~remitted and postmarked~~ on or before the due date shall be considered delinquent, unless a waiver is granted pursuant to subsection (4).

(a) If the contributions required pursuant to subsection (1)(a) are delinquent, a fee of 1.0 percent shall be assessed for each calendar month or part thereof that said contributions are delinquent. Such delinquent assessment shall be billed to the employer by invoice upon determination of the contributions due.

(b) Effective January 1, 2000, if the delinquent assessment billed to the employer in subsection (a) above is not received at the Division ~~remitted and postmarked~~ within 30 days following the Division's invoice date, an additional delinquent assessment of 1.0 percent on the invoiced amount shall be assessed for each calendar month or part thereof that said invoice is delinquent.

(c) If an additional amount is due as a result of a calculation or plan reporting error in the amount previously contributed, the employer shall be billed by invoice. Effective January 1, 2000, if the additional contributions are not received at the Division ~~remitted and postmarked~~ within 30 days following the Division's invoice date, an additional delinquent assessment of 1.0 percent on the invoiced amount shall be assessed for each calendar month or part thereof that said invoice is delinquent.

(3) Social Security contributions on wages paid on and after January 1, 1987 shall be paid in accordance with 60S-3.010(3); Social Security contributions on wages paid prior to such date shall be paid to the Division. If additional contributions are due on wages paid prior to January 1, 1987, the Division shall bill the employer by invoice. Effective January 1, 2000, if payment ~~each calendar month or part thereof that said contributions~~ is not received at the Division ~~remitted and postmarked~~ within 30 days following the Division's invoice date, a delinquent assessment of 1.0 percent on the invoiced amount shall be assessed for each calendar month or part thereof that said invoice is delinquent.

(4) Retirement contributions not remitted timely as prescribed in subsection (1) shall be delinquent, unless in the opinion of the Division exceptional circumstances beyond the employer's control prevented payment remittance by the prescribed due date and a waiver of the delinquent fee is granted by the Division. A waiver may be granted only once for an employer during any one fiscal year. The employer shall fully explain and certify such waiver request in writing to the Division. Should the Division deny a waiver request, the employer shall pay the assessed delinquent fee, plus any additional delinquent charges which have accumulated during the time required to review the request for a waiver of the delinquency charge.

(5) If the agency fails to pay the total amount due within 120 calendar days from the date of the Division's invoice, the following action shall be taken:

(a) In the case of a state agency, the Administrator shall notify ~~the Director of the Division of Retirement and~~ the Governor and certify the amounts due to the Director of Planning and Budgeting, Office of the Governor. If arrangements cannot be made to pay the amount due, then the amount shall be appropriated from the General Revenue Fund of the state as prescribed in section 121.061, F.S.

(b) In the case of a county, city or special district, the Administrator shall request the Department of Banking and Finance or the Department of Revenue to withhold the amount owed to the Florida Retirement System Trust Fund or the Social Security Contribution Trust Fund from any State funds allocated to the county, city or special district. If existing funds do not equal the amount owed to the trust funds, the Administrator shall certify to the local tax collector the amount

owed, and the tax collector shall deduct the amount so certified from any taxes collected for the employer and pay the amount to the proper trust fund.

(6) Contributions may not be made prior to the service being performed.

(7) Payment of the required employee retirement contributions for other than current service shall be made in accordance with 60S-3.002(4).

(8) Retirement contributions shall be made on the salary paid to any retired member who is reemployed under the provisions of 60S-4.012(2) and (3), in accordance with 60S-3.003(6).

Specific Authority 121.031 FS. Law Implemented 121.061, 121.071(3), (5), 121.091(9) FS. History--New 1-1-72, Amended 10-20-72, Repromulgated 12-31-74, Amended 7-1-79, 1-19-82, 10-12-82, 11-6-84, 9-24-85, Formerly 22B-3.11, Amended 5-15-91, Formerly 22B-3.011, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: A. J. McMullian III, Director, Division of Retirement  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Cochran, Deputy Secretary, Department of Management Services  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
License Fees and Examination Fees	61J2-1.011
Registration Categories	61J2-1.013
Review of Fees	61J2-1.016

**PURPOSE AND EFFECT:** The Commission is amending these rules to expand its categories of registrants to include liability partnerships and companies, delete and decrease fees, delete discontinued publications, extend the renewal period for education courses and extend the annual deadline for the Commission to review fees.

**SUMMARY:** The Commission determined that it needs to add specific registration categories for limited liability partnerships and companies, has sufficient cash reserves to delete and decrease certain fees, has discontinued offering certain publications and needs to delay the review of fees until the close of each fiscal year.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.219, 455.2281, 475.04, 475.125, 475.15, 475.182, 475.183, 475.24, 475.451, 68.065(2) FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-1.011 License Fees and Examination Fees.

(1) Every person, partnership, limited liability partnership, ~~or~~ corporation or limited liability company deemed and held to be a licensee under Chapter 475, Florida Statutes, must register with the Florida Real Estate Commission (Commission) and must secure a license for each license period.

(2) The application fee for licensure shall be as follows:

(a) through (b) No change.

~~(c) Reinstatement~~ \$55.00

(3) The biennial license fee for an active licensee shall be:

Broker	\$80.00	<del>\$90.00</del>
Salesperson	\$70.00	<del>\$80.00</del>
Branch office for Broker	\$70.00	<del>\$80.00</del>

(4) through (5) No change.

(6) The Commission may conduct seminars and publish and sell the following documents at cost, which may or may not vary with each class or printing:

- ~~Handbook on Real Estate License Law~~
- ~~Real Estate Broker Text~~
- Wall Certificate of License
- Course Syllabus

(7) The license fee for school related categories shall be as follows:

(a) through (b) No change.

(c) The biennial Permit Fee shall be:

School <del>Permitholder</del> <u>Permit Holder</u>	\$130.00
Additional Location for <del>Permitholder</del> <u>Permit Holder</u>	\$ 45.00
Chief Administrative Person	\$ 80.00
School Instructor	\$ 80.00

(8) Entity, sponsor, organization and individual equivalent education course offering:

For each application for approval of education offering	\$ 80.00
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For each biennial annual education course offering renewal \$ 80.00  
(9) through (11) No change.

Specific Authority 475.05 FS. Law Implemented 455.217, 455.2281, 475.04, 475.125, 475.182, 475.24, 475.451, 68.065(2) FS. History--New 10-10-79, Amended 1-1-80, 4-14-81, 9-13-82, 10-19-83, 8-12-84, 10-13-85, Formerly 21V-1.11, Amended 2-1-87, 1-1-88, 5-5-88, 10-13-88, 9-10-89, 1-4-90, 2-13-90, 3-27-90, 8-21-90, 10-9-90, 1-13-91, 8-19-91, 7-1-93, Formerly 21V-1.011, Amended 7-18-94, 12-17-95, 12-30-97, 1-19-99, 4-18-99,

61J2-1.013 Registration Categories.

(1) Registration in the following categories shall show the name, the business address, effective and expiration date:

- (a) Active broker partnership
- (b) Active broker corporation
- (c) Active Limited Liability Company
- (d) Active Limited Liability Partnership
- ~~(e)~~ Branch office
- (2) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.183, 475.24 FS. History--New 1-1-80, Amended 7-19-83, Formerly 21V-1.13, Amended 6-28-93, Formerly 21V-1.013, Amended

61J2-1.016 Review of Fees.

(1) No later than the end of September ~~May~~ of each year the Commission shall review the fees in Rule 61J2-1.011, Florida Administrative Code, to ensure the fees are adequate to cover all anticipated costs and to maintain a reasonable cash balance as required in s. 455.219(1), Florida Statutes, and defined in Rule 61-5.002, Florida Administrative Code.

(2) through (3) No change.

Specific Authority 475.05 FS. Law Implemented 455.219, 475.125 FS. History--New 2-15-96, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 1999 and September 24, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLES:	RULE NOS.:
Applications by Individuals	61J2-2.027
Examination Areas of Competency	61J2-2.029

PURPOSE AND EFFECT: The Commission is amending the rules to change the reporting requirements on licensure applications and the procedures for notifying applicants of examination results and for applicants taking re-examinations.



SUMMARY: The Commission determined it is necessary to clarify disclosures required of applicants regarding civil and criminal proceedings, eliminate fingerprint requirements for certain applicants and remove the responsibility from the Commission for reporting examination results.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217(1)(b), 475.17, 475.175, 475.451 FS.; Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987).

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-2.027 Applications by Individuals.

The application of a natural person for active licensure, whether the applicant expects to operate alone, or as a partner, or with a corporation, or as a salesperson is governed by substantially the same rules and forms.

(1) No change.

(2) The applicant must make it possible to immediately begin the inquiry as to whether the applicant is honest, truthful, trustworthy, of good character, and bears a good reputation for fair dealings, and will likely make transactions and conduct negotiations with safety to investors and to those with whom the applicant may undertake a relation of trust and confidence. The applicant is required to disclose:

(a) if ever arrested or convicted of a crime, or if any criminal or civil proceeding is pending against the applicant, or if any judgment or decree has been rendered against the applicant in a case wherein the pleadings charged the applicant with for fraudulent or dishonest dealings, or

(b) through (4) No change.

~~(5) An applicant for re-examination must submit proper re-application forms and fee. If re-application is made within one year from the date the original application was approved, no fingerprint card is required.~~

~~(5)(6) All applicants for permits to instruct or be a permitholder permit holder for a real estate school must comply with ss. 475.451(2)(a) and (c), Florida Statutes, F.S.~~

Specific Authority 475.05 FS. Law Implemented 475.17, 475.175, 475.451 FS., Georgia Association of Realtors, Inc., et al. v. Florida Real Estate Commission, et al., Civil Case No. 87-15-Orl-Civ-18 (M.D. Fla. 1987). History--New 1-1-80, Formerly 21V-2.27, Amended 4-10-88, 5-20-90, 1-13-91, 7-15-92, 7-20-93, Formerly 21V-2.027, Amended 11-10-97.

61J2-2.029 Examination Areas of Competency.

(1) No change.

~~(2) The Commission shall provide written notification to applicants who have successfully completed the state examination.~~ A successful applicant may lawfully practice the services of real estate provided employment information is on file with the BPR.

Specific Authority 475.05 FS. Law Implemented 455.217(1)(b) FS. History--New 1-1-80, Amended 4-13-81, Formerly 21V-2.29, Amended 6-28-93, Formerly 21V-2.029, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLES:	RULE NOS.:
Pre-licensing Education for Broker and Salesperson Applicants	61J2-3.008
Continuing Education for Active and Inactive Broker and Salesperson Licensees	61J2-3.009
License Reactivation Education for Brokers and Salespersons	61J2-3.010
Continuing Education for School Instructors	61J2-3.011
Application for Commission Prescribed or Conducted Courses	61J2-3.014
Notices of Satisfactory Course Completion	61J2-3.015
Post-licensing Education for Active and Inactive Broker and Salesperson Licensees	61J2-3.020

PURPOSE AND EFFECT: The Commission has determined that all or part of specific rules in Chapter 61J2-3 may be obsolete, duplicative or insufficient regarding education for licensees and instructors and requirements for course

providers. Therefore, changes are needed to amend or repeal specific language to reflect statutory authority and current practices of the Commission.

**SUMMARY:** The Commission determined it is necessary to amend Rule 61J2-3.008 to delete an educational requirement prior to obtaining a broker's license, to remove a deadline when pre-license course applications may be accepted, to add requirements for pre-license course answer keys and to change procedures for re-taking pre-license examinations.

Rule 61J2-3.009 is being amended to expand continuing education course content, to clarify approval or denial of continuing education courses, to extend a course renewal cycle and to add requirements for correspondent course answer keys.

Rule 61J2-3.010 is being amended to change procedures for re-taking examinations to reactivate licenses.

Rule 61J2-3.011 is being amended to place complete responsibility on the course provider to notify students of course requirements and standards, to move the notice of satisfactory course completion for instructor continuing education courses to Rule 61J2-3.015 and to delete a continuing education exemption provided to Florida Bar attorneys.

61J2-3.014 is being repealed because it is redundant. This rule outlines procedures to apply for courses, including forms, fees and administrative material to be provided to the course provider.

Rule 61J2-3.015 is being amended to include the notice of satisfactory course completion for instructor continuing education courses, which was moved from Rule 61J2-3.011.

Rule 61J2-3.020 is being amended to clarify approval or denial of post-licensing courses and to add requirements for post-licensing course answer keys.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

**SPECIFIC AUTHORITY:** 475.01(1)(d),(e),(2), 475.05, 475.17, 475.42(1)(c) FS.

**LAW IMPLEMENTED:** 475.04, 475.17, 475.182, 475.183, 475.451, 475.451(2)(c) FS.

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

**TIME AND DATE:** 8:30 a.m., December 15, 1999

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

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

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

61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants.

(1) through (2) No change.

~~(3) Unless exempted by law, each Florida licensed salesperson must, as a prerequisite to becoming licensed as a broker, complete the post-licensing educational requirement, pursuant to s.475.17(3), Florida Statutes.~~

~~(3)(4)~~ No change.

~~(4)(5)~~(a) The Commission prescribed Course I for salesperson, or a Commission approved course equivalent to Course I, may be taught through the use of a video tape of instruction by a currently licensed instructor. Quality standards for the video tape and standards for classroom use of video tape instruction are detailed in Rules 61J2-3.016 and 61J2-3.017, Florida Administrative Code. The course approval criteria and procedure are found in paragraph ~~(5)(6)~~ of this rule.

(b) Course content and level of instruction of a video tape course shall be the same as that contained in the Commission prescribed Course I syllabus ~~and Instructor's Guide~~. This Commission prescribed course is structured for sequential presentation in twenty 3-hour sessions. The first session must be conducted by "live instruction" using a permitted school instructor. In addition, whenever the video tape is not current with the latest law or real estate practice, the tape must be corrected prior to its use in the classroom or a permitted instructor must be in attendance during the affected portion of that session. The course approval criteria and procedure are found in paragraph ~~(5)(6)~~ of this rule.

(c) No change.

~~(5)(6)~~(a) Satisfactory course completion is demonstrated by achieving a grade of 70 percent or higher on the Commission prescribed course examination. The examination is administered by the applicable college, university, community college, area technical center or real estate school upon completion of the classroom instruction. However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours. If an applicant does not pass the licensing examination within 2 years after the successful course completion date, the course is invalid for licensure. ~~Applications for licensure may not be accepted by the BPR if received less than 60 days prior to the end of the 2-year period of course eligibility.~~

(b) A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within ~~at least~~ 30 days after submission of

the course and examinations. Approval or denial of the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate course syllabus, incorporated herein by reference, effective June 30, 1993 (course I) and effective September 1, 1999 (course II), as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) No change.

(d) The institution or school shall develop at least 2 forms of the end of course examination which must be submitted for approval as provided in paragraph ~~(5)~~~~(6)~~(b) above. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 20% of the questions on each form of the test shall be application oriented.

~~(6)~~~~(7)~~ The institution or school offering these Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made ~~as on a form~~ prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

~~(7)~~~~(8)~~ Students failing the Commission prescribed end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination. ~~repeat the Commission prescribed course prior to being eligible to again take the end of course examination.~~ Students retaking the end of course examination must be administered a different form of the end of course examination.

~~(8)~~~~(9)~~ No change.

~~(9)~~~~(10)~~ No change.

~~(10)~~~~(11)~~ Any active member in good standing with The Florida Bar who is otherwise qualified under the real estate license law is exempt from the Commission prescribed prerequisite education course for licensure as a real estate salesperson. This must be noted on the application to take the salesperson's examination by affixing a copy of the applicant's current Bar card.

~~(11)~~~~(12)~~ No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99,

61J2-3.009 Continuing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All persons holding active or inactive licenses as brokers or salespersons must satisfactorily complete a minimum of 14 classroom hours of instruction of 50 minutes each as prescribed or approved by the Commission during each license renewal period excluding the first renewal period of their current license. A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(2)(a) The Commission prescribed Core Law course or courses totaling 3 classroom hours of instruction of 50 minutes each will review and update licensees on the Florida real estate license law, Commission rules, and agency law, and provide an introduction to other state laws, federal laws, and taxes affecting real estate. Approval or denial of the Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas material set forth in the Commission-approved course syllabus, incorporated herein by reference, effective September 7, 1993. Examinations, if required, must test the course material. Approval must be granted before the course and examinations may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(b) No change.

(c) A licensee who takes the 3 hour Core Law "core law" course in each year of the renewal period shall be allowed a total of 6 hours toward the 14 hour requirement. In such event, the "specialty" course hours need total only 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law "core law" course in each year of the renewal period.

(3) The Commission may approve any course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or society. The course will be approved for 24 ~~12~~ months plus the remaining period of the renewal cycle following the end of the 24 ~~12~~ month period at which point the course will expire. A course may not be offered after the

expiration date except for a course that is begun before the expiration date may be competed even if the completion date is after the expiration date.

(4) through (5)(b) No change.

(c) A copy of the correspondence course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution or school offering the correspondence course in accordance with the Commission approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or sponsor offering the Commission approved correspondence courses to keep the course material current and accurate.

(d) The objective of the correspondence course of study end of course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 30 questions. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 20% of the questions on each form of the test shall be application oriented. The answer key must be unique for each form of the examination exam. Any Florida institution or licensed real estate school offering the Commission prescribed continuing education course of study by correspondence must maintain a sufficient bank of questions to assure examination validity when administered to licensees from a common source such as a specific business, firm or family.

(e) through (g) No change.

(6) The Florida institution, licensed real estate school or Commission approved entity offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(7) The Commission prescribed or approved specialty courses may be offered by accredited universities, colleges and community colleges in this state, area technical centers, approved sponsors or real estate schools licensed pursuant to s. 475.451, Florida Statutes. The Commission prescribed Core Law core-law course or courses may be offered by accredited universities, colleges and community colleges in this state, area

technical centers or real estate schools licensed pursuant to s. 475.451, Florida Statutes. Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or salesperson until such person has met all requirements of law.

(8) through (10) No change.

Specific Authority 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, \_\_\_\_\_.

61J2-3.010 License Reactivation Education for Brokers and Salespersons.

(1) through (3) No change.

(4) When classroom reactivation courses are required, satisfactory completion is demonstrated by achieving a grade of 70% or higher on the Commission prescribed course examination quiz. This examination quiz is administered by the applicable university, college, community college, area technical center or real estate school; however, notice of satisfactory completion shall not be issued to any student who has not attended at least 90% of the required classroom hours of instruction.

(5) The institution or school offering these Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(6) Students failing the Commission prescribed course examination quiz must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course examination must repeat the Commission prescribed course prior to being eligible to again take the end of course examination repeat the Commission prescribed course prior to being eligible to again take the course quiz. The course quiz may not be administered more than 30 days beyond the last class without approval from the Commission.

(7) through (8) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, \_\_\_\_\_.

61J2-3.011 Continuing Education for School Instructors.

(1) No change.

(2) The Commission prescribed 15 classroom hours of instruction shall consist of one 7-classroom hour seminar conducted by the Commission and a minimum of 8-classroom hours of Commission approved instruction in real estate subjects and/or instructional techniques. The 8-classroom hour

course of instruction may be offered by accredited universities, colleges, and community colleges in this state, by real estate schools registered pursuant to s. 475.451, Florida Statutes, and entities approved by the Commission. Requests for approval to offer the 8-classroom hour instructor course shall be made to the Commission. This request shall include a detailed course description and the criteria for satisfactory course completion. A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course. Approval or denial of the 8-classroom hour course will be based on the extent to which the course content focuses on issues relevant to real estate and/or instructional techniques. Approval must be granted before the course and examination, if required, may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(3) No change.

(4) The institution, school or approved entity offering the Commission approved 8-classroom hour course shall inform each student of the standards and requirements at the commencement of each course. ~~The enforcement thereof shall be the responsibility of the Commission and the BPR and their decision on any such matters shall be final.~~ Satisfactory completion of these courses will not entitle any person to renew a permit as a school instructor until such person has met all other requirements of law.

~~The notice of satisfactory course completion shall contain the following information:~~

~~Instructor Continuing Education~~

- ~~Name of School~~
- ~~Address of School~~
- ~~Course Title~~
- ~~Course Hours~~
- ~~Start Date~~
- ~~Finish Date~~
- ~~Permit Number~~
- ~~Student's Name~~
- ~~Student's Address~~
- ~~Authorized Signature for the School~~

~~Each grade report shall contain the following information:~~

~~The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original grade report is to be given to the student and a copy retained by the school.~~

~~(5) Active members in good standing with The Florida Bar holding a current school instructor permit are exempt from the continuing education requirement of this rule.~~

Specific Authority 475.05 FS. Law Implemented 475.451(2)(c) FS. History—New 7-28-80, Amended 8-24-80, 1-3-84, Formerly 21V-3.11, Amended 7-25-90, 7-20-93, Formerly 21V-3.011, Amended 12-30-97, \_\_\_\_\_.

61J2-3.014 Application for Commission Prescribed or Conducted Courses.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.451 FS. History—New 1-1-80, Amended 8-24-80, Formerly 21V-3.14, Amended 7-20-93, Formerly 21V-3.014, Repealed \_\_\_\_\_.

61J2-3.015 Notices of Satisfactory Course Completion.

(1) Applicants for initial licensure as a broker or salesperson must provide the course completion grade report with the application or at the individuals scheduled examination as proof that they have satisfactorily completed the applicable Commission prescribed course.

(2) An application for renewal or reactivation of an existing status as a broker, broker-salesperson, salesperson or instructor shall contain an affirmation by the individual of having satisfactorily completed the applicable Commission prescribed, conducted or approved course(s). The ~~BPR DPR~~ shall perform random audits of up to 25% of the licensees and instructor ~~permitholders permit holders~~ to verify compliance with continuing education or post-license education requirements. Each licensee and instructor ~~permitholder permit holder~~ shall retain the course completion grade report as proof of successful completion of continuing education or post-license education requirements for at least 2 years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education or post-license education requirements or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the licensee or instructor.

(3) Commission approved equivalent courses offered by accredited Florida universities, colleges, community colleges and area technical centers shall provide students with the applicable course completion grade report (~~notice~~) described below. The course completion grade report for these equivalent courses must contain the college equivalent course identifying number.

(4) No change.

(5) Salesperson prelicensing courses completed through video tape instruction and continuing education courses completed by correspondence study must be noted on the course completion grade report.

(6) The course completion grade report must be typed or printed in ink and must be completely filled out by the institution, school or sponsor certifying successful course completion.

(7) The course completion grade reports shall contain the following information for the type of course being completed.

- (a) Pre-licensing Course for Salesperson
- Name of School
- Address of School
- Course Title: ~~Course I Real Estate P&PH~~
- Start Date
- Finish Date
- Exam Date
- Social Security Number
- Student's Name
- Student's Address
- Authorized Signature for the School

- (b) Pre-licensing Course for Broker
- Name of School
- Address of School
- Course Title: ~~Course II Real Estate P&PH~~
- Start Date
- Finish Date
- Exam Date
- Salesperson License Number
- Social Security Number
- Student's Name
- Student's Address
- Authorized Signature for the School

(c) through (d) No change.

(e) Instructor Continuing Education

- Name of School
- Address of School
- Course Title
- Course Hours
- Start Date
- Finish Date
- Permit Number
- Student Name
- Student Address
- Authorized Signature for the School

~~(f)(e)~~ Each course completion grade report shall contain the following information:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Commission. The original course completion grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.15, Amended 10-13-88, 12-29-91, 6-7-92, 6-28-93, Formerly 21V-3.015, Amended 9-11-94, 12-30-97, \_\_\_\_\_.

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All applicants for licensure who pass a broker or salesperson licensure examination must satisfactorily complete a Commission prescribed or approved post-licensing

educational course requirement prior to the first renewal following initial licensure. The post-licensing course or courses must be taken at an accredited college, university, community college, and area technical center in this state, or at a ~~registered~~ real estate school registered, pursuant to s. 475.451, Florida Statutes, or given by a Commission approved sponsor.

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

(4) A copy of the course shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within at least 30 days after submission of the course. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers ~~the appropriate Commission approved course syllabus, incorporated herein by reference, effective November 15, 1988 (salesperson courses) and effective November 15, 1988 (broker courses)~~. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post-licensing education courses are responsible for keeping the course subject matter current and accurate.

(b) The course syllabus and examinations will be approved for a 2 year period from the date of approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration examination date.

(5) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the course examination. At least 2 unique forms of the examinations shall be submitted for approval with the detailed course syllabus and shall test the learning objectives contained therein. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. The Commission approved examination shall be administered by the applicable university, college, community college, area technical center, registered real estate school, or Commission-approved sponsor.

(6) No change.

(7) The institutions, schools or sponsors offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of ~~the~~ course completion shall be made as on a form prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(8) through (10) No change.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History--New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Definition RULE NO.: 61J2-4.0061

PURPOSE AND EFFECT: The Commission is repealing the rule because definitions of partnerships are defined elsewhere in the law.

SUMMARY: The Commission determined it is necessary to repeal the rule because the definitions of general partnership, limited partnership and ostensible (quasi) partnership are defined by statute and case law.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.05, 475.01, 475.15 FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-4.0061 Definition.

Specific Authority 475.05 FS. Law Implemented 475.05, 475.01, 475.15 FS. History--New 1-1-80, Amended 4-18-84, Formerly 21V-4.061, Amended 7-20-93, Formerly 21V-4.0061, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: License Status of Officers and Directors Required RULE NO.: 61J2-5.015

PURPOSE AND EFFECT: The Commission is amending this rule to eliminate superfluous language regarding the requirement of officers and directors to register.

SUMMARY: The Commission determined the rule needed to be simplified because certain language in the rule identifying those officers and directors in a corporation who were required to register was confusing.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.01(3), 475.15 FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.015 License Status of Officers and Directors Required.

All officers and directors of a corporation, domestic or foreign, required to register, and maintain registration, shall be registered. All officers and directors who perform, or personally direct, sales or sales forces, advertising, soliciting or who come in contact with the owners of property listed or to be listed or with the investing public, in connection with brokerage transactions, shall be licensed and renew as active. Officers who perform no duties, or only clerical duties, are not required to be licensed or renew as active. Members of the Board of Directors, who have no other connection with the

corporation than the attendance at periodic meetings of the Board of Directors and the performance of the usual and customary duties of a director, are not required to be licensed as active. No registration shall be issued to the corporation or licenses to any officer or director, unless the corporation shall cause to register, and biennially renew the license of at least one active officer. A foreign corporation shall biennially present proof that at least one active officer, holding a valid and current active license, or for whom such a license is requested, is authorized to transact brokerage business in the State of Florida, and to bind the corporation with respect to such business.

Specific Authority 475.05 FS. Law Implemented 475.01(3), 475.15 FS. History—New 1-1-80, Formerly 21V-5.15, Amended 7-20-93, Formerly 21V-5.015, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Title	61J2-10.016
Mortgage Releases	61J2-10.017
Promises to Resell	61J2-10.018
Lotteries	61J2-10.019
Free Lot Schemes	61J2-10.020
Advance Fee Accounting and Reporting Procedures	61J2-10.029

PURPOSE AND EFFECT: The Commission is repealing certain rules because the language is redundant and prohibitions of these acts are addressed elsewhere in the law. The Commission is amending a rule to expand reporting requirements for advance fee accounts.

SUMMARY: The Commission determined rules preventing licensees and registrants from participating in the transfer of non-merchantable title, in the release of mortgages for less than the amount due, in the purchase of property with a promise to resell or repurchase the property at a future time and in the use of lotteries or games of chance to transfer property at no or a nominal cost are redundant and prohibitions of these acts are addressed elsewhere in the law. The Commission determined that brokers should prepare reports for advanced fee escrow accounts regardless of the account balance.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.  
LAW IMPLEMENTED: 475.25, 475.452(1),(2),(3) FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 8:30 a.m., December 15, 1999  
PLACE: Office of the Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-10.016 Title.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.16, Amended 7-20-93, 21V-10.016, Repealed.

61J2-10.017 Mortgage Releases.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.17, Amended 7-20-93, Formerly 21V-10.017, Repealed.

61J2-10.018 Promises to Resell.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.18, Amended 7-20-93, Formerly 21V-10.018, Repealed.

61J2-10.019 Lotteries.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.19, Amended 6-28-93, Formerly 21V-10.019, Repealed.

61J2-10.020 Free Lot Schemes.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History—New 1-1-80, Formerly 21V-10.20, Amended 6-28-93, Formerly 21V-10.020, Repealed.

61J2-10.029 Advance Fee Accounting and Reporting Procedures.

- (1) through (5) No change.
- (6) When the escrow account has a zero balance or small balance required to keep the account active and the account has had no activity during the reporting period, a ~~negative report shall be prepared and will be submitted. A negative report for any monthly period~~ will contain a copy of the account bank statement.
- (7) No change.

Specific Authority 475.05 FS. Law Implemented 475.452(1), (2), (3) FS. History—New 1-1-80, Formerly 21V-10.29, Amended 10-28-90, 7-20-93, Formerly 21V-10.029, Amended 11-10-97,                     .



NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

Single Agent Notice at the requisite period of time under the provisions of ss.475.276 or 475.278, FS; failed to properly secure the Consent to Transition to Transaction Broker or Designated Salesperson forms as required in ss.475.2755 or 475.278, FS; failed to act in a manner as prescribed in ss.475.2755, 475.276 or 475.278 (s) through (4) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES: Disciplinary Guidelines Citation Authority
RULE NOS.: 61J2-24.001 61J2-24.002

PURPOSE AND EFFECT: The Commission is removing violations regarding the Notice of Nonrepresentation because it is no longer required by statute to be provided by licensees.

SUMMARY: The Commission determined it is necessary to delete references to the Notice of Nonrepresentation and its statutory authority because licensees are no longer required by law to present the form to non-represented parties.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.2273, 475.05 FS. LAW IMPLEMENTED: 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482, 455.227, 455.2273, 455.224 FS.

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

TIME AND DATE: 8:30 a.m., December 15, 1999
PLACE: Office of the Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

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

THE FULL TEXT OF THE PROPOSED RULES IS:

61J2-24.001 Disciplinary Guidelines.
(1) through (3)(q) No change.

VIOLATIONS (r) 475.25(1)(q) Licensee has failed to give the Notice of Nonrepresentation, Transaction Broker Notice or

RECOMMENDED RANGE OF PENALTY (r) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 5 year suspension

Specific Authority 455.2273, 475.05 FS. Law Implemented 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482, 455.227, 455.2273 FS. History--New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-9-96, 12-30-97, 11-29-98, \_\_\_\_\_.

61J2-24.002 Citation Authority.
(1) through (2)(k) No change.
(1) 475.25(1)(q) - failed to give the appropriate disclosure or notice at the appropriate time under the provisions of ss.475.2755, 475.276 or 475.278, F.S. (A citation may only be given for a first time violation) \$ 300.00
(m) through (6) No change.

Specific Authority 475.05 FS. Law Implemented 455.224 FS. History--New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Beaches and Shores

Docket No.: 99-12R
RULE CHAPTER TITLE: Administrative Fines and Damage Liability
RULE NOS.: 62B-54.001-.004
PURPOSE AND EFFECT: The assessment of fines and damages for violations pursuant to 161.054, F.S.
SUMMARY: Provides a method for determining the amount of fines or damages to be assessed for violations pursuant to 161.054 F.S., and the procedure for imposing and collecting such fines or damages.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule places no new procedural requirements, sets no protection measures, and adds nothing to the cost of complying with 161.041, .052, .053, Florida Statutes. It applies to anyone violating these Statutes. Fines are currently, and would continue to be levied for violation of the statutes, therefore cost to the agency would not substantially increase current work loads. It has the potential for a greater

cost for non-compliance because of the inclusion of damage assessments imposed. Damage amounts may reflect an actual valuation of the lost benefits brought about by damaged resources.

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: 161.052, 161.053, 161.054 FS.

LAW IMPLEMENTED: 161.041, 161.052, 161.053 FS.

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

TIME AND DATE: 9:00 a.m., December 16, 1999

PLACE: Department of Environmental Protection, Conference Room A, First Floor, 3900 Commonwealth Boulevard, Tallahassee

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ms. Rosaline Beckham, Environmental Specialist, The Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, extension 191

THE FULL TEXT OF THE PROPOSED RULES IS:

ADMINISTRATIVE FINES AND DAMAGE LIABILITY

62B-54.001 Definitions.

(1) “Department” is the Florida Department of Environmental Protection. The head of the Department is the Secretary.

(2) “Grossly negligent” violations are acts or omissions characterized by the failure to perform a manifest duty in reckless disregard of the consequences.

(3) “Harm to Resource” is an actual or potential impact, whether direct or indirect, short or long term, which is expected to occur as a result of construction and is defined as follows:

(a) “Minor Harm to Resource” is an impact associated with construction which is not an adverse impact due to its magnitude or temporary nature. Minor impacts include all administrative infractions.

(b) “Moderate Harm to Resource” is characterized by adverse impacts and other impacts as defined in Chapters 62B-33 and 62B-41, Florida Administrative Code, as appropriate.

(c) “Major Harm to Resource” is characterized by significant adverse impacts and other impacts as defined in Chapters 62B-33 and 62B-41, Florida Administrative Code, as appropriate.

(4) “Knowing” violation is an act or omission done with awareness of the nature of the conduct.

(5) “Willful violation” is an act or omission which is voluntary, intentional and with the specific intent to do something the law forbids, or fail to do something the law requires to be done.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New \_\_\_\_\_.

62B-54.002 Determination of Fines.

(1) The Department shall assess fines for willful violations of sections 161.041, 161.052, and 161.053, Florida Statutes, or any rule or order prescribed by the Department thereunder. The fine amount shall be sufficient to ensure immediate and continued compliance with the provisions of section 161.041, 161.052, and 161.053, Florida Statutes, and be consistent with the following table:

HARM TO RESOURCE and/or POTENTIAL FOR HARM	FINE RANGE
Major	\$5,000 – \$10,000
Moderate	\$1,000 – \$5,000
Minor	0 – \$1,000

(2) Each day during any portion of which a violation occurs or continues to occur hereunder constitutes a separate offense. Multi-day fines will compound beginning on the date of receipt of the Department's warning notice. Multi-day fines will not be assessed for minor impacts.

(3) In determining the actual fine within the range, the Department shall consider the offender's past violations, if any, and other aggravating and/or mitigating circumstances.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New \_\_\_\_\_.

62B-54.003 Determination of Damages.

(1) The Department shall assess damages for grossly negligent or knowing violations of sections 161.041, 161.052, or 161.053, Florida Statutes, or any rule or order prescribed by the Department thereunder, which result in harm to sovereignty lands seaward of mean high water or to beaches, shores, or coastal and/or beach-dune system(s), including animal, plant, or aquatic life thereon, consistent with the following table:

HARM TO RESOURCE	CULPABILITY	
	Gross Negligence	Knowing
Major	\$1,000 minimum	\$5,000 minimum
Moderate	\$500 minimum	\$1,000 minimum
Minor	0 minimum	0 minimum

(2) Damages in amounts greater than the minimum amounts provided above may be assessed. When determining the amount of damages sufficient to ensure the immediate and continued compliance with the provisions of section 161.041, 161.052, and 161.053, Florida Statutes, the Department shall consider:

(a) the lost or diminished ability to protect upland structures and property from wind and water damage resulting from storms.

(b) the lost or diminished opportunities for recreational use.

(c) the need for restoration, and

(d) the damaged ecological resource.

(3) The Department does not hereby waive any right to assess fines pursuant to Administrative Fines for Damaging State Lands or Products Thereof, Chapter 18-14, Florida Administrative Code.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New \_\_\_\_\_.

62B-54.004 Imposition and Collection of Fines and Damages.

(1) The provisions of sections 62B-54.002 and 62B-54.003, Florida Administrative Code, are not mutually exclusive and may be utilized concurrently.

(2) Fines and damages shall be imposed and collected by the Department pursuant to sections 161.052, 161.053, 161.054, Florida Statutes, and the Florida Administrative Procedures Act, Chapter 120, Florida Statutes. Nothing in this rule chapter shall be construed to preclude the Department from bringing suits or taking action as is otherwise lawfully authorized including directing appropriate restoration activities against any person or the agent of any person who has been found to have violated the provisions of Chapter 161, Florida Statutes.

(3) Upon discovery of a violation, the Secretary of the Department or his/her designee shall issue a notice to suspected and known violators giving notice of the violation. Such notice shall be served on the violator by certified mail, return receipt requested; actual delivery; or by personal service; and shall identify the provision of law or rule alleged to have been violated. The notice shall include a brief statement of the facts constituting the alleged violation.

(4) Upon determination that the violation is considered a minor violation pursuant to section 120.695(2)(b), Florida Statutes, the Department shall issue a notice of noncompliance as a first response to that minor violation.

(5) Upon determination that a fine or assessment of damage is warranted, the Secretary of the Department or his/her designee shall issue a final order to the violator demanding payment to the Ecosystem Management and Restoration Trust Fund within 21 days of receipt. If payment is not received by the Department within such 21 day period the fine shall become a lien upon the real and personal property of the violator, enforceable by the Department as a statutory lien pursuant to section 161.054, Florida Statutes.

Specific Authority 161.052, 161.053 FS. Law Implemented 161.052, 161.053, 161.054 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Alfred B. Devereaux, Director, Office of Beaches and Coastal Systems

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary, Department of Environmental Protection

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

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

## DEPARTMENT OF HEALTH

### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Examination for Licensure

RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text to clarify the requirements for examination for licensure.

SUMMARY: The Board has determined that it is necessary to amend this rule to explain to applicants that they must demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy and mental health counseling by either passing the laws and rules examination as set forth in Rule 64B4-3.003 or by completing the laws and rules course pursuant to Rule 64B4-3.0035, FAC.

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

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

SPECIFIC AUTHORITY: 455.574, 491.004(5) FS.

LAW IMPLEMENTED: 455.574, 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.003 Examination for Licensure.

(1) through (3) No change.

(4) PART I – LAWS AND RULES – Applicants shall demonstrate knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy

and mental health counseling by either passing the laws and rules examination stated below or completing the laws and rules course pursuant to Rule 64B4-3.0035, Florida Administrative Code.

- (a) through (b) No change.
- (5) through (6) No change.

Specific Authority 455.574, 491.004(5) FS. Law Implemented 455.574, 491.005 FS. History--New 3-21-90, Amended 7-31-91, 3-10-92, 6-1-92, 1-27-93, Formerly 21CC-3.003, Amended 3-14-94, 7-20-94, Formerly 61F4-3.003, Amended 12-22-94, 9-18-95, 11-13-96, 6-1-97, Formerly 59P-3.003, Amended 8-8-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 10, 1999

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE:

RULE NO.:

Licensure by Examination; Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination

64B19-11.0035

PURPOSE AND EFFECT: The Board changed the agency from the American Psychological Association and replaced it with the United States Department of Education in Subsections (2), (3),(4),(5).

SUMMARY: The Board deleted Subsection (3), and broadened the scope of accrediting agencies in Subsections (2),(3),(4),(5) to show proof satisfactory to the Board for the purpose of determining eligibility for examination, and in Subsection (3) added proof satisfactory criteria in the letter stating the applicant's degree requirements have been met.

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

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

SPECIFIC AUTHORITY: 455.564(2), 490.004(4), 490.005(1)(b) FS.

LAW IMPLEMENTED: 490.003(3), 490.005(1)(b) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Howerton, Executive Director, Board of Psychology /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.0035 Licensure by Examination: Proof Satisfactory to the Board for the Purpose of Determining Eligibility for Examination.

- (1) No change.
- (2) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was obtained from a psychology program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: a true copy of the applicant's transcript confirming same from a doctoral psychology program accredited by an accrediting agency recognized and approved by the United States Department of Education ~~the American Psychological Association.~~

~~(3) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was augmented in a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the American Psychological Association. The letter shall enumerate the exact documents that were reviewed in determining augmentation.~~

~~(3)(4) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained in the United States or Canada was obtained from a program comparable to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education ~~American Psychological Association~~, provided that the director has not had a relationship with the previously unaccredited institution from which the applicant received a degree that might appear to create a conflict of interest. The letter shall enumerate the exact documents that were reviewed in determining comparability. This letter also shall verify and describe how the applicant's program met all of the criteria set forth in subsection (5).~~

~~(4)(5) The following proof is satisfactory to the Board for the purpose of showing that the applicant's degree obtained outside of the United States or Canada was equivalent to a Ph.D. in psychology, a Psy.D., or an Ed.D. in psychology and~~

was obtained from a program equivalent to a program accredited by a programmatic accrediting agency recognized and approved by the U.S. Department of Education: an original, signed letter on official letterhead confirming same and sent directly to the Board from the director of a doctoral psychology program accredited by the accrediting agency recognized and approved by the United States Department of Education American Psychological Association. The letter shall enumerate the exact documents that were reviewed in determining comparability or augmentation. The Board shall also require the validation of degree and internship equivalence performed by a credentials' evaluation service acceptable to the Board.

(5)(6) For a section 490.005(1)(b)4. applicant only, the Board will apply the following criteria to determine whether an applicant's doctoral program was a program which maintained a standard of training comparable or substantially equivalent to the standard of training of programs accredited by the accrediting agency recognized and approved by the United States Department of Education American Psychological Association:

(a) through (j) No change.

Specific Authority 455.564(2), 490.004(4), 490.005(1)(b) FS. Law Implemented 490.003(3), 490.005(1)(b) FS. History--New 1-7-96, Formerly 59AA-11.0035, Amended 12-4-97, 9-20-98, 11-24-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

**DEPARTMENT OF HEALTH  
Board of Psychology**

RULE TITLE: RULE NO.:  
Wall Certificate and Initial Fee for Licensure 64B19-12.0041  
PURPOSE AND EFFECT: The Board has determined the specific requirements and initial fees for wall certificates.  
SUMMARY: The Board has clarified the requirements and costs for initial wall certificates, duplicate wall certificates, and/or replacement of a lost or destroyed license.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.564(2), 4553587(1)(4), 490.004(4) FS.

LAW IMPLEMENTED: 455.564(2), 455.587(1),(4), 490.005, 490.006(1) 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., December 6, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.0041 Wall Certificate and Initial Fee for Licensure.

(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) Licensees may obtain duplicate licenses for replacement of a lost or destroyed license by submitting a written request to the Board along with a \$25.00 fee.

(4) The initial fee for licensure is \$250.00.

Specific Authority 490.004(4) FS Law Implemented 455.564(2), 490.005(1)(a), 490.006(1) FS. History--New 1-1-86, Formerly 21U-12.01, Amended 7-7-86, 8-12-90, Formerly 21U-12.001, 61F13-12.0041, 59AA-12.0041, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 9, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 1999

**DEPARTMENT OF HEALTH  
Board of Psychology**

RULE TITLE: RULE NO.:  
Exemption of Spouses of Members of  
Armed Forces from License 64B19-13.0015  
Renewal Requirements  
PURPOSE AND EFFECT: A new rule is being promulgated by the Board of Psychology to address a spouse's exemption from license if married to a member of the Armed Forces.

SUMMARY: The Board has determined that it is necessary to create a new rule to address a spouse's exemption from license if married to a member of the Armed Forces.

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

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

SPECIFIC AUTHORITY: 455.507, 490.004(4) FS.

LAW IMPLEMENTED: 455.507 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of /MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-13.0015 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces and who at the time the absence became necessary was in good standing with the Board of Psychology and entitled to practice Psychology in Florida shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show satisfactory proof to the Board of the absence and the spouse's military status.

Specific Authority 455.507, 490.004(4) FS. Law Implemented 455.507 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLE: Educational Requirements RULE NO.: 64B20-2.002

PURPOSE AND EFFECT: The purpose is to amend Rule 64B20-2.002 to update the rule text to further clarify educational requirements.

SUMMARY: The Board has determined that it is necessary to amend Rule 64B20-2.002 due to the increase in the number of doctoral level applicants seeking initial licensure, and to notify applicants that the Educational Standards Board (ESB) has changed its name to Council on Academic Accreditation (CAA). Subsections (3)(a) and (b) are being amended to change the evaluation hours required for a speech-language pathologist and for an audiologist. In addition, the address for Speech-Language Pathology and Audiology has changed and the rule will now reflect this change.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1155, 468.1185 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.002 Educational Requirements.

(1) Candidates for licensure or provisional licensure as a speech-language pathologist or audiologist shall submit to the Board an official transcript or transcripts to evidence the receipt of a master's degree or doctoral degree with a major emphasis in speech-language pathology or audiology from an institution of higher learning which, at the time the applicant was enrolled and graduated, was accredited by an accrediting agency recognized by the Council on Post-Secondary Accreditation or its successors or from an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada. If the transcript submitted pursuant to this section does not, at the time it is submitted, reflect that the applicant has the required master's degree or doctoral degree, the Board will not accept the transcript as evidence of such degree unless it is accompanied by Form SPA-2D, Certification of Conferral of Master's Degree or Doctoral Degree, which is incorporated herein by reference, effective \_\_\_\_\_, ~~March 16, 1994~~, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 2020 Capital Circle, S. E., Bin #C08, Northwood Centre, 1940 North

~~Monroe Street~~, Tallahassee, Florida 32399-3258 ~~0778~~. An applicant who graduated from a program at a university or college outside of the United States or Canada shall present documentation of the determination of equivalency to programs accredited by the council on post-secondary accreditation in order to qualify.

(2) No change.

(3) The applicant shall also have completed a minimum of 300 clock hours of supervised clinical practice, with at least 200 of said hours in the area of licensure. The supervised clinical practice shall be completed within the training institution or in one of its cooperating programs. The supervised clinical practices shall include:

(a) For the speech-language pathologist, twenty (20) hours in the evaluation and twenty (20) hours in the treatment of speech disorders in children, twenty (20) hours in the evaluation and twenty (20) hours in the treatment of speech disorders in adults, twenty (20) hours in the evaluation and twenty (20) hours in the treatment of language disorders in children, twenty (20) hours in the evaluation and twenty (20) hours in the treatment of language disorders in adults, and twenty (20) hours in hearing disorders ~~seventy five (75) hours in language, twenty five (25) hours in fluency, twenty five (25) hours in articulation, twenty five (25) hours in voice, and thirty five (35) hours in hearing disorders~~. Experience in both evaluation and management shall be gained within each area.

(b) For the audiologist, fifty (50) hours in auditory assessment, fifty (50) hours in habilitation and rehabilitation, and twenty (20) ~~thirty five (35)~~ hours in speech pathology.

(4) An applicant who graduates from a program approved by the Council on Academic Accreditation (CAA) Educational Standards Board (ESB) ~~Board (ESB)~~ of the American Speech-Language-Hearing Association (ASHA) will be deemed to have met the educational requirements pursuant to this section.

Specific Authority 468.1135(4) FS. Law Implemented 468.1155, 468.1185 FS. History—New 3-14-91, Formerly 21LL-2.002, Amended 11-15-93, 3-16-94, Formerly 61F14-2.002, 59BB-2.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 27, 1999

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLE: Credit Underwriting Procedures  
RULE NO.: 67-21.014

PURPOSE AND EFFECT: The purpose of Rule Chapter 67-21, Florida Administrative Code (FAC.), is to establish the procedures by which the Florida Housing Finance Corporation shall administer the application process, determine loan amounts and issue multifamily mortgage revenue bonds for new construction or substantial rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond Program.

SUMMARY: The proposed amendment to the Rule will provide consistency throughout the rule with respect to ranking of Applicants.

STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 420.507(12), 420.508(3)(c) FS.

LAW IMPLEMENTED: 420.507, 420.508, 420.509 FS.

A HEARING (if desired or requested) WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., December 13, 1999

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor Seltzer Room, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joyce Martinez, Multifamily Bond Manager, or Don Stuart, Administrator, Multifamily Bond Program, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or facsimile at (850)414-5479.

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

67-21.014 Credit Underwriting Procedures.

(g) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall notify Florida Housing and request the information from the Applicant. Such requested information shall be submitted within five business days of receipt of the request therefor. Failure for any reason to submit required information by the specified deadline shall result in ~~a loss of ranking for~~ the Application being moved to the bottom of the ranked list.

Specific Authority 420.507(12), 420.508(3)(c) FS. Law Implemented 420.507, 420.508, 420.509 FS. History—New 1-7-98, Formerly 91-21.014, Amended 1-26-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joyce Martinez, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or facsimile at (850)414-5479

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Stuart, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 1999, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 44, November 5, 1999

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

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

**DEPARTMENT OF REVENUE**

NOTICE OF CABINET AGENDA ON  
NOVEMBER 23, 1999

The Governor and Cabinet, on November 23, 1999, sitting as head of the Department of Revenue, will consider approval of amendments to Rules 12D-7.0143, FAC., Additional Homestead Exemption Up To \$25,000 for Persons 65 and Older Whose Household Income Does Not Exceed \$20,000 Per Year; 12D-7.015, FAC., Educational Exemption.; 12D-7.0155, FAC., Enterprise Zone Exemption For Child Care Centers.; 12D-7.017, FAC., Exemption of Homes for the Aged.; 12D-7.018, FAC., Fraternal and Benevolent Organizations.; 12D-8.005, FAC., Assessing Property Not Returned as Required by Law and Penalties Thereon.; 12D-13.002, FAC., When Taxes Are Due; Notice of Publication; Discounts if Taxes Are Paid Before Certain Times.; 12D-13.009, FAC., Refunds.; 12D-13.064, FAC., Lands Available for Taxes.; 12D-16.002, FAC., Index to Forms. Proposed Rule 12D-7.0143, FAC., is needed to implement the provisions of Chapter 99-341, L.O.F., which provide for an additional homestead exemption for persons 65 and older. The proposed amendment to Rule 12D-7.015, FAC., is needed to implement section 4 of Chapter 99-304, Laws of Florida, which exempts from ad valorem property tax child care facilities that achieve Gold Seal Quality status. Proposed Rule 12D-7.0155, FAC., is needed to implement section 2 of Chapter 99-304, Laws of Florida, which created an ad valorem property tax exemption for child care facilities located in an enterprise zone. The proposed amendment to Rule 12D-7.017, FAC., is needed to implement section 2 of Chapter 99-208,

Laws of Florida, which created an ad valorem property tax exemption for certain non-profit homes for the aged. The proposed amendment to Rule 12D-7.018, FAC., is needed to clarify the application of the ad valorem property tax exemption to property of fraternal and benevolent organizations. The proposed amendment to Rule 12D-8.005, FAC., is needed to conform the rule to section 2, Chapter 99-239, Laws of Florida, which provides for a mandatory 30 day and additional optional 15 day extension of time to file tangible personal property tax returns upon request by a taxpayer. The proposed amendment to Rule 12D-13.002, FAC., is needed to conform the rule to section 2, Chapter 98-139, Laws of Florida, which provides for discounts on corrected tax notices. The proposed amendment to Rule 12D-13.009, FAC., is needed to clarify that the date of a refund claim relates back to the date a certificate of correction is delivered to and received by the tax collector where the date of the certificate of correction predates the date of the taxpayer's refund application. The proposed amendment to Rule 12D-13.064, FAC., is needed to implement the provisions of sections 3 and 4, Chapter 99-190, Laws of Florida, which provide for cancellation of omitted ad valorem property taxes on purchases by a county or other governmental unit from the list of lands available for taxes; and that land on the list escheats to the county three years after the property was offered for tax deed sale. The proposed amendments to Rule 12D-16.002, FAC., are needed to implement forms revisions created in Chapters 99-208, 99-251, 99-341, and 99-378, Laws of Florida; delete obsolete forms; and incorporate other technical changes made to forms. The proposed amendments were originally noticed in the Florida Administrative Weekly of October 8, 1999, Vol. 25, No. 40, pp. 4635-4644. A public hearing on the proposed rules was held on November 1, 1999. No comments were received at the public hearing that were directly addressed to the subject of the proposed rules as published in the October 8, 1999, Florida Administrative Weekly.

**DEPARTMENT OF CITRUS**

<p>RULE CHAPTER NO.: 20-48</p> <p>RULE NOS.: 20-48.004 20-48.005 20-48.006 20-48.008</p>	<p>RULE CHAPTER TITLE: Targeted Value-Added Promotions Program for Fresh Grapefruit</p> <p>RULE TITLES: Allocation; Disbursement of Funds Program Requirements Qualification of Advertising/Merchandising Proof of Performance; Claim for Payment</p>
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**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999 issue of the Florida Administrative Weekly.