

SUBJECT AREA TO BE ADDRESSED: The harvest and possession of red porgy in state waters of the Atlantic Ocean.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING ON THE PROPOSED RULE AMENDMENTS WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT A DATE, TIME AND PLACE TO BE ANNOUNCED LATER IN THIS PUBLICATION:

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop meeting, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE:

RULE NO.:

Disapproval of Directors or Executive Officers

3C-100.03852

PURPOSE AND EFFECT: This rule is being updated to incorporate changes made by Chapter 99-138, Laws of Florida; to refer to the current biographical form used elsewhere by the Division of Banking and its federal regulatory counterparts; and to otherwise update, clarify, correct, and simplify the rule.

SUMMARY: The rule is amended to require a 60 day notice of certain financial institution's appointment or employment of new directors or executive officers; to describe how some financial institutions may obtain a waiver; to refer to the current biographical form used by the Division; and makes other changes to the rule.

SUMMARY OF STATE OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 655.0385 FS.

LAW IMPLEMENTED: 655.0385, 658.21, 658.33, 665.013 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 16, 1999

PLACE: Room 630, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Charity, Chief, Bureau of Research, Planning, and Staff Development, Division of Banking, 101 East Gaines Street, Suite 614, Fletcher Building, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-100.03852 Disapproval of Directors or Executive Officers.

(1) Section 655.0385, Florida Statutes, requires state financial institutions to notify the Department of the proposed appointment of any individual to the board of directors or the employment of any individual as an executive officer or equivalent position 60 ~~30~~ days before such appointment or employment becomes effective, if the applying financial institution:

(a) Has been chartered for less than 2 years;

(b) Has undergone a change in control or conversion within the preceding 2 years, and is not exempted under subsection (6) of this rule;

(c) Is not in compliance with the minimum capital requirements applicable to such financial institution; or

(d) Is otherwise operating in an unsafe or unsound condition, as determined by the Department, on the basis of such financial institution's most recent report of condition or report of examination.

(2) Notice.

(a) A financial institution shall provide a ~~substantially~~ complete written notice to the Department at least 60 ~~30~~ days prior to the effective date of the appointment of a director or the employment of an executive officer or equivalent position. Each notice shall include a completed ~~Biographical Report~~ Form DBF-C-10-B, Interagency Biographical and Financial Report, revised 11/97, 12/93 ~~which is hereby incorporated by reference. Notices shall be submitted to and Form DBF-C-10-B, effective date 12-14-93, which is incorporated by reference, may be obtained by request from the Department of Banking and Finance, Division of Banking, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350. Form DBF-C-10 may also be found at the Department's Internet website: <http://www.dbf.state.fl.us/banking.html> by using the icon "Download Department of Banking and Finance Application Forms" and by selecting the icon "DBF-C-10."~~

(b) A notice is not ~~deemed substantially~~ complete until the financial institution provides all the information requested in paragraph (2)(a), including complete explanations where material issues arise regarding the competence, experience, character, or integrity, or business acumen and judgment of the proposed director or executive officer or equivalent position, and any additional information that the Department requests following a determination that the financial institution's original submission of the notice was not ~~substantially~~ complete.

(c) Each proposed director or executive officer, or equivalent position, shall make certain that the notice submitted on his or her behalf is accurate.

(3) Processing.

(a) The Department shall have 60 ~~30~~ days after receipt of a ~~substantially~~ complete notice to issue a letter of disapproval. Such disapproval letter shall be mailed to the financial institution and the disapproval shall be effective upon notification. Any financial institution so notified shall immediately require the individual to disassociate himself or herself from the financial institution.

(b) A financial institution shall not allow an individual who ~~which~~ has been proposed to become a member of the board of directors or employed as an executive officer, or equivalent position, to serve in such capacity before the expiration of the 60 ~~30~~ day review period unless the Department notifies the financial institution of an intention not to disapprove the individual.

(c) The Department will conduct background investigations on individuals proposed to become a ~~director~~ or executive officer, or equivalent position. The investigations shall, in general, include contacts with the FBI, local law enforcement and prosecutorial agencies, federal and state financial institution regulatory agencies, and other federal and state government agencies. Background investigations of proposed individuals who are not citizens of the United States will include appropriate foreign and international contacts.

(d) If the Department makes a request for additional information during the review of an incomplete notice, the financial institution must provide the information within 25 days of such a Departmental request or request in writing that the Department suspend processing of the notice.

~~(e) If the Department does not timely receive the information it requested pursuant to paragraphs (3)(c) or (3)(d) concerning an individual proposed by the financial institution, or if the Department requires additional time to fully review the notice or information requested pursuant to paragraphs (3)(c) or (3)(d), the Department shall suspend the processing of the notice for an additional 60 days.~~

~~(f) The processing of a substantially complete notice shall also be suspended for a period of up to 60 days or such longer period of time if such suspension is requested by the financial institution and the Department determines that such a delay~~

~~will not be detrimental to the safety and soundness of the concerned institution or cause a risk of harm to the public interest.~~

(4) Requests For Interim Appointment.

(a) Any financial institution may file a written request with the Department to permit an individual proposed as a director or executive officer, or equivalent position, to assume his or her position on an interim basis prior to the expiration of the 60 ~~30~~ day prior notice period ~~or applicable period of suspension~~.

(b) The Department shall not consider a request for interim appointment or employment of a director or executive officer, or equivalent position, unless the Department has received a completed Form DBF-C-10 for the proposed individual.

(c) The Department shall only grant a request for the interim appointment or employment of a director or executive officer, or equivalent position, if the interim appointment or employment is not likely to cause a risk of harm to the financial institution or the public interest.

(d) The granting of a request for the interim appointment or employment of an individual to the position of director or executive officer, or equivalent position, shall not affect the Department's ability to subsequently issue a notice of disapproval within ~~or suspend~~ the 60 ~~30~~ day prior notice period.

(5) Regulatory Standards for Evaluating Requests for Proposed Directors or Executive Officers, or Equivalent Positions.

(a) The financial institution may appoint or employ an individual to begin service as a director or executive officer, or equivalent position, on a permanent basis if:

1. The Department notifies the financial institution of an intent not to disapprove the proposed director or executive officer, or equivalent position; or

2. The 60 ~~30~~ day review period expires ~~and was not extended or suspended, by the Department or the financial institution~~, and during such review period the concerned individual was not disapproved.

(b) The Department shall issue a notice of disapproval if the competence, experience, character, or integrity, or business acumen and judgment of the proposed individual to be appointed or employed indicates that it is not in the best interests of the depositors, the members, or the public to permit the individual to be employed by or associated with the state financial institution.

(c) Unless the Department finds, in writing, that the proposed individual has shown rehabilitation, the proposed director or executive officer, or equivalent position, shall not be eligible for permanent or interim employment, if the individual:

1. Has been convicted of or has entered a plea of guilty or nolo contendere, regardless of adjudication, to a felony or of an offense involving moral turpitude, dishonesty, a breach of trust, a violation of state or federal financial institution law, the Florida Financial Institutions Codes, or fraud;

2. Has been removed by any regulatory agency as a director, officer, or employee of any financial institution;

3. Has performed acts of fraud or dishonesty, or has failed to perform duties, resulting in a loss to a financial institution; or

4. Has been convicted or found guilty, regardless of adjudication, of a violation of Section 655.50, Florida Statutes, relating to the Florida Control of Money Laundering in Financial Institutions Act; Chapter 896, relating to offenses related to financial transactions; or any similar state or federal law.

(d) If an individual proposed as a director or executive officer, or equivalent position, has demonstrated a lack of responsibility in relation to financial matters which is reflected by either the credit ~~worthiness~~ payment history and/or bankruptcy of the person or by such person's business history, it shall be permissible to consider such ~~a~~ conditions in evaluating the character and integrity of the individual ~~in~~ managing one's personal financial affairs.

(e) Material errors or omissions in any information submitted to the Department regarding an individual shall be grounds for a finding by the Department that the individual fails to meet the requisite standards for service as a director or executive officer, or equivalent position, of a state financial institution.

(f) If an individual is proposed for the position of chief executive officer, president, or equivalent position, he or she shall have had at least 1 year of direct experience, ~~including policy making responsibilities,~~ as an executive officer, financial institution regulator, or director of a financial institution within the last 3 years. A financial institution may request a waiver of this requirement by writing to the Director of the Division of Banking detailing why the proposed officer's overall experience and expertise compensates for the lack of recent, direct financial institution or financial institution regulator experience. The Department shall grant a request for a waiver only when it is clear that the proposed officer's overall experience and expertise suggests he or she will perform satisfactorily in office.

(g) If the proposed executive officer, president, or equivalent position is to be employed by a state financial institution that does not meet the minimum capital requirements or is otherwise operating in an unsafe or unsound condition, the Department shall, based on the unique needs of the financial institution, require more extensive financial institution experience.

(6) Pursuant to Section 655.0385(1)(b), Florida Statutes, the Department may exempt from the 60 day notice requirement a financial institution which has undergone a change of control or conversion within the preceding two years and which operates in a safe and sound manner.

(a) A financial institution with a composite rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a state or federal regulatory action shall be automatically exempted from the 60 day notice requirement. For purposes of this section "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, documents of resolution, letters of understanding and agreement, resolutions adopted at the request of financial institution regulators, and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

(b) Other financial institutions may request an exemption by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner, and why an exemption is appropriate.

Specific Authority 655.012(3), ~~658.0385(4)~~ ~~120.53(1)(b)~~ FS. Law Implemented 655.0385, 658.21, 658.33, 665.013 FS. History--New 12-14-93, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Donald M. Kelly, Financial Control Analyst, Division of Banking

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking

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

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

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: RULE NO.:

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

PURPOSE AND EFFECT: The purpose of the proposed amendments is to update the rule to include amendments that have been made to NASD rules and SEC rules that are incorporated by reference and to make other grammatical and technical changes.

SUMMARY: The title for Rule 3E-600.013 is being amended to designate that the rule describes prohibited business practices for dealers and their associated persons. Rule

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

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

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

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12, 517.161(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:

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(a) through (e) No change.

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

(g) through (h) No change.

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

(j) through (k) No change.

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

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

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

(n) through (o) No change.

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

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

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

3. Sections 2, 4, 5, or 6 of the Securities Act of 1933 or SEC Rules 134 (17 CFR ~~§~~ 230.134); 134a (17 CFR ~~§~~ 230.134a); 135a (17 CFR ~~§~~ 230.135a); 144 (17 CFR ~~§~~ 230.144); 144A (17 CFR 230.144A); 156 (17 CFR ~~§~~ 230.156); 419 (17 CFR 230.419); 481 (17 CFR 230.481); or 482 (17 CFR ~~§~~ 230.482) of the SEC promulgated pursuant thereto, as such provisions existed on March 1, 1999 ~~February 28, 1992~~, interpreted in accordance with the guidelines, policies, and interpretations of the NASD or SEC; ~~or~~

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

~~5.4.~~ Any rule of the Municipal Securities Rulemaking Board ("MSRB") including the Definitional Rules (~~i.e.~~, Rules D-1 through D-11, inclusive), and the General Rules with the exception of Rule G-35 (~~i.e.~~, Rules G-1 through G-34, inclusive), promulgated pursuant to Section 15B of the Securities Exchange Act of 1934, as such rules existed on

~~March 1, 1999 February 28, 1992~~, interpreted in accordance with the guidelines, policies, and interpretations of the MSRB, NASD, or SEC.

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

(q) No change.

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

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

(t) No change.

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

(v) No change.

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

(a) through (b) No change.

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

(d) through (g) No change.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Reilly, Financial Administrator, Division of Securities

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Division of Securities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

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

RULE NO.: 3E-600.0131

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

SUMMARY: Rules concerning investment adviser conduct have been promulgated on the federal level. The rules proposed by the Division are based on the model rules proposed by the North American Securities Administrators Association. The rule identifies conduct such as borrowing monies from clients, making unsuitable recommendations, excessive trading, unauthorized purchases or sales, and other practices that are prohibited.

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 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: 517.03(1) FS.

LAW IMPLEMENTED: 517.12, 517.161(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:

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

(a) With respect to any customer, transaction or business in, to or from this state, engaging in any conduct prohibited by, or failing to comply with the requirements of, the following:

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

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

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

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

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

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

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

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

(i) Misrepresenting the qualifications of the investment adviser or any employee of the investment adviser to a client or prospective client when the representation does not fairly

describe the nature of the services offered, the qualifications of the person offering the services, and the method of compensation for the services or omitting to state a material fact;

(j) Charging a customer an unreasonable advisory fee;

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

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

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

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

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

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

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

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

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

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

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

Specific Authority 517.03(1) FS. Law Implemented 517.12, 517.161(1) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Bill Reilly, Financial Administrator, Division of Securities
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Don Saxon, Director, Division of
 Securities
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 25, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF BANKING AND FINANCE
Division of Securities and Investor Protection

RULE TITLE: Books and Records Requirements
 RULE NO.: 3E-600.014
 PURPOSE AND EFFECT: The rule is being amended to
 provide a reference date for federal and regulatory agency
 rules.

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

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

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

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

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

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

SUMMARY: The amended rule describes the maintenance and preservation of books and records required of investment advisers subject to registration with the Florida Department of Banking and Finance.

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

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

SPECIFIC AUTHORITY: 517.03(1), 517.121 FS.

LAW IMPLEMENTED: 517.121 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 17, 1999

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-600.014 Books and Records Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(4) A dealer or investment adviser and its appropriate principals shall ensure that each branch office and any other location which is listed on a Form U-4 as an Office of Employment Address shall prepare and maintain such records, as described in subsections (1) and (3) of this Rule, as are applicable, including, but not necessarily limited to customer new account information records, customer account activity records, a record of all transactions in securities executed by or through such office, a record of receipt and disbursement of all monies through such office relating to the purchase or sale of securities or the rendering of investment advice, and a record of all securities received or delivered by or through such office; and shall maintain copies of all documentation as required under subsections (5) and (8) of this Rule.~~

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

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

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

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

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

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

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

~~(7) Every dealer and investment adviser conducting business in the state of Florida shall maintain a current list of all locations in this state, other than registered branch offices, from which any associated person renders investment advice or offers for sale or sells securities on behalf of or through such investment adviser or dealer. Such list shall include the street address and mailing address of such location; the name under which business is conducted at such location; the name of associated persons conducting business at said location; the names of the persons responsible for operating such location or having any fiscal responsibility associated with such location; the phone number of such location; and the name, title, CRD number, and employment location of the registered principal or principals responsible for supervising the activities of each said location. A current, accurate, and complete copy of such list shall be provided to the Department within five (5) business days of any request by the Department for such list.~~

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

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

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

~~(4)(11) No provisions of this Rule, unless specifically designated otherwise as a required form, shall be deemed to require the preparation, maintenance, or preservation of a~~

dealer's or investment adviser's books and records in a particular form or system, provided that whatever form or system utilized by such dealer's or investment adviser's course of business is sufficient to provide an audit trail of all business transactions.

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

~~(6)(12) All such books and records as heretofore described in this Rule shall be preserved in accordance with the following:~~

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

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

~~(c) Those records required under subsection (4) of this Rule shall be preserved for a period of not less than three (3) years at the branch office maintaining such records, and thereafter, for the periods of time specified in paragraphs (a) and (b) of this subsection. Such records shall be accessible through the main office of the dealer or investment adviser.~~

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:

Bill Reilly, Financial Administrator, Division of Securities

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don Saxon, Director, Division of Securities

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Florida Fix: Partnership In Low Income Residential Energy Conservation For Florida

9B-55

RULE TITLES: RULE NOS.:

Definitions	9B-55.001
Applicant Eligibility	9B-55.004
Application Process	9B-55.005
Application Format	9B-55.006
Scoring Criteria	9B-55.007
Scoring Procedures	9B-55.008
Eligible Projects	9B-55.009
Allowable Expenditures	9B-55.010
Match Requirements and Sources	9B-55.011

Standards of Work 9B-55.012
Client Eligibility 9B-55.013

Monitoring and Training and Technical Assistance 9B-55.014

Contracts and Amendments 9B-55.015

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to repeal the rule because it is obsolete by current federal regulations.

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 regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.53(1) FS.

LAW IMPLEMENTED: 163.03 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: 2:00 p.m., December 29, 1999

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Second Floor, Conference Room 220N, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Norm Gempel, Planning Manager, Division of Housing and Community Development, Bureau of Community Assistance, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Suncom 278-7541, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norm Gempel, Planning Manager, Division of Housing and Community Development, Bureau of Community Assistance, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-55.001 Definitions.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History--New 5-16-93, Repealed.

9B-55.004 Applicant Eligibility.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History--New 5-16-93, Repealed.

9B-55.005 Application Process.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History--New 5-16-93, Repealed.

9B-55.006 Application Format.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.007 Scoring Criteria.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.008 Scoring Procedures.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.009 Eligible Projects.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.010 Allowable Expenditures.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.011 Match Requirements and Sources.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.012 Standards of Work.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.013 Client Eligibility.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.014 Monitoring, Training and Technical Assistance.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

9B-55.015 Contracts and Amendments.

Specific Authority 120.53(1) FS. Law Implemented 163.03 FS. History–New 5-16-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Norm Gempel, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas A. Pierce, Director, Division of Housing and Community Development, Department of Community Affairs

DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 1999

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Low-Income Home Energy Assistance Program

RULE CHAPTER NO.: 9B-65

Assistance Program

9B-65

RULE TITLES:

RULE NOS.:

Purpose 9B-65.001

Referral Services 9B-65.003

Household Composition 9B-65.005

Eligibility Factors Other Than Income 9B-65.007

Income 9B-65.009

Verification and Documentation 9B-65.011

Determination of Eligibility Based on Income 9B-65.013

Application Procedures and Processing 9B-65.015

Hearings 9B-65.017

Levels of Assistance 9B-65.019

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to repeal the rule because it is obsolete by current federal regulations.

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 regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.508(4) FS.

LAW IMPLEMENTED: 409.026, 409.508 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: 2:00 p.m., December 17, 1999

PLACE: Conference Room, Second Floor, Room 220N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Hilda Frazier, Planning Manager, Division of Housing and Community Development, Bureau of Community Assistance, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Suncom 278-7541, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact: Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Hilda Frazier, Planning Manager, Division of Housing and Community Development, Bureau of Community Assistance, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-65.001 Purpose.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Amended 11-11-82, 12-3-85, Formerly 10C-29.01, Amended 2-11-88, 3-15-92, Formerly 10C-29-001, Repealed.

9B-65.003 Referral Services.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Amended 10-31-83, 12-3-85, Formerly 10C-29.03, Amended 3-15-92, Formerly 10C-29-003, Repealed.

9B-65.005 Household Composition.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Amended 10-31-83, Formerly 10C-29.05, Amended 3-15-88, Formerly 10C-29.005, Repealed.

9B-65.007 Eligibility Factors Other Than Income.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Amended 11-11-82, 10-31-83, 11-4-84, 12-3-85, Formerly 10C-29.07, Amended 12-29-86, 1-12-89, 3-13-91, 3-15-92, 3-16-93, Formerly 10C-29.007, Repealed.

9B-65.009 Income.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Formerly 10C-29.09, Amended 3-15-92, Formerly 10C-29.009, Repealed.

9B-65.011 Verification and Documentation.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Amended 11-11-82, 10-31-83, 11-4-84, Formerly 10C-29.011, Amended 12-29-86, 2-11-88, 3-13-91, 3-16-93, Formerly 10C-29.011, Repealed.

9B-65.013 Determination of Eligibility Based on Income.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Amended 11-11-82, 10-31-83, 11-4-84, 12-3-85, Formerly 10C-29.13, Amended 3-15-92, Formerly 10C-29.013, Repealed.

9B-65-015 Application Procedures and Processing.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Amended 11-11-82, 10-31-83, 11-4-84, 12-3-85, Formerly 10C-29.15, Amended 12-29-86, 2-11-88, 1-12-89, 3-13-91, 3-16-93, Formerly 19C-29.015, Repealed.

9B-65.017 Hearings.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Formerly 10C-29.17, Amended 2-11-88, 3-13-91, 3-15-92, Formerly 10C-29.017, Repealed.

9B-65.019 Levels of Assistance.

Specific Authority 409.508(4) FS. Law Implemented 409.026, 409.508 FS. History--New 3-15-82, Amended 11-4-84, 12-3-85, Formerly 10C-29.19, Amended 12-29-86, 2-11-88, 1-12-89, 3-13-91, 3-15-92, Formerly 10C-29.019, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Hilda Frazier, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas A. Pierce, Director, Division of Housing and Community Development, Department of Community Affairs

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

STATE BOARD OF ADMINISTRATION

RULE TITLE: Loss Reimbursement Procedures RULE NO.: 19-8.011

PURPOSE AND EFFECT: This rule is promulgated to implement recent legislative changes to Section 215.555, regarding the Florida Hurricane Catastrophe Fund, and to amend the procedures to make them more efficient.

SUMMARY: Proposed amended rule 19-8.011 adopts revised loss reimbursement procedures and reflects changes enacted by the Legislature during the 1999 session to Section 215.555.

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

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

SPECIFIC AUTHORITY: 215.555(3) FS.

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

REGARDLESS OF WHETHER OR NOT ONE IS REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 noon, Tuesday, January 11, 2000

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.011 Loss Reimbursement Procedures.

(1) Purpose. The purpose of this rule is to establish procedures and requirements for the payment by the Florida Hurricane Catastrophe Fund (the "Fund") of reimbursement to insurers for paid losses due to covered events. The rule sets out conditions precedent for the payment of reimbursement; adopts forms; establishes procedures for insurers to report paid losses to the Fund; establishes requirements for submitting reports; establishes procedures for the Board's determinations as to whether or not to grant a request for an advance under Section 215.555(4)(e), Florida Statutes, and establishes audit requirements.

(2) Conditions Precedent.

(a) The Fund shall ~~not~~ reimburse any insurer for any paid losses due to a covered event, as that term is defined in Section 215.555(2)(b), Florida Statutes, when unless the insurer is in compliance with the requirements of Section 215.555, Florida Statutes. An insurer is in compliance with the requirements of Section 215.555, Florida Statutes, if such insurer has executed the annual reimbursement contract with the Fund as required by Section 215.555(4)(a), Florida Statutes; and if such insurer has submitted complete and accurate exposure data as required by Section 215.555(5)(c), Florida Statutes, and rules adopted thereunder. An insurer, regardless of whether or not such insurer is involved in litigation with the Fund, must be in compliance with the requirements enumerated in the immediately preceding sentence before the Fund will pay any reimbursement for paid losses due to a covered event.

(b) For purposes of this rule, an insurer must have executed the required annual reimbursement contract for the contract year in which the covered event occurs for which a paid loss has been reported.

(c) For purposes of this rule, an insurer's exposure data is accurate and complete if it has been processed by the Fund's Administrator and undergone the review checks so that the processing has resulted in a determination of the reimbursement premium due from that insurer to the Fund for that contract year. An insurer's data is considered accurate and complete if a reimbursement final premium has been determined even if the data was not timely submitted or even if the insurer submitted the data more than once before the ~~final~~ premium was determined. However, an insurer is not in compliance with the requirements of Section 215.555, Florida Statutes, unless the exposure data required by Section 215.555(5)(c), Florida Statutes, has been accurately and completely submitted and the reimbursement premium is finally determined for that contract year. Note, however, that all insurers are subject to audit by the Fund and that the final reimbursement premium for any contract year may be adjusted after the completion of the audit.

(3) Losses for Which Reimbursements Will be Paid.

(a) The Fund shall reimburse insurers for paid losses for policies ~~which insure real or personal property located in the State of Florida~~ to the extent such a policy insures a residential structure or the contents of a residential structure located in the State of Florida. Residential structures are those dwelling units used as a home, residence, or sleeping place for other than short-term, transient occupancy. These include, but are not limited to, the following types of structures, including appurtenant structures insured under the same policy and any other structure or contents covered under endorsement associated with a policy covering a residential structure, the principal function of which at the time of loss was as a primary or secondary residence: apartments (including owners and tenants); adult congregate living facilities; boarding or

~~rooming houses; condominiums (including unit owners, tenants and associations); houses; mobile homes; residences in structures also containing non residential units; and townhomes. The reimbursement from the Fund shall also include 5% of the reimbursed losses to cover loss adjustment expenses.~~

~~(b) If the losses in paragraph (a), above, differ from the provisions of Articles V and VI in the reimbursement contract for the contract year in which the covered event occurs for which the insurer has requested reimbursement define more specifically the losses for which reimbursement will be paid; then the provisions of the reimbursement contract shall control.~~ Reimbursement contracts for each contract year are adopted and incorporated by reference in Rule 19-8.010.

~~(b)(c) If the losses in paragraph (a), above, differ from the coverages provided in Section 215.555(2)(c), Florida Statutes, in effect for the contract year in which the covered event occurs for which the insurer has requested reimbursement, then the provisions of the statute shall control.~~

(4) When Losses Are Reimbursed.

~~(a) Pursuant to Section 215.555(4)(d), Florida Statutes, the Fund shall begin to reimburse insurers as soon as practicable for their paid losses after the losses have been reported, as required, on or before 12/31 of the contract year. Quarterly thereafter, in accordance with Section 215.555(4)(d)1., Florida Statutes, the Fund will reimburse insurers for paid losses, in accordance with Section 215.555(4)(d), Florida Statutes, until all reimbursements have been made. Initial or quarterly reports received on or before the due date for that report will be reimbursed within 30 days or as soon as practicable after the receipt of the report and verification of the reported losses thereafter. Those received after the initial or quarterly reporting due date will be reimbursed within 30 days following the next reporting due date or as soon as practicable after the receipt of the report and verification of the reported losses thereafter.~~

~~(b) If a covered event occurs during the contract year, but not during the official June 1 through November 30 hurricane season, insurers shall report their losses as soon as practicable thereafter and the Fund shall begin to reimburse insurers for paid losses occurring outside the official hurricane season as soon as the losses are reported and the Fund has established the availability of the moneys to pay the reimbursements. The Fund shall determine the schedule for reporting losses for non-hurricane season covered events by taking into consideration the date or dates of the covered event's storm's occurrence; its size; severity; windspeeds; forward track; occurrence of tornados or flooding as a result of the covered event storm; geographical area impacted; and ability of adjusters to assess the damage.~~

~~(c) All loss reports received will be compared with the Fund's exposure data to establish the facial reasonableness of the reports. Preliminarily, the Fund will examine the reported~~

losses to determine whether reported losses exceed reported exposure in the affected counties; whether the insurer has reported a low concentration of exposure in the affected counties; and whether the ground-up loss as a percentage of exposure in affected counties is significantly higher than the average. Insurers meeting these tests for reasonableness will be scheduled for reimbursement. Insurers not meeting these tests for reasonableness will be handled on a case-by-case basis and will be contacted to provide specific information regarding their individual book of business. Any insurer failing one or more of these tests for reasonableness shall be required to sign Form FHCF-L1D, "Statement Relating to Covered Losses," rev. 12/95, which is hereby adopted and incorporated by reference. The Fund will not pay reimbursements to any insurer failing one or more of these tests for reasonableness unless the Fund has received a properly executed Form FHCF-L1D from the insurer regarding the losses for which the reimbursement is to be made, regardless of the ~~projected~~ payout ~~process schedule~~ in sub-subparagraph a., above.

~~(d)4-~~ Pursuant to Section 215.555(4)(c), the Fund is obligated to pay for losses only up to the limit of the moneys available, up to a limit of \$11 billion for any one contract year, further limited by each participating insurer's projected payout, other than entities created pursuant to Section 627.351, Florida Statutes.

~~(b) If more than one covered event occurs during the hurricane season in any one contract year, the reimbursements for all such covered events will begin to be made in the calendar year following the hurricane season in which the multiple covered events have occurred. If more than one covered event occurs during the contract year but not during the hurricane season, the reimbursement for all such covered events will begin to be made as soon as insurers have reported their losses and the Fund has determined that moneys are available to pay the reimbursements.~~

(5) Calculation of Reimbursements Due from the Fund.

(a) In General. An insurer's covered paid losses must exceed its retention as determined in accordance with Section 215.555(2)(e) before any reimbursement is payable from the Fund. If more than one covered event occurs in any one contract year, any reimbursements due from the Fund shall take into account the separate retention requirement for each insurer for each covered event, as that term is defined in Section 215.555(2)(b), Florida Statutes.

(b) Specific Procedures.

1. This subparagraph provides procedures for reimbursing insurers for losses from covered events in those situations in which the Board determines, pursuant to the provisions of Section 215.555(6)(a), Florida Statutes, and Rule 19-8.013, that reimbursable losses from a covered event are likely to exhaust the available claims-paying capacity of the Fund, which is the total of the balance of the Fund as of 12/31 of the contract year in which the covered event occurs plus the

amount the Board is able to raise through the issuance of bonds, in accordance with Section 215.555(6), Florida Statutes, or by purchasing reinsurance in accordance with Section 215.555(7)(a), Florida Statutes, or the incurrence of other indebtedness in accordance with Section 215.555(7)(b), Florida Statutes, up to the statutory limit of \$11 billion for any one contract year. In that situation, each insurer sustaining reimbursable losses will ~~first~~ receive the amount of reimbursement due under the reimbursement contract up to the amount of the insurer's ~~projected~~ payout, based on the payout multiple, as calculated in accordance with Section 215.555(4)(c) and (4)(d)2.b., Florida Statutes, and as defined in Article V(i) of the Reimbursement Contract as adopted and incorporated by reference in Rule 19-8.010. For purposes of the projected payout calculation, the "actual premium paid for that contract year," as referenced in Section 215.555(4)(d)2.b., Florida Statutes, shall be the premium received by the Fund as of December 31 of the contract year. Thereafter, payments for additional reimbursable losses will be available only to entities created under Section 627.351, Florida Statutes, and will be based on a pro rata share of the outstanding losses to the extent of any funds available up to the \$11 billion limitation. In order to determine the amount available for payment of reimbursable losses on a pro rata basis for entities created under Section 627.351, Florida Statutes, the Board will review reported loss information from all insurers and determine that all insurers which received payments for reimbursable losses but which did not exceed their projected payout have settled all, or substantially all, of their claims eligible for reimbursement. The Board will then determine the remaining amount of claims-paying capacity and will pay entities created under Section 627.351, Florida Statutes, ~~insurers requesting reimbursement for losses which exceed their projected payout~~ on a pro rata basis, up to the \$11 billion limitation. Reimbursements for all covered events occurring during the same contract year will be made in accordance with this subparagraph.

2. This subparagraph provides procedures for reimbursing insurers for losses from covered events in those situations in which the Board determines, pursuant to the provisions of Section 215.555(6)(a), Florida Statutes, and Rule 19-8.013, that reimbursable losses for covered events will exhaust the balance of the Fund as of 12/31 of the contract year in which the covered event has occurred but will not exceed the amount the Board is able to raise through the issuance of bonds, reinsurance purchased, or the incurrence of other indebtedness. In that situation, each insurer sustaining reimbursable losses will ~~first~~ receive the amount of reimbursement due under the reimbursement contract up to the amount of the insurer's projected payout, as calculated in accordance with Section 215.555(4)(c) and (4)(d)2.b., Florida Statutes, and as defined in Article V(i) of the Reimbursement Contract as adopted and incorporated by reference in Rule 19-8.010. Thereafter, payments for additional reimbursable losses will continue to be

made based on the loss reports required pursuant to subsection (4) of this rule from entities created under Section 627.351, Florida Statutes.

3. This subparagraph provides procedures for reimbursing insurers for losses from covered events in those situations in which the Board determines that the reimbursable losses will not exhaust the balance of the Fund as of 12/31 of the contract year in which the covered event has occurred. In that situation, each insurer sustaining reimbursable losses will receive the amount of reimbursement due under the reimbursement contract.

4. Losses in Multiple Contract Years. Example. A covered event occurs in Contract Year A which requires the payment of reimbursable losses. A covered event then occurs in Contract Year B, immediately following Contract Year A, and that second covered event also requires the payment of reimbursable losses. In that situation, reimbursable losses for Contract Year B will be paid in accordance with the provisions of Section 215.555(4)(c) and (4)(d), Florida Statutes, and Rule 19-8.013. The Board will estimate the claims-paying capacity for Contract Year B based on the balance of the Fund as of 12/31 of Contract Year B plus the amount the Board is able to raise through the issuance of bonds, reinsurance recoveries, or the incurrence of other indebtedness. If, in Contract Year A, the balance of the Fund was exhausted but only part of the estimated borrowing capacity for Contract Year A was used, then the claims-paying capacity for Contract Year B will be based on the balance of the Fund as of 12/31 of the Contract Year B, which will consist ~~primarily~~ of reimbursement premiums and investment income received for Contract Year B, plus any borrowing capacity or reinsurance purchased not used to pay reimbursements in Contract Year A.

5. When a covered event occurs in a subsequent contract year when reimbursable losses are still being paid for a covered event in a previous contract year, the Board will establish a reserve for the outstanding reimbursable losses for the previous contract year, based on the length of time the losses have been outstanding, the amount of losses already paid, the percentage of incurred losses still unpaid, and any other factors specific to the loss development of the covered events involved. ~~In any event, no bonds will be issued in a subsequent contract year to pay for losses in a previous contract year, which losses are in excess of the total projected payout for those insurers sustaining reimbursable losses in the previous contract year.~~

(6) How to Report a Loss.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their losses for covered policies (ground-up losses, without regard for the insurer’s retention) on Form FHCF-L1A, “Florida Hurricane Catastrophe Fund Interim Loss Report,” rev. 10/98, which is hereby adopted and incorporated by reference. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The

losses reported on Form FHCF-L1A are expected to result from a good faith effort on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of Form FHCF-L1B, adopted below, and on the basis of quarterly adjustments thereafter. After the initial report of ground-up losses on Form FHCF-L1A, only insurers expecting to exceed their retentions for covered losses are required to comply with paragraph (b), below.

(b) If an insurer expects covered losses to exceed its retention, it shall report its paid and outstanding covered losses for each occurrence as of month-end by the fifteenth of the following month in accordance with the table below:

Submit Form FHCF-L1A Monthly	
For Losses as of	By
06/30/XX	07/15/XX
07/31/XX	08/15/XX
08/31/XX	09/15/XX
09/30/XX	10/15/XX
10/31/XX	11/15/XX
11/30/XX	12/15/XX

(c) Insurers shall report their annual covered losses (all losses regardless of an insurer’s retention) for each occurrence on or before December 31 of the contract year during which the covered event occurs and quarterly thereafter on the date the quarter ends on Form FHCF-L1B, “Florida Hurricane Catastrophe Fund Proof of Loss Report,” rev. 10/98, which is hereby adopted and incorporated by reference. In reporting losses, deductibles shall be applied first to the coverages provided by the FHCF, that is, to structure and/or contents. Deductibles shall not be applied first to any coverages not provided by the FHCF such as additional living expense. For the quarterly report due on 3/31, any insurer whose losses reach or exceed 50% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly report due on 6/30, any insurer whose losses reach or exceed 75% of its FHCF retention shall report its losses on Form FHCF-L1B. For the quarterly reports due on 9/30 and thereafter, any insurer which anticipates that its losses will reach 100% or more of its FHCF retention shall report its losses on Form FHCF-L1B until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. Each insurer which has recoveries from the Fund and which has reinsurance recoveries other than recoveries from the Fund shall complete Form FHCF-L1C, “Florida Hurricane Catastrophe Fund Proof of Loss Report/Reinsurance Recovery Worksheet,” rev. 10/98, which is hereby adopted and incorporated by reference. For purposes of this rule, quarterly loss reports shall be those reports submitted at each quarter end date after December 31 of the contract year in which the covered event occurs and continuing until all claims and losses resulting from loss

occurrences commencing during the contract year are fully discharged, in accordance with the reporting requirements in this paragraph.

(d) As a result of reports submitted on Form FHCF-L1B and Form FHCF-L1C, reimbursements to insurers shall be adjusted in accordance with Section 215.555(4)(b)3., Florida Statutes, which prohibits an insurer's recovery from all sources to exceed 100 percent of its losses from a covered event, and in accordance with Section 215.555(4)(d)1., Florida Statutes, which requires the Fund to pay additional amounts to insurers and insurers to return overpayments to the Fund, based on the most recent calculation of losses.

(e) All forms may be obtained from and shall be submitted to the Administrator of the Fund: Paragon Reinsurance Risk Management Services, Inc., 3600 3500 West 80th Street, Minneapolis, Minnesota 55431; tel.: 1(800)689-3863.

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

(7) Advances to insurers to prevent insolvency in imminent danger of insolvency.

(a) Pursuant to Section 215.555(4)(e), Florida Statutes, the Board may advance certain insurers certain percentages of the Board's estimate of reimbursement due the insurer their paid reimbursable losses. Subparagraph 1. of Section 215.555(4)(e) provides that insurers which demonstrate to the Board that the immediate receipt of moneys from the Board is likely to prevent the insurer from becoming insolvent are in imminent danger of insolvency due to the occurrence of one or more covered events may receive an advance up to 50 percent of the Board's estimate of the reimbursement due to the insurer. at market interest rates from Fund moneys held by the Board State Board of Administration ("the Board"), if such insurers demonstrate to the Board that the immediate receipt of moneys from the Board is likely to prevent the insurer from becoming insolvent. For purposes of this rule, a An insurer is insolvent if it is unable to pay its policyholders for justifiable claims. The

"market interest rate" shall be the then current interest rate being earned on the Fund's investments existing prime rate as published by the Sixth District Federal Reserve.

(b) Insurers shall request a specific amount for the advance and shall demonstrate that the immediate receipt of moneys from the Board is likely to prevent the insurer from becoming insolvent imminent insolvency by providing the Board with the following information, determined in accordance with statutory accounting principles:

1. current assets
2. current liabilities other than liabilities due to the covered event
3. current liabilities due to the covered event, paid and unpaid, submitted on Form FHCF-L1B
4. evidence of estimated retention breached by payment of paid losses from the covered event
 - ~~5.4.~~ current surplus as to policyholders
 - ~~6.5.~~ estimate of expected liabilities due to the covered event
 - ~~7.6.~~ estimate of other expected liabilities not due to the covered event
 - ~~8.7.~~ amount of reinsurance immediately available to pay claims for the covered event under other reinsurance treaties
 - ~~9.8.~~ estimated amount of payout from the Fund, determined in accordance with Section 215.555(4)(b), Florida Statutes. This estimate is necessarily predicated on the insurer's premium which in turn is predicated on its exposure. Therefore, if the covered event occurs in June, July, or August, the insurer shall provide its exposure data prior to September 1 in order that the appropriate calculations may be made.

(c) Insurers seeking advances pursuant to subparagraph 1 of Section 215.555(4)(e) shall also describe the steps they have taken to liquidate assets to pay claims and may also supply such other information as they deem necessary and appropriate to aid the Board in reaching a determination regarding whether or not to grant an advance pursuant to Section 215.555(4)(e), Florida Statutes.

(d) The information outlined in paragraphs (b) and (c), above, shall be supplied in the form of a letter, signed by two executive officers of the insurer, with the supporting information attached.

(e) In determining whether or not to grant an advance pursuant to Section 215.555(4)(e), Florida Statutes, the Board shall take the following steps:

1. the Board shall carefully review and consider all the information submitted by such insurers;
2. the Board shall consult with all relevant regulatory agencies may consult with the Department of Insurance and may ask for a recommendation from the Department; and
3. the Board shall carefully review its currently available liquid assets; and

4. the Board shall review the damage caused by the covered event and when that covered event occurred during the official Atlantic Hurricane Season.

(f) The Board's final decision regarding an application for an advance under Section 215.555(4)(e)1., Florida Statutes, shall be based on whether or not, considering the totality of the circumstances, including the Board's obligations to provide reimbursement for the whole Atlantic Hurricane Season. granting an advance will prevent the insolvency of the applicant insurer so that the insurer is able, not only to pay its policyholders' claims arising from the covered event, but also to maintain its existence as a viable source of residential property insurance coverage to the people of this state. A ~~majority unanimous~~ vote of the Trustees in favor is required before an advance can be granted.

(g) If an advance is granted, the "market interest rate" shall be determined with reference to the then current interest rate earned on the fund's investments on the date the Trustees' vote is taken ~~existing prime rate as published by the Sixth District Federal Reserve.~~ Pursuant to Section 215.555(4)(e)1., Florida Statutes, the amount of the advance shall not exceed 50 percent of the Board's estimate of the reimbursement due the insurer. The insurer's final reimbursement shall be reduced by an amount equal to the amount of the advance and the interest thereon.

(h) Any amount advanced by the Board shall be used by the insurer only to pay claims of its policyholders for the covered event or covered events which have precipitated either the immediate need for imminent insolvency prevention or the need to continue to pay additional claims as they become due, as the case may be. The advance is a reimbursement which allows the insurer to continue to pay claims in a timely manner. ~~It is not intended to be a substitute for private reinsurance.~~

(8) Advances to entities created pursuant to Section 627.351, Florida Statutes.

~~(a) Pursuant to Section 215.555(4)(e), Florida Statutes, the Board may advance certain insurers certain percentages of the Board's estimate of their paid reimbursable losses.~~ Subparagraph 2. of Section 215.555(4)(e) provides that entities created under Section 627.351 may receive an advance at market interest rates of up to 90% of the lesser of the Board's estimate of reimbursement for losses due to such entity or the entity's share of reimbursement premium for that contract year multiplied by the currently available liquid assets of the Fund. The purpose of the advance under subparagraph 2. is to allow the entity to continue to pay additional claims from a covered event, as defined in Section 215.555(2)(b), Florida Statutes, in a timely manner. The "market interest rate" shall be the then current interest rate earned on the Fund's investments ~~existing prime rate as published by the Sixth District Federal Reserve.~~

(b) Insurers shall request a specific amount for the advance and shall demonstrate that an advance is essential to allow the entity to continue to pay ~~additional~~ claims for a covered event

in a timely manner once currently available liquid assets have been exhausted by providing the Board with the following information, determined in accordance with statutory accounting principles:

1. current assets
2. current liabilities other than liabilities due to the covered event
3. current liabilities due to the covered event, paid and unpaid, submitted on Form FHCF-L1B

4. evidence that the estimated retention will be breached by payment of covered losses from the covered event

- ~~5.4-~~ current surplus as to policyholders
- ~~6.5-~~ estimate of expected liabilities due to the covered event

~~7.6-~~ estimate of other expected liabilities not due to the covered event

~~8.7-~~ amount of reinsurance available to pay claims for the covered event

~~9.8-~~ estimated amount of payout from the Fund, determined in accordance with Section 215.555(4)(b), Florida Statutes. This estimate is necessarily predicated on the insurer's premium which in turn is predicated on its exposure. Therefore, if the covered event occurs in June, July, or August, the insurer shall provide its exposure data prior to September 1 in order that the appropriate calculations may be made.

(c) Insurers seeking advances pursuant to subparagraph 2 of Section 215.555(4)(e) shall describe the steps they have taken to liquidate assets to pay claims and may also supply such other information as they deem necessary and appropriate to aid the Board in reaching a determination regarding whether or not to grant an advance pursuant to Section 215.555(4)(e), Florida Statutes.

(d) The information outlined in paragraphs (b) and (c), above, shall be supplied in the form of a letter, signed by two executive officers of the insurer, with the supporting information attached.

(e) In determining whether or not to grant an advance pursuant to Section 215.555(4)(e), Florida Statutes, the Board shall take the following steps:

1. the Board shall carefully review and consider all the information submitted by such insurers;

2. the Board shall consult with all relevant regulatory agencies ~~may consult with the Department of Insurance and may ask for a recommendation from the Department; and~~

3. the Board shall carefully review its currently available liquid assets; and

4. the Board shall review the damage caused by the covered event and when that covered event occurred during the Atlantic Hurricane Season.

(f) The Board's final decision regarding an application for an advance under Section 215.555(4)(e)2., Florida Statutes, shall be based on whether or not, considering the totality of the

circumstances, including the Board's obligations to provide reimbursement for the whole Atlantic Hurricane Season, granting an advance is essential to allowing the entity to continue to pay additional claims for a covered event as they become due in a timely manner once currently available liquid assets have been exhausted. A majority ~~unanimous~~ vote of the Trustees in favor is required before an advance can be granted.

(g) If an advance is granted, the "market interest rate" shall be determined with reference to the current interest rate earned on the fund's investments on the date the Trustees' vote is taken ~~then existing prime rate as published by the Sixth District Federal Reserve.~~ Pursuant to Section 215.555(4)(e)2., Florida Statutes, the amount of the advance shall not exceed the lesser of 90% of the Board's estimate of the reimbursement for reimbursable losses due to such entity or the entity's share of the actual reimbursement premium paid for that contract year multiplied by the currently available liquid assets of the Fund. The insurer's final reimbursement shall be reduced by an amount equal to the amount of the advance and the interest thereon.

(h) Any amount advanced by the Board shall be used by the insurer only to pay claims of its policyholders for the covered event or covered events which have precipitated the need to continue to pay additional claims as they become due. The advance is a reimbursement which allows the insurer to continue to pay claims in a timely manner. ~~It is not intended to be a substitute for private reinsurance.~~

(9) Advances to limited apportionment companies.

(a) Subparagraph 3. of Section 215.555(4)(e) provides that any limited apportionment company under Section 627.351(2)(b)3. may receive an advance of the amount of the estimated reimbursement payable to such company as calculated pursuant to Section 215.555(4)(d), at market rates, if the Board determines that the Fund's assets are sufficient and are sufficiently liquid to permit the Board to make an advance to such company and at the same time fulfill its reimbursement obligations to the Fund's other participating insurers.

(b) Limited apportionment insurers seeking an advance pursuant to subparagraph 3 of Section 215.555(4)(e) shall request a specific amount for the advance and provide the Board with the following information, determined in accordance with statutory accounting principles:

1. current assets
2. current liabilities other than liabilities due to the covered event
3. current liabilities due to the covered event, paid and unpaid, submitted on Form FHCF-L1B
4. evidence of estimated retention will be breached by payment of paid losses from the covered event
- ~~5.~~ current surplus as to policyholders
- ~~6.~~ estimate of expected liabilities due to the covered event

~~7.~~ estimate of other expected liabilities not due to the covered event

~~8.~~ amount of reinsurance available to pay claims for the covered event

~~9.~~ estimated amount of payout from the Fund, determined in accordance with Section 215.555(4)(b), Florida Statutes. This estimate is necessarily predicated on the insurer's premium which in turn is predicated on its exposure. Therefore, if the covered event occurs in June, July, or August, the insurer shall provide its exposure data prior to September 1 in order that the appropriate calculations may be made.

(c) Limited apportionment insurers may also supply such other information as they deem necessary and appropriate to aid the Board in reaching a determination regarding whether or not to grant an advance pursuant to Section 215.555(4)(e), Florida Statutes.

(d) The information outlined in paragraphs (b) and (c), above, shall be supplied in the form of a letter, signed by two executive officers of the insurer, with the supporting information attached.

(e) In determining whether or not to grant an advance pursuant to Section 215.555(4)(e), Florida Statutes, the Board shall take the following steps:

1. the Board shall carefully review and consider all the information submitted by such insurers;
2. the Board shall consult with all relevant regulatory agencies ~~may consult with the Department of Insurance and may ask for a recommendation from the Department;~~ and
3. the Board shall carefully review its currently available liquid assets; and
4. the Board shall review the damage caused by the covered event and when that covered event occurred during the official Atlantic Hurricane Season.

(f) The Board's final decision regarding an application for an advance under Section 215.555(4)(e)3., Florida Statutes, shall be based on whether or not, considering the totality of the circumstances, the Fund's assets are sufficient and sufficiently liquid to permit the Board to make an advance to the limited apportionment company and at the same time fulfill its reimbursement obligations to the Fund's other participating insurers. A majority vote of the Trustees in favor is required before an advance can be granted.

(g) If an advance is granted, the "market rate" shall be determined with reference to the then current interest rate earned on the fund's investments on the date the Trustees' vote is taken ~~existing prime rate as published by the Sixth District Federal Reserve.~~ Pursuant to Section 215.555(4)(e)3., Florida Statutes, the amount of the advance shall not exceed the Board's estimate of the reimbursement due the insurer calculated in accordance with Section 215.555(4)(d), Florida Statutes. The insurer's final reimbursement shall be reduced by an amount equal to the amount of the advance and the interest thereon.

(h) Any amount advanced by the Board shall be used by the insurer only to pay claims of its policyholders for the covered event or covered events which have precipitated either the need to continue to pay additional claims as they become due. The advance is a reimbursement which allows the insurer to continue to pay claims in a timely manner. ~~It is not intended to be a substitute for private reinsurance.~~

(10) Audits.

(a) All insurers reporting losses and/or receiving reimbursements or advances from the Fund for paid losses from covered events are subject to audit by the Fund or its agents pursuant to Article XIII of the reimbursement contract entered into between the insurer and the Fund for the contract year during which the covered event occurs for which losses are reported and/or reimbursements are made by the Fund. Therefore, all insurers shall retain complete and accurate records of all losses paid by the Fund for 5 years or until the Fund has completed its audit of the insurer's reimbursable losses, whichever is later. The records to be retained are set forth as part of Form FHCF-L1B and of Form FHCF-L1C, adopted above, and are set out below in paragraphs (b) and (c), below.

(b) Records Retention Requirements Relating to Loss Reports.

1. All records, including Form FHCF-L1B (Proof of Loss Report), correspondence, and supporting documentation, must be available with computer runs produced containing the information listed in this paragraph.

2. Detail claims listing which supports the losses reported on the Proof of Loss Report including: claim number, date of loss; policy number; policy effective date; paid loss – habitational building, appurtenant structure, and contents; outstanding loss reserve – habitational building, appurtenant structure, and contents; and salvage received, if any.

3. Hard copy claim files which include documentation of the following: claim number; claim description; policy number and location of property; evidence of salvage received; amount of loss adjustment expense; and copies of checks for payment of losses.

4. Detail exposure listing which was retained at the time the exposure data was submitted to the FHCF for the contract year the loss occurred.

(c) Records Retention Requirements Relating to the Reinsurance Recovery Worksheet.

1. All records, including Form FHCF-L1C (Reinsurance Recovery Worksheet) must be available with the supporting information listed in this paragraph.

2. For reinsurance recoveries in which FHCF recoveries inure to the benefit of the private reinsurer, provide the reinsurance agreement(s).

3. For reinsurance recoveries in which FHCF recoveries do not inure to the benefit of the private reinsurer, provide the following:

a. Summary of reinsurance in effect at the date of loss. Include subject per risk and aggregate agreements.

b. For proportional per risk reinsurance include percentage ceded, placement percentage, and treaty limits.

c. For non-proportional per risk reinsurance include attachment point, limit, percentage placed, and treaty limits.

d. For proportional aggregate reinsurance include attachment point, percentage ceded, placement percentage, and treaty limit.

e. For non-proportional aggregate reinsurance include attachment point, limit, and treaty limit.

f. For facultative reinsurance, provide summary of coverage placed.

4. Provide treaties or placement slips for the subject reinsurance agreements for all layers.

5. If no per risk, facultative, or aggregate reinsurance was in place at the time of the subject event, provide written confirmation.

6. Documentation supporting total paid loss for all lines, all states which reconciles to amounts reported on FHCF-Form L1C, Section III A. Include summary of direct paid loss listing for loss portion only. Do not include loss adjustment expenses.

7. Documentation supporting total incurred loss for all lines, all states that reconciles to amounts reported on FHCF-Form L1C, Section III A. Include summary of direct incurred loss listing for loss portion only. Do not include loss adjustment expenses.

8. Documentation supporting total paid reinsurance recovery that reconciles to amounts reported on FHCF-Form L1C, Section III E. Include reinsurance statements, notice of loss statements to reinsurer, or loss bordereaux.

9. Documentation supporting total incurred reinsurance recoverable that reconciles to amounts reported on FHCF-Form L1C, Section III E. Include reinsurance statements, notice of loss statements to reinsurer, or loss bordereaux.

(e) The insurer must also have available any other information not set out above which is specific to its claims payment procedures and without which a complete and accurate audit would not be possible.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-20-96, Amended 2-17-97, 11-25-97, 10-13-98, _____.

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

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

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18 and July 30, 1999

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE TITLES: Application Contract Prices
RULE NOS.: 19B-4.001 19B-4.002

PURPOSE AND EFFECT: To give effect to Section 240.551(5)(c), F.S., which authorizes the Board to make and execute contracts and other necessary instruments that are required in the administration of the Florida Prepaid College Program. To provide actuarial assumptions of the annual increases in state university local fees and in community college local fees for the pricing of state university local fee contracts and community college total fee contracts.

SUMMARY: Incorporates by reference two updated forms, the Prepaid College Application Form and the 1999-2000 Master Covenant, and revises the actuarial assumptions for increases in state university local fees and community college local fees for the pricing of state university local fee contracts and community college local fee contracts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., December 20, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULES IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, the Florida Prepaid College Foundation, Inc., or for purchasers participating in employer participation programs may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The

advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP 99-1 FPCP-98-1 is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October 18, 1999 19, 1998. The Florida Prepaid College Program Master Covenant, Form No. FPCP 99-2 FPCP-98-2, is hereby incorporated by reference with an effective date of October 18, 1999 19, 1998.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, Formerly 4G-4.001, Amended.

19B-4.002 Contract Prices.

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of 6.8 7.5 percent per annum, community college tuition will rise at an average of 6 5 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees will rise at an average of 6 percent per annum and community college local fees will rise at an average of 11 percent per annum.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 5-31-95, 2-18-99, Formerly 4G-4.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 1999 and October 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 1999

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

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

PURPOSE AND EFFECT: To provide that local fee plan contracts sold after July 1, 1999, provide coverage for the technology fee. The 1999 Legislature authorized community colleges to impose a technology fee. To provide for the sale of dormitory contracts as an addendum to community college plus university tuition contracts.

SUMMARY: This rule change includes the technology fee in the coverage of local fee plan contracts and allows advance payment contracts for the dormitory plan to be purchased in conjunction with or as an addendum to community college plus university tuition plans.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

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

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

TIME AND DATE: 2:00 p.m., December 20, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.001 Contract Types.

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

(1) Tuition plans consist of three separate plans:

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

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

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

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

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

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

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

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

(3) Dormitory Plan

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

(b) A dormitory plan purchased in conjunction with or as an addendum to the community college plus university plan is intended for use after the beneficiary is admitted to a state university. A dormitory plan may only be transferred for use at a community college pursuant to Rule 19B-9.004, F.A.C.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 1999

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE TITLE: Fee Schedule
 RULE NO.: 19B-6.001

PURPOSE AND EFFECT: To revise the Board's rules to rename the "Not Sufficient Fund Fee" as the "Insufficient Fund Fee," delete the fee for change of beneficiary and clarify that the reinstatement fee is due for each tuition, dormitory or local fee account that is reinstated.

SUMMARY: This rule change: 1) revises the name of the "Not Sufficient Funds" fee to the "Insufficient Funds" fee; 2) deletes the change of beneficiary fee; and 3) revises the reinstatement fee to clarify that the fee is due for each tuition, dormitory or local fee account that is reinstated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

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

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

TIME AND DATE: 2:00 p.m., December 20, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee – A forty two dollar (\$42.00) nonrefundable application fee will be collected at the time the application is submitted.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any plan purchased, unless:

- (a) The purchaser or beneficiary dies or is disabled; or
- (b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two years immediately preceding the request for termination and refund. The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single

termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.

~~(3) Substitution of Beneficiary – A five dollar (\$5.00) fee will be assessed to substitute beneficiaries under the plan, except in the event of a death or disability of a qualified beneficiary.~~

~~(4)~~(4) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.

~~(4)~~(5) Late Fee – A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. The Board may grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above. A maximum charge of seventy dollars (\$70.00) in outstanding late fees will be charged against each account upon cancellation. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection (2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee.

~~(5)~~(6) Insufficient Not Sufficient Funds – Purchasers will automatically be assessed a ten dollar (\$10.00) fee for all payments returned for insufficient funds.

~~(6)~~(7) Addition of a dormitory contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

~~(7)~~(8) Addition of a local fee contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

~~(8)~~(9) Out-of-State Transfer Fee – A fee of twenty-five dollars (\$25.00) will be assessed for the transfer of benefits to eligible postsecondary institutions outside Florida.

~~(9)~~(10) Outstanding fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the contract benefits.

~~(10)~~(11) Reinstatement Fee – A \$42.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled account. This fee shall be due on each tuition, local fee and dormitory account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account current.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, 12-5-93, 6-20-96, 12-16-97, 2-18-99, Formerly 4G-6.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 5, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 12, 1999

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board
RULE TITLE: Qualified Individual
RULE NO.: 19B-8.001
PURPOSE AND EFFECT: To revise the Board's rules to allow the transfer of a contract to an eligible substitute beneficiary, regardless of the age or postsecondary enrollment status of the original beneficiary, as long as no Program benefits have been used.

SUMMARY: Allows transfer of a contract to an eligible substitute beneficiary, regardless of the age or postsecondary enrollment status of the original beneficiary, as long as no Program benefits have been used.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

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

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

TIME AND DATE: 2:00 p.m., December 20, 1999

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.001 Qualified Individuals.

A purchaser may request a transfer of a contract to an eligible substitute beneficiary who is either the brother, sister, half brother, half sister, step-brother, or step-sister of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the

purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. Documentation must also be submitted with the transfer request evidencing the relationship of the transferee. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a matriculating at a state postsecondary institution.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, Formerly 4G-8.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 5, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 12, 1999

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Fleming Island Plantation Community Development District

RULE CHAPTER TITLE: Fleming Island Plantation Community Development District
RULE CHAPTER NO.: 42BB-1
RULE TITLES: Creation and Establishment 42BB-1.001
Boundary 42BB-1.002
Supervisors 42BB-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), the Fleming Island Plantation Community Development District (District), pursuant to Chapter 190, F.S. The amended petition together with the original petition to establish the District, filed by Centrex Homes, (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Fleming Island Plantation CDD. The land area proposed to be served by the District will be approximately 1,580 acres. All proposed lands in the District are within the unincorporated area of Clay County, generally located just south of County Road 220 and west of U.S. 17. The proposed community within the District has been approved as the Fleming Island Plantation Development of Regional Impact. The development plan for the District currently includes land-uses consisting of single and multi-family residential, retail, light industrial, and office development, in addition to various park, amenity, community, recreation and public facilities. The property has a projected development build-out date of December 31, 2012. The District, if established, intends to provide internal and external

roads, irrigation system and landscaping, sanitary sewer, potable water, reuse water and storm sewer lines, fire station contribution, master drainage system, amenity center and community buildings, and certain other projects when expressly approved or required by a local government.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Petitioner has prepared a Statement of Estimated Regulatory Costs (SERC). The complete text of the SERC is contained as Exhibit 11 to the petition to establish the District. The Fleming Island Plantation Uniform Community Development District is seeking authority to plan, finance, acquire, construct and maintain infrastructure such as; water management, water supply, sewer, wastewater management, bridges or culverts, roads and street lights, common area landscaping, parks and recreational facilities, security facilities, mosquito control and certain other projects when expressly approved or required by a local government for the benefit of the property and residents within the boundaries of the District as authorized by Chapter 190, Florida Statutes. The District intends to finance these infrastructure improvements through special or non-ad valorem assessment revenue bonds. Repayment of these bonds will be through special non-ad valorem assessments levied against all benefited properties within the District. On-going operation and maintenance for District owned facilities is expected to be funded through maintenance assessments levied against all benefited properties within the District. The current and future property owner will be responsible for payment of these assessments on the basis of the amount of benefited property owned. In exchange for the payment of these special assessments, there are substantial potential benefits to be derived by the future property owners. The cost of implementing this rule to Clay County, its residents and to all applicable state agencies for processing the documents is nominal. The County was paid a \$15,000.00 processing fee to offset its cost of review of the petition to establish the District. Administrative costs will be incurred by the Florida Land and Water Adjudicatory Commission, the Division of Administrative Hearings, the Bureau of Local Government Finance/Office of the Comptroller, and the Florida Department of Community Affairs. Other than administrative costs, no costs will be incurred by the State of Florida or the general citizenry from the establishment or operations of the District. The impact of District establishment and function on competition and employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the rule, is as economically viable as establishing the District. Creation of the District should not have a negative impact on small cities or counties, because Clay County is not a "small county" as defined in Section 120.52, F.S. Data utilized in the SERC was provided by the developer/petitioner and represents the best

information available at this time. Other data was provided by Rizzetta & Company and was based on observations, analysis and experience with private development and other CDDs in various stages of existence.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

IF REQUESTED WITHIN TWENTY-ONE (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. – 12:00 Noon, Monday, January 10, 2000

PLACE: Room 2106, The Capitol, Tallahassee, Florida

COPIES OF THE PROPOSED RULES AND ESTIMATED REGULATORY COSTS STATEMENT MAY BE OBTAINED BY CONTACTING: Susan C. McDonald, Rogers, Towers, Bailey, Jones & Gay, P. A., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207, telephone (904)346-5587 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULES IS:

42BB-1.001 Creation and Establishment.

The Fleming Island Plantation Community Development District is hereby created and established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New

42BB-1.002 Boundary.

The boundaries of the District are as follows:

LEGAL DESCRIPTION OF FLEMING ISLAND – "WEST" PARCEL

A PART OF SECTIONS 4, 5, 6, 8, 9, 16, 17, AND ALSO A PART OF THE GEORGE FLEMING GRANT, SECTION 38, ALL LYING IN TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA AND ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE CORNER COMMON TO SAID SECTIONS 5 AND 8 WITH SECTIONS 6 AND 7, SAID TOWNSHIP AND RANGE; THENCE SOUTH 06° 25' 27" WEST, ALONG THE LINE DIVIDING SAID SECTION 7 FROM SAID SECTION 8, A DISTANCE OF 2,029.71 FEET; THENCE NORTH 88° 34' 03" EAST A DISTANCE OF 1,519.07 FEET TO THE SOUTHWEST CORNER OF LANDS RECORDED IN THE OFFICIAL RECORDS OF SAID COUNTY IN BOOK 1285, PAGE 079; RUN THENCE THE FOLLOWING SEVEN (7) COURSES AND DISTANCES ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 1285, PAGE 079: 1st COURSE, NORTH 01° 25' 57" WEST, 1,200.00 FEET; 2nd COURSE, NORTH 67° 09' 17" EAST, 369.74 FEET; 3rd COURSE, NORTH 03° 05' 06" WEST, 100.0 FEET; 4th

COURSE, NORTH 56° 54' 54" EAST, 100.0 FEET; 5th COURSE, NORTH 03° 05' 06" WEST, 150.0 FEET; 6th COURSE, NORTH 63° 05' 06" WEST, 100.0 FEET; 7th COURSE, NORTH 03° 05' 06" WEST, 200.0 FEET TO A POINT ON A CURVE; RUN THENCE IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE IN THE NORTH LINE OF LAST MENTIONED DEED, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 1,800.0 FEET, AN ARC DISTANCE OF 438.16 FEET TO THE NORTHEAST CORNER OF SAID DEED, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 80° 14' 19" EAST, 437.17 FEET; THENCE SOUTH 02° 43' 18" WEST, ALONG THE EASTERLY LINE OF A 66 FOOT UNRECORDED CLAY ELECTRIC EASEMENT, A DISTANCE OF 109.88 FEET; THENCE NORTH 90° 00' 00" EAST, A DISTANCE OF 1,133.99 FEET; THENCE SOUTH 57° 35' 21" EAST, A DISTANCE OF 772.86 FEET; THENCE SOUTH 32° 24' 39" WEST, A DISTANCE OF 167.39 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 650.00 FEET, AN ARC DISTANCE OF 192.62 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 23° 55' 16" WEST, 191.92 FEET; THENCE SOUTH 15° 25' 53" WEST, A DISTANCE OF 85.40 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 30.00 FEET, AND ARC DISTANCE OF 47.12 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 60° 25' 53" WEST, 42.43 FEET; THENCE NORTH 74° 34' 07" WEST, A DISTANCE OF 14.80 FEET TO A POINT OF CURVATURE; RUN THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHERLY AND HAVING A RADIUS OF 175.00 FEET, AN ARC DISTANCE OF 47.13 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 82° 17' 03" WEST, 46.99 FEET; THENCE SOUTH 90° 00' 00" WEST, A DISTANCE OF 1,537.64 FEET TO A POINT ON THE EAST LINE OF PREVIOUSLY MENTIONED OFFICIAL RECORDS BOOK 1285, PAGE 079; THENCE SOUTH 02° 43' 18" WEST, ALONG LAST SAID EAST DEED LINE, 1,018.40 FEET TO THE SOUTHEAST CORNER OF SAID DEED; THENCE SOUTH 88° 34' 03" WEST, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS BOOK 1285, PAGE 079, A DISTANCE OF 139.42 FEET; THENCE SOUTH 06° 21' 04"

WEST, 3,365.62 FEET; THENCE SOUTH 00° 31' 34" EAST, 1,154.82 FEET; THENCE SOUTH 38° 12' 02" EAST, 775.11 FEET; THENCE SOUTH 00° 00' 14" WEST, 828.48 FEET; THENCE SOUTH 58° 24' 54" EAST, 1,127.18 FEET; THENCE DUE SOUTH, 400.00 FEET; THENCE SOUTH 40° 48' 54" WEST, 893.07 FEET; THENCE SOUTH 05° 07' 41" EAST, 243.40 FEET; THENCE NORTH 35° 50' 56" EAST, 117.83 FEET; THENCE NORTH 43° 58' 16" EAST, 851.76 FEET; THENCE NORTH 85° 07' 48" EAST, 328.12 FEET; THENCE SOUTH 60° 31' 53" EAST, 523.89 FEET; THENCE SOUTH 21° 54' 37" WEST, 307.10 FEET; THENCE DUE SOUTH, 1,251.12 FEET; THENCE DUE WEST, 219.20 FEET; THENCE SOUTH 52° 37' 30" EAST, 3,778.12 FEET; THENCE NORTH 29° 27' 01" EAST, 392.64 FEET; THENCE NORTH 27° 02' 49" WEST, 937.20 FEET; THENCE NORTH 02° 51' 40" EAST, 414.11 FEET; THENCE NORTH 60° 07' 34" WEST, 489.56 FEET; THENCE NORTH 29° 52' 26" EAST, 522.13 FEET; THENCE SOUTH 60° 07' 34" EAST, 870.96 FEET; THENCE SOUTH 87° 08' 20" EAST, 200.00 FEET; THENCE NORTH 02° 51' 40" EAST, ALONG THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15 (A VARIABLE WIDTH RIGHT OF WAY), 651.23 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES AS RECORDED IN PLAT BOOK 4, PAGE 63 OF THE PUBLIC RECORDS OF SAID COUNTY, A DISTANCE OF 2,718.29 FEET; THENCE NORTH 46° 57' 35" EAST, ALONG THE NORTHWESTERLY LINE OF SAID FLEMING ISLAND ESTATES AND ITS NORTHEASTERLY PROLONGATION, THE SAME BEING THE NORTHWESTERLY LINE OF THE AFOREMENTIONED GEORGE FLEMING GRANT, SECTION 38, A DISTANCE OF 2,191.22 FEET; THENCE SOUTH 89° 10' 36" WEST, ALONG THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK "H", PAGE 242 AND DEED BOOK 38, PAGE 44, BOTH OF SAID PUBLIC RECORDS, A DISTANCE OF 701.41 FEET; THENCE NORTH 00° 48' 52" WEST, ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 795.34 FEET; THENCE NORTH 89° 07' 16" EAST, ALONG THE NORTHERLY LINE OF SAID LANDS AND ALONG THE NORTHERLY LINE OF DEED BOOK 99, PAGE 268 OF SAID PUBLIC RECORDS, A DISTANCE OF 1,579.58 FEET TO ITS INTERSECTION WITH SAID NORTHWESTERLY LINE OF THE GEORGE FLEMING GRANT, SECTION 8; THENCE NORTH 46° 57' 35" EAST, ALONG SAID NORTHWESTERLY LINE, A DISTANCE OF 115.13 FEET TO ITS INTERSECTION WITH THE AFOREMENTIONED WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 17 - STATE ROAD NO. 15; THENCE NORTH 02° 51' 23" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, 8,066.26 FEET; THENCE SOUTH 89° 33' 25" WEST, ALONG THE

SOUTHERLY LINE OF OFFICIAL RECORDS VOLUME 122, PAGE 625 (PARCEL NO. 1) OF SAID PUBLIC RECORDS, A DISTANCE OF 823.19 FEET; THENCE SOUTH 01° 01' 47" EAST, A DISTANCE OF 541.27 FEET; THENCE SOUTH 25° 45' 22" WEST, A DISTANCE OF 550.74 FEET; THENCE SOUTH 40° 26' 26" WEST, A DISTANCE OF 184.87 FEET; THENCE SOUTH 10° 59' 12" WEST, A DISTANCE OF 385.85 FEET; THENCE SOUTH 49° 53' 10" WEST, A DISTANCE OF 227.28 FEET TO A POINT ON A CURVE; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1,000.00 FEET, AN ARC DISTANCE OF 391.74 FEET TO A POINT OF REVERSE CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 51° 20' 11" WEST, 389.24 FEET; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1,950.00 FEET, AN ARC DISTANCE OF 799.31 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 50° 48' 57" WEST, 793.72 FEET; THENCE NORTH 39° 04' 23" WEST, A DISTANCE OF 412.83 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 30.00 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 05° 55' 36" EAST, 42.43 FEET; THENCE NORTH 50° 55' 37" EAST, A DISTANCE OF 170.00 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 500.00 FEET, AN ARC DISTANCE OF 577.46 FEET TO A POINT OF REVERSE CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 17° 50' 27" EAST, 545.90 FEET; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 450.00 FEET, AN ARC DISTANCE OF 660.72 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 26° 49' 04" EAST, 602.95 FEET; THENCE NORTH 68° 52' 51" EAST, A DISTANCE OF 200.56 FEET TO A POINT OF CURVATURE; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 375.00 FEET, AN ARC DISTANCE OF 217.32 FEET TO A POINT,

SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 52° 16' 44" EAST, 214.29 FEET; THENCE NORTH 89° 33' 25" EAST, 134.43 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN THE OFFICIAL RECORDS OF SAID COUNTY IN OFFICIAL RECORDS BOOK 43, PAGE 300, TRACT NO. 100; THENCE NORTH 00° 26' 35" WEST, ALONG THE WEST LINE OF SAID OFFICIAL RECORDS BOOK 43, PAGE 300, TRACT NO. 100, A DISTANCE OF 300.00 FEET; THENCE NORTH 89° 33' 25" EAST, ALONG THE NORTHERLY LINE OF LAST MENTIONED LANDS AND ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 122, PAGE 625 OF SAID PUBLIC RECORDS, A DISTANCE OF 1,588.98 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 17 - STATE ROAD NO. 15; THENCE NORTH 02° 51' 23" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.17 FEET; THENCE SOUTH 89° 33' 25" WEST, 2,147.52 FEET; THENCE SOUTH 89° 28' 17" WEST, 1,935.17 FEET; THENCE SOUTH 00° 31' 43" EAST, 721.32 FEET; THENCE NORTH 61° 01' 58" EAST, 490.10 FEET; THENCE SOUTH 43° 54' 14" EAST, 496.66 FEET; THENCE SOUTH 50° 55' 37" WEST, 1,885.75 FEET; THENCE NORTH 57° 35' 21" WEST, 654.06 FEET; THENCE NORTH 60° 51' 43" EAST, 56.79 FEET; THENCE NORTH 19° 01' 41" WEST, 1,730.58 FEET; THENCE SOUTH 89° 28' 17" WEST, 163.45 FEET; THENCE SOUTH 19° 01' 41" EAST, 1,153.59 FEET; THENCE SOUTH 89° 02' 15" WEST 69.42 FEET; RUN THENCE THE FOLLOWING THREE (3) COURSES ALONG THE EAST, SOUTH AND WEST LINES OF OFFICIAL RECORDS BOOK 1482, PAGE 0012: 1st COURSE, SOUTH 19° 01' 41" EAST, 425.0 FEET; 2nd COURSE, SOUTH 89° 02' 15" WEST, 350.0 FEET; 3rd COURSE, NORTH 19° 01' 41" WEST, 425.00 FEET; THENCE SOUTH 89° 02' 15" WEST, 1,535.63 FEET; THENCE SOUTH 04° 09' 45" WEST, ALONG THE LINE DIVIDING AFOREMENTIONED SECTION 5 FROM AFOREMENTIONED SECTION 6, A DISTANCE OF 990.44 FEET; THENCE SOUTH 89° 17' 23" WEST, ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 585, PAGE 506 OF SAID CURRENT PUBLIC RECORDS, A DISTANCE OF 3,296.55 FEET; THENCE SOUTH 63° 37' 27" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LANDS, THE SAME BEING THE SOUTHEASTERLY LINE OF THE E.A., FERGUSON GRANT AND THE NORTHWESTERLY LINE OF AFOREMENTIONED SECTION 6, A DISTANCE OF 230.88 FEET; THENCE NORTH 89° 17' 23" EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 585, PAGE 506, A DISTANCE OF 3,496.12 FEET TO THE AFOREMENTIONED LINE DIVIDING SECTION 5 FROM

SECTION 6: THENCE SOUTH 04° 09' 45" WEST, ALONG SAID DIVIDING LINE A DISTANCE OF 22.71 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 1.469 ACRES OR LESS.

ALSO,

LEGAL DESCRIPTION OF FLEMING ISLAND – "EAST" PARCEL

A PART OF THE GEORGE FLEMING GRANT, SECTION 38, TOWNSHIP 5 SOUTH, RANGE 26 EAST, CLAY COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES AS RECORDED IN PLAT BOOK 4, PAGE 61 OF THE PUBLIC RECORDS OF SAID COUNTY WITH THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15 AS NOW ESTABLISHED BY THE STATE OF FLORIDA, STATE ROAD DEPARTMENT, RIGHT OF WAY SECTION NO. 71020 2508 RIGHT OF WAY MAP; THENCE SOUTH 60° 31' 53" EAST, ALONG SAID SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES, A DISTANCE OF 2,342.36 FEET; THENCE SOUTH 29° 28' 07" WEST, ALONG THE NORTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 100.00 FEET TO REFERENCE POINT "A"; THENCE FROM THE AFOREMENTIONED POINT OF BEGINNING OF SAID PARCEL BEING DESCRIBED RUN SOUTH 02° 51' 40" WEST, ALONG THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15, A DISTANCE OF 1,134.95 FEET TO AN ANGLE POINT IN SAID EASTERLY RIGHT OF WAY LINE; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 986.87 FEET; THENCE SOUTH 87° 05' 18" EAST, ALONG THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED IN DEED BOOK 69, PAGE 35 OF SAID PUBLIC RECORDS, A DISTANCE OF 165.00 FEET; THENCE SOUTH 02° 54' 42" WEST, ALONG THE EASTERLY LINE OF SAID LANDS, A DISTANCE OF 200.00 FEET; THENCE NORTH 87° 05' 18" WEST, ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 165.00 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 17 STATE ROAD NO. 15; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 278.27 FEET TO A POINT OF CURVE OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 23,125.73 FEET; THENCE SOUTHERLY, ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE, A CHORD BEARING

OF SOUTH 04° 09' 37" WEST AND A CHORD DISTANCE OF 1,007.86 FEET TO A POINT OF REVERSE CURVE, SAID CURVE BEING CONCAVE EASTERLY HAVING A RADIUS OF 22,996.74 FEET; THENCE SOUTHERLY, ALONG AND WITH THE ARC OF SAID CURVE AND ALONG SAID EASTERLY RIGHT OF WAY LINE, A CHORD BEARING OF SOUTH 04° 57' 41" WEST AND A CHORD DISTANCE OF 359.01 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 02° 54' 42" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 293.16 FEET; THENCE SOUTH 87° 05' 18" EAST, ALONG THE NORTHERLY LINE OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION PARK, A DISTANCE OF 272 FEET, MORE OR LESS TO ITS INTERSECTION WITH THE APPROXIMATE MEAN HIGH WATERLINE OF THE ST. JOHNS RIVER; THENCE NORTHEASTERLY ALONG AND WITH SAID APPROXIMATE MEAN HIGH WATER LINE, A DISTANCE OF 3,800 FEET, MORE OR LESS TO ITS INTERSECTION WITH A LINE WHICH BEARS SOUTH 60° 31' 53" EAST FROM AFOREMENTIONED REFERENCE POINT "A"; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF THOSE AFOREMENTIONED LANDS AS RECORDED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 70 FEET, MORE OR LESS TO THE NORTHEASTERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1196, PAGE 394 OF SAID CURRENT PUBLIC RECORDS, SAID CORNER LYING SOUTH 60° 31' 53" EAST, A DISTANCE OF 190.00 FEET FROM REFERENCE POINT "A"; THENCE SOUTH 29° 28' 07" WEST, ALONG THE SOUTHEASTERLY LINE OF SAID LANDS, A DISTANCE OF 20.00 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE SOUTHWESTERLY LINE OF LANDS, A DISTANCE OF 90.00 FEET; THENCE NORTH 29° 28' 07" EAST, ALONG THE NORTHWESTERLY LINE OF SAID LANDS, A DISTANCE OF 20.00 FEET; THENCE NORTH 60° 31' 53" WEST, ALONG THE AFOREMENTIONED SOUTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 208, PAGE 701, A DISTANCE OF 100.00 FEET TO REFERENCE POINT "A"; THENCE NORTH 29° 28' 07" EAST, ALONG THE AFOREMENTIONED NORTHWESTERLY LINE OF THOSE LANDS, A DISTANCE OF 100.00 FEET; THENCE NORTH 60° 53" WEST, ALONG THE AFOREMENTIONED SOUTHWESTERLY LINE OF FLEMING ISLAND ESTATES, A DISTANCE OF 2,342.36 FEET TO THE POINT OF BEGINNING.

CONTAINING 111 ACRES, MORE OR LESS.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History—New

42BB-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: David Bishop, Doug Smith, Sarah Carmody, Candice Paulsen, and Clint Smith.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 2105, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

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

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

DEPARTMENT OF THE LOTTERY

RULE TITLES:	RULE NOS.:
General Provisions	53-20.001
Classification and Pay Plan	53-20.002
Recruitment	53-20.003

SUMMARY: The proposed rule is necessary to amend the provisions regarding the recruitment of Executive Management Service personnel, to amend the title, "The Personnel Administration Unit (PAU)" to the "The Division of Human Resource Services" throughout the chapter, and to add Chief of Staff to the positions that compose the Executive Management Service.

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

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

SPECIFIC AUTHORITY: 24.105(10)(j) FS.

LAW IMPLEMENTED: 24.105(20)(d) FS.

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

TIME AND DATE: 9:00 a.m., December 20, 1999

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diane D. Schmidt, Office of the General Counsel, Capitol Complex, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULES IS:

53-20.001 General Provisions.

(1) No change.

(2) The Executive Management Service is composed of the Secretary, Deputy Secretary, Chief of Staff, Assistant Secretaries, Directors, General Counsel, and the Inspector General/Chief Internal Auditor, ~~and the Communications Director.~~

(3) through (6) No change.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(20)(24)(d) FS. History--New 2-25-93, Amended

53-20.002 Classification and Pay Plan.

(1) ~~The Division of Human Resource Services Personnel Administration Unit (PAU)~~ shall establish and maintain a classification and pay plan applicable to all positions in the Executive Management Service.

(2) ~~The Division of Human Resource Services PAU~~ shall prepare a job description for each position to be placed in the Executive Management Service and shall maintain such job descriptions on a current basis. Each job description shall accurately present information as prescribed by the Lottery.

(3) ~~The Division of Human Resource Services PAU~~ shall assign each such position to its appropriate class according to the information contained in the job description.

(4) No change.

(5) At the request of the Secretary, the Division of Human Resource Services PAU shall conduct studies and surveys to determine if changes are needed in order to maintain the classification and pay plan on a current basis.

(6) through (9) No change.

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(20)(24)(d) FS. History--New 2-25-93, Amended

53-20.003 Recruitment.

Recruiting efforts to fill current or anticipated vacancies in the Executive Management Service shall be conducted as directed by the Secretary. The Secretary shall have sole discretion to determine whether a need exists to advertise the vacancy and, if so, the nature and extent of such advertisement. The Secretary shall assure that agency recruiting efforts are carried out so as to attract qualified minority and female applicants. ~~Recruiting efforts to fill current or anticipated vacancies in the Executive Management Service shall be the responsibility of the Personnel Administration Unit. The Secretary shall assure that:~~

~~(1) Each vacant position not filled by another member of the Executive Management Service, or by an acting appointment, is publicized within and/or outside the Lottery.~~

~~(2) Each announcement identifies the position and provides sufficient information to effectively inform applicants as to the requirements of the position; and~~

~~(3) Agency recruiting efforts are planned and carried out so as to attract qualified minorities and women.~~

Specific Authority 24.105(10)(j) FS. Law Implemented 24.105(20)(24)(d) FS. History--New 2-25-93, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr., General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants
RULE NO.: 61G4-18.001

PURPOSE AND EFFECT: The purpose of this rule is to require each person who is registered or certified to provide proof of continuing education hours.

SUMMARY: Certificateholders and Registrants should follow certain requirements when completing continuing education courses.

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: 455.213(7), 489.108 FS.
LAW IMPLEMENTED: 455.271(10), 489.115, 489.116, 455.2123 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: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) Each person who is certified or registered by the board must, as a condition of each renewal of the certificate or registration, provide proof of completion of at least 14 classroom or interactive distance learning hours of continuing

education in one or more courses from a continuing education sponsor approved by the board. Of the required 14 hours of continuing education, up to four hours of credit may be earned by attending a meeting of the Board wherein disciplinary cases are considered. At least seven days advance notice of the intent to attend the disciplinary case session must be given to the Board, and the licensee must check in with Board staff prior to the beginning of the disciplinary proceedings. A maximum of four hours will be allowed during a renewal cycle. Credit hours shall be awarded on an hour for hour basis up to a maximum of four hours. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

All registered contractors and all certified contractors are required to complete at least one hour of a workplace safety class, one hour of a business practices class and one hour of a workers' compensation class as a part of the 14 hours of required continuing education for license renewal. That portion of this rule relating to business practices shall be effective September 1, 1999.

(2) through (7) No change.

Specific Authority 455.213(7), 489.108 FS. Law Implemented 455.271(10), 489.115, 489.116, 455.2123 FS. History--New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Criteria for Investigators and Consultants
RULE NO.: 61G15-18.013

PURPOSE AND EFFECT: The Board is repealing this rule because the Board does not have statutory authority for this rule.

SUMMARY: Repeal of Rule 61G15-18.013.

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: 455.203(8) FS.

LAW IMPLEMENTED: 455.203(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-18.013 Criteria for Investigators and Consultants.

Specific Authority 455.203(8) FS. Law Implemented 455.203(8) FS. History--New 1-25-82, Amended 5-18-82, Formerly 21H-18.13, 21H-18.013, Amended 10-19-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Seal, Signature and Date shall be Affixed
PURPOSE AND EFFECT: The Board proposes to amend this rule to update the requirements for submitting sealed plans and prints.

RULE NO.: 61G15-23.002

SUMMARY: The Board has determined that it is necessary to update the requirements for engineers and duly authorized engineering businesses when submitting plans and prints which must sealed under the provisions of Chapter 471.

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: 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE 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, .

NAME OF PERSON ORIGINATING PROPOSED RULE: Board Of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 12, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Notice of Noncompliance
Citation Authority

RULE NOS.: 64B8-8.011
64B8-8.017

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes with regard to minor violations and citations.

SUMMARY: The proposed amendments make changes to the rules in response to recent statutory changes with regard to notices of noncompliance and citations.

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

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

SPECIFIC AUTHORITY: 458.309, 455.617 FS.

LAW IMPLEMENTED: 455.617 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-8.011 Notice of Noncompliance.

(1) through (2) No change.

(3) The following violations are those for which the board authorizes the Agency to issue a notice of noncompliance.

(a) No change.

(b) Failure to perform one of the following statutory or legal obligations:

1. through 16. No change.

17. First occurrence of failing to comply with the provisions of Sections 381.026 and 381.0261, Florida Statutes, to provide patients with information about their patient rights and how to file a patient complaint.

(c) No change.

Specific Authority 455.621(3), 458.309 FS. Law Implemented 455.621(3) FS. History—New 11-15-90, Formerly 21M-20.011, 61F6-20.011, 59R-8.011, Amended _____.

64B8-8.017 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) CME violations (Sections 458.321, 458.331(1)(g)(x), <u>455.624 (1)(e),(s), F.S.</u>)	Within twelve <u>six</u> months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent

must document compliance with the CME requirements for the relevant period; AND

1. through 4. No change.

(b) Obtaining license renewal by fraud or misrepresentation Section 458.331(1)(a); failure to document any of the 40 hours of required CME for license renewal (Sections 458.321, 458.331(1)(x)).

~~1.~~ \$5000 fine

~~2. Written reprimand~~

(c) Practice on an inactive or delinquent license (Sections 458.327(1)(a), 458.331(1)(x)).

1. For a period of up to nine months. ~~\$200 Letter of Concern~~ for each month or part thereof.

2. For a period of nine months to twelve months.

~~\$300~~ ~~\$200~~ for each month or part thereof

(d) Failure to notify Department of change of practice address (Sections 458.319(5), 458.331(1)(g)).

\$250 fine

(e) Failure to provide medical records of only one patient (Sections ~~455.241,~~ 455.331(1)(g), 455.667).

~~\$500~~ ~~\$100~~ fine

(f) Failure to post notice on the form of a sign informing patients that the physician does not have malpractice coverage described in Section 458.320(1) or (2) (Sections 458.320(5)(f) and (g), 458.331(1)(x)).

~~\$2000~~ ~~\$1000~~ fine

(4) through (7) No change.

Specific Authority 458.309, 455.617 FS. Law Implemented 455.617 FS. History—New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Licensure by Examination Rule Governing Licensure and Inspection of Electrology Facilities

RULE NOS.: 64B8-51.002

64B8-51.006

PURPOSE AND EFFECT: The Electrolysis Council has recommend and the Board of Medicine proposes, an amendment to Rule 64B8-51.002, Subsection (1)(c) to clarify educational criteria, and in Rule 64B8-51.006, Subsection (6) to clarify the consequences for failure to renew a facility license.

SUMMARY: These amendments clarify the educational requirements in Rule 64B8-51.002, and dictates when a facility license becomes delinquent or null and void in Rule 64B8-51.006.

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

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

SPECIFIC AUTHORITY: 455.711, 455.712 478.43(1)(4), 478.51(3) FS.

LAW IMPLEMENTED: 455.574, 455.711, 455.712(2)(3)(5), 478.45, 478.49, 478.51 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THE HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.002 Licensure by Examination.

(1) Every applicant for licensure as an electrologist by examination shall demonstrate to the Council that the applicant:

(a) through (b) No change.

(c) Possesses a high school diploma, ~~or~~ a graduate equivalency diploma, college diploma, university diploma, or technical school diploma if such college, university, or technical school required a high school or graduate equivalency diploma for admission.

(d) through (g) No change.

(2) through (3) No change.

Specific Authority 478.43(1)(4) FS. Law Implemented 455.574, 478.45 FS. History--New 5-31-93, Formerly 21M-76.002, 61F6-76.002, Amended 7-11-95, Formerly 59R-51.002, Amended 11-13-97.

64B8-51.006 Rule Governing Licensure and Inspection of Electrology Facilities.

(1) through (5) No change.

(6) Renewal of Facility Licensure. Facility licensure shall be renewed at the end of each biennium prescribed by the Department. The licensee shall receive ninety (90) days notice of the need to renew the facility license. The notice shall be sent to the licensee at the last known address of the facility. Failure to receive the notice will not excuse the licensee from the requirement to renew the facility license, and failure to renew shall result in the ~~termination of the license.~~ becoming delinquent. If the delinquent licensee does not apply for renewal of the license within six months of the license becoming delinquent, the license shall become null and any subsequent licensure shall be as a result of applying and meeting all requirements for new licensure. A facility may not operate without a license. To timely renew the facility license, including the six month "grace period" provided for, the licensee must pay the renewal fee of \$100 and the inspection fee of \$100. ~~If a facility license has been terminated for failure to timely renew the license, the former licensee must file a new application for facility licensure if the former licensee wishes to obtain a facility license.~~

(7) No change.

Specific Authority 455.711, 455.712, 478.43(1)(4), 478.51(3) FS. Law Implemented 478.49, 455.711, 455.712(2)(3)(5), 478.51 FS. History--New 11-16-93, Formerly 61F6-76.006, Amended 5-11-95, 6-26-96, Formerly 59R-51.006, Amended 12-23-97, 12-22-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Exemption of Spouse of Armed Forces Member
RULE NO.: 64B8-54.0021

PURPOSE AND EFFECT: As required by Statute, this new rule exempts the spouse of an Armed Forces member from licensure renewal during absence from the State of Florida.

SUMMARY: The spouse of an Armed Forces member who is licensed to perform electrolysis services and who is absent from the State of Florida because of the spouse's duties may be exempt from licensure renewal provisions.

SPECIFIC AUTHORITY: 455.507 FS.

LAW IMPLEMENTED: 455.507 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THE HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-54.0021 Exemption of Spouse of Armed Forces Member 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 and entitled to practice as an electrologist in Florida shall be exempt from all licensure renewal provisions during such absence. The licensee must document the absence and the spouse's military status to the Board.

Specific Authority 455.507 FS. Law Implemented 455.507 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Fees
RULE NO.: 64B8-54.004

PURPOSE AND EFFECT: This rule proposes to add Subsection (8), providing for a \$25.00 fee for a wall certificate.
SUMMARY: Subsection (8) will be added to set the fee for a wall certificate at \$25.00.

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) 478.43(1), (4), 478.50, 478.55 FS.

LAW IMPLEMENTED: 455.587(2), 455.711, 478.50, 478.55 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THE HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B8-54.004 Fees.
- (1) through (7) No change.
- (8) The fee for a wall certificate of licensure shall be \$25.

Specific Authority 455.564(2), 478.43(1),(4), 478.50, 478.55 FS. Law Implemented 455.587(2), 455.711, 478.50, 478.55 FS. History--New 9-29-93, Formerly 61F6-79.004, Amended 6-29-95, Formerly 59R-54.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: RULE NOS.:
Disciplinary Guidelines 64B8-55.001
Discipline of Electrolysis Facilities 64B8-55.0021

PURPOSE AND EFFECT: Text has been added to rule 64B8.55.001 to clarify the person(s) who may be subjected to sexual misconduct. Additionally this rule change adds penalties for sexual misconduct, for failing to report one's plea or conviction of a crime, and for the solicitation of people in accidents. Rule 64B8-55.0021 provides for discipline of electrolysis facilities providing services without an active business establishment license.

SUMMARY: Rule 64B8-55.001 adds "immediate family members of a client" as person(s) who are protected from sexual misconduct and provides for a range of penalties. Additionally, penalties are provided for failure to report a plea or conviction of guilt, and for solicitation of accident victims. Rule 64B8-55.0021 is a new rule setting penalties for discipline of unlicensed electrolysis facilities or facilities using unlicensed personnel to deliver electrolysis services.

Specific Authority 455.624, 455.627, 455.712, 455.627, 478.43(1), 478.52(4) FS.

Law Implemented 455.624, 455.627, 478.712, 478.52(4) FS.

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.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-55.001 Disciplinary Guidelines.

(1) No change.

(2) Sexual misconduct in the delivery of electrolysis services is sexual behavior or involvement with a client, or an immediate family member of a client, including verbal or physical behavior, which may reasonably be interpreted as intended for the sexual arousal or gratification of the Electrologist, the client, an immediate family member of the client, or any third party.

(3) No change.

VIOLATION

(a) through (v) No change.

(w) Sexual Misconduct. (455.567, F.S.)

(jj) Failure to report, within 30 days years a conviction, finding of guilt, or plea of nolo contendere, regardless of adjudication, to a crime to the Board. (455.624(w), F.S.)

(kk) Using information from accident reports, or from news sources that use such information for the solicitation of people involved in such accidents. (455.624(x), F.S.)

(4) through (7) No change

Specific Authority 455.624, 455.624, 478.52(4) FS. Law Implemented 455.624, 455.627, 478.52(4) FS. History--New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 2-9-98, 10-12-98.

64B8-55.0021 Discipline of Electrolysis facilities. Any business establishment that provides electrolysis services must have an active status license in order to provide such services. Failure to obtain and maintain an active status license as a licensed electrolysis facility pursuant to Rule 64B8-51.006, F.A.C. shall be subject to discipline as follows:

(1) A business establishment offering electrolysis services without an active status license shall:

(a) cease and desist offering such services;

(b) make application for a current status license pursuant to Rule 64B8-51.006, F.A.C. if the business establishment wishes to offer electrolysis services;

(c) pay a fine equal to all licensure and renewal fees that would have been due for the time of operation without an active status license up to a maximum of \$5,000.

(2) Any electrolysis facility with an active status license that employs or permits an unlicensed person to deliver electrolysis services shall be subject to discipline as follows:

(a) cause he unlicensed person to cease and desist from the delivery of electrolysis services;

(b) the facility licensure shall be suspended for up to one year;

(c) the facility shall be subject to a fine of up to \$1,000.

Specific Authority 478.43(1), 455.712 FS. Law Implemented 478.712 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Medicine

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

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

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Application for Licensure RULE NO.: 64B18-11.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text regarding an applicant's file for licensure and to delete unnecessary rule text.

SUMMARY: The Board has determined that it is necessary to amend this rule to further clarify the requirements for an applicant's application to be complete for licensure and to delete unnecessary language.

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: 461.005, 455.604(6) FS.

LAW IMPLEMENTED: 455.564, 461.006, 455.604 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-11.001 Application for Licensure.

(+) An application file for licensure is not complete unless and until it contains verification of a passing score from examination of the National Board of Podiatric Medical Examiners, including Part I, Part II, and the PMLexis Examination administered after August of 1996. Such verification must be received by the Board office directly from the provider of the National Board of Podiatric Medical Examiners examination PMLexis Examination.

(2) To foster the Board's interest in assuring that an applicant remain current in his or her application, the applicant must update his or her application consistent with Rule 64B18-11.003, Florida Administrative Code, if a passing score for that applicant is not submitted by the PMLexis Examination provider within five (5) months of the date on which the application was first filed or last updated, whichever is warranted under the circumstances.

~~(3) An applicant must complete an educational course acceptable to the Board on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome as that course is described in Rule 64B18-17.003(4), F.A.C.~~

~~(4) Any application submitted for licensure may not be used for more than one year from the date of the original submission of the application. For an applicant to be considered after that period, a new application and new fee shall be required.~~

Specific Authority 461.005, 455.604(6) FS. Law Implemented 455.564, 461.006, 455.604 FS. History-New 1-29-80, Amended 12-9-82, Formerly 21T-11.01, Amended 10-14-86, 1-26-88, 6-20-88, 7-3-89, 6-24-92, Formerly 21T-11.001, Amended 7-6-94, Formerly 61F12-11.001, Amended 1-1-96, 7-15-96, Formerly 59Z-11.001, Amended 9-3-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 1999

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLE: Forms RULE NO.: 64E-9.003

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate revised forms into the rule.

SUMMARY: The changes will provide two updated forms. Both DH Form 920, Dec. 98, Public Pool and Bathing Place Inspection Report (64E-9.003(1)(b) and DH Form 914, 3/98, Application For Approval Of Swimming Pool Plans (64E-9.003(2)(c) shall be changed.

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 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: 381.0011, 381.006, 514.021 FS.

LAW IMPLEMENTED: Part I, Ch. 386, 381.0011, 381.0025, 381.006, 514.011, 514.0115, 514.021, 514.025, 514.03, 514.031, 514.033 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: 1:00 p.m., December 16, 1999

PLACE: Room 203, Building 5, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Pryor, Environmental Specialist III, 2020 Capital Circle, S. E., Bin #A08, Tallahassee, FL 32399-1710

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-9.003 Forms.

(1) All forms listed in this section are incorporated by reference in these rules and may be obtained from the department. The following forms are for use by the department or the public:

(b) DH Form 920, Feb 99 ~~Dec. 96~~, Public Pool and Bathing Place Inspection Report.

(2) Upon receipt of the following properly completed forms, the department shall approve or deny the following applications in accordance with the provisions of Chapters 120 and 514, F.S.:

(c) DH 914, Sept 99 ~~3/98~~, Application for Approval of Swimming Pool Plans.

Specific Authority 381.0011, 381.006, 514.021 FS. Law Implemented Part I Ch. 386, 381.0011, 381.0025, 381.006, 514.011, 514.0115, 514.021, 514.025, 514.03, 514.031, 514.033 FS. History—New 10-5-93, Formerly 10D-5.132, Amended 12-27-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Pryor, Environmental Specialist III, Bureau of Facility Programs, Division of Environmental Health

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Pad Juarez, Environmental Manager, Bureau of Facility Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLES:	RULE NOS.:
Definitions	65C-6.001
Certification	65C-6.002
Procedures for Funding	65C-6.003
Standards for Certification	65C-6.004
Evaluation	65C-6.006
Appeal Hearings	65C-6.007

PURPOSE AND EFFECT: The Office of the Governor and the Department of Children and Families, working cooperatively, have improved services to victims of domestic violence. Some of the improvements impact providers who manage domestic violence centers. These improved rules will ensure appropriate and adequate facilities are provided by each center that meets the certification standards.

SUMMARY: The changes to chapter 65C-6 will establish new certification requirements and standards for centers and details the procedures that must be followed to receive funding.

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: 39.903, 39.905 FS.

LAW IMPLEMENTED: 39.903, 39.905 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 15, 1999

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Trula Motta, Specialist, 1317 Winewood Blvd. Building 8, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-6.001 Definitions.

Specific Authority 39.903(2), 120.53 FS. Law Implemented 39.901 et seq. FS. History—New 5-13-79, Amended 12-4-79, 1-11-83, 12-3-85, Formerly 10A-8.02, 10A-8.002, 10M-48.001, Repealed.

(Substantial rewording of Rule 65C-6.002 follows. See Florida Administrative Code for present text.)

65C-6.002 Certification.

(1) Centers eligible for certification shall have as their primary mission, as evidenced in their organization's mission statement, the provision of services to victims of domestic violence, as defined in s. 741.28, F.S. Certification of a center is based upon compliance with all physical plant requirements as outlined in 65C-6.004(3) and program standards as detailed herein and contained in contract.

(2) A certified center shall, at a minimum, provide all of the mandated services as outlined in s. 39.905(1)(c), Florida Statutes. When a center seeking certification is in a district with an existing center, the applicant should subcontract with the existing center to avoid duplication of services. If sub-contracting is not an option, and the application for certification is successful, the department may exempt the services of 24 hour hotline, community education and professional training as provided in s. 39.905(1)(c), F.S.

(a) Application for initial certification and annual certification thereafter shall be sent to the district office in which the center operates. Certification is non-transferable and valid only for the corporation or public entity named in the department's letter of certification. A center may operate satellite centers at different locations. If the center wishes to

change the location of service, or open additional service centers during an existing certification period, the provider must seek approval from the district office for an amendment of the certification letter. The department has the right to refuse to amend the certification. If the district office does not amend the certification to include additional or new sites, the provider may not utilize departmental funds to operate those locations.

(b) Certification is for one year and shall be denied, suspended or revoked for failure to comply with any of the requirements detailed in section (1) above. Suspension may be for up to six (6) months, while the center completes a corrective action plan and brings the center into compliance. However, the department shall suspend a center's certification without allowing a corrective action time period, or immediately revoke the centers' certification if the deficit is dangerous to the health or safety of clients. The department will not distribute any funds to the center during the suspension period or after revocation.

(c) Where deficiencies are not dangerous to the health and safety of the clients and are remediable within a three-month period, the department shall allow the center to retain its certification and funding during the corrective action period.

(3) In addition to the requirements outlined in s. 39.905, F.S., the application for initial certification shall contain:

(a) A completed financial audit covering the previous eighteen (18) months operation as a domestic violence center.

(b) A business plan that details programmatic and financial activities for future operations. The plan must include an outline of projected revenues and expenditures for a minimum eighteen-month period.

(c) Documentation of 25% local match; either cash, in kind or a combination thereof.

(d) Documentation of community support, both programmatic and financial.

(e) Documentation of local need and the identified statewide needs assessment as required by s. 39.905(1)(i), F.S. The need for each mandated service must be detailed with supporting documentation included.

(f) A plan that illustrates the manner in which proposed services will be integrated with existing resources for domestic violence victims. Inter-agency agreements are strongly encouraged.

(g) When there is an existing certified service center within the service area, the application shall include an explanation as to why subcontracting to provide the additional services is not feasible.

(4) The department shall evaluate each center annually for compliance with all standards. Authorized staff from the department may enter and inspect the premises of certified domestic violence centers or those requesting certification at any reasonable hour. Information received by the department

concerning client identity is confidential and shall not be disclosed without the written consent of the client to whom the records or information pertains.

Specific Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History--New 5-13-79, Amended 12-4-79, 12-13-85, Formerly 10A-8.03, Amended 6-22-87, Formerly 10A-8.003, 10M-48.002, Amended _____.

(Substantial rewording of Rule 65C-6.003 follows. See Florida Administrative Code for present text.)

65C-6.003 Procedures for Funding.

(1) Annually, during the normal funding cycle, each district office will provide all certified domestic violence centers with an application for funding with instructions for completion and all other pertinent information.

(2) Certification does not ensure funding, and newly certified centers without previous funding from the department must notify the department by January 1, of their intention to apply for funding for the pending fiscal year. Upon request the local district office shall provide an application to the certified center(s) within their district. A center seeking funding for the first time must notice all other certified centers within the department's district of their intent to apply for funding. The notification must be made 30 days prior to requesting an application, and documentation of the notification must be submitted to the department. This time period is provided to the existing center(s) so that they may furnish a letter of adverse economic impact to the department for consideration prior to the department's decision on funding the new center.

(3) When there is more than one certified and funded center in the district, the department shall bring together the centers to allow each the opportunity to provide input into the funding decision process. However, the department shall make the final determination on funding allocations.

(4) Funding is contingent upon satisfaction of all certification and funding requirements set forth herein and in statute. Failure to maintain the standards set out in these rules and in statute constitutes grounds for revocation of certification and funding. If certification is suspended or revoked, funding shall also be suspended or revoked.

(5) Under s. 741.01(2), F.S., and s. 39.905(7)(a), F.S., all funds to the district from the Domestic Violence Trust Fund are distributed through an allocation formula that incorporates population, a rural factor and sales of marriage licenses.

(6) Final approval of application and award of funds shall be made by the district administrator and executed through the state contracting process.

Specific Authority 39.903, 39.905 FS. Law Implemented 39.903 FS. History--New 5-13-79, Amended 12-4-79, 11-1-83, 12-13-85, Formerly 10A-8.04, Amended 6-22-87, Formerly 10A-8.004, 10M-48.003, Amended _____.

(Substantial rewording of Rule 65C-6.004 follows. See Florida Administrative Code for present text.)

65C-6.004 Standards for Certification.

(1) Administrative Components:

(a) Each center shall retain all financial records, supporting documents, client files and statistical records for a period of five (5) years after termination of a contract, or if an audit has been initiated and audit findings have not been resolved at the end of five (5) years, the records shall be retained until resolution of the audit findings. The department shall make the final determination as to what constitutes a satisfactory resolution of audit findings.

(b) Each center seeking certification shall develop its own manual on administrative operations which includes all of the organization's fiscal policies.

(c) The center shall maintain current, accurate and complete case records in compliance with contract requirements and these rules. The records must be maintained in such form as to permit evaluation of the program's services by authorized department personnel.

(d) Domestic violence centers shall employ direct service staff who are trained in the field of domestic violence. The center may determine qualifications for other positions within the program.

1. Minimal paid domestic violence center staffing shall consist of one full-time administrator or director, and one full-time counselor and one full or part-time bookkeeper.

2. Staffing must include, at a minimum, a social worker or like professional with an undergraduate degree in a human services area and training in the power and control dynamics of domestic violence, or a person with four years of direct service experience in the field of domestic violence. This person shall provide regular scheduled in-service training to the center staff, and any sub-contractees.

3. Staff may receive a salary or volunteer or be a combination thereof.

4. In order to ensure the health and welfare of center clients all staff shall receive a minimum of 24 hours of training each year, which shall be documented in their personnel file.

(e)1. Each center shall establish written intake policies and procedures that identify who is eligible for services and how those services are accessed.

2. Certified centers shall not deny services to any person because of national origin or spoken language, religion, age or disability. Certified centers must inform prospective clients who do not meet the admission criteria of their ineligibility and provide referrals to programs and services that can provide assistance.

(f) Each center shall develop a manual detailing all programmatic procedures for center operation. The manual shall incorporate organizational policies on the provision of each mandated service and other day to day operational guidelines for staff.

(g) Each center shall ensure all staff comply with s. 39.908, F.S., which prohibits the disclosure of any information regarding center clients without their express written consent.

(h) Each center must maintain a current and accurate list of all staff who work, paid or unpaid, at the center and meet the requirements for domestic violence advocate privilege according to s. 90.5036, F.S. Documentation of the mandated 30 hours of training for privilege must be maintained in each staff's personnel file.

(i) Each center shall have written safety procedures, including a plan for natural disasters such as hurricanes or fires that may require relocation of the clients, and all staff shall receive yearly in-service training on implementing those procedures.

(2) Program Component:

(a) The minimum services a center must provide for full certification are:

1. Information and Referral: The provision to domestic violence victims or individuals assisting domestic violence victims of information about and referrals to services and resources according to individual needs.

2. Counseling: Providing information on the dynamics of domestic violence; doing an assessment of risk, and engaging in other supportive activities with victims of domestic violence. The service may utilize a professional or peer model of counseling.

3. Emergency Shelter for 24 Hours or More: Temporary emergency safe housing of domestic violence victims and their dependents.

4. Hotline: The provision of crisis counseling and information and referral on a 24 hour per day, seven days a week basis by center staff, paid or unpaid. The use of answering devices or commercial telephone answering services to cover the crisis line is not permitted.

5. Child Assessments: Evaluation of the basic needs of children served by the program, and the referral of children to services if needed. Service includes a screening for child abuse and an assessment of risk.

6. Case Management: The provision of a client needs assessment, development of a service plan, and the coordination of services and follow-up. Case management plans must include a written safety plan signed by the client. The center shall provide one on one case management to residents in shelter for 72 hours or more and to non-residents after three counseling sessions.

7. Community Education: Presentation to the public, both in person and through the media, of information on the incidence, and dynamics of domestic violence.

8. Professional Training: Provision of domestic violence training to law enforcement personnel, other professionals and paraprofessionals.

(b) The department may exempt the 24 hour hotline, professional training and community education certification requirements from certain centers where those requirements are already being met by another center in the area, pursuant to s. 39.905(1)(c), F.S. Centers with such certification must provide all of the other remaining services detailed herein.

(c) Each center shall maintain a comprehensive, up to date data base of information and referral resources, and all staff who provide counseling and hotline services shall be trained to provide referrals to community resources. The data base shall be available for use by staff and volunteers and for review by departmental staff during the monitoring process.

(d) Each center shall provide counseling services to victims of domestic violence and their dependents:

1. Counseling services shall be provided or supervised by persons who meet the qualifications outlined in this Chapter.

2. Non-resident counseling clients, seen on a face to face basis, shall have a case record developed that includes identification data, dates of contact and services provided.

(e) Individual case records of shelter residents shall be maintained on a current basis and shall include at a minimum:

1. Identification data including name, age, ethnicity and other relevant information for the client and any dependents;

2. A needs assessment for any child dependents;

3. Case history;

4. Case management plan that includes a written needs assessment, a service plan that addresses goals and objectives, a safety plan signed by the adult client indicating participation in the development of the plan and documentation of all services received while in the shelter;

5. Signed release of liability forms and release of information forms;

6. Exit interview and

7. Follow up status if available.

(f) Domestic violence center staff shall develop procedures for regularly scheduled staff meetings for the purpose of evaluating their progress in assisting clients with meeting their objectives.

(g) To ensure the health and safety of clients counseling staff shall be available on site at the shelter minimally between the hours of 8:00 A.M. and 10:00 P.M. with on call counseling staff available between 10:00 P.M. and 8:00 A.M.

(h) Counseling services may incorporate advocacy services such as intervening with the various social and legal agencies on behalf of the client, accompanying the client to court hearings and providing interpretation services.

(i) Counseling services may be based on the educational peer counseling model. Individuals who need mental health counseling services may be served through referral to an outside provider.

(j) Each center shall provide temporary emergency shelter for more than 24 hours.

1. Domestic violence centers shall be staffed 24 hours a day by paid or trained volunteer staff. Failure to do so may result in immediate suspension or revocation of certification.

2. The need for shelter shall be determined by the need for safety to prevent physical harm.

3. Each shelter resident shall be provided with an individual counselor.

(k) Each center shall provide 24-hour hotline services. All staff and volunteers answering hotline calls shall be trained in crisis counseling, safety planning and providing information and referral services. Specific written procedures shall be developed to coordinate the provision of services to each caller. The hotline shall be covered 24 hours a day by trained staff or volunteers.

(l) All children in shelter for 72 hours or more will be provided with an assessment of their needs and referral to services. This assessment must include an evaluation of medical needs; a screening for child abuse and for behavioral issues that necessitate referral to interventions.

(m) Each center shall provide case management services to assure the coordination of service provision.

1. Each shelter resident housed 72 hours or more, and each non-resident client who has received three (3) or more separate counseling sessions, shall have a case management plan developed.

2. The case management plan shall include the provision of an individualized needs assessment and a detailed service plan. The plan shall also include a safety plan for the adult client and for each child who is capable of carrying out a safety plan.

(n) Each center shall provide community education to promote community awareness of the incidence, causes, and prevention strategies of domestic violence. Community education shall be presented both face to face and through the utilization of the various media.

(o) Domestic violence center staff shall participate in community task forces, interagency councils and other organizational groups whose efforts are intended to improve services for the victims of domestic violence.

(p) Each center shall offer professional training to law enforcement personnel and other professionals who have contact with the victims of domestic violence as part of their work.

(r) Providers may elect to provide additional services, which will benefit the people they serve. Examples of such services are:

1. Transportation: The provision of travel for clients to or from the shelter or community providers, or to conduct any business necessary for the completion of their case management objectives.

2. Children's Programs: The provision of supervised children's activities that allow children to receive support and a better understanding of their experiences, and provide them with basic safety planning skills.

3. Transitional Housing: The provision of temporary housing for a limited period of time with the goal of accruing the finances necessary to obtain a permanent residence.

(3) Physical Plant

(a) Each center, its shelter, offices, and any facilities maintained by sub-contractees for service provision shall meet county and municipal building code enforcement requirements as authorized in Chapter 162, F.S., and s. 166.0415, F.S.

1. Each center must have an annual fire inspection that conforms to fire safety standards as determined by the local municipality, county or special district with fire safety responsibility as defined in s. 633.025, Florida Statutes.

2. Each center must have an annual sanitation inspection through their local municipal, county health department or special district agency.

(b) For initial certification only, documentation of approval signed by local authorized zoning, building, and electrical agencies, and based upon inspections not more than sixty (60) days prior to the date of filing shall be attached to the application. Those centers, shelters, and subcontractor's buildings which have pre-established schedules with local regulatory agencies for annual re-inspection may submit written documentation of the results of such inspection held within the past calendar year.

(c) Failure to satisfy and maintain health and fire standards, as referenced in this section, shall result in suspension or revocation of certification. The department shall allow a limited period of time for corrective action of not more than 3 months before suspension or revocation if the failing is considered minor and easily remedied.

(d) The center shall be equipped with telephones for client use.

(e) Each domestic violence center shall take precautionary measures to ensure the physical safety of residents. For example, all outside doors shall remain locked from the outside at all times, all windows shall be secured against entry; outside and entrance way lighting shall be in place; and playground equipment shall be routinely checked for safety. If an outside playground area is made available for the children, fencing must secure the safety of the area. If the playground is in view of the public, privacy fencing is required. The center shall have sprinklers or smoke alarms in each client bedroom and in all hallways. In addition, the center shall have written procedures that address safety issues.

(f) Center outreach offices and shelters must be accessible to clients in wheel chairs. Accommodations must be made for the hearing impaired both over the hotline and on telephones for client use within the shelter.

Specific Authority 39.903, 39.905 FS. Law Implemented 39.905 FS. History—New 5-13-79, Amended 12-4-79, 11-1-83, 12-13-85, Formerly 10A-8.05, Amended 6-22-87, Formerly 10A-8.005, 10M-48.004, Amended _____.

65C-6.006 Evaluation.

(1) Each funded domestic violence center shall be evaluated at least ~~semi~~ annually by an on-site monitoring visit conducted by the District Family Safety and Preservation Aging and Adult Services Program Office and other authorized representatives of the department. The annual monitoring pursuant to s. 39.903(1)(d), F.S. shall evaluate:

(a) The center's achievement of objectives and program outcomes as detailed in the center's contract with the department.

(b) The center's continued compliance with minimum administrative, programmatic, and physical plant standards for certification as stated in Section 39.905, F.S., contract and these rules. ~~HRSM Program—Marriage License Fee Trust Fund;~~

(c) Client satisfaction with the services as determined through ~~a review of evaluation forms completed by each client when leaving the center;~~ client satisfaction surveys, client interviews or other means which maintain client confidentiality;

(d) The ~~primary~~ domestic violence center's monitoring of the execution of any subcontract to assure compliance with all applicable provisions of Sections 39.901-39.908, F.S., and these rules. ~~HRSM 55-6, Spouse Abuse Program Marriage License Fee Trust Fund;~~

(2) No change.

(3) No center shall receive approval for funding without written documentation that the center and any subcontractee of the center, has met all departmental standards contained herein and in statute. This document shall include a written report of the on-site evaluation conducted by the department assuring satisfaction of all certification and operational requirements, ~~or a departmentally approved corrective action plan for those items found to be deficient at the time of certification, conducted by the Aging and Adult Services district Staff.~~

Specific Authority 39.903 FS. Law Implemented 39.903 FS. History—New 5-13-79, Amended 12-4-79, 12-13-85, Formerly 10A-8.07, 10A-8.007, 10M-48.006, Amended _____.

65C-6.007 Appeal Hearings.

Specific Authority 120.53(1)(b), (c) FS. Law Implemented 120.53(1)(b), (c), 120.57 FS. History—New 5-13-79, Amended 12-3-85, Formerly 10A-8.09, 10A-8.009, 10M-48.007, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Trula Motta, Specialist, 1317 Winewood Blvd. Building 8,
Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Radigan, Assistant Secretary, 1317 Winewood Blvd. Building 8, Tallahassee, FL 32399
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 16, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 1999

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE CHAPTER TITLE: Policy
Application Process
Project Eligibility
RULE NOS: 66B-1.004
66B-1.006
66B-1.008

PURPOSE, EFFECT AND SUMMARY: The purpose of the proposed rulemaking is to include the following provisions in the program rule: modify the property control requirements for project sites that are leased; clarify the amount of pre-agreement expenses that are eligible for program funding; modify the Attorney’s Certificate of Title for clarity; revise the project priority list; and, revise the date when permits are required for construction projects. The effect of the proposed rulemaking is to implement changes in the administration of the District’s Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

TIME AND DATE: 2:00 p.m., December 22, 1999
PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) through (6) No change.

(7) The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.

(8) No change.

(9) The project sponsor shall not commence work on an approved project prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project’s total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(10) through (11) No change.

(12) All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project’s total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(13) through (19) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(2) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.004, Amended 5-17-98, 3-31-99,_____.

66B-1.006 Application Process.

(1) through (2) No change.

(3) A pre-application meeting will be held with District staff prior to formal submission of the application. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-16 (effective date 2-6-97), hereby incorporated by reference and available from the District office, and for compliance with the eligibility requirements of this rule. If the application is for a project that is a land based development project the applicant shall submit an Attorney’s Certification of Title, FIND Form Number 94-26 (effective date _____ 2-6-97), hereby incorporated by reference and available from the District office. When an application is determined by staff to be

incomplete or ineligible, Staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended _____.

66B-1.008 Project Eligibility.

(1) Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, and inlet management directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging ~~Public boat ramps and launching facilities~~
2. Public navigation aids and markers ~~Public navigation channel dredging~~
3. Inlet management projects that are a benefit to public navigation in the District ~~Public navigation channel lights and markers~~
4. Public shoreline stabilization ~~Waterway signs and buoys for safety, regulation or information~~
5. Public spoil disposal site development ~~Public boat docking and mooring facilities~~
6. Waterway signs and buoys for safety, regulation or information ~~Public shoreline stabilization~~
7. Public boat ramps and launching facilities ~~Public spoil disposal site development, acquisition or management~~
8. Public boat docking and mooring facilities ~~Public fishing and viewing piers~~
9. Waterways related environmental education programs and facilities ~~Public waterfront boardwalks~~
10. Public fishing and viewing piers ~~Waterways related environmental education programs and facilities~~
11. Public waterfront boardwalks ~~Waterways boating safety programs and equipment~~
12. Waterways boating safety programs and equipment ~~Inlet management projects related to waterway navigation improvement~~
13. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project ~~Derelict vessel removal~~
14. Other waterway related projects.

(b) through (c) No change.

(d) Applications for eligible waterway projects which include construction elements below mean high water will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will

include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for Phase II funding will demonstrate that the environmental permitting element of Phase I will be completed by the District's final TRIM hearing ~~prior to the tentative approval date of funding for Phase II~~. Should the environmental permitting element of Phase I of an application for a construction project not be completed by the District's final TRIM hearing ~~meeting where tentative funding decisions for this program will be made~~, the Phase II project will not be considered for funding. ~~An applicant may file a petition pursuant to the rule waiver procedures of s. 120.542, F.S. and Chapter 28 104, F.A.C. to extend the date for receipt of the required environmental permits. Petitions filed pursuant to this rule section should be submitted to the District no later than July 1st to facilitate the orderly process of this program and the preparation of the District's fiscal year budget in which the assistance funds will be included. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency applicant filing a petition after that date.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561) 627-3386.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 1999

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE CHAPTER TITLE:	RULE NOS:
Policy	66B-2.004
Application Process	66B-2.006
Project Eligibility	66B-2.008

PURPOSE, EFFECT AND SUMMARY: The purpose of the proposed rulemaking is to include the following provisions in the program rule: modify the property control requirements for project sites that are leased; clarify the amount of pre-agreement expenses that are eligible for program funding; modify the Attorney's Certificate of Title for clarity; revise the project priority list; and, revise the date when permits are required for construction projects. The effect of the proposed rulemaking is to implement changes in the administration of

the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3),(5) FS.

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

TIME AND DATE: 1:00 p.m., December 22, 1999

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

THE FULL TEXT OF THE PROPOSED RULE IS:

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) through (6) No change.

(7) The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.

(8) No change.

(9) The project sponsor shall not commence work on an approved project prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in

accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(10) through (11) No change.

(12) All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District.

(13) through (18) No change.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(2) FS. History--New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, _____.

66B-2.006 Application Process.

(1) No change.

(2) Applications will be reviewed by the local FIND Commissioner before being submitted to the District Office. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 4-12-95) and for compliance with the eligibility requirements of this rule. If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date _____ 4-12-95). When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended _____.

66B-2.008 Project Eligibility.

(1) Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, spoil site acquisition directly related to the waterways, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, improvement, operation or maintenance of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging

- 2. Public navigation aids and markers
- 3. Inlet management projects that are a benefit to public navigation in the District ~~Public boat ramps and launching facilities~~
- 4. Public shoreline stabilization ~~Public boat docking and mooring facilities~~
- 5. Public spoil disposal site development ~~Public shoreline stabilization~~
- 6. Waterway signs and buoys for safety, regulation or information ~~Inlet management projects that are a benefit to public navigation in the District~~
- 7. Public boat ramps and launching facilities ~~Waterway signs and buoys for safety, regulation or information~~
- 8. Public boat docking and mooring facilities ~~Public spoil disposal site development~~
- 9. Waterways related environmental education programs and facilities
- 10. Public fishing and viewing piers
- 11. Public waterfront boardwalks
- 12. Waterways boating safety programs and equipment
- 13. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project
- 14. Other waterway related projects.
 - (b) through (c) No change.
 - (d) Applications for eligible waterway projects which include construction elements below mean high water will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for Phase II funding will demonstrate that the environmental permitting element of Phase I will be completed by the District's final TRIM hearing prior to the tentative approval date of funding for Phase II. Should the environmental permitting element of Phase I of an application for a construction project not be completed by the District's final TRIM hearing meeting where tentative funding decisions for this program will be made, the Phase II project will not be considered for funding. ~~An applicant may file a petition pursuant to the rule waiver procedures of s. 120.542, F.S. and Chapter 28-104, F.A.C. to extend the date for receipt of the required environmental permits. Petitions filed pursuant to this rule section should be submitted to the District no later than July 1st to facilitate the orderly process of this program and the preparation of the District's fiscal year budget in which the assistance funds will be included. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency applicant filing a petition after that date.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.:	RULE TITLE:
3D-160.031	Consumer Finance License Renewal and Reactivation

NOTICE OF CHANGE

Notice is hereby given that the Department has made a change to the above rule based on comments by the Joint Administrative Procedures Committee. This rule was originally published in the Vol. 25, No. 37, September 17, 1999 issue of the Florida Administrative Weekly. When adopted, subsection (1) of Rule 3D-160.031 will read:

~~(2) Each active consumer finance license will be renewed for the biennial period beginning January 1 of the renewal year, which is every odd-numbered year beginning January 1, 1989, and ending December 31 of the biennium period, which is every even numbered year beginning December 31, 1990, upon submission of the renewal fee of \$550.00 and return of the renewal notice to the Department. Form DBF-CF-3 (effective 10/99), Consumer Finance License Renewal, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.~~

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-154.520	Varying Commissions Based on Group Size Prohibited

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 49, December 4, 1998, of the Florida Administrative Weekly, has been withdrawn.