

Specific Authority 489.108, 489.115, 455.2123 FS. Law Implemented 489.115 FS. History—New 12-2-93, Amended 7-20-94, 1-18-95, 7-2-95, 11-25-97, \_\_\_\_\_.

61G4-18.007 Required Records Maintained by Course Sponsors.

Each course sponsor must maintain the following records with respect to each course:

(1) The time, date and place each course is completed conducted.

(2) through (6) No change.

(7) For interactive distance learning courses, in lieu of the original sign-in sheet required in (4), the course sponsor shall maintain and provide a record of the registration, login, course access log, and course completion, which shall contain the information required in (6)(a)1.-7. In lieu of providing a document bearing the contractor's signature, the course sponsor shall provide the student's identity verification data, which shall include the student's password and the student's mother's maiden name.

~~(8)(7)~~ Each person who completes an approved course shall be issued a certificate of completion by the course sponsor. The certificate of completion shall contain the name and the license number of the person who completed the course, the course sponsor, the course name, the course number, the date the course was offered, the number of continuing education hours awarded for the course, and whether the course includes workers' compensation, workplace safety or business practices. The course sponsor shall maintain a list of the names and license numbers of each person who completes each course conducted by the course sponsor for four years from the date of the course.

~~(9)(8)~~ The records must be maintained for at least four years following the date the course is conducted.

~~(10)(9)~~ Each course sponsor shall provide the board with copies of any of these required records, upon request by the board.

Specific Authority 489.108 FS., Chapter 93-166, Laws of Florida. Law Implemented Chapter 93-166, Laws of Florida, 455.2123 FS. History—New 12-2-93, Amended 7-2-95, 11-25-97, 4-15-99, \_\_\_\_\_.

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: November 24, 1999

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

#### DEPARTMENT OF EDUCATION

##### State Board of Education

RULE NO.: 6A-16.026  
RULE TITLE: Reporting Information to the State Board of Education

##### NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 1, January 7, 2000, Florida Administrative Weekly has been continued from February 7, 2000, to February 22, 2000. The State Board of Education will meet at 9:00 a.m., in Room LL03 of the Capitol in Tallahassee, Florida.

#### DEPARTMENT OF REVENUE

##### Sales and Use Tax

RULE NO.: 12A-1.051  
RULE TITLE: Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property

##### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed substantial rewording of Rule 12A-1.051, FAC., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 43, pp. 4910-4919, October 29, 1999, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee on January 3, 2000. The changes to paragraphs (11)(b) and (c) and to subsection (17) address objections that the proposed language was vague or failed to provide criteria for department actions. The change to paragraph (19)(b) is technical in nature and corrects an incorrect statutory cross-reference.

Paragraphs (b) and (c) of subsection (11) of Rule 12A-1.051, FAC., have been changed, so that, when adopted, those paragraphs will read as follows:

(11) Percent of contract price method.

(b) In order to initiate a rulemaking project to adopt the percent of contract price method for an industry group, the Department must receive a petition from the majority of the members of the group or from a statewide association representing the group. The petition must be accompanied by a proposal setting forth the percent of contract price the group believes should be adopted in the rule and by sufficient information and documentation to establish that the proposed percentage is based on the taxable costs incurred by members of the petitioning group. The industry group may propose alternative percentages for members of the group who are registered dealers and do not pay tax on purchases of direct

materials that are incorporated into fabricated items and for members of the group who pay sales tax on those purchases. The Department will consider the information supplied with the petition, as well as any other relevant information that is available. Petitions should be submitted to Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443.

(c) The Department will review rules adopted at the petition of industry groups and amend them to adjust the percentage to insure it continues to reflect the taxable costs for that industry group. The percentage of contract price established in a rule described in this subsection can not be amended during the first five years after its adoption. After that time, the Department will review and, if the taxable costs of the industry group are no longer accurately reflected by the percentage provided, amend the rule. All such reviews must be at least five years apart. In conducting a review, the Department will consider any information submitted by the industry group affected, as well as any other available information.

Subsection (17) of Rule 12A-1.051, FAC., has been changed, so that, when adopted, that subsection will read as follows:

(17) Specific activities classified as real property contracts. Contractors who are engaged in the following activities are generally considered to be real property contractors, although any particular job may be determined not to involve an improvement to real property:

- (a) Awning installation;
- (b) Block, brick, and stone masonry;
- (c) Bridge construction;
- (d) Burglar and fire alarm system installation;
- (e) Cabinetry (built-in only);
- (f) Carpentry;
- (g) Carpeting installed with tacks, glue, or other permanent means and serving as the finished floor;
- (h) Cement and concrete work;
- (i) Closet system installation;
- (j) Dock, pier, seawall, and similar construction, maintenance, or repair;
- (k) Door and window installation or on-site repair;
- (l) Driveway installation or repair;
- (m) Electrical system installation and repairs, including structural wiring and cabling, meter boxes, switches, receptacles, wall plates, and similar items;
- (n) Elevator and escalator installation and maintenance;
- (o) Fencing and gates installation intended for permanent use;
- (p) Flooring;
- (q) Foundations;
- (r) Glass and mirror installation if installed in a permanent manner;
- (s) Heating, ventilating, and air conditioning system work;

- (t) Insulation of structures or structural components;
- (u) Iron work, such as railings, banisters, and stairs, incorporated into buildings;
- (v) Landscaping work, including walls, walkways, permanent structures such as greenhouses, arbors, or gazebos, and permanent plantings such as trees, perennial shrubs, and lawns;
- (w) Lathing;
- (x) Painting of buildings, decks, and other real property structures;
- (y) Paving and surfacing work, including driveways, parking lots, patios, roadwork, and sidewalks;
- (z) Plastering;
- (aa) Plumbing work;
- (bb) Radio and telephone transmission towers;
- (cc) Roofing work;
- (dd) Septic tank installation or maintenance;
- (ee) Sheetmetal/ductwork;
- (ff) Siding installation;
- (gg) Site work, including clearing, grading, demolition, and excavation;
- (hh) Signs that are permanently attached to realty and are not excluded as trade fixtures;
- (ii) Solar systems;
- (jj) Sprinkler system installation for lawn and garden irrigation or for fire prevention;
- (kk) Stucco;
- (ll) Structural steel and concrete installation;
- (mm) Swimming pool installation, including accessories and parts that are permanently attached or are plumbed or wired into plumbing or electrical systems;
- (nn) Tile work;
- (oo) Utility poles and lines installation and maintenance;
- (pp) Wallpaper installation;
- (qq) Water, sewer, and drainage systems;
- (rr) Waterproofing of structures, decks, driveways, and other real property components; and
- (ss) Well drilling and installation.

The determination whether any particular job involves a contract for an improvement to real property will be based on the criteria set forth in paragraphs (c), (d), (e), (g), (h), (i), and (j) of subsection (2).

Paragraph (b) of subsection (19) of Rule 12A-1.051, FAC., has been changed, so that, when adopted, that paragraph will read as follows:

- (19) Cross references
- (b) For exemption of charges for repairs of industrial machinery and equipment, see s. 212.08(7)(eee), F.S.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-501.401  
RULE TITLE: Admissible Reading Material  
SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 43, October 29, 1999, issue of the Florida Administrative Weekly:

33-501.401 Admissible Reading Material.

(16) Calendars.

(a) Restrictions.

1. Quantity – limited to one per inmate;

2. Size – limited to 12 inches by 12 inches or smaller (if multi-page, then 12 inches by 12 inches or smaller when closed, and no greater than 24 inches by 12 inches when opened);

3. Medium – limited to paper;

4. Binding – limited to staple and glue bindings; calendars with metal or spiral bindings shall not be permitted;

5. Cover, if any – limited to flexible paper (paperback);

6. Can not have any audio or electronic components.

(b) Authorized sources:

1. Inmates shall be permitted to receive calendars from publishers, wholesale or mail order distributors and bookstores.

2. Chaplaincy services and other authorized programs of the department shall be authorized to accept donations of calendars for distribution to inmates, however, the calendars must comply with the requirements of this rule.

3. A calendar which conforms to the requirements of this rule shall be sold in the canteens.

(c) Calendars that contain written or pictorial matter that is inadmissible per section (2) of this rule shall be rejected and shall not be issued to inmates.

(d) Inmates shall be prohibited from posting or otherwise displaying calendars. Such activity will subject the inmate to disciplinary action and will cause the posted calendar to be confiscated as contraband.

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE NO.: 64B7-25.0011  
RULE TITLE: Colonic Irrigation Application  
Deadline

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 25, No. 43, October 29, 1999, issue of the Florida Administrative Weekly. This change is being made in response to comments received from the Staff of the Joint Administrative Procedures Committee.

The proposed Rule shall now read as follows:

64B7-25.0011 Colonic Irrigation Application Deadline.

An applicant for the colonic irrigation examination or for re-examination must file in the Board office a completed application (incorporated herein by reference and entitled State of Florida Application for Licensure Massage Therapy, form #BMT2, available from the Board office), including proof of completion of an approved course of study or an apprenticeship at least 45 days prior to the examination date. The examination or re-examination fee must accompany the application.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER NO.: 68B-39  
RULE CHAPTER TITLE: Mullet  
NOTICE OF CHANGE

The Fish and Wildlife Conservation announces the location of public rulemaking hearings on proposed amendment of Rule 68B-39.004, FAC., relating to mullet. This rule was proposed in the December 30, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 52, page 5932. This hearing will be held as part of the regular meeting of the Commission, as previously announced for February 2-4, 2000, and will be held at the Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries**

RULE CHAPTER NO.: 68B-46  
RULE CHAPTER TITLE: Horseshoe Crabs  
NOTICE OF CHANGE

The Fish and Wildlife Conservation announces the location of public rulemaking hearing on proposed new Rule Chapter 68B-46, FAC., relating to horseshoe crabs. This rule was proposed in the December 30, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 52, page 5933. This hearing will be held as part of the regular meeting of the Commission, as previously announced for February 2-4, 2000, and will be held at the Radisson Riverwalk Hotel, 1515 Prudential Drive, Jacksonville, Florida.

Section IV  
Emergency Rules

NONE

Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver

**DEPARTMENT OF INSURANCE**

NOTICE IS HEREBY GIVEN that the Department of Insurance and Treasurer has received a petition pursuant to section 120.542, Florida Statutes, from Montgomery Ward, LLC, for a variance and/or waiver from Rules 4-198.011 and 4-198.015, Florida Administrative Code, which concerns the application process for license as a service warranty association under Part III of Chapter 634, Florida Statutes.

Comments on this petition should be filed with the Division of Legal Services, Room 612, Larson Building, Tallahassee, Florida 32399-0333, within 14 days of publication of this notice.

For a copy of the petition contact Willis Melvin at the above address or telephone (850)413-4112.

**DEPARTMENT OF LAW ENFORCEMENT**

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Zoe Gail McLendon on January 5, 2000, a petition for Variance or Waiver of Rule 11B-27.0026(2)(a), and (2)(b), FAC., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the reactivation requirements contained in Rule 11B-27.0026(2)(a) and (b) which require successful completion of the Officer Certification Examination Course pursuant to Rule 11B-35.008, FAC., to include demonstration of proficiency in the high-liability courses pursuant to Rule 11B-35.0024(1), F.A.C., and successfully passing the State Officer Certification Examination pursuant with procedures in Rule Chapter 11B-30, FAC., Officer Certification Examination. Petitioner further requests that her certificate be reactivated.

PURPOSE: Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Shehla A. Milliron.

A copy of the Petition may be obtained by contacting Assistant General Counsel, Shehla A. Milliron, at the above address, or by calling (850)410-7676.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for variance and waiver received from John Buccanuso, on October 18, 1999. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 25, No. 44, dated November 5, 1999. No public comment was received. The petition requested a Variance or Waiver of Rule 11B-27.00225(3)(b), FAC. (1995), pursuant to Section 120.542, F.S. Petitioner requested that the Commission waive the eight-panel substance analysis requirement and accept as proper the six-panel analysis which was taken in 1993. Additionally, the Petitioner requested that his certification registration date be March 12, 1996, which was the date he became eligible to become an auxiliary police officer. On November 18, 1999, the Criminal Justice Standards and Training Commission granted a variance or waiver to John Buccanuso in a final order, OGC File No.: VAR99-8.

For a copy of the final order write or call: Shehla A. Milliron, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7676.

The Florida Department of Law Enforcement, Criminal Justice Standards and Training Commission, has taken action on a petition for variance and waiver received from Raymond Lavin, on September 24, 1999. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 25, No. 41, dated October 15, 1999. No public comment was received. The petition requested a Variance or Waiver of Rules 11B-27.0026 and 11B-35.004(3), FAC., pursuant to Section 120.542, F.S. Petitioner requested a waiver from the requirement that a person who serarated from employment and fails to obtain employment within four (4) years must complete the training program in section 11B-35.008, FAC. Petitioner has also requested a waiver of completion of the Cross-Over Training Program from Correctional probation to Corrections based on Petitioner's training and experience in the corrections field. On January 5, 2000, nun pro tunc November 18, 1999, the Commission granted a variance or waiver to Raymond Lavin in a final order, OGC File No.: VAR 99-6.

For a copy of the final order write or call: Rick Courtemanche, Assistant General Counsel, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7683.

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN that, on November 16, 1999, the Florida Department of Transportation received a petition from National Advertising Company seeking a waiver from the provisions of Rule 14-10.007(1), FAC.

A copy of the petition may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. Additionally, any interested person or other agency may