

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Secretary of State**

RULE TITLE: Florida Civil-Law Notary  
 RULE NO.: 1C-18.001

PURPOSE AND EFFECT: The Department of State is considering rule amendments to update the current rule to reflect changes made by the 1999 Legislature.

SUBJECT AREA TO BE ADDRESSED: The practice of Civil Law Notaries in Florida both generally and in relation to the role of the Department of State, issues regarding the recognition of differences between Civil Law Notaries and Common Law Notaries, issues regarding foreign recognition of the acts of Florida Civil Law Notaries, and insurance and/or bonding requirements for Civil Law Notaries.

SPECIFIC AUTHORITY: 118.10(5) FS.

LAW IMPLEMENTED: 118.10 FS., s. 74, ch. 99-251, Laws of Fla.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, March 6, 2000

PLACE: Hurston Building, 400 West Robinson, 1st Floor-South Tower, Room D, Orlando, FL 32801

TIME AND DATE: 9:00 a.m. – 12:00 Noon, March 8, 2000

PLACE: 401 N. W. Second Avenue, Room 423 North, Miami, FL 33128

TIME AND DATE: 9:00 a.m. – 12:00 Noon, March 10, 2000

PLACE: 500 South Bronough Street, Gray Building, Room 316 G, 3rd Floor Training Room, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Todd Kocourek, Special International Counsel, Florida Department of State, Office of International Affairs, 400 S. Monroe Street, Room 1902, The Capitol, Tallahassee, Florida 32399-0250, Telephone (850)222-5198, Fax (850)414-1734, E-mail: TKocourek@mail.dos.state.fl.us

MEETING PACKAGES WILL BE SUPPLIED AT EACH WORKSHOP.

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: Reporting of Significant Events or Conditions  
 RULE NO.: 3C-100.948

PURPOSE AND EFFECT: This rule is being updated to incorporate changes made by Chapter 99-138, Section 2, Laws of Florida; more closely track the language of the authorizing

statute; eliminate the requirement for reports from financial institutions operating in a safe and sound manner; eliminate the reference to the original effective date of the authorizing statute; specify the address to which reports must be sent; recognize the substitution of the "Suspicious Activity Report" for the old "Report of Apparent Crime"; and allow for monetary fines for violations but eliminate the requirement for such fines.

SUBJECT AREA TO BE ADDRESSED: Reporting of Significant Events or Conditions.

SPECIFIC AUTHORITY: 655.012 FS.

LAW IMPLEMENTED: 655.948 FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking, 614 Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.948 Reporting of Significant Events or Conditions.

(1) Section 655.948, Florida Statutes, requires state financial institutions, not exempted by the Department, to report the occurrence of certain conditions or events within 30 days of the occurrence of the condition or event. Aggregate monthly reports that are received by the Department by the 10th day of each month, covering all reportable events or occurrences that occurred during the previous month, will satisfy the reporting requirements of this section. All reports required by this rule shall be submitted to: Division of Banking, Suite 636, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. A report will not be required if a reportable event or condition did not occur during the previous month.

(2)(a) "Operating in a safe and sound manner" shall mean any state financial institutions operating 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. 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 a determination that they are operating in a safe and sound manner by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner. Any such request must include supporting documentation of improvements in the institution and its operations. The request shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy, in a fundamentally sound manner, but which may reflect modest weaknesses or deficiencies that are correctable in the normal course of business. The nature and severity of these weaknesses or deficiencies, however, are not considered material and, therefore, such state financial institutions are stable and able to withstand normal business fluctuations quite well. While areas of weakness could develop into conditions of greater concern, the supervisory response is limited to the extent that minor adjustments are timely resolved and the institution continues to operate in a satisfactory manner. All state financial institutions shall be presumed to be operating in a safe and sound manner unless the state financial institution has been notified by the Department, by certified mail, that it has engaged in unsafe and unsound practices or has operated in an unsafe and unsound condition.

(3) As used in this section, a "non-exempt state financial institution" means:

(a) Any state financial institution that was chartered within after July 3, 1992, for a period of three years of the occurrence of an event reportable under paragraph (4) of this rule after said chartering; or

(b) Any state financial institution that is not operating in a safe and sound manner as determined under paragraph (2) of this rule, experienced a change of control after July 3, 1992, for a period of three years after said change of control, except a change of control resulting from a merger, consolidation or acquisition with an exempt state financial institution; or

(c) A state financial institution that has been notified by the Department, by certified mail, that it is not operating in a safe and sound manner.

~~(4) Notwithstanding subsection (3), the Department may exempt certain safe and sound financial institutions from the specific reporting requirements of subsection (6) where such reporting requirements are excessively burdensome upon the financial institution and the benefits of the specific reporting requirement are deemed to be of minimal value in assessing the safety or soundness of the particular financial institution.~~

~~(4)(5) All non-exempt state financial institutions shall disclose to the Department, within the timeframes specified in subsection (1), the following events or conditions:~~

~~(a) Any interruption in fidelity insurance coverage;~~

~~(b) The failure to meet the minimum daily liquidity requirement specified in Section 658.68, Florida Statutes, and Rule 3C-120.680, F.A.C., on any business day; or~~

~~(c) Any suspected criminal act perpetrated against the activity involving a state financial institution, or any of its subsidiaries or service corporations. For purposes of this section, "suspected criminal act activity" shall mean that there is a reasonable basis for believing that a crime has occurred, is occurring, or may occur;~~

~~(6) In addition to the items listed in subsection (5), all non-exempt state financial institutions shall disclose to the Department, within the timeframes specified in subsection (1), the following events or conditions:~~

~~(d)(a) The addition, resignation or termination of a director, executive officer, independent internal auditor, or independent credit review officer;~~

~~(e)(b) The acquisition or divestiture disposition of an asset or related or similar assets, which in the aggregate on any single business day totals 20 40 percent or more of the state financial institution's capital reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport. Assets listed in Section 657.042(1) or Section 658.67(1), Florida Statutes, Securities issued or guaranteed by any federal governmental agency are exempted from this requirement;~~

~~(f)(c) Any change in the state financial institution's outside general counsel or outside independent auditor;~~

~~(g)(d) Any extension of credit to an executive officer or his related interests that, when aggregated with other extensions of credit to that executive officer or his related interests, exceeds 15 percent of the state financial institution's capital accounts as reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport; or~~

~~(h)(e) The acquisition or reclassification of any earning asset to "non-accrual" status which, when combined with other non-accrual assets, in the aggregate totals 15% or more of the state financial institution's assets as reported in the most recent Consolidated Report of Condition, quarterly Thrift Financial Report, or Ceall Rreport; or~~

(i) The acquisition or divestiture of a wholly owned or majority-owned subsidiary or service corporation.

(5)(7) All reportable conditions or events must be disclosed on official letterhead. However, an institution is in compliance with section (4)(5)(c), if it provides the Department with a copy of the federal "Suspicious Activity Report Report of Apparent Crime Form" filed with the appropriate federal regulatory or law enforcement agency. Such report shall constitute proper notice of any suspected criminal activity perpetrated against a financial institution.

(6)(8) Pursuant to Section 655.041, Florida Statutes, the Department may impose an administrative fine for late filing or non-filing of reportable events or occurrences. For late filing or non-filing of reportable events, the Department may shall impose an administrative fine of \$100 per day for each day the disclosure report is past due as a result of the negligence of the reporting financial institution. For intentional late filing or non-filing of any report, the Department may impose an administrative fine of \$1,000 per day for each day the report is past due.

Specific Authority 655.012 FS. Law Implemented 655.948 FS. History—New 11-2-92, Amended \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Processing of Applications  
 PURPOSE AND EFFECT: The purpose of the proposed amendment is to adopt revisions to Forms U-4, U-5, BD, BDW, ADV, and ADV-W that have been approved by the Securities and Exchange Commission.  
 SUBJECT AREA TO BE ADDRESSED: Application forms.  
 SPECIFIC AUTHORITY: 517.03(1) FS.  
 LAW IMPLEMENTED: 517.051, 517.081, 517.082, 517.12, 517.161 FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Financial Analyst Supervisor, Division of Securities, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-301.002 Processing of Applications.

(1) through (6) No change.

(7)(a) The forms referred to herein which are incorporated and readopted by this Rule are as follows:

1. DOSIP-S-1-91, Application for Registration of Securities (Revised 10/97);
2. DOSIP-S-7-91, Exhibit 1 (General Issue) (Revised 10/97);
3. DOSIP-S-5-91, Uniform Consent to Service of Process (Revised 1/91);
4. DOSIP-S-6-91, Corporate Resolution (Revised 1/91);
5. DOSIP-S-10-91, Report of Sales of Securities and Use of Proceeds Therefrom (Revised 1/91);
6. Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99 ~~2-98~~);
7. Form ADV, Uniform Application for Investment Adviser Registration (Revised 1/99 ~~4-94~~);
8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 8/99 ~~11-97~~);
9. Form BDW, Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Revised 8/99 ~~4-94~~);
10. Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser (Revised 1/99 ~~4-94~~);
11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised 8/99 ~~11-97~~);
12. DOSIP Form DA-1-91, Branch Office Registration Form (Revised 4/99);
13. DOSIP Form DA-5-91, Issuer/Dealer Compliance Form (Revised 1/91); and
14. Form FL921250Z, Florida Fingerprint Card (Revised 1/91).

(b) No change.

Specific Authority 517.03(1) FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, \_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLE: Recognized Manuals of Securities  
 RULE NO.: 3E-500.010  
 PURPOSE AND EFFECT: The purpose of the proposed amendment is to recognize the change of the publisher of Moody's Manuals from Moody's Investors Service, Inc. to Mergent FIS, Inc. The amendment will also expand the manual exemption to include other formats of Mergent's Manuals, including CD-ROM and electronic dissemination over the Internet.

SUBJECT AREA TO BE ADDRESSED: Manual exemption for securities transactions.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.061(20)(d) FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-500.010 Recognized Manuals of Securities.

The following publications are hereby approved as recognized securities manuals: "Securities manuals published by Mergent FIS, Inc., and all commonly recognized formats of Mergent's Manuals, including CD-ROM and electronic dissemination over the Internet ~~Moody's Investor's Service, Inc. and securities manuals published by~~ Standard and Poor's Corporation.

Specific Authority 517.03(1) FS. Law Implemented 517.061(20)(d)(17)(a) FS. History--(Formerly 3E-20.21), New 9-20-82, Formerly 3E-500.10, Amended 7-31-91,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Securities and Investor Protection**

RULE TITLES:	RULE NOS.:
Application for Registration as Dealer, Issuer/Dealer, or Investment Adviser	3E-600.001
Application for Registration as Associated Person	3E-600.002
Changes in name and Successor Registration Requirements	3E-600.007
Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent	3E-600.008
Dealer, Investment Adviser, Branch Office and Associated Persons Forms	3E-600.019

PURPOSE AND EFFECT: The purpose of the proposed amendments is to adopt revisions to Forms U-4, U-5, BD, BDW, ADV, and ADV-W that have been approved by the Securities and Exchange Commission and to make other technical changes and corrections.

SUBJECT AREA TO BE ADDRESSED: Application and withdrawal forms.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.12, 517.1205 FS.

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

TIME AND DATE: 10:00 a.m., March 6, 2000  
 PLACE: Room 604, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Epting, Financial Analyst Supervisor, Division of Securities, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.001 Application for Registration as Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of ~~d~~Dealers, ~~i~~Issuer/~~d~~Dealers, and ~~i~~Investment ~~a~~Advisers shall be filed on the forms prescribed by the Department in Rule 3E-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Department may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Florida Statutes. The Department shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Banking and Finance.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD (Revised ~~7/99~~ 2-98). For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV (Revised ~~1/99~~ 1-94);

2. Statutory fee in the amount required by Section 517.12(10), F.S.;

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised ~~8/99~~ 11-97), to register at least one principal as set forth in Rule 3E-600.002, F.A.C. For any dealer that is a member of the National Association of Securities Dealers ("NASD"), the application for registration of a principal shall be filed with the Central Registration Depository ("CRD") System as set forth in Rule 3E-600.002, F.A.C. However, such dealer must in conjunction with filing its Form BD with the Department provide the Department written notification of the principal's name, CRD number, and social security number;-

4. Financial ~~s~~Statements and ~~r~~Reports required under Rules 3E-300.002, ~~3E-600.015~~, ~~3E-600.016~~, and ~~3E-600.017~~, F.A.C.;

5. Proof of SEC effective registration. ~~Also~~, Where required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Department with proof of insurance coverage by the Securities Investor Protection Corporation;

6. A fully disclosed dealer shall furnish proof of clearing agreements when requested by the Department;

7. Applicants for registration as an issuer/dealer must file Issuer/Dealer Compliance Form (DOSIP Form DA-5-91)(Revised 1/91) to meet requirements under Rules 3E-600.004(1)(b), 3E-600.005(2)(d) and 3E-400.002, F.A.C.;

8. through 9. No change.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the dealer or investment adviser shall promptly file an amendment on the Form BD or the Form ADV, respectively, correcting such information. For registrants that are a member of the NASD, each such amendment, including those required by Rule 3E-600.007, F.A.C., shall be filed with the Department through the CRD system. All other applicants and registrants shall file such amendments, including those required by Rule 3E-600.007, F.A.C., directly with the Department.

(3) through (4) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, \_\_\_\_\_.

3E-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or agent shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 8/99 ~~11-97~~), which is hereby incorporated ~~herein~~ by reference, and shall include all information required by such form, any other information the Department may require, and payment of the statutory fees required by Section 517.12(10), F.S. Florida Statutes. The Department shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Banking and Finance. For dealers that are a member of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Department through the Central Registration Depository of the NASD in accordance with Rule 3E-600.0091, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 8/99 ~~11-94~~). As used on the Form U-4, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are a member of the ~~National Association of Securities Dealers~~ ("NASD"), such application shall be filed with the Department through the Central Registration Depository of the NASD.

2. Statutory fee in the amount of \$40 required by Section 517.12(10), F.S.

3. No change.

4. Evidence of examination/disqualifications set forth in Rule 3E-600.005(2), F.A.C.

5. Florida Fingerprint Card (FL92150Z) when required under Section 517.12(7), F.S., and Rule 3E-600.006, F.A.C., accompanied by a \$39 processing fee ~~effective January 3, 1994~~. If the fingerprint card cannot be processed by the Federal Bureau of Investigation because of illegible fingerprints, a second card must be submitted. If that card also cannot be processed, it will be necessary to submit a third card along with a fee of \$24 to cover the cost of processing the card charged by the FBI.

(c) If the information contained in any Uniform Application Form U-4 becomes inaccurate for any reason before or after the associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Uniform Application Form U-4, the associated person through the dealer or investment adviser shall also provide the Department with notice and copies of each civil, criminal or administration action initiated against the associated person as provided in Rule 3E-600.010, F.A.C.

(2) A dealer or investment adviser shall be responsible for the acts, practices, and conduct of their ~~his~~ registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in Rule 3E-600.008, F.A.C.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, \_\_\_\_\_.

3E-600.007 Changes in Name and Successor Registration Requirements.

(1) No change.

(2) Where there is a change in legal entity of a proprietary, partnership, or corporate registrant, the successor entity shall file with the Department an amendment to Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99 ~~2-98~~) or Form ADV, Uniform Application for Investment Adviser Registration (Revised 1/99 ~~1-94~~) within thirty (30) calendar days of the date of such change. For registrants who are a member of the NASD, such amendment shall be filed with the Department through the CRD System pursuant to Rule 3E-600.001(2), F.A.C. Any amendments to organizational documents, accompanying letters of explanation, or current

financial statements of the successor shall be promptly submitted directly to the Department when specifically requested by the Department.

(3) through (6) No change.

(7) The changes described in this rule shall be filed with the Department on the following forms:

(a) Uniform Application for Broker-Dealer Registration (Form BD) (Revised 7/99 2-98).

(b) Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Form BDW) (Revised 8/99 1-91).

(c) Uniform Application Request for Investment Adviser Registration (Form ADV) (Revised 1/99 1-91).

(d) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W)(Revised 1/99 1-91).

(e) Uniform Application for Securities Industry Registration or Transfer (Form U-4)(Revised 8/99 1-97).

(f) Uniform Termination Notice for Securities Industry Registration (Form U-5)(Revised 8/99 1-97).

Specific Authority 517.03(1), 517.12(13) FS. Law Implemented 517.12(13) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.07(4), Amended 10-15-86, 12-8-87, 8-1-91, 6-16-92, 1-11-93, 6-22-97, 8-9-98, \_\_\_\_\_.

3E-600.008 Termination of Registration as Dealer, Investment Adviser, Branch Office, Principal or Agent.

(1) through (4) No change.

(5) A dealer or investment adviser shall be responsible for the acts, practices, and conduct of their his registered associated persons in connection with the purchase and sale of securities or in connection with the rendering of investment advice until such time as they have been properly terminated as provided in this rule; and such dealer or investment adviser may be subject to assessment under Section 517.12(11), F.S., for such associated persons as have been terminated but for whom the appropriate termination notices have not been filed at the date of license renewal.

(6) The forms to be utilized for providing notice to the Department under subsections (1), (2) and (3) above, and which are incorporated by reference in Rule 3E-301.002, F.A.C. Florida Administrative Code, are:

(a) Notice of Withdrawal from Registration as Investment Adviser (Form ADV-W)(Revised 1/99 1-91).

(b) Uniform Request for ~~Withdrawal from Registration as a Broker Dealer~~ Withdrawal (Form BDW)(Revised 8/99 1-91).

(c) Branch Office Registration Form (DOSIP DA-1-91)(Revised 4/99).

(d) Uniform Termination Notice for Securities Industry Registration (Form U-5)(Revised 8/99 1-97).

Specific Authority 517.03(1) FS. Law Implemented 517.12(12)(b), 517.161(5) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.08, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, \_\_\_\_\_.

3E-600.019 Dealer, Investment Adviser, Branch Office and Associated Person Forms.

The forms prescribed by the Department for use in this Chapter are as follows:

- (1) Form BD Uniform Application for Broker-Dealer Registration (Revised 7/99 2-98)
- (2) Form ADV Uniform Application for Investment Adviser Registration (Revised 1/99 1-91)
- (3) Form U-4 Uniform Application for Securities Industry Registration or Transfer (Revised 8/99 1-97)(Use for application for registration of all associated persons.)
- (4) Form BDW Uniform Request for ~~Withdrawal from Registration as a Broker-Dealer~~ Withdrawal (Revised 1/99 1-91)
- (5) Form ADV-W Notice of Withdrawal from Registration as Investment Adviser (Revised 1/99 1-91)
- (6) Form U-5 Uniform Termination Notice for Securities Industry Registration (Revised 8/99 2-98)
- (7) DOSIP Forms:
  - (a) DA-1-91 Branch Office Registration Form (Revised 4/99)
  - (b) DA-5-91 Issuer/Dealer Compliance Form (Revised 1/91)
  - (c) FL921250Z Florida Fingerprint Card (Revised 1/91)

Specific Authority 517.03(1) FS. Law Implemented 517.12 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.19, Amended 8-1-91, 6-16-92, 1-11-93, 6-22-98, 6-10-99, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Comprehensive Shellfish Control Code	5L-1
RULE TITLES:	RULE NOS.:
Shellfish Harvesting Area Standards	5L-1.004
Container Identification, Terminal Sale Date; Prohibitions	5L-1.010

PURPOSE AND EFFECT: This amendment proposes to reclassify the Body F shellfish harvesting area, Brevard County. A sanitary survey has been conducted that evaluates current information on pollution sources and bacteriological water quality, and recommends reclassification of the Body F shellfish harvesting area. Additionally, the four-digit area

codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Body F shellfish harvesting area.

**SUBJECT AREA TO BE ADDRESSED:** The proposed reclassification and management of the Body F shellfish harvesting area for shellfish harvesting is in accordance with 5L-1.004 to protect the health of shellfish consumers and to provide access to renewable and natural shellfish resources. If illness outbreaks, the updated four-digit harvest area codes will provide for tracing of shellfish to where the shellfish were harvested.

**SPECIFIC AUTHORITY:** 370.021(1), 370.071(1) FS.

**LAW IMPLEMENTED:** 370.071 FS.

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

**TIME AND DATE:** 1:00 p.m., Monday, March 6, 2000

**PLACE:** 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John McDowell, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

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

**DEPARTMENT OF EDUCATION**

**RULE TITLE:** Responsibilities of School District for Student Transportation **RULE NO.:** 6-3.017

**PURPOSE AND EFFECT:** The purpose of this rule development is to review current school bus inspection procedures and out-of-service criteria in the State of Florida School Bus Safety Inspection Manual. The requirements relating to training of school bus inspectors will also be reviewed. The effect is to improve the quality of the inspection and safety of district school buses. Also, to ensure that only qualified technicians and inspectors are inspecting school buses.

**SUBJECT AREA TO BE ADDRESSED:** Inspection procedures and out-of-service criteria for school buses as well as the qualifications for school bus inspectors.

**SPECIFIC AUTHORITY:** 229.053(1), 232.25, 234.01, 234.02, 234.051, 234.061, 235.26 FS.

**LAW IMPLEMENTED:** 230.23(8), 230.33(10), 234.01, 234.02, 234.021, 234.051, 234.061, 316.183(3), 316.189 FS.

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

**TIME AND DATE:** 9:00 a.m. – 12:00 Noon, March 16, 2000

**PLACE:** Florida Department of Education, 325 West Gaines Street, Room 1706, Tallahassee, Florida

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charlie Hood, Director, School Transportation Management Section, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399, (805)488-4405

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6-3.017 Responsibilities of School District for Student Transportation.

(1) through (7) No change.

(8) Inspection and maintenance of school buses.

(a) To provide, after considering recommendations of the superintendent, adequate storage, maintenance and inspection procedures for all buses owned by the school board, and to assure that all contract buses in use in the district are properly inspected and maintained in accordance with law and rules of the State Board.

(b) The inspection shall be conducted in accordance with procedures and include all items listed in the Florida School Bus Safety Inspection Manual, 2000 ~~1996~~ Edition which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, Turlington Building, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution cost.

(c) Inspection of buses shall be scheduled and required every twenty (20) school days. Any bus that is removed from service or deadlined so as to disrupt the safety inspection schedule shall be inspected prior to being returned to service. All deficiencies discovered during the safety inspection shall be noted on the inspection form. Follow-up repairs of all safety related items shall be made before the bus is returned to service and shall be documented.

(d) School bus inspections shall be conducted by technicians certified as School Bus Inspectors in accordance with the State of Florida School Bus Safety Inspection Manual, 2000 Edition. The requirement for inspections by a certified school bus inspector may be waived for a period not to exceed six (6) months when an emergency condition exists, upon

written notification to the Commissioner by the district superintendent. This section of the rule shall become effective January 1, 2001.

~~(c)~~ No person shall knowingly render inoperative or reduce compliance of any school bus equipment required to meet Federal Motor Vehicle Safety Standards applicable at the time of manufacture.

Specific Authority 229.053(1), 232.25, 234.01, 234.02, 234.051, 234.061, 235.26 FS. Law Implemented 230.23(8), 230.33(10), 234.01, 234.02, 234.021, 234.051, 234.061, 316.183(3), 316.189 FS. History—Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-19-96, Formerly 6A-3.017, Amended.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Special Programs for Students Who are Homebound or Hospitalized	6A-6.03020
Development of Individual Educational Plans for Exceptional Students	6A-6.03028
Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years	6A-6.03029
Procedural Safeguards for Children Ages Birth Through Two Years with Disabilities	6A-6.03032
Identification and Assignment of Exceptional Students to Special Programs	6A-6.0331
Procedural Safeguards for Exceptional Students	6A-6.03311
Discipline Procedures for Students with Disabilities	6A-6.03312
Procedural Safeguards for Students who are Gifted	6A-6.03313

**PURPOSE AND EFFECT:** The purpose of the proposed rule developments is to propose changes to the State Board of Education rules to align them with the Individuals with Disabilities Education Act, 1997, to meet federal requirements.

**SUBJECT AREA TO BE ADDRESSED:** Provisions for exceptional students.

**SPECIFIC AUTHORITY:** 229.053(1), 230.23(4)(m), 236.081(1)(c) FS.

**LAW IMPLEMENTED:** 228.041(18)(19), 229.053(2)(c), 230.23(4)(m) FS.

**RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE, AND PLACES SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m. – 12:30 p.m., March 10, 2000

**PLACE:** The workshops will be held simultaneously at the following locations:

- Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida
- Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida
- 1703 Turlington Building, 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha K. Asbury, Administrator, Program Administration and Evaluation, Division of Public Schools and Community Education, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399-0400, (850)488-1216

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE TIME OF THIS ADVERTISEMENT BY CONTACTING MARTHA K. ASBURY AT THE ADDRESS NOTED ABOVE.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Florida State Employees' Charitable Campaign (FSECC)	60L-24

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Criteria for Participation in the Florida State Employees' Charitable Campaign	60L-24.005
Duties and Responsibilities of the Fiscal Agent	60L-24.007

**PURPOSE AND EFFECT:** The rule amendments outline the changes to the criteria for participation in the FSECC by setting limits on the amount of an applicant organization's administrative expenses and excluding organizations who spend more than 2% of their annual budget on lobbying activities. The amendments also incorporate changes made to the fiscal agents' reimbursement responsibilities as contained in section 110.181, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Criteria used by the Steering Committee to screen organizations for participation in the FSECC and clarifies the reimbursement responsibilities of the fiscal agent.

**SPECIFIC AUTHORITY:** 110.181(3) FS.

**LAW IMPLEMENTED:** 110.181 FS.

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

**TIME AND DATE:** 10:00 a.m., March 6, 2000

**PLACE:** Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Carolyn Johnson, Human Resource Consultant, 4040 Esplanade Way, Tallahassee, Florida 32399-0950



THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60L-24.005 Criteria for Participation in the Florida State Employees' Charitable Campaign.

(1) No change.

(2) To be eligible to participate in the FSECC, an organization must:

(a) through (f) No change.

(g) have reasonable expenses for fundraising. The Steering Committee reserves the right to access organization administrative/fundraising and administrative cost report records from the Division of Consumer Services. Organizations with administrative/fundraising expenses of 50 percent or more of their expenditures during the preceding year or administrative/fundraising expenses in excess of 25 percent for each of the preceding two consecutive years are not eligible to participate in the FSECC. Organizations with administrative/fundraising expenses between 25 percent and 50 percent during the preceding year, but not also the year before, may be admitted to the FSECC if extraordinary circumstances can be demonstrated. In the absence of extraordinary circumstances, an organization is ineligible to participate if its administrative/fundraising expenses during the preceding year exceeded 25 percent of its expenditures. Where administrative and fundraising expenses exceed 25 percent, the responsibility of demonstrating extraordinary circumstances which resulted in such expenses rests with the charitable organization.

(h) through (i) No change.

(j) not engage in activities that are contain an element that is more than incidentally political or primarily political, religious, professional, or fraternal in nature.

(k) not spend more than two percent of its annual budget on lobbying activities.

(3) through (4) No change.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 4-19-95, Amended \_\_\_\_\_.

60L-24.007 Duties and Responsibilities of the Fiscal Agent.

(1) No change.

(2) The Fiscal Agent shall:

(a) reimburse the department the actual cost, not to exceed 1 percent of gross pledges, to cover administrative costs of the campaign in accordance with these rules. In any fiscal year in which the Legislature specifically appropriates to the department its total costs for coordinating the campaign from the General Revenue Fund, the fiscal agent is not required to reimburse such costs to the department under this subsection. Otherwise, reimbursement will be the difference between actual costs and the amount appropriated.

(b) through (c) No change.

(3) No change.

Specific Authority 110.181(3) FS. Law Implemented 110.181 FS. History--New 4-19-95, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLES:

RULE NOS.:

Purpose for Rules; Definitions Related to

Drugs and Medications 61D-6.001

Permitted Medications for Racing Greyhounds 61D-6.007

Permitted Medications for Horses 61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which grant the Division the authority to adopt rules establishing acceptable levels of permitted medications.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is the interpretation of Florida Statutes necessary to allow the administration of sulfa drugs to racing animals within the guidelines set forth by the Division.

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3),(11), 550.2415(13),(16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.235, 550.2415 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., March 9, 2000

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Room 312, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE:

RULE NO.:

Probable Cause Determination

61G1-11.005

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Probable cause determination.

SPECIFIC AUTHORITY: 455.225 FS.

LAW IMPLEMENTED: 455.225 FS.

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

TIME AND DATE: 1:30 p.m., March 8, 2000

PLACE: The Essex House, 1001 Collins Avenue, Miami Beach, Florida 33139

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Grounds for Disciplinary Proceedings RULE NO.: 61G1-12.001

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Grounds for disciplinary proceedings.

SPECIFIC AUTHORITY: 455.304, 481.2055 FS.

LAW IMPLEMENTED: 455.303, 455.304, 481.225, 481.2251 FS.

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

TIME AND DATE: 1:30 p.m., March 8, 2000

PLACE: The Essex House, 1001 Collins Avenue, Miami Beach, Florida 33139

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances RULE NO.: 61G1-12.004

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; range of penalties; aggravating and mitigating circumstances.

SPECIFIC AUTHORITY: 455.2273 FS.

LAW IMPLEMENTED: 455.227(1), 455.2273 FS.

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

TIME AND DATE: 1:30 p.m., March 8, 2000

PLACE: The Essex House, 1001 Collins Avenue, Miami Beach, Florida 33139

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE TITLE: Procedures for a Successor Architect Adopting as His Own the Work of Another Architect RULE NO.: 61G1-18.002

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Procedures for a successor architect adopting as his own the work of another architect.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.221(4) FS.

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

TIME AND DATE: 1:30 p.m., March 8, 2000

PLACE: The Essex House, 1001 Collins Avenue, Miami Beach, Florida 33139

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry

Landrum, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLES: RULE NOS.:

Attendance at Board Meetings, Unexcused Absences 61G19-2.006  
 Board Member Compensation 61G19-2.007

PURPOSE AND EFFECT: Proposed rule 61G19-2.006 will define unexcused absences for members of the Board. Proposed rule 61G19-2.007 will define "other business involving the board" for purposes of Board member compensation.

SUBJECT AREA TO BE ADDRESSED: Attendance at Board Meetings, Unexcused Absences. Board Member Compensation.

SPECIFIC AUTHORITY: 455.207(3),(4), 468.606(1) FS.

LAW IMPLEMENTED: 455.207(3),(4) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, March 7, 2000

PLACE: Ocala/Silver Springs Hilton, 3600 Southwest 36th Avenue, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: RULE NO.:

Provisional Certificates 61G19-6.012

PURPOSE AND EFFECT: The proposed amendments to the current rule will clarify the conditions under which an applicant for a provisional certificate as a building code inspector or plans examiner may work while his or her application is being processed by the Board. In addition, the proposed amendments will set forth the terms for a provisional certificate in the various categories issued by the Board.

SUBJECT AREA TO BE ADDRESSED: Provisional Certificates.

SPECIFIC AUTHORITY: 455.271, 468.606 FS.

LAW IMPLEMENTED: 455.271, 468.609(6) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as possible, March 7, 2000

PLACE: Ocala/Silver Springs Hilton, 3600 Southwest 36th Avenue, Ocala, Florida 34474

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Organization 64B8-50.002

PURPOSE AND EFFECT: The Electrolysis Council recommended that the Board of Medicine remove a rule provision that is not needed because it is inaccurate and the correct information is contained in statute. §478.44(2), Fla. Stat.

SUBJECT AREA TO BE ADDRESSED: Organization.

SPECIFIC AUTHORITY: 455.534(3), 478.43(1) FS.

LAW IMPLEMENTED: 455.534(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-50.002 Organization.

~~(1) Qualifications. The Council shall consist of three members appointed by the Board.~~

~~(1)(2) No change.~~

~~(2)(3) No change.~~

Specific Authority 455.534(3), 478.43(1) FS. Law Implemented 455.534(3) FS. History--New 5-31-93, Formerly 21M-75.002, Amended 11-16-93, Formerly 61F6-75.002, 59R-50.002, Amended.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Approved Examinations RULE NO.: 64B14-4.001

PURPOSE AND EFFECT: The Board propose to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.802, 455.627(1) FS.

LAW IMPLEMENTED: 468.811, 455.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.001 Approved Examinations.

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

(c) Orthotic Fitter, Orthotic Fitter Assistant – Surgical Appliance Institute and CAMP Institute of Applied Technology Examination, or any other examination approved by the board.

(2) No change.

Specific Authority 455.574(1)(c), 468.802, 468.803(2), 468.805(3) FS. Law Implemented 455.574(1)(c), 468.803(2), 468.805(3) FS. History--New 11-1-99, Amended.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B14-7.003

PURPOSE AND EFFECT: The purpose for the development is to provide violations and penalty range relating to disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.802, 455.627(1) FS.

LAW IMPLEMENTED: 468.811, 455.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe R. Baker, Jr., Executive Director, Board of Orthotists and Prosthetists/MQA, Capital Circle, S. E., Bin # C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 61G14-7.003 follows. See Florida Administrative Code for present text.)

64B14-7.003 Disciplinary Guidelines.

(1) Purpose. The Board provides within this rule, disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XIV, F.S. The purpose of this rule is to notify applicants, licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. Each range includes the lowest and highest penalty and all penalties falling in between. The purposes of the imposition of discipline are to punish the applicants or licensees for violation and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

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

<u>VIOLATION</u>	<u>PENALTY RANGE</u>		
	<u>MINIMUM</u>	<u>MAXIMUM</u>	
<u>(a) Attempting to obtain a license or certificate by bribery, fraud or through an error of the Department or the Board. (468.811(a)(a), 455.624(1)(h), F.S.)</u>	<u>First Offense</u>	<u>Denial/revocation with ability to reapply and \$1000 fine</u>	<u>Denial/revocation with ability to reapply and \$3000 fine</u>
	<u>Second Offense</u>	<u>Revocation with ability to reapply and \$3000 fine</u>	<u>Revocation with ability to reapply and \$6000 fine</u>
	<u>Third Offense</u>	<u>Revocation with ability to reapply and \$6000 fine</u>	<u>Revocation with no ability to reapply and \$10,000 fine</u>
<u>(b) Action taken against license by another jurisdiction (468.811(1)(b), 455.624(1)(f), F.S.)</u>	<u>First Offense</u>	<u>Imposition of discipline which would have been imposed if the substantive violation occurred in Florida</u>	<u>Suspension/denial until the license is unencumbered in the jurisdiction in which action was originally taken and \$1000 fine. Impaired practioners working in Florida may be ordered into the PRN</u>
	<u>Second Offense</u>	<u>Imposition of discipline which would have been imposed if the substantative violation occurred in Florida and a \$1000 fine</u>	<u>Revocation until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken and \$2000 fine. Impaired practioners working in Florida may be ordered into the PRN.</u>
<u>(c) Guilt of a crime directly relating to practice or ability to practice (468.811(1)(c), 455.624(1)(c), F.S.)</u>	<u>First Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>Denial/revocation and \$5000 fine</u>
	<u>Second Offense</u>	<u>1 year suspension and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>

(d) Filing a false report or failing to file a report as required.  
(468.811(1)(d), 455.624(1)(l), F.S.)

<u>First Offense</u>	<u>1 year probation with conditions and \$100 fine</u>	<u>6 months suspension</u> <u>1 year probation with conditions and \$250 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$250 fine</u>	<u>Revocation and \$500 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$500 fine</u>	<u>Revocation and \$1000 fine</u>

(e) False, deceptive, or misleading advertising.  
(468.811(1)(e), F.S.)

<u>First Offense</u>	<u>Reprimand</u>	<u>6 months suspension and \$250 fine</u>
<u>Second Offense</u>	<u>6 months suspension and \$250 fine</u>	<u>9 months suspension and \$500 fine</u>
<u>Third Offense</u>	<u>9 months suspension and \$500 fine</u>	<u>1 year suspension and \$1000 fine</u>

(f) Intentionally violating any rule adopted by the Board or the department as appropriate.  
(468.811(1)(f), 455.624(1)(b), F.S.)

<u>First Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions, and \$2000 fine</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 4 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>

(g) Kickbacks or split fee arrangements  
(468.811(1)(f), 455.657, F.S.)

<u>First Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$500 fine</u>	<u>Denial/revocation and \$1000 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>	<u>Revocation and \$2500 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 3 years probation with conditions and \$2500 fine</u>	<u>Revocation and \$5000 fine</u>

(h) Deceptive, untrue or fraudulent representations in any application, affidavit or statement provided to the Board in any proceeding before the Board. (468.811(1)(f), 468.809, 455.624(1)(q), F.S.)

<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>	<u>Revocation and \$3000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>

(i) Practicing orthotics, prosthetics, or pedorthics with a delinquent license (455.711, F.S.)

<u>First Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$1000 fine</u>	<u>2 years suspension, 2 years probation with conditions and \$5000 fine</u>
<u>Second Offense</u>	<u>Revocation and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>

(j) Failure to notify the Board of the licensee's current mailing address and place of practice

<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand and \$100 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$100 fine</u>	<u>3 months probation with conditions and \$250 fine</u>
<u>Third Offense</u>	<u>3 months probation with conditions and \$250 fine</u>	<u>6 months probation with conditions and \$500 fine</u>

(k) Violation of law, rule, order, order of the Board, or failure to comply with subpoena. (468.811(1)(g), 455.624(1)(q), F.S.)

<u>First Offense</u>	<u>Suspension until law, rule, order, or subpoena is complied with and \$500 fine</u>	<u>Revocation and \$1500 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1500 fine</u>	<u>Revocation and \$5000 fine</u>

(l) Practicing with a revoked license.

(468.811(1)(h), F.S.)

First Offense

Referral to state attorney for prosecution and denial of all future applications for relicensure

Referral to state attorney for prosecution, denial of all future applications for relicensure and \$5000 fine

Second Offense

Referral to state attorney for prosecution and denial of all future applications for relicensure and \$5000 fine

Referral to state attorney for prosecution, denial of all future applications for relicensure and \$10,000 fine

(m) Practicing with a suspended license.

(468.811(1)(h), F.S.)

First Offense

Additional suspension and \$5000 fine

Additional suspension and \$7500 fine

Second Offense

Additional suspension and \$7500 fine

Revocation and \$10,000 fine

(n) Practicing with an inactive license.

(468.811(1)(h), F.S.)

First Offense

\$1000 fine per month prior to reactivation

\$1500 fine per month prior to reactivation

Second Offense

\$1500 fine per month prior to reactivation

\$2000 fine per month prior to reactivation

(o) Malpractice

(468.811(1)(j), F.S.)

First Offense

1 year probation with conditions, continuing education and \$1000 fine

1 year suspension 2 years probation with conditions, continuing education and \$5000 fine

Second Offense

1 year suspension, 2 year probation with conditions, continuing education and \$5000 fine

Revocation and \$10,000 fine

(p) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee.

(455.624(1)(g), F.S.)



<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$2000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$4000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(q) Failure to report another licensee in violation.</u>		
<u>(455.624(1)(i), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand and \$100 fine</u>
<u>Second Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>6 months suspension, 6 months probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>6 months suspension, 6 months probation with conditions and \$500 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1000 fine</u>
<u>(r) Aiding or abetting any unlicensed person or entity to practice</u>		
<u>(455.624(1)(j), F.S.)</u>		
<u>First Offense</u>	<u>1 year probation with conditions, and \$1000 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$3000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$3000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$6000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$6000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(s) Failure to perform any statutory or legal obligation</u>		
<u>(455.624(1)(k), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand and \$250 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$250 fine</u>	<u>6 months probation with conditions and \$500 fine</u>
<u>Third Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>1 year probation with conditions and \$1000 fine</u>
<u>(t) Exercising influence on a patient for financial gain.</u>		
<u>(468.811(1)(n), 455.624(1)(n), F.S.)</u>		

<u>First Offense</u>	<u>1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$5000 fine</u>
<u>Second Offense</u>	<u>Revocation and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(u) Practicing beyond scope permitted.</u>		
<u>(455.624(1)(o), F.S.)</u>		
<u>First Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>6 months suspension, 6 months probation with conditions or denial/revocation and \$1000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 6 months probation with conditions and \$1000 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$2500 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$2500 fine</u>	<u>Revocation and \$5000 fine</u>
<u>(v) Failure to provide written notice of any applicable warranty for an orthosis, prosthesis, or pedorthic device that is provided to any patient.</u>		
<u>(468.811(1)(j), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand</u>	<u>Reprimand and \$500 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$500 fine</u>	<u>6 months probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>1 year probation with conditions and \$2000 fine</u>
<u>(w) Delegation of professional responsibilities to unqualified person.</u>		
<u>(455.624(1)(p), F.S.)</u>		
<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$2500 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$2500 fine</u>	<u>Revocation and \$5000 fine</u>
<u>(x) Improperly interfering with an investigation or inspection authorized by statute, or with an disciplinary proceeding.</u>		

<u>(455.624(1)(r), F.S.)</u>		
<u>First Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$1000 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$2000 fine</u>	<u>Revocation and \$5000 fine</u>
<u>(y) Exercising influence to engage patient in sex.</u>		
<u>(455.624(1)(u), F.S.)</u>		
<u>First Offense</u>	<u>1 year suspension, 4 years probation with conditions and \$2500 fine</u>	<u>Denial/revocation and \$5000 fine</u>
<u>Second Offense</u>	<u>Revocation and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(z) Failure to report to the Board before October 1, 1999 convictions, findings of guilt, or pleas of nolo contendere entered before July 1, 1999 that have not previously been reported.</u>		
<u>(455.624(1)(w), F.S.)</u>		
<u>First Offense</u>	<u>Reprimand and \$250 fine</u>	<u>6 months probation with conditions and \$500 fine</u>
<u>Second Offense</u>	<u>6 months probation with conditions and \$500 fine</u>	<u>6 months suspension, 6 months probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>6 months suspension, 6 months probation with conditions and \$1000 fine</u>	<u>Revocation and \$2000 fine</u>
<u>(aa) Being convicted or found guilty of or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of or ability to practice a licensee's profession.</u>		
<u>First Offense</u>	<u>6 months probation with conditions and \$1000 fine</u>	<u>Denial/revocation and \$5000 fine</u>
<u>Second Offense</u>	<u>1 year suspension and \$5000 fine</u>	<u>Revocation and \$10,000 fine</u>
<u>(bb) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession.</u>		
<u>(455.624(1)(a), 455.624(1)(m), F.S.)</u>		

<u>First Offense</u>	<u>1 year probation with conditions and \$500 fine</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>
<u>Second Offense</u>	<u>1 year suspension, 1 year probation with conditions and \$1500 fine</u>	<u>Revocation and \$3000 fine</u>
<u>Third Offense</u>	<u>2 years suspension, 2 years probation with conditions and \$3000 fine</u>	<u>Revocation and \$5000 fine</u>

(cc) Failing to report to the board within 30 days after the licensee has been convicted or found guilty of, or entered into a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.  
(455.624(1)(w), F.S.)

<u>First Offense</u>	<u>Reprimand and \$250 fine</u>	<u>6 months suspension, 1 year probation with conditions and \$500 fine</u>
<u>Second Offense</u>	<u>6 months suspension, 1 year probation with conditions and \$500 fine</u>	<u>1 year suspension, 2 years probation with conditions and \$1000 fine</u>
<u>Third Offense</u>	<u>1 year suspension, 2 years probation with conditions and \$1000</u>	<u>Revocation and \$2000 fine</u>

(dd) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents.  
(455.624(1)(x), F.S.)

<u>First Offense</u>	<u>Citation</u>	<u>Citation and \$250 fine</u>
<u>Second Offense</u>	<u>Reprimand and \$250 fine</u>	<u>Reprimand and \$500 fine</u>
<u>Third Offense</u>	<u>Reprimand and \$500 fine</u>	<u>6 months probation with conditions and \$1000 fine</u>

(3) The Board shall take into consideration the following factors in determining the appropriate disciplinary action to be imposed and in going outside of the disciplinary guidelines:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of specific offenses;
- (d) the actual damage, physical or otherwise, to specific patients;
- (e) the length of time since the date of the last violation(s);
- (f) the length of time the licensee has practiced his or her profession;
- (g) prior discipline imposed on the licensee;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the licensee;
- (j) efforts by the licensee toward rehabilitation;
- (k) attempts by the licensee to correct or stop violations;
- (l) other conditions as appropriate.

Specific Authority 468.802, 455.627(1) FS. Law Implemented 468.811, 455.627 FS. History—New 7-1-98, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

**RULE TITLE:** Applications for Licensure  
**RULE NO.:** 64B15-12.003  
**PURPOSE AND EFFECT:** The Board proposes the development of a rule amendment to incorporate by reference the instructions and application for examination and initial licensure.  
**SUBJECT AREA TO BE ADDRESSED:** Applications for licensure.  
**SPECIFIC AUTHORITY:** 459.005 FS.  
**LAW IMPLEMENTED:** 459.0055, 459.006, 459.007 FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

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

64B15-12.003 Applications for Licensure.

(1) Applications for licensure by examination must include a completed application form and appropriate fee as set forth in Section 459.0055, Florida Statutes, and Rule 64B15-10.001(1), Florida Administrative Code. The instructions and application form, DH-MQA 1029, 1/00,

effective \_\_\_\_\_, entitled "Examination & Initial Licensure Application" (Section II: Application Form) DPR/OST/003, effective 6-4-91, entitled "Application for Osteopathic Licensure" is hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year a new application and fee must be submitted.

(2) No change.

(3) Applications for licensure by endorsement must include a completed application form and appropriate fee as set forth in Section 459.0055, Florida Statutes, and Rule 64B15-10.002(1), Florida Administrative Code. The application form, shall be the same form as referenced in subsection (1) above, and may be obtained from the Board office. DPR/OST/003, effective 6-4-91, entitled "Application for Osteopathic Licensure" is hereby incorporated by reference, and may be obtained from the Board office. Such application and fee shall expire one year from the date on which the application is initially received by the Board. After a period of one year, a new application and fee must be submitted.

Specific Authority 459.005 FS. Law Implemented 459.0055, 459.006, 459.007 FS. History—New 6-4-91, Formerly 21R-12.003, 61F9-12.003, Amended 10-15-95, Formerly 59W-12.003, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

**RULE TITLE:** Exemption of Spouses of Members of the Armed Forces from Licensure Renewal Provisions  
**RULE NO.:** 64B17-5.002  
**PURPOSE AND EFFECT:** The Board proposes to promulgate a new rule which will address the exemption of spouses of members of the armed forces from licensure renewal requirements.  
**SUBJECT AREA TO BE ADDRESSED:** Exemption of spouses of members of armed forces from licensure renewal requirements.  
**SPECIFIC AUTHORITY:** 455.507(2), 486.025 FS.  
**LAW IMPLEMENTED:** 455.507(2) FS.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-5.002 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board.

Specific Authority 455.507(2), 486.025 FS. Law Implemented 455.507(2) FS. History--New

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Vessel Registration and Boating Safety**

RULE TITLE: Management Provisions RULE NO.: 68D-24.003

PURPOSE AND EFFECT: Through this rulemaking, the Fish and Wildlife Conservation Commission (FWC) will delegate to the Executive Director the authority to approve establishment of certain boat speed and wake restrictions. This authority will be limited to noncontroversial restricted areas that meet the criteria discussed below. The effect will be to lessen the time that the boating public is exposed to a demonstrable public safety hazard while a consensus driven rule awaits Commission approval.

SUBJECT AREA TO BE ADDRESSED: The rule addresses the delegation of authority to approve and file rules for adoption establishing or amending boating restricted areas necessary for the protection of public safety on waters of the state. This delegation would be subject to the following criteria: a local government has passed a resolution requesting that the area be established; the area is designed to protect public safety; the requested area is in the immediate vicinity of a bridge, public boat ramp, public dock, public marina, public fueling facility, public sewage pump-out facility, or a specific navigational hazard (such as a sharp corner or blind curve that obstructs visibility); FWC Division of Law Enforcement personnel confirm that the proposed area presents a danger to public safety if it remains unregulated; the area will be regulated at one of the following levels – "Idle Speed No Wake," "Slow Speed Minimum Wake," or "30 Miles per Hour"; neither the United States Coast Guard nor the Army Corps of Engineers has objected to the establishment; no timely request for a public hearing is received and no timely challenge to the proposed rule is filed; no correspondence or other communication is received showing organized public opposition.

SPECIFIC AUTHORITY: 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Captain Alan S. Richard, Boating Law and Waterway Management, Office of Enforcement Planning and Policy, Division of Law Enforcement, 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 INSURANCE**

**Division of Treasury**

RULE TITLE: Department Procedures Regarding Distribution of Pension Fund Monies RULE NO.: 4C-10.001

PURPOSE AND EFFECT: Repeal Rule 4C-10.001, FAC. pursuant to Section 120.536(2)(b), F.S. review. With Laws of Florida, Chapter 93-193 and 95-249/250, all pension fund responsibilities were transferred from the Department of Insurance to the Department of Management Services. The Division of Retirement has the responsibility for the oversight and monitoring for actuarial soundness of the firefighters' and policemen's pension funds, to include rulemaking authority (sections 715.341(2) and 185.23(2), F.S.)

SUMMARY: Repeal pursuant to section 120.536(2)(b), F.S.

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

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 626.8473, 627.776(1)(m), 628.151 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., March 15, 2000

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