

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Standards
 RULE NO.: 5F-10.001

PURPOSE AND EFFECT: The purpose of 5F-10.001 is to adopt the most recent version of the chemical and physical standards set forth in the American Society for Testing and Materials. The effect of each adoption is to maintain nationally recognized standards.

SUBJECT AREA TO BE ADDRESSED: Proposed rule 5F-10.001 will specify that the most recent Annual Book of ASTM Standards is the accepted standard for implementation of Chapter 501.91, F.S.

SPECIFIC AUTHORITY: 570.07(23), 501.921 FS.

LAWS IMPLEMENTED: 501.913, 501.917, 501.921 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., Tuesday, April 4, 2000

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, Phone (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-10.001 Standards.

(1) The performance specifications and standards for ethylene glycol base antifreeze are hereby incorporated by reference: ASTM D 3306-98 ~~ASTM D 3306-94~~, "Standard Specification for Ethylene Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved April 10, 1998 ~~September, 1994~~);

(2) The performance specifications and standards for propylene glycol base antifreeze are hereby incorporated by reference: ASTM D 5216-98 ~~ASTM D 5216-95~~, "Standard Specification for Propylene Glycol Base Engine Coolant for Automobile and Light Duty Service," (approved April 10, 1998 ~~September, 1995~~);

(3) The performance specifications and standards for prediluted aqueous ethylene glycol base antifreeze are hereby incorporated by reference: ASTM D 4656-98 ~~ASTM D 4656-95~~, "Standard Specification for Prediluted Aqueous Ethylene Glycol (50 Volume % Minimum) Base Engine Coolant for Automobiles and Light Duty Service," (approved April 10, 1998 ~~March, 1995~~).

(4) The performance specifications and standards for recycled prediluted aqueous glycol base antifreeze are hereby incorporated by reference: ASTM D 6471-99, "Standard Specification for Recycled Prediluted Aqueous Glycol Base Engine Coolant (50 Volume % Minimum) for Automobile and Light Duty Service." (approved November 10, 1999).

(5) Copies of these documents may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428.

Specific Authority 570.07(23), 501.921 FS. Law Implemented 501.913, 501.917, 501.921 FS. History—New 10-6-93, Amended 7-5-95, 12-9-98,

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish
 RULE CHAPTER NO.: 5L-1

RULE TITLES: Shellfish Harvesting Area Standards
 RULE NOS.: 5L-1.003

Container Identification, Terminal
 Sale Date; Prohibitions 5L-1.007

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-1.003 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, April 3, 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 CORRECTIONS

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements
 RULE NO.: 33-208.101
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify requirements for the wearing of department uniforms, specifically in the area of hats, caps and K-9 program attire.
 SUBJECT AREA TO BE ADDRESSED: Employee uniforms.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 944.09 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. April 6, 2000
 PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.
 (1) through (3) No change.
 (4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) Class A Uniform. The correctional officer class A uniform issued by the department shall be worn while performing official duties as determined by the warden. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

- 1. through 4. No change.
- 5. Hat. The hat is no longer a mandatory part of the Class A uniform. Officers who have been issued hats are authorized to wear them, but additional hats will not be ordered for issuance by the department. Excessive rolling of hats will not be permitted.
- 6. Uniform cap. The uniform cap is authorized for wear with the Class A uniform, but caps shall not be worn for formal occasions such as court appearances or funerals. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. The uniform cap will be furnished by the department.

6. through 27. renumbered 7. through 28. No change.

(b) Class B Uniform. The correctional officer class B uniform shall consist of all items included in the correctional officer class A uniform, except that the trousers will be made of a material compatible with the needs of the employee's assignment. Five uniform shirts and three pairs of class B uniform trousers will be issued per officer.

- 1. No change.
- 2. The uniform cap can be worn ~~for daily wear~~ with the class B uniform ~~within the institution~~ at the option of the correctional officer. The uniform cap shall be solid brown with a departmental emblem embroidered on the center front above the bill of the cap. Additional lettering, logos or rank insignia are not authorized on caps. ~~The uniform hat shall be mandatory for all public and official appearances.~~ The uniform cap will be furnished by the department.
- 3. through (5) No change.

~~(6) K-9 Program. Wardens are authorized to issue brown brush trousers and dark plain or camouflaged shirt to officers working with the canine program. Snake bite boots shall be provided by the department to canine program officers; snake bite boots shall be brown only when black is not available.~~

- (a) The uniform for narcotic K-9 officers shall consist of:
 - 1. Brown battle dress utility trousers bloused inside the boot.
 - 2. Shirt – option 1: tan polo-type shirt with the department emblem embroidered on the left chest and K-9 embroidered on the back in black.
 - 3. Shirt – option 2: brown battle dress utility shirt with:
 - a. Sleeves appropriate for the weather;
 - b. The correctional officer's first and last name embroidered in gold above the right pocket;
 - c. K-9 embroidered on the back in gold;

- d. A department patch on the left shoulder with “Narcotics Unit” embroidered underneath in gold;
- e. A cross flags patch on the right shoulder.
- 4. A black nylon pistol belt with handcuff case and glove pouch (no holster);
- 5. Military-style combat, jump, or Hi-tech boot, blackmin color;
- 6. Brown uniform cap (optional);
- 7. Leather badge holder;
- 8. Heavy duty cut resistant utility gloves;
- 9. Tactical ballistic vest.
- (b) The uniform for tracking K-9 program officers shall consist of:
 - 1. Brown or camouflage brush pants. The camouflage color shall be appropriate for the surrounding terrain as determined by the warden.
 - 2. Brown or camouflage battle dress utility shirt with:
 - a. Sleeves appropriate for the weather;
 - b. The correctional officer’s first and last name embroidered (in gold for the brown shirt and in black for the camouflage shirt) above the right pocket;
 - c. K-9 embroidered on the back in gold on the brown shirt, optional in black for the camouflage shirt;
 - d. A department patch on the left shoulder with “Tracking Unit” embroidered underneath in gold for the brown shirt and in black for the camouflage;
 - e. A cross flags patch on the right shoulder.
 - 3. T-shirt (optional for field work only), khaki in color or camouflage to match the pants, with “K-9” embroidered on the back in gold for the khaki shirt and in black for the camouflage shirt;
 - 4. A brown, green or camouflage (color appropriate for surrounding terrain as determined by the warden) field jacket (M-65 military battle dress utility);
 - 5. A black (brown, green or sand option for camouflage) nylon or cloth pistol belt with handcuff case, glove pouch and holster;
 - 6. Military-style combat, jump, or Hi-tech boot;
 - 7. Brown or camouflage uniform cap (optional);
 - 8. Brown or camouflage chaps may be issued to wear over pants legs;
 - 9. Leather badge holder;
 - 10. Heavy duty cut resistant utility gloves;
 - 11. Tactical ballistic vest.
 - 12. Black snakebite boots will be provided to k-9 program officers. Brown snakebite boots will be provided only when black is not available.
 - 13. Components of the uniform shall not be mixed, i.e., camouflage pants, shirt and hat will be worn together as will the brown uniform. There will be no color mixing.

14. Wardens shall issue each officer assigned to the K-9 program a minimum of five pairs of pants, three long sleeve shirts and five short sleeve shirts.

(7) through (13) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLE:	RULE NO.:
Forms and Instructions	40D-1.659

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to adopt a water use form entitled Modification Short Form. Forms which the District uses in its dealings with the public must be adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. This rule amendment will incorporate this form by reference into District Rule 40D-1.659, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Modification of District Rule 40D-1.659 to incorporate by reference a water use form entitled Modification Short Form.

SPECIFIC AUTHORITY: 373.044, 373.4113 FS.

LAW IMPLEMENTED: 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 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, IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (14) No change.

(15) MODIFICATION SHORT FORM – FORM NO. 42.00-034 (03/00)

(15) through (17) renumbered (16) through (18) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental Resource
RULE CHAPTER NO.: 40D-4

Permits
RULE TITLE: Formal Determination of Wetlands and
RULE NO.: 40D-4.042

Other Surface Waters

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to specify a time frame within which the District must act on a Petition for a Formal Determination of Wetlands and Other Surface Waters. Formal determinations are issued in lieu of Declaratory Statements pursuant to Section 373.421(2), Florida Statutes (F.S.). Because the provisions of Section 373.421 do not specify a time frame within which the District must act on a petition, the District has relied on the provisions of Section 120.565, F.S. Section 120.565, F.S. provides that agencies must issue a declaratory statement or deny the petition for a declaratory statement within 90 days after the filing of the petition. This time frame does not provide the District with sufficient flexibility to adequately address insufficient petitions for formal determinations; requests for additional information; site visits and surveys where large geographic areas are involved; and the required advertising schedule. The amendments also specify that sections 120.57 and 120.569, F.S. apply to formal determinations made pursuant to this rule. A time frame within which a petition may be submitted for a property for which a formal determination already exists in order to qualify for a reduced fee is also provided.

SUBJECT AREA TO BE ADDRESSED: Procedures addressing District action on Petitions for Formal Determinations of Wetlands and Other Surface Waters.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.421(2) FS.

LAW IMPLEMENTED: 373.421(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, IS: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) through (2) No change.

(3)(a) Within 30 days of receipt of a petition for a formal determination, the District shall notify the petitioner of any additional information which may be necessary to complete review of the petition. The District shall complete the determination and shall issue a notice of intended agency action within 90 days after the petition is deemed complete. The District shall publish the notice of intended agency action on the petition in a newspaper of general circulation in the county or counties where the property is located.

(b) The provisions of sections 120.57 and 120.569, F.S., apply to formal determinations made pursuant to this section. Any person whose substantial interests will be affected by the District’s proposed action on the petition may request an administrative hearing on the proposed action. If no request for an administrative hearing is filed, the District will then take final action on the petition for the formal determination.

(3) through (5) renumbered (4) through (6) No change.

(7)(6) A petition for a new formal determination for a property for which a formal determination already exists shall require the reduced fee set forth in Rule 40D-1.607, F.A.C. provided:

(a) No change.

(b) the petition is submitted within 60 days prior to the existing determination’s expiration.

(8)(7) No change.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History–New 10-3-95, Amended 7-2-98,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Continuing Education Requirements for
RULE NO.: 61G15-22.001

Reactivation of Inactive License

PURPOSE AND EFFECT: The Board proposes to amend this rule to further clarify the continuing education requirements for reactivation of an inactive license.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for reactivation of inactive license.

SPECIFIC AUTHORITY: 471.019(2) FS.

LAW IMPLEMENTED: 471.019(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: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.001 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to FEMC and demonstration to the Board by the licensee of having attended twelve hours of engineering related education per inactive year. The education shall be related to the licensee's field of practice. Of the first twelve hours of such education, at least ~~four~~ ~~eight~~ shall involve ~~engineering professionalism and ethics and~~ the law and rules governing the practice of engineering in a course approved by the Board. Completion of the Board's Study Guide with a score of 36 or above shall satisfy the laws and rules requirement. Licensees who can demonstrate that they have continued the active practice of engineering during the inactive period, either through an active license to practice in another state or through practice in an exempt setting during that period, shall only be required to comply with the laws and rules requirement. Verification of the above-mentioned education shall be in the form of tuition or registration receipts, records, or letters of verification from the institutions or entities providing the training in question.

Specific Authority 471.019(2) FS. Law Implemented 471.019(2) FS. History—New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended 6-22-99,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-02R

RULE CHAPTER TITLE: Stationary Sources –

RULE CHAPTER NO.:

Preconstruction Review

62-212

RULE TITLE:

RULE NO.:

Sulfur Storage and Handling Facilities

62-212.600

PURPOSE AND EFFECT: In amendments that became effective on March 13, 1996, certain existing provisions of Rule 62-210.400, FAC., were moved into Rule 62-212.600, FAC. An unintended consequence of that rulemaking was to change the intended meaning of some of those existing provisions. The proposed amendments would have the effect of restoring the original intent of the aforementioned existing provisions, as they were adopted by Florida's Environmental Regulation Commission on February 27, 1985. Due to the nature of this rulemaking, no public workshops have been scheduled.

SUBJECT AREA TO BE ADDRESSED: Sulfur Storage and Handling Facilities.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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.

PLEASE SUBMIT COMMENTS, OBJECTIONS AND ANY REQUESTS FOR WORKSHOP WITHIN 14 DAYS TO: Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Sandy Ladner, Division of Air Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, (850)921-9550

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

62-212.600 Sulfur Storage and Handling Facilities.

(1) through (2) No change.

(3) Emission Estimates.

(a) Best available data shall be used to estimate the particulate matter emissions from solid sulfur storage and handling facilities. In the absence of better data, Except as otherwise provided in this rule, the particulate matter emission factor equations published by the U. S. Environmental Protection Agency in Section 13.2, Compilation of Air Pollution Emission Factors, AP-42, 5th Edition, Volume I, January 1995, hereby adopted and incorporated by reference, shall be used to estimate the sulfur particulate emissions from solid sulfur storage and handling facilities. The emission factors referenced above shall be used to estimate the emitted sulfur particulate that would be measured by a high volume air sampler as specified in the reference sampling method for total suspended particulate.

(b) No change.

(c) Sulfur Deposition Rate Emission Factors. The emission factors used to calculate the probable elemental sulfur deposition rates resulting from the operation of a sulfur storage or handling facility shall be estimated using the following procedure:

1. Solid Sulfur Storage and Handling Facility Deposition Emission Factors.

a. through b. No change.

c. Using the particle size distribution equation ~~below in Rule 62-212.600(3)(c)4., F.A.C.,~~ and the estimated weight of all particles emitted to the atmosphere, calculate the weight of particles in each of the size ranges to be used in the deposition calculations.

The particle size distribution equation is given by:

$$D = 236.4e^{-0.0423W}$$

where: D is the particle size diameter (microns) and W is the weight percent greater than stated size.

2. Molten Sulfur Storage and Handling Facility Deposition Emission Factors.

a. through b. No change.

c. Using the particle size distribution equation in Rule 62-212.600(3)(e)4., F.A.C., and the weight of all particles emitted to the atmosphere, calculate the weight of particles in each of the size ranges to be used in the deposition calculations.

3. No change.

4. For calculating the deposition rates, determine the representative weight of the particles emitted to the atmosphere in each interval as specified above and assume that all particles within each selected interval have a particle diameter equal to the mass mean diameter of the range. The mass mean diameter is given by:

$$d = [(d_2^3 + d_1^2 d_2 + d_1 d_2^2 + d_1^3)]^{1/3}$$

where: d₁ is the lower bound of the particle size interval and d₂ is the upper bound of the particle size interval.

The particle size distribution equation is given by:

$$D = 236.4e^{-0.0423W}$$

where: D is the particle size diameter (microns) and W is the weight percent greater than stated size.

Specific Authority 403.061 FS. Law Implemented 403.021, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.540, Formerly 17-212.600, Amended 11-23-94, 1-1-96, 3-13-96.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Additional Education Requirements for Reexamination

RULE NO.: 64B5-2.021

PURPOSE AND EFFECT: The Board proposes to amend this rule to delete rule text that is no longer necessary and new rule text is being added to update the additional education requirements for reexamination.

SUBJECT AREA TO BE ADDRESSED: Additional education requirements for reexamination.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.006 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 Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.021 Additional Education Requirements for Reexamination.

~~(1) An applicant who has failed to pass the manual skills examination in two attempts will be eligible for a third and final attempt to pass provided he demonstrates to the Board that he has taken twenty-five (25) hours of Board approved remedial training in each area of the examination that he failed. For purposes of this subsection, Board approved remedial training is training obtained at a dental school accredited by the Commission on Accreditation of the American Dental Association or at a continuing professional education course sponsored by a Board approved provider. For purposes of identifying areas of the examination in which remedial training would be required, the various procedures of the manual skills examination are divided into the following four subject areas:~~

~~(a) Restorative Preparations~~

- ~~1. Class V gold foil preparation~~
- ~~2. Class III amalgam preparation on a maxillary posterior tooth~~

~~3. Class III amalgam restoration~~

~~(b) Restorative Principles~~

- ~~1. Class III non acid etch composite preparation on a maxillary anterior tooth~~
- ~~2. Class III non acid etch composite restoration~~

~~(c) Endodontic Procedures~~

- ~~1. Completed endodontic therapy~~

~~(d) Crown and Bridge Preparations~~

- ~~1. Preparation for a cast restoration on a bicuspid~~
- ~~2. Preparation for a cast restoration on a molar~~
- ~~3. Wax up for a cast gold bridge~~

~~(1)(2) Any applicant who has failed to pass the clinical examination or the diagnostic skills examination in three attempts each shall not be eligible for reexamination until he or she completes a one year general practice residency, advanced education general dentistry residency, or pedodontic residency or a minimum of one academic year of undergraduate clinical coursework in dentistry at a dental school approved by the American Dental Association's Commission on Dental Accreditation. At the time of application for reexamination the applicant must furnish proof from the educational institution of successful completion of one of the general residency programs listed above program or the required coursework. However, for those applicants completing their coursework immediately prior to the examination or those applicants who have completed at least 9 months of a general practice residency, who cannot provide an official transcript, proof of~~

having successfully completed the required coursework or residency shall consist of a statement from the dean of the school where the coursework or residency was completed that the requirements of this rule will have been met prior to the date set for issuance of examination grades. Grades received by a candidate taking the examination pursuant to this exception will not be certified, and grade results will be null and void if successful completion of the coursework or residency has not been established prior to the date set for issuance of examination grades. Successful completion of coursework shall be established by submission of an official transcript.

(2)(3) No change.

Specific Authority 466.004 FS. Law Implemented 466.006 FS. History—New 9-4-84, Formerly 21G-2.21, Amended 1-6-87, 11-16-89, Formerly 21G-2.021, 61F5-2.021, 59Q-2.021, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Non-Profit Corporation Permits
 RULE NO.: 64B5-7.006

PURPOSE AND EFFECT: The Board proposes to amend this rule to change the word “unlicensed” to “non-Florida licensed”, and to expand the requirements for a non-Florida licensed dentist who is a graduate of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association when filing an application with the Board.

SUBJECT AREA TO BE ADDRESSED: Non-profit corporation permits.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.025(3) 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 Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.006 Non-Profit Corporation Permits.

(1) Any non-profit corporation which is chartered for the purposes specified in Section 466.025(3), F.S., seeking a permit to employ a non-Florida licensed ~~an unlicensed~~ dentist who is a graduate of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association shall file an application with the Board which contains the following information:

(a) through (b) No change.

(c) A plan of operation which establishes that any non-Florida licensed ~~unlicensed~~ dentist employed by the permit holder will be practicing dentistry under the general supervision of a Florida licensed dentist.

(d) through (e) No change.

(f) As to each non-Florida licensed dentist employed or sought to be employed:

1. the dentist’s name and age.

2. proof of said dentist’s graduation from an accredited dental college or school.

3. the dentist’s licensure status in other jurisdictions, including disciplinary action and pending disciplinary action.

4. the status of any dental malpractice actions that have been noticed or filed in any jurisdiction.

5. proof of having successfully completed Board approved courses on human immunodeficiency virus and acquired immune deficiency syndrome, a one hour course in domestic violence, and proof of current CPR certification.

(2) No change.

(3) Any non-Florida licensed ~~unlicensed~~ dentist employed by the holder of a permit pursuant to this rule shall be bound by all requirements for permit holders set forth in Rule 64B5-7.003, F.A.C., and shall be compensated only by salary which is not based upon productivity.

(4) Each non-profit corporation at which a non-Florida licensed dentist practices dentistry shall inform the Board office of the termination of practice of said dentist. Such notice shall be in writing and within thirty (30) days of termination.

Specific Authority 466.004(4) FS. Law Implemented 466.025(3) FS. History—New 11-16-89, Formerly 21G-7.006, 61F5-7.006, 59Q-7.006, Amended 3-25-99, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Radiography Training for Dental Assistants
 RULE NO.: 64B5-9.011

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text to further clarify the radiography training for dental assistants.

SUBJECT AREA TO BE ADDRESSED: Radiography training for dental assistants.

SPECIFIC AUTHORITY: 466.004, 466.017(5) FS.

LAW IMPLEMENTED: 466.017(6) 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 Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(2) FS. History--New 11-27-79, Amended 10-13-81, 9-10-84, 9-25-85, Formerly 21L-26.03, Amended 4-30-87, 6-12-89, 8-15-89, 5-31-92, 11-2-92, Formerly 21L-26.003, 61G11-26.003, Amended 2-16-99, 11-4-99, _____.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B5-9.011 Radiography Training for Dental Assistants.
 - (1) through (4) No change.
 - (5) Only courses which provide training in the following areas may receive Board approval:
 - (a) through (b) No change.
 - (c) Hands-on instruction in the positioning of dental radiograph films through the use of appropriate mannequins that will provide the didactic objectives;
 - (d) through (h) No change.
 - (6) No change.

Specific Authority 466.004, 466.017(5) FS. Law Implemented 466.017(6) FS. History--New 9-20-80, Amended 1-28-81, Formerly 21G-9.11, Amended 12-31-86, 1-18-89, 4-24-91, Formerly 21G-9.011, 61F5-9.011, 59Q-9.011, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: _____ RULE NO.: _____
 Massage Establishment Operations 64B7-26.003
 PURPOSE AND EFFECT: The Board added language to this rule for further clarification of the existing text.
 SUBJECT AREA TO BE ADDRESSED: Massage Establishment Operations.
 SPECIFIC AUTHORITY: 480.035(7), 480.043(2) FS.
 LAW IMPLEMENTED: 480.043(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE 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: William Buckhalt, Executive Director, Board of Massage Therapy/MQA, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B7-26.003 Massage Establishment Operations.
 - (1) No change.
 - (2) Personnel. A licensed massage therapist must be on the premises of the establishment if a client is in a treatment room for the purpose of receiving massage therapy.
 - (3) through (4) No change.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: _____ RULE NO.: _____
 List of Approved Forms; Incorporation 64B9-1.017
 PURPOSE AND EFFECT: The Board proposes the development of a rule to incorporate all forms which it utilizes in its dealings with the public into one rule.
 SUBJECT AREA TO BE ADDRESSED: Incorporation of forms into one rule.
 SPECIFIC AUTHORITY: 464.006 FS.
 LAW IMPLEMENTED: 120.52(15) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth R. Steihl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

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

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: _____ RULE NO.: _____
 Clinical Training 64B9-2.008
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address clarification of preceptorships.
 SUBJECT AREA TO BE ADDRESSED: Clarification of preceptorships.
 SPECIFIC AUTHORITY: 464.006, 464.019 FS.
 LAW IMPLEMENTED: 464.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth R. Steihl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-2.008 Clinical Training.

(1) through (13) No change.

(14) Preceptorships ~~Level one preceptorships~~ may be included in a professional or practical nursing curriculum ~~prior to the completion of nursing courses~~ when approved by the Board ~~and or~~ when they meet all of the following requirements:

(a) Written objectives are specified and given to the preceptor prior to the experience.

(b) The preceptor is approved by the faculty of the program and the facility or agency.

(c) The preceptor shall have clinical expertise and competence in the area where serving as a preceptor.

(d) The preceptor shall be physically present in the unit and available to the student at all times the student is performing in a nursing capacity with patients and clients.

(e) The student's preceptorship experiences shall be evaluated by the faculty, in collaboration with the preceptor.

~~(e) The preceptor shall be assigned no more than two (2) students for any preceptor experience but a student may have multiple preceptors.~~

~~(f) The student shall be enrolled in the course of the program in which the preceptor experience is a part and shall not be reimbursed for nursing services from the agency in which the experience is received.~~

~~(g) Each student shall have a designated program faculty member who supervises the student and is readily available on site to the student during the time the student is performing in a nursing capacity with patients and clients.~~

~~(h) Faculty shall be responsible for supervising the preceptor experiences for up to twelve students in any one facility.~~

~~(i) The student's preceptorship shall be evaluated by the faculty with input from the preceptors.~~

(15) Level One Preceptorships must meet the following, in addition to Rule 64B9-2.008(14)(a) through (e):

(a) The preceptor shall be assigned no more than two (2) students for any preceptor experience, but a student may have multiple preceptors.

(b) The student shall be enrolled in the course of the program in which the preceptor experience is a part and shall not be reimbursed for nursing services from the agency during the student clinical experience.

(c) Each student shall have a designated program faculty member who supervises the student and is readily available on site during the time the student is performing in a nursing capacity.

(d) Faculty shall be responsible for supervising the preceptor experience for up to twelve students in any one facility.

~~(16)(15) Level Two Preceptorships~~ two preceptorships may be included in a professional nursing curriculum when approved by the Board or when they meet all the criteria of 64B9-2.008(14)(a) through (e) ~~and except:~~

(a) The student shall have received clinical and theoretical instruction in all areas of nursing specified in Rule 64B9-2.006(2) for the professional nursing program prior to beginning any preceptor level two experience.

(b) Only registered nurses may serve as preceptors for professional nursing students.

(c) Each designated preceptor may have one alternate preceptor who meets the requirements of Rule 64B9-2.008(14). When the designated preceptor is unable to supervise the student due to unforeseen circumstances, this alternate preceptor may supervise the student.

~~(d)(e)~~ The student may practice at multiple sites if approved by the faculty preceptor and the facilities, but may not practice unless the single designated preceptor or alternate is available at each site.

~~(e)(d)~~ The preceptor may have two assigned students for any preceptorship ~~but a student may not have multiple preceptors.~~

~~(f)(e)~~ The supervising faculty member must be supervising ~~and~~ available to the student and the preceptor and may be reachable by telephone or beeper rather than on site.

~~(g)(f)~~ The faculty student ratio may be up to 1:18.

~~(g) The student's preceptorship experiences shall be evaluated by the faculty in collaboration with the preceptor.~~

~~(17)(16) No change.~~

Specific Authority 464.006, 464.019 FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.27, Amended 6-8-88, 2-15-90, 3-12-91, 3-24-91, Formerly 21O-7.027, Amended 9-7-93, 5-1-94, Formerly 61F7-2.008, Amended 11-16-95, Formerly 59S-2.008, Amended 12-11-97, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLES: Fees

RULE NOS.:

64B9-7.001

Duplicate License Fee

64B9-7.002

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address initial licensure fees for registered and licensed practical nurses and the fee for wall certificates.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.564(2), 455.574, 455.587, 455.711, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.564(2), 455.574(1)(c), 455.587, 455.711, 464.008, 464.009, 464.012, 464.013, 464.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Ruth R. Steihl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (2) No change.

(3) Effective July 1, 2000, for ~~For~~ issuance of initial license as a registered nurse or a licensed practical nurse the fee shall be seventy-five dollars (\$75.00) ~~forty-five dollars (\$45.00).~~

(4) through (12) No change.

Specific Authority 455.564(2), 455.574, 455.587, 455.711, 464.006, 464.014(1) FS. Law Implemented 119.07(1)(a), 455.564(2), 455.574(1)(c), 455.587, 455.711, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98,_____.

64B9-7.002 Duplicate License Fee.

(1) If a licensee wishes to request the Board provide a duplicate license for replacement of a lost or destroyed license, the Board will issue the duplicate if the request is in writing and accompanied by a payment of \$25.00.

(2) If a licensee who was licensed prior to July 1, 1998, wishes to request the Board provide a wall certificate pursuant to s. 455.564(2), F.S., the Board will provide the wall certificate if the request is in writing and accompanied by a payment of \$25.00.

Specific Authority 455.587(2),(7) ~~455.219(4)~~, 464.006 FS. Law Implemented 455.587(2),(7) ~~455.219(4)~~ FS. History—New 1-1-92, Formerly 21O-15.002, 61F7-7.002, 59S-7.002, Amended_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Continuing Education Credits

RULE NO.: 64B16-26.103

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to continuing education credits.

SUBJECT AREA TO BE ADDRESSED: Continuing education credits.

SPECIFIC AUTHORITY: 455.604, 465.009 FS.

LAW IMPLEMENTED: 455.604, 465.009 FS.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.103 Continuing Education Credits.

(1) through (3) No change.

(4) In lieu of completing an HIV/AIDS course as required in Section (3), the applicant may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium.

(5) Five hours of continuing education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Pharmacy in compliance with the following:

(a) The licensee must sign in with the Executive Director or designee of the Board before the meeting day begins.

(b) The licensee must remain in continuous attendance.

(c) The licensee must sign out with the Executive Director or designee of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CE credit in risk management for attending the board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose.

(6) A member of the Board of Pharmacy, or a previous member serving in a probable cause panel, may obtain five (5) hours of continuing education in the subject area of risk management for attendance at one Board meeting or probable cause panel. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).

(7) In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed by the Department of Health pursuant to Chapter 465 shall receive five (5) hours of credit in the area of risk management for each case reviewed up to a maximum of ten (10) hours per biennium.

Specific Authority 465.005, 455.604 FS. Law Implemented 465.009, 455.604 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended_____.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

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

PURPOSE AND EFFECT: The proposed amendments will update the rule to conform with legislative changes and to define the term “operating in a safe and sound manner.”

SUMMARY: 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.

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

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

SPECIFIC AUTHORITY: 655.012 FS.

LAW IMPLEMENTED: 655.948 FS.

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

TIME AND DATE: 10:00 a.m., April 10, 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 IS: Linda Charity, Chief, Bureau of Research, Planning and Staff Development, Division of Banking, Suite 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE FULL TEXT OF THE PROPOSED RULE 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.~~