

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:

RULE NOS.:

Table with 2 columns: Rule Title and Rule Number. Includes entries like 'Application Procedure for Title Loan Lender' (3D-45.005) and 'Demonstrating Unworthiness Defined' (3D-45.010).

PURPOSE AND EFFECT: To implement the provisions of Chapter 2000-138, Laws of Florida, the "Florida Title Loan Act," which requires the Department to license title loan lenders by: establishing the procedures for obtaining a title loan lender license and for renewals of the license; prescribing application and renewal forms; defining "unworthiness"; and providing for surety bonds, letters of credit or certificates of deposit.

SUBJECT AREA TO BE ADDRESSED: Title Loan Lenders.
SPECIFIC AUTHORITY: Sections 5 and 15, Chapter 2000-138, Laws of Florida.

LAW IMPLEMENTED: Sections 4, 5 and 6, Chapter 2000-138, Laws of Florida.

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., July 11, 2000
PLACE: Room 547, 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, IF AVAILABLE IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-45.005 Application Procedure for Title Loan Lender.

(1) Each person desiring to apply for licensure as a title loan lender shall submit the following to the Department:

(a) A completed Application for Title Loan Lender, Form DBF-TTL-101, effective 10/00, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350;

(b) The statutory, nonrefundable investigation fee required by Section 4, Chapter 2000-138, Laws of Florida;

(c) The statutory, nonrefundable application fee required by Section 4, Chapter 2000-138, Laws of Florida; and

(d) The original bond, letter of credit, or certificate of deposit as required by Section 5, Chapter 2000-138, Laws of Florida;

(2) Each ultimate equitable owner of 10% or greater interest and each director, general partner, and executive officer of an entity applying for licensure as a title loan lender, shall submit a completed fingerprint card and a Biographical Summary for Title Loan Lender, Form TLL-BIO-1, effective 10/00, to the Department. Form TLL-BIO-1 is hereby incorporated by reference and is available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1), F.S.

(4) Withdrawal of Application. An applicant may request withdrawal of an application prior to a determination of the application being made by the Department by submitting a written request that the application be withdrawn.

(5) Refunds. If the application is withdrawn or denied, the investigation fee and the application fee are nonrefundable.

(6) If one's civil rights have been restored and the conviction did not directly relate to the title loan industry, the applicant shall provide evidence of restoration of civil rights. If one's civil rights have been restored and the conviction is directly related to the title loan industry, the applicant shall provide evidence of restoration of civil rights and rehabilitation. Evidence of rehabilitation should include, but is not limited to, employment history and letters from probation officers and employers.

PROPOSED EFFECTIVE DATE: 10-1-00.

Specific Authority Sections 5 and 15, Chapter 2000-138, Laws of Florida. Law Implemented Sections 4 and 5, Chapter 2000-138, Laws of Florida. History- New 10-1-00.

3D-45.010 Demonstrating Unworthiness Defined.

As used in Section 6, Chapter 2000-138, Laws of Florida, the phrase "[h]aving demonstrated unworthiness... to transact the business of a title loan lender" shall include, but is not limited to, the following:

(1) Failing to demonstrate financial responsibility by having a credit history that reflects any of the following: unpaid liens, judgments, repossessions, foreclosures or an otherwise general history on non-payment of legal debts.

(2) Failing to demonstrate character or general fitness by having been convicted, found guilty, or plead nolo contendere, regardless of adjudication, of any crime involving fraud, dishonest dealing or any other act of moral turpitude. Moral turpitude involves duties owed by persons to society as well as acts contrary to justice, honesty, principle or good morals. This includes, but is not limited to, theft, extortion, use of the mail to obtain property under false pretenses, tax evasion, and the sale of (or intent to sell) controlled substances.

PROPOSED EFFECTIVE DATE: 10-1-00.

Specific Authority Sections 6 and 15, Chapter 2000-138, Laws of Florida. Law Implemented Section 6, Chapter 2000-138, Laws of Florida. History–New 10-1-00.

3D-45.015 Title Loan Lender License Renewal and Reactivation.

(1) Each active title loan lender license will be renewed for the biennial period beginning October 1 of every even-numbered year, upon submission of the renewal fee and renewal notice to the Department, unless the license is renewed on the Department’s website. Form DBF-TLL-R (effective 10/00), Title Loan Lender License Renewal, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Failure to return the renewal notice and fee prior to October 1 of the renewal year shall automatically result in the license becoming inactive. The inactive license may be reactivated within six (6) months after becoming inactive upon payment of the nonrefundable renewal and reactivation fees as set by Section 4, Chapter 2000-138, Laws of Florida, and return of the reactivation form.

(3) A license that is not reactivated within 6 months after becoming inactive may not be reactivated and shall automatically expire.

PROPOSED EFFECTIVE DATE: 10-1-00.

Specific Authority Sections 4 and 15, Chapter 2000-138, Laws of Florida. Law Implemented Section 4, Chapter 2000-138, Laws of Florida. History–New 10-1-00.

3D-45.020 Documentation of Surety Bond, Letter of Credit, or Certificate of Deposit.

(1) The surety bond, letter of credit, or certificate of deposit required as a condition of licensure under Section 5, Chapter 2000-128, Laws of Florida, shall be submitted to the Department with the application for licensure. The original shall be maintained by the Department. A copy of the surety bond shall be maintained at the principal place of business and made available to Department examiners upon request.

(2) In the event a licensee changes the issuer of the surety bond, letter of credit, certificate of deposit or the issuer of the surety bond cancels the bond, the licensee shall promptly inform the department of such change in writing by U.S. certified mail and provide a new surety bond to the Department.

(3) Each surety bond shall be issued by a company authorized to do business in this state by the Florida Department of Insurance.

PROPOSED EFFECTIVE DATE: 10-1-00.

Specific Authority Section 15, Chapter 2000-138, Laws of Florida. Law Implemented Section 5, Chapter 2000-138, Laws of Florida. History–New 10-1-00.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: **RULE CHAPTER NO.:**

Governing the Procedure for the Submittal and Review of Local Government Comprehensive Plans and Amendments 9J-11

RULE TITLES: **RULE NOS.:**
Purpose 9J-11.001

Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments 9J-11.006

Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment 9J-11.009

Local Government Adoption of Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review 9J-11.011

Compliance Review and Notice of Intent 9J-11.012

Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments 9J-11.018

PURPOSE AND EFFECT: The purpose and effect is to revise the rule to conform to current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: The revisions of Rule Chapter 9J-11 pertaining to local government comprehensive plans, including submittal requirements, action upon receipt, review requirements and notices of intent. The revision of Rule Chapter 9J-11 pertaining to the evaluation and appraisal report submittal and review requirements and the name change of the Florida Fish and Wildlife Conservation Commission.

SPECIFIC AUTHORITY: 120.53(1)(b), 163.3177(8),(9),(10), 163.3184(1),(3),(16), 163.3187, 163.3202 FS.

LAW IMPLEMENTED: 163.3167, 163.3167(2),(3), 163.3171, 163.3174, 163.3177, 163.3177(1),(4),(7),(9),(10), 163.3184, 163.3184, 163.3184(1),(2),(3),(4),(5),(6),(7),(8),(9),(10), (14),(15),(16), 163.3187, 163.3187(1),(2),(5), 163.3189, 163.3191, 163.3202, 380.06(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. – 11:00 a.m., July 26, 2000

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4925, SUNCOM 277-4545 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1-800-955-8770 (Voice) or 1-(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Eubanks, Community Program Administrator, Division of Community Planning, Bureau of State Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-11.001 Purpose.

This Chapter establishes procedures for the submittal and review of local government comprehensive plans, plan amendments, land development regulations and evaluation and appraisal reports pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, and Chapter 9J-5, Florida Administrative Code. It specifies the documents and information to be submitted for review at the time plans, plan amendments, land development regulations and evaluation and appraisal reports are submitted to the Department for review. It describes the actions the Department takes upon receipt of the submitted documents and information, or when a plan or element or evaluation and appraisal report is not submitted. It also describes the procedures the Department follows for review of plans and plan amendments and procedures for the issuance of a notice of intent and sufficiency finding for an evaluation and appraisal report.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3181, 163.3184, 163.3187, 163.3191 FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, _____.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) through (a)7.j. No change.

k. An amendment directly related to proposed redevelopment of brownfield areas designated under s. 376.80, Florida Statutes;

l. An amendment for port transportation facilities and projects that are eligible for funding by the Florida Transportation and Economic Development Council pursuant to s. 311.07, Florida Statutes;

m. An amendment for the purpose of designating an urban infill and redevelopment area under s. 163.2517, Florida Statutes.

8. through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, _____.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

(1) through (7)(b) No change.

(c) Florida Fish and Wildlife Conservation Commission Florida Game and Fresh Water Fish Commission; and

(d) through (8)(f) No change.

(g) Florida Fish and Wildlife Conservation Commission Florida Game and Fresh Water Fish Commission (county plans only); and

(h) through (9) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2),(3), 163.3177(9), 163.3184(2),(3),(4),(5),(6) FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, _____.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (4) No change.

(5) Within ten working days after adoption, the local government shall submit a transmittal letter signed by the chief elected official or the person designated by the local government, which designates the newspaper, meeting the size and circulation requirements of Subsection 163.3184(15)(c), Florida Statutes, in which the Department should publish the required Notice of Intent pursuant to Subsection 163.3184(8)(b), Florida Statutes, and enclose three copies of the adopted comprehensive plan and the data and analysis or in the case of adopted amendment(s), three copies of the adopted amendment(s) and the data and analysis in strike through and underline format or similar easily identifiable format identifying the new text that has been adopted, indicating the adoption ordinance number, adoption effective date and plan amendment number on each page, and in the case of a future land use map plan amendment, three copies of the adopted future land use map reflecting the changes made when adopted, and a copy of the executed ordinance adopting the comprehensive plan or amendment(s) to the Department. Each adopted plan amendment must be supported by data and analysis in accordance with Rule 9J-5.005(2), Florida Administrative Code. If the original plan data and analysis or the data and analysis of a previous amendment or data and analysis submitted with the material transmitted pursuant to

Rules 9J-11.004(2)(c), 9J-11.006(1)(b) or 9J-11.007, Florida Administrative Code, support the amendment, no additional data and analysis is required to be submitted to the Department unless the previously submitted data is no longer the best available existing data. The newly submitted data and analysis must reflect the best data available at the time the adopted amendment is submitted to the Department. If a local government relies on original plan data and analysis or the data and analysis of a previous amendment to support an amendment, it shall provide to the Department, at the time of the adopted submittal, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the amendment. This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. In addition, the local governing body shall transmit a copy of the adopted amendment and the data and analysis or reference the existing data and analysis to the appropriate regional planning council. The local government shall also transmit this material to review agencies listed in Rule 9J-11.009(8), Florida Administrative Code, and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies copy of the adopted plan remain complete by also transmitting copies of each subsequently adopted amendment and related documents to the review agencies at the time of each adoption. The transmittal letter to the Department shall certify that the adopted amendment, including the data and analysis have been sent to each of the above entities, as appropriate. In addition the following items shall be submitted with the adopted comprehensive plan or amendment:

(a) through (9) No change.

(10) Local governments with a plan in compliance are bound by the effective date provisions of Section 163.3189, Florida Statutes. They shall include the following language in the adoption ordinance for plan amendments other than small scale amendments:

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9),(10), 163.3184(1)(b),(6)(a),(b),(c), 163.3189(2) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99,_____.

9J-11.012 Compliance Review and Notice of Intent.

(1) through (5) No change.

(6) If a Notice of Intent is issued to find the adopted plan or amendment not in compliance, the Department will forward a copy of the Notice of Intent to the Division of Administrative Hearings, Department of Management Services, requesting a hearing. During the review period provided in Rule 9J-11.012(1), Florida Administrative Code, the Department shall issue a written Statement of Intent describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Sections 163.3177, 163.3178, 163.3191, Florida Statutes, the state comprehensive plan, the appropriate strategic regional policy plan, or Chapter 9J-5, Florida Administrative Code, and a statement of remedial actions that the local government may complete in order to bring the plan into compliance. A copy of the Statement of Intent shall be mailed to the local government and to persons who requested a copy of the Notice of Intent. The Department shall file a petition requesting an administrative hearing and relief with the Division of Administrative Hearings. The petition shall incorporate the issues contained in the Statement of Intent, and the Statement of Intent and the Notice of Intent shall be filed with the petition. The ~~administrative law judge hearing officer~~ shall submit the recommended order to the Administration Commission for final agency action.

(7) through (f) No change.

(g) Within ten days from the date of receipt of the Recommended Order by the Agency Clerk of the Department, parties to the proceeding may file written Exceptions to the Recommended Order with the Agency Clerk of the Department, with service of copies on all parties. Exceptions not filed with the Agency Clerk within the ten days shall be rejected. Exceptions shall state, with particularity, the basis for asserting that the ~~administrative law judge hearing officer~~ erred in making or omitting specific findings of fact, conclusions of law, or a recommendation. Any party may serve a Response to Exceptions within ten (10) days of service of the Exceptions. The Department shall issue a final order within 30 days after receipt of the Recommended Order by the Agency Clerk if the Department determines that the plan or plan amendment is in compliance. If the Department determines that the plan or plan

amendment is not in compliance, the Department shall submit, within 30 days after receipt, the Recommended Order to the Administration Commission for final agency action.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8),(9),(10) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) through (5) No change.

Specific Authority 163.3177(9), 163.3191(12) FS. Law Implemented 163.3187(6), 163.3191 FS. History--New 11-6-96, Amended 4-8-99.

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE TITLE: Standing and Special Committees

RULE NO.: 29C-1.008

PURPOSE AND EFFECT: In order to limit the need to hold emergency meetings to deal with routine review items, the Council needs to amend its organizational rule to delegate certain review and comment functions to staff.

SUBJECT AREA TO BE ADDRESSED: The Council proposes to amend its Organization Rule to delegate to staff the responsibility to comment on all items submitted for review pursuant to Presidential Executive Order 12372 and Gubernatorial Executive Order 83-150, the Intergovernmental Coordination and Review (IC&R) Process and, under certain circumstances, proposed and adopted local plans and plan amendments submitted for regional review pursuant to Chapter 163.3164(5), F.S.

SPECIFIC AUTHORITY: 186.505(1) FS.

LAW IMPLEMENTED: 163.01, 163.3164(5) 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: 8:30 p.m., July 27, 2000

PLACE: Holiday Inn at U.S. 90 and I-75, Lake City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

29C-1.008 Standing and Special Committees.

(1) There shall be maintained four standing committees as follows:

(a) Executive Committee.

1. The Executive Committee shall be composed of the Council officers and the immediate past-Chairman, or another Council member selected by the Board if the immediate past-Chairman is not a member of the Council, and one additional member selected by the Council.

2. The Executive Committee shall have the duty to conduct the business of the Council between regular meetings and advise the Council of matters of day-to-day operations. Any action taken by the Executive Committee between regular meetings shall be placed on the agenda to be voted on at the next regularly scheduled meeting.

3. In the event the Board of Directors fails to assemble a quorum for the purpose of transacting business at any regular or called meeting, or when the Board is acting on behalf of the Council, as provided in Rule 29C-1.007(6), the Executive Committee is authorized to act on behalf of the Board at the time and place of a scheduled meeting. Actions of the Executive Committee shall be final.

4. The Executive Committee shall also act as the Personnel Committee for the Council.

(b) Finance Committee:

The Finance Committee shall be composed of two (2) Board members selected by the Chairman and the Secretary-Treasurer who shall be Committee chairman. The purpose of the Finance Committee shall be to develop and to recommend to the Council an annual budget. The Committee shall also, at least quarterly, report to the Council regarding its fiscal condition, and as to whether the fiscal policies are being observed.

(c) Program Committee:

The Program Committee shall be composed of eight members appointed by the Chairman, and the Vice-Chairman who shall be Committee Chairman. The purpose of the Program Committee shall be to develop and recommend policy statements and an Annual Work Program to the Council for consideration.

(d) Clearinghouse Committee:

The Clearinghouse Committee shall be composed of nine (9) Council members appointed by the Chairman and approved by the Council. The Committee shall have the following responsibilities:

~~1. To review applications for applicable federal grants and loans;~~

~~2. To comment on the relationship of proposed federally aided projects to are awide plans;~~

~~3. To research pending applications for federal aid within the Council jurisdiction;~~

1.4. To review Developments of Regional Impact and make recommendations to the Council for final action;

~~2.5.~~ To review proposals to nominate for consideration possible Areas of Critical State Concern and make recommendations to the Council for final action;

~~3.6.~~ To review ~~proposed~~ comprehensive plans or amendments thereto of local governments and make recommendations to the Council for final action, except in the case of local plans and amendments which require action prior to the next regular meetings of the Clearinghouse Committee and Council, in which case, staff is delegated the responsibility for forwarding comments, recommendations or findings to the Florida Department of Community Affairs and local government; and

4. To provide policy oversight to staff reviews of proposals/projects submitted to the Council for review pursuant to Presidential Executive Order 12372 and Gubernatorial Executive Order 83-150, the Intergovernmental Coordination and review (IC&R) Process.

~~The composition and rules of procedure for the Clearinghouse Committee shall be developed by that Committee's membership~~ procedures where necessary to guide actions of the committee and staff and presented the proposed procedures to the Council for approval.

(2) Special, Ad Hoc or Advisory Committees:

The Council shall establish and maintain such Special and Ad Hoc Committees as it deems necessary to carry out the purposes and objectives of the Council. Special Ad Hoc or Advisory Committees shall be created or dissolved by the Chairman subject to approval of the Council

Specific Authority 186.505(1) FS. Law Implemented 163.01, 163.3164(5) FS. History—New 9-24-75, Amended 5-24-79, 4-10-80, 1-8-81, 5-19-85, Formerly 29C-1.08, Amended 4-9-86, 9-3-90, 1-26-92, 8-23-98,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Corrections Partnership – Definitions
RULE NO.: 33-504.301
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide greater specificity in the definition of community residential drug punishment center by clarifying that the term includes both non-secure and secure drug treatment facilities. The amendments also clarify the statutory authority for the rule.
SUBJECT AREA TO BE ADDRESSED: Community Corrections Partnership.
SPECIFIC AUTHORITY: 948.001, 948.34, 948.51 FS.
LAW IMPLEMENTED: 944.026, 948.51, 950.002 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: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-504.301 Community Corrections Partnership – Definitions.

(1) through (4) No change.

(5) Community residential drug punishment center – refers to community based programs which meet either of the following definitions:

~~(a)(5)~~ Non-secure drug treatment facility – means a facility operated by a private provider and which is licensed by the State of Florida to provide drug treatment services. The facility shall provide a combination of drug treatment, job placement and other related services which shall be fully described in the contract executed between the department and the provider.

~~(b)(6)~~ Secure drug treatment facility – means a facility operated by a private provider and which is licensed by the State of Florida to provide drug treatment services as described by contract provisions between the department and the provider.

Specific Authority ~~948.001, 948.034,~~ 948.51 FS. Law Implemented 944.026, 948.51, 950.002 FS. History—New 9-22-92, Amended 6-6-93, Formerly 33-35.001, Amended.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: Statewide Provider and Managed Care
RULE NO.: 59A-12.020
Organization Claim Dispute Program
PURPOSE AND EFFECT: The purpose of this rule workshop is to implement the provisions specified in Section 408.7057, Florida Statutes, related to the establishment of a Statewide Provider and Managed Care Organization Claim Dispute Program.
SUBJECT AREA TO BE ADDRESSED: The agency is developing rules related to the establishment of the Statewide Provider and Managed Care Organization Claim Dispute Program. The agency is required to develop rules establishing jurisdictional amounts and methods for aggregation for claim disputes that may be considered by the Statewide Provider and Managed Care Organization Claim Dispute Program; specify a process to be used by the program in considering claim disputes; and specify the review costs to the review organization.

SPECIFIC AUTHORITY: 408.7057(2)(a) FS.
 LAW IMPLEMENTED: 408.7057(2)(a) FS.
 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., July 10, 2000
 PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room E, 2727 Mahan Drive, Tallahassee, Florida 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pamela Thomas, Chief, Bureau of Managed Health Care, Building 1, 2727 Mahan Drive, Tallahassee, Florida 32308
 THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Written Certification Examination Requirements
 RULE NO.: 61G4-16.001

PURPOSE AND EFFECT: The Board wishes to amend sections of this rule so that it will accurately reflect the categories of content and percentages for exam questions for Division I Certification Examination Requirements.

SUBJECT AREA TO BE ADDRESSED: Written Certification Examination Requirements.

SPECIFIC AUTHORITY: 455.217, 489.108 FS.

LAW IMPLEMENTED: 455.217, 489.113 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: Cate O'Dowd, Interim Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, FL 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-16.001 Written Certification Examination Requirements.

(1) Certification Examination for General Contractors.

(a) Areas of Competency. The certification examination shall consist of three tests. The content areas to be covered and the relative weight shall be as follows:

1. No change.

2. Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- a. 27% Preconstruction Activities ~~28% Proposals and Bids~~
- b. 40% 24% Project Contracts
- ~~c. 34% Contract Scheduling~~
- ~~c.d. 20% 14%~~ Obtaining Licenses, Permits and Approvals
- d. 13% Construction Procedures and Operations

3. Test three shall consist of questions relating to project management including managing, controlling and conducting a specific project. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- a. 67% 20% Construction Methods, Materials, Tools, and Equipment
- b. 13% 12% Safety
- ~~e. 30% Construction Methods~~
- ~~c.d. 20% 38%~~ Reading Plans and Specifications

(2) Certification Examination for Building Contractors.

(a) through 1. No change.

2. Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- a. 28% Preconstruction Activities ~~Proposals and Bids~~
- b. 38% 24% Project Contracts
- ~~e. 34% Contract Scheduling~~
- ~~c.d. 20% 14%~~ Obtaining Licenses, Permits and Approvals
- d. 14% Construction Procedures and Operations

3. Test three shall consist of questions relating to project management including managing, controlling, and conducting a specific project. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- a. 68% 20% Construction Methods, Materials, Tools, and Equipment
- b. 12% Safety
- ~~e. 30% Construction Methods~~
- ~~c.d. 20% 38%~~ Reading Plans and Specifications

(3) No change.

2. Test two shall consist of questions relating to contract administration including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- a. 27% Preconstruction Activities ~~28% Proposals and Bids~~
- b. 40% 24% Project Contracts
- ~~e. 34% Contract Scheduling~~

- ~~c. 20%~~ 14% Obtaining Licenses, Permits and Approvals
- ~~d. 13%~~ Construction Procedures and Operations

3. Test three shall consist of questions relating to project management including managing and operating the day to day activities of a contracting firm. The content areas to be covered and the approximate weights to be assigned to said areas shall be as follows:

- a. ~~67%~~ 20% Construction Methods, Materials, Tools, and Equipment
- b. ~~13%~~ 12% Safety
- ~~c. 30%~~ Construction Methods
- ~~c. 20%~~ 38% Reading Plans and Specifications
- (4) through (21) No change.

Specific Authority 455.217, 489.108 FS. Law Implemented 455.217, 489.113 FS. History—New 1-6-80, Amended 9-24-84, Formerly 21E-16.01, Amended 5-3-87, 10-4-87, 6-2-88, 12-19-88, 5-23-89, 8-23-89, 2-5-91, 1-29-92, 10-11-92, 5-2-93, Formerly 21E-16.001, Amended 10-17-93, 5-9-95, 11-28-95, 3-11-96, 11-13-97, 4-13-99,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE TITLE: Reexamination
 RULE NO.: 61G6-6.005
 PURPOSE AND EFFECT: The board proposes to add Subsection (2) to this rule to define and clarify the guidelines in the event a candidate fails the certification exam 3 or more times.

SUBJECT AREA TO BE ADDRESSED: Reexamination.
 SPECIFIC AUTHORITY: 455.217(2) FS.
 LAW IMPLEMENTED: 455.217(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 FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G6-6.005 Reexamination.
 - (1) An applicant who fails the certification examination or who does not appear at the examination shall be entitled to take the next examination upon payment of the reexamination fee and compliance with subsection two of this rule, if applicable.
 - (2) Prior to reexamination, an applicant who has taken and failed the certification examination 3 or more times, must complete a minimum of 7 hours of continuing education

courses in area(s), technical, general business or safety, where a passing grade of 75% was not achieved on the last exam. Only courses taken in an area(s) in which a passing grade was not received will be counted toward meeting this requirement. If more than one area was not passed, the applicant must take 7 hours of courses in each area where a passing grade was not achieved. Courses taken pursuant to this provision may not be used to satisfy any other educational requirement.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2) FS. History—New 4-17-80, Formerly 21GG-6.05, Amended 7-3-91, Formerly 21GG-6.005, Amended 12-24-97,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE TITLES: _____ RULE NOS.:

Continuing Education Requirements for Certificate Holders and Registrants	61G6-9.004
Registration of Course Sponsors	61G6-9.005
Approval of Continuing Education Courses	61G6-9.006

PURPOSE AND EFFECT: The Board proposes to amend Rule 61G6-9.004, Subsection (3) to correct Statute citations and Subsection (4) for clarity of text. Rule 61G6-9.005 is being amended to update the term a course sponsor registration is valid, and Rule 61G6-9.006 amendments are to correct Statute citations.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Certificate Holders and Registrants, Registration of Course Sponsors, and Approval of Continuing Education Courses.

SPECIFIC AUTHORITY: 455.225, 455.227, 489.507(3), 489.517(3) FS.
 LAW IMPLEMENTED: 489.513(3), 489.517(3), 489.531, 489.533 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL BE SCHEDULED AND ANNOUNCED 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: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61G6-9.004 Continuing Education Requirements for Certificate Holders and Registrants.
 - (1) through (2) No change.

(3) A person certified or registered by the board who is also certified under Chapter 468, Part ~~XII~~ ~~XIII~~, F.S., as a building official, inspector, or plans examiner shall be required to complete the continuing education requirements only once during each biennial period. Proof of completion by any such person must be submitted with each renewal application.

~~(4) A person initially licensed 12 months or fewer prior to the end of a biennial period is required to complete 7 hours of continuing education as a condition of renewal. A person licensed more than 12 months prior to the end of a biennial period is required to complete 14 hours of continuing education as a condition of renewal. A person is not required to complete any continuing education requirements for the year in which a certificate or registration is initially issued. Any person who obtains a certificate or registration more than 12 months prior to the end of a biennial period is required to complete two classroom hours of approved continuing education per quarter, not to exceed seven hours for the first year, as a condition of the first renewal of the certificate or registration.~~

Specific Authority 489.507(3) FS. Law Implemented 489.513(3), 489.517(3) FS. History—New 11-30-94, Amended.

61G6-9.005 Registration of Course Sponsors.

(1) through (2) No change.

(3) The course sponsor registration is valid for four (4) ~~two~~ years from the date of issue.

(4) through (8) No change.

Specific Authority 455.225, 455.227, 489.507(3) FS. Law Implemented 489.517, 489.531, 489.533, 489.517 FS. History—New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 3-24-99, _____.

61G6-9.006 Approval of Continuing Education Courses.

(1) through (2) No change.

(3) Any course approved for the continuing education requirements for persons certified under Chapter 468, Part ~~XII~~ ~~XIII~~, F.S., shall be accepted for continuing education for renewal under this rule, for persons who are certified under Part ~~XII~~ ~~XIII~~ and who are certified or registered under this part.

(4) through (14) No change.

Specific Authority 489.507(3), 489.517(3) FS. Law Implemented 489.517(3) FS. History—New 11-30-94, Amended 6-13-96, 12-25-96, 10-6-97, 3-24-99, 5-6-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE:

RULE NO.:

Pre-licensing Education for Broker and Salesperson Applicants

61J2-3.008

PURPOSE AND EFFECT: The Commission approved a new syllabus for the pre-licensing salesperson course (Course I) on February 16, 2000 and will consider the date that the new syllabus will become effective.

SUBJECT AREA TO BE ADDRESSED: Educators offering the pre-licensing salesperson course (Course I) must revise their course materials and end of course examinations to comply with the new syllabus. The Commission will consider the date that each educator must implement the new course syllabus to allow time for the required revisions.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 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: 8:30 a.m., July 19, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) through (5)(a) No change.

(b) A copy of the course and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course and examinations. Approval or denial of the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course content covers the material set forth in the appropriate course syllabus, incorporated herein by reference, effective January 1, 2001 ~~June 30, 1993~~ (course I) and effective September 1, 1999 (course II), as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) through (11) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99, 1-18-00, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Greenways and Trails

DOCKET NO.: 99-50R

RULE CHAPTER TITLE: **RECREATIONAL TRAILS PROGRAM**
 RULE CHAPTER NO.: 62S-2

RULE TITLES: **DEFINITIONS** 62S-2.070
GENERAL REQUIREMENTS 62S-2.071
APPLICATION REQUIREMENTS AND PROCESSING 62S-2.072
EVALUATION CRITERIA 62S-2.073
FEDERAL APPROVAL 62S-2.074
GRANT ADMINISTRATION 62S-2.075
COMPLIANCE RESPONSIBILITIES 62S-2.076

PURPOSE AND EFFECT: The rule will establish standards and criteria for evaluation of applications for federal pass-through grants to local governments and other entities for development or improvement of recreational trails. The Department will use the criteria to approve or reject applications for grants.

SUBJECT AREA TO BE ADDRESSED: Recreational Trails Program for federal pass-through grants to local governments; state and federal agencies; recognized tribal units; and nonprofit entities created for this purpose.

SPECIFIC AUTHORITY: 260.016(1)(h) FS.

LAW IMPLEMENTED: 260.016(1)(d),(f),(2)(a)2. FS.

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, July 11, 2000

PLACE: Twin Towers Building, Room 609, 2600 Blairstone Road, Tallahassee, FL

TIME AND DATE: 9:00 a.m. – 12:00 noon, July 12, 2000

PLACE: Leu Gardens, Garden House – The Camellia Room, 1920 North Forest Avenue, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alexandra H. Weiss, 3900 Commonwealth Boulevard, MS #795, Tallahassee, FL 32399-3000, (850)488-3701

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

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: **DISCIPLINARY GUIDELINES**
 RULE NO.: 64B8-55.001

PURPOSE AND EFFECT: The Board proposes to amend this rule due to Section 455.627, F.S. and comments received from the staff at the Joint Administrative Procedures Committee.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.624, 455.627, 478.52(4) FS.

LAW IMPLEMENTED: 455.624, 455.627, 478.52(4) 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 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, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-55.001 Disciplinary Guidelines.

(1) Purpose.

Pursuant to Section 478.52(4), Florida Statutes, the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 478, F.S. The purpose of this rule is to notify applicants and 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. ~~The ranges of penalties provided below are based upon a single count violation of each provision listed; multiple counts of the violated provisions to a combination of the violations may result in a higher penalty than that for a single, isolated violation.~~ Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants or licensees from violations.

(2) No change.

(3) Violations and Range of Penalties. In imposing discipline upon applicants and licensees in proceedings pursuant to Section 120.57(1) and 120.57(2), Florida Statutes, 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 identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION	RECOMMENDED RANGE OF PENALTY		
(a) Attempting to obtain a license by bribery, fraud or misrepresentation. (478.52(1)(a), F.S.)	(a) Denial or revocation with \$1,000 fine.	(g) Possession, sale or distribution of illegal or controlled substance. (478.52(1)(g), F.S.)	(g)(1) From six months suspension to revocation or denial, and an administrative fine from \$1,000 to \$5,000.
(b) Action taken against license by another jurisdiction. (478.52(1)(b), F.S.)	(b)(1) From imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the license is unencumbered in the jurisdiction in which disciplinary action was originally taken, and an administrative fine ranging from \$250 to \$5,000. <u>Impaired practitioners working in this state shall be evaluated to determine the need for referral to PRN.</u> (b)(2) <u>After the first offense, from imposition of discipline comparable to that which would have been imposed if a second or higher substantive violation had occurred in Florida to suspension or denial of license until it is unencumbered in the other jurisdiction, and an administrative fine from \$1,000 to \$5,000.</u>	(h) Failure to report any known violation of Chapter (478.52(1)(h), F.S.)	(g)(2) <u>After the first offense, from one year suspension to revocation, and an administrative fine from \$1,500 to \$5,000.</u>
(c) Guilt of crime directly relating to practice. (478.52(1)(c), F.S.)	(c)(1) From probation to revocation or denial of license, and an administrative fine ranging from \$250 to \$5,000. (c)(2) <u>After the first offense, from a three-year probation with conditions to revocation or denial of the license, and an administrative fine ranging from \$350 to \$5,000.</u>	(i) Repeated or willful violation of rule or order. (478.52(1)(i), F.S.)	(h)(1) From a reprimand to probation or denial, and an administrative fine from \$250 to \$5,000.
(d) Filing a false report or failing to file a report as required. (478.52(1)(d), F.S.)	(d)(1) From one year probation to revocation or denial, and an administrative fine from \$250 to \$5,000. (d)(2) <u>After the first offense, from two years probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u>	(j) Delivery of electrolysis services without an active license. (478.52(1)(j), F.S.)	(h)(2) <u>After the first offense, from one year probation to revocation or denial, and an administrative fine from \$350 to \$5,000.</u>
(e) False, deceptive or misleading advertising. (478.52(1)(e), F.S.)	(e)(1) From reprimand to one year suspension or denial, and an administrative fine from \$500 to \$5,000. (e)(2) <u>After the first offense, from one year probation to three year suspension or denial, and an administrative fine from \$1,000 to \$5,000.</u>	(k) Employing unlicensed person to practice electrology. (478.52(1)(k), F.S.)	(i)(1) From six months suspension to revocation or denial, and an administrative fine from \$1,000 to \$2,500.
(f) Unprofessional conduct, failure to conform to acceptable standards. (478.52(1)(f), F.S.)	(f)(1) From six months probation to revocation or denial, and an administrative fine from \$1,000 to \$2,500. (f)(2) <u>After the first offense, from one year probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u>	(l) Failure to perform legal obligation. (478.52(1)(l), F.S.)	(i)(2) <u>After the first offense, from one year suspension to revocation or denial, and an administrative fine from \$1,500 to \$5,000.</u>
		(m) Accepting and performing responsibilities for which licensee knows, or has reason to know, he or she is not competent to perform. (478.52(1)(m), F.S.)	(j)(1) From probation to revocation or denial, and an administrative fine from \$250 to \$5,000. (j)(2) <u>After the first offense, from one year suspension to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u>
		(n) Delegating professional responsibilities to unqualified person. (478.52(1)(n), F.S.)	(k)(1) From one year probation to denial or five years suspension followed by probation, and an administrative fine from \$250 to \$5,000.
			(k)(2) <u>After the first offense, from one year suspension to denial or five years suspension followed by probation, and an administrative fine from \$1,000 to \$5,000.</u>
			(l)(1) From a reprimand to probation up to one year or denial, and an administrative fine from \$250 to \$1,500.
			(l)(2) <u>After the first offense, from probation to suspension or denial, and an administrative fine from \$1,000 to \$5,000.</u>
			(m)(1) From six months probation to revocation or denial, and an administrative fine from \$500 to \$2,500.
			(m)(2) <u>After the first offense, from one year probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.</u>
			(n)(1) From probation to denial or two years suspension followed by probation, and an administrative fine from \$250 to \$5,000.

- (o) Malpractice.
(478.52(1)(o), F.S.)

(n)(2) After the first offense, from six months suspension followed by probation to revocation, and an administrative fine from \$1,000 to \$5,000.

(o)(1) From two years probation to revocation or denial, and an administrative fine from \$250 to \$5,000.

(o)(2) After the first offense, from one year suspension followed by probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(dd) Allowing animals in the room wherein electrolysis is performed except those trained to assist the hearing impaired, visually impaired or physically impaired.
(478.51(3), F.S.)

(dd) Third and subsequent offenses: from reprimand to one month suspension and until compliance, and an administrative fine of \$500.
- (p) Judicially determined mental incompetency.
(478.52(1)(p), F.S.)

(p) From probation to denial or indefinite suspension until licensee is able to demonstrate ability to practice with reasonable skill and safety followed by probation, ~~and an administrative fine from \$250 to \$5,000.~~

(q)(1) From two years suspension to revocation or denial, and an administrative fine from \$250 to \$5,000.

(q)(2) For a second offense, revocation, and an administrative fine from \$1,000 to \$5,000.

(ee) Failure to have any one of the following items/equipment in the facility (the failure to have any one of the items/equipment shall constitute a separate offense):
1. through 7. No change.

(ff) through (hh) No change.

(ii) Operating an unlicensed electrolysis facility.
(478.542(1)(u), F.S.)

(ee) Third and subsequent offenses: from reprimand to one month suspension and until compliance, and an administrative fine of \$500.
- (q) Practicing under a name other than that of licensee.
(478.52(1)(q), F.S.)

(r)(1) From probation to denial or indefinite suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by probation, and an administrative fine from \$250 to \$5,000.

(r)(2) For a second offense, from indefinite suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by probation to revocation, and an administrative fine from \$1,000 to \$5,000.

(jj) Failure to report, within 30 days a conviction, finding of guilt, or plea of nolo contendere, regardless of adjudication, to a crime, to the Board.
(455.624(1)(w), F.S.)

(jj)(1) 3 months probation to 2 years suspension, and a fine of \$500 to \$5,000.

(jj)(2) After the first offense, from 1 year probation to revocation, and a fine from \$1,000 to \$5,000.
- (r) Inability to practice because of mental or physical condition or use of alcohol or controlled substances.
(478.52(1)(r), F.S.)

(r)(1) From probation to denial or indefinite suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by probation, and an administrative fine from \$250 to \$5,000.

(r)(2) For a second offense, from indefinite suspension until licensee is able to demonstrate the ability to practice with reasonable skill and safety followed by probation to revocation, and an administrative fine from \$1,000 to \$5,000.

(kk) Using information from accident reports, or from news sources that use such information for the solicitation of people involved in such accidents.
(455.624(1)(x), F.S.)

(kk)(1) Up to six months probation and/or a fine of up to \$500.

(kk)(2) After the first offense, from one year probation to one year suspension, and a fine from \$1,000 to \$5,000.
- (s) Disclosing identity of or information about a patient.
(478.52(1)(s), F.S.)

(s)(1) From one year suspension to revocation or denial, and an administrative fine from \$250 to \$5,000.

(s)(2) For a second offense, revocation, and an administrative fine from \$1,000 to \$5,000.

(4) through (7) No change.
- (t) Practicing permanent hair removal except as described in Section 478.42(5), F.S.
(478.52(1)(t), F.S.)

(t)(1) From two years probation to revocation or denial, and an administrative fine from \$250 to \$5,000.

(t)(2) After the first offense, from one year suspension followed by probation to revocation or denial, and an administrative fine from \$1,000 to \$5,000.

(jj) Failure to report, within 30 days a conviction, finding of guilt, or plea of nolo contendere, regardless of adjudication, to a crime, to the Board.
(455.624(1)(w), F.S.)

(jj)(1) 3 months probation to 2 years suspension, and a fine of \$500 to \$5,000.

(jj)(2) After the first offense, from 1 year probation to revocation, and a fine from \$1,000 to \$5,000.
- (u) through (cc) No change.

(u) through (cc) No change.

(4) through (7) No change.

Specific Authority 455.624, 455.627, 478.52(4) FS. Law Implemented 455.624, 455.627, 478.52(4) FS. History—New 11-16-93, Formerly 61F6-80.001, Amended 1-2-95, Formerly 59R-55.001, Amended 2-9-98, 10-12-98, 3-1-00,_____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Application and Examination Fees RULE NO.: 64B12-11.002
 PURPOSE AND EFFECT: The Board proposes the development of an amendment to address the change of application and examination fees.
 SUBJECT AREA TO BE ADDRESSED: Application and Examination Fees.
 SPECIFIC AUTHORITY: 484.005, 484.007(1)(a) FS.
 LAW IMPLEMENTED: 484.007(1)(a) 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-11.002 Application and Examination Fees.

(1) No change.

(2) The examination fee shall be ~~\$325.00~~ ~~\$275.00~~, which is refundable if the applicant is determined to be ineligible for licensure or has failed to timely submit a completed application.

Specific Authority 484.005, 484.007(1)(a) FS. Law Implemented 484.007(1)(a) FS. History--New 12-6-79, Amended 6-30-82, 4-10-85, 1-7-86, Formerly 21P-11.02, Amended 7-7-87, 3-30-89, 7-3-91, Formerly 21P-11.002, 61G13-11.002, 59U-11.002, Amended.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Reexamination Fees RULE NO.: 64B12-11.004

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address the change of reexamination fees.

SUBJECT AREA TO BE ADDRESSED: Reexamination Fees.

SPECIFIC AUTHORITY: 484.005, 455.574(2) FS.

LAW IMPLEMENTED: 455.574(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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-11.004 Reexamination Fees.

Reexamination fees for the following parts of the examination, in the following amounts, shall be remitted to the Department at least 60 days prior to the examination date:

Neutralization	\$120.00 \$85.00
Opticianry Statutes and Rules	\$75.00 \$50.00
Practical	\$130.00 \$90.00

Specific Authority 484.005, 455.574(2) FS. Law Implemented 455.574(2) FS. History--New 12-6-79, Amended 6-30-82, Formerly 21P-11.04, Amended 7-7-87, 3-30-89, Formerly 21P-11.004, 61G13-11.004, 59U-11.004, Amended.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Examination Review Fee RULE NO.: 64B12-11.0045

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address the change of the examination review fee.

SUBJECT AREA TO BE ADDRESSED: Examination Review Fee.

SPECIFIC AUTHORITY: 484.005, 455.574(2) FS.

LAW IMPLEMENTED: 455.574(2) FS., Chapter 89-162, Laws of Florida.

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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-11.0045 Examination Review Fee.

The fee for review of an examination pursuant to Rule 64B12-9.003 shall be ~~\$95.00~~ ~~\$50~~.

Specific Authority 484.005, 455.574(2) FS. Law Implemented 455.574(2) FS., Chapter 89-162, Laws of Florida. History--New 4-22-90, Formerly 21P-11.0045, 61G13-11.0045, 59U-11.0045, Amended.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: Citations RULE NO.: 64B18-14.010

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the requirements of profiling or credentialing.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.617, 461.005 FS.

LAW IMPLEMENTED: 455.617 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: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-14.010 Citations.

(1) through (2) No change.

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

VIOLATIONS PENALTY

(a) through (e) No change.

(f) Soliciting patients \$300 fine

(Sections 455.624(1)(x),

461.013(1)(k), 461.013(1)(w)).

(g) Failure to comply with \$300 fine

the requirements of profiling

or credentialing

(Section 455.624(1)(v)).

(4) through (6) No change.

Specific Authority 455.617, 461.005 FS. Law Implemented 455.617 FS. History--New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program Office

RULE TITLE: HEALTH CARE SURROGATE OR PROXY RULE NO.: 65E-5.2301

PURPOSE AND EFFECT: The above rule is being revised to bring it into compliance with chapter 765, F.S.

SUBJECT AREA TO BE ADDRESSED: The rule currently requires two physicians to determine the competency of a person to consent to treatment before a health care surrogate may temporarily provide consent to treatment until a guardian advocate is appointed. This conflicts with s. 765.204(1), F.S., which requires only one physician to determine the competency of a person to consent to treatment. Revision of the above rule will bring it into compliance with existing statutory language.

SPECIFIC AUTHORITY: 394.457(5) FS.

LAW IMPLEMENTED: 394.4598, 765 FS.

IF REQUESTED 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: Interested persons may submit written comments or concerns for preliminary consideration to Vince Smith, Operations and Management Consultant II, Mental Health Program Office, 1317 Winewood Blvd., Building 6, Room 209, Tallahassee, Florida 32399-0700, Telephone (850)413-0932

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-5.2301 Health Care Surrogate or Proxy.

(1) During the interim period between the time a patient is determined by ~~a two~~ physicians, as defined in s. 394.455(21), F.S., to be incompetent to consent to treatment and the time a guardian advocate is appointed by a court to provide express and informed consent to the patient's treatment, a health care surrogate designated by the patient, pursuant to chapter 765, part II, F.S., may provide such consent to treatment.

(2) through (5) No change.

Specific Authority 394.457(5) FS. Law Implemented 394.4598, 765 FS. History--New 11-29-98, Amended.

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLES: RULE NOS.:

PART V GROUP HEALTH INSURANCE POLICIES	
Applicability and Scope	4-154.402
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Certificate of Creditable Coverage	4-154.404
Alternative Method of Determining Creditable Coverage	4-154.405
Demonstration of Creditable Coverage if Certificate is not Provided	4-154.406
Notice of Plan's Pre-existing Condition Exclusion Period	4-154.407
Pre-Existing Condition	4-154.4071
Special Enrollment Period Notification	4-154.408
Prohibited Discrimination	4-154.411
Group Conversion Election and Premium Notice Form	4-154.412
PART VI SMALL GROUP HEALTH INSURANCE POLICIES	
Applicability and Scope	4-154.502
Definitions	4-154.503
Requirement to Insure Entire Groups	4-154.504
Certificate of Creditable Coverage	4-154.506
Alternative Method of Determining Creditable Coverage	4-154.507
Demonstration of Creditable Coverage if Certificate is not Provided	4-154.508
Discontinuance or Modification of Policy Form	4-154.511
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Employee Health Care Access Act Annual and Quarterly Statement Reporting Requirement	4-154.513
Designation of Election to Become a Risk-Assuming or Reinsuring Carrier	4-154.514