

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 64B1-4.004-.011 IS NOT AVAILABLE.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-4.012 Acupoint Injection Therapies.

Adjunctive therapies shall include Acupoint Injection Therapy which means the injection of herbs, homeopathies, and other nutritional supplements into acupuncture points by means of hypodermic needles. Acupoint Injection Therapy shall not include intravenous therapy.

Specific Authority 457.104 FS., Section 62, Chapter 2000-318, Laws of Florida, Law Implemented Section 62, Chapter 2000-318, Laws of Florida, History--New

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE TITLE: RULE NO.:

Licensure and Certification 64B2-12.003  
Reexamination Fees

PURPOSE AND EFFECT: The purpose is to update the rule text by increasing the reexamination fee for the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Reexamination fee.  
SPECIFIC AUTHORITY: 455.574(2), 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 455.474(2), 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-12.003 Licensure and Certification Reexamination Fees.

The reexamination fee for the licensure examination shall be five hundred dollars (\$500.00) ~~four hundred fifty dollars (\$450.00)~~. The reexamination fee for the Acupuncture Certification Examination shall be seventy five dollars (\$75.00).

Specific Authority 455.574(2), 460.405, 460.406(1) FS. Law Implemented 455.574(2), 460.406 FS. History--New 1-10-80, Formerly 21D-12.03, Amended 2-24-86, 5-10-87, 4-19-89, 10-9-90, 10-15-92, Formerly 21D-12.003, 61F2-12.003, 59N-12.003, Amended 1-18-98,\_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLE: RULE NO.:

Preneed Funeral Contract Consumer Protection Trust Fund 3F-10.001

PURPOSE AND EFFECT: This rule is being amended to delete the option of a remittance credit when a cancelled contract is rewritten, as this option is no longer available.

SUMMARY: This rule sets forth the criteria for how, when, and the amounts of remittances by a certificateholder to the Preneed Funeral Contract Consumer Protection Trust Fund, pursuant to the provisions of section 497.413, F.S.

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

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

SPECIFIC AUTHORITY: 497.103, 497.413 FS.

LAW IMPLEMENTED: 497.413 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-10.001 Preneed Funeral Contract Consumer Protection Trust Fund.

The amounts required to be remitted by a Certificateholder to the Preneed Funeral Contract Consumer Protection Trust Fund, pursuant to the provisions of Section 497.413, Florida Statutes, shall be determined in accordance with the following criteria:

(1) through (5) No change.

(6) If a contract is cancelled after thirty days of execution, the Certificateholder shall not be entitled to credit the remittance for that contract against future remittances ~~unless such contract is immediately rewritten.~~

(7) All remittances shall be sent with the Preeed Funeral Contract Consumer Protection Trust Fund Remittance Form. This form, DBF-TFR-1, effective May 23, 1994, is incorporated herein by reference, and shall be available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, ~~Suite 550~~, Tallahassee, Florida 32399-0350. Checks should be made payable to the Department of Banking and Finance. Remittances should be submitted to the board office within 60 days following a calendar quarter.

(8) through (9) No change.

Specific Authority 497.103, 497.413 FS. Law Implemented 497.413 FS. History—New 5-23-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2000

**DEPARTMENT OF INSURANCE**

RULE TITLE: Notification of Insured's Rights; Personal Injury Protection Benefits

RULE NO.: 4-176.013

PURPOSE AND EFFECT: The rule is amended to update the form property and casualty insurers must send to insureds notifying them of the benefits available in a Personal Injury Protection Policy.

SUMMARY: The rule adopts changes to the form required by section 627.7401, F.S., and clarifies other provisions of the form.

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

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

SPECIFIC AUTHORITY: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.7401 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: 9:00 a.m., September 20, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Greg Jenkins, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0330, Telephone (850)413-3820 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)413-4214

THE FULL TEXT OF THE PROPOSED RULE IS:

4-176.013 Notification of Insured's Rights; Personal Injury Protection Benefits.

Each insurer issuing a policy in this state providing personal injury protection benefits shall mail or deliver form DI4-1149 ~~(1/1/2000)~~ ~~(10/1/94)~~ Notification of Personal Injury Protection Benefits” which is hereby incorporated herein by reference, to an insured within 21 days after receiving from the insured notice of an automobile accident or claim involving personal injury to an insured who is covered under the policy. Form DI4-1149 is available from the Bureau of Property and Casualty Forms and Rates, 200 E. Gaines St., Tallahassee, FL 32399-0330~~26~~

Specific Authority 624.308(1), 627.7401(1) FS. Law Implemented 624.307(1), 627.7401 FS. History—New 10-1-94, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Jenkins, Bureau of Property & Casualty, Forms & Rates

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Beth Vecchioli, Chief, Bureau of Property & Casualty Forms & Rates

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2000

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Design-Build Threshold

RULE NO.: 40C-1.710

PURPOSE AND EFFECT: The purpose and effect is to repeal the rule and thereby delete the not to exceed threshold amount for utilizing the design-build selection process.

SUMMARY: This rule repeal effectively deletes the self-imposed not to exceed threshold amount which limits the District’s use of the design-build selection process. This amendment will allow the District to utilize the design-build selection process for projects regardless of the project cost. There is no statutory requirement to have a specific threshold dollar amount.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 287.055, 373.044, 373.313 FS.

LAW IMPLEMENTED: 287.055 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting which begins at 9:00 a.m., October 11, 2000

PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.710 Design-Build Threshold.

Specific Authority 287.055, 373.044, 373.113 FS. Law Implemented 287.055 FS. History--New 7-25-90, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: John W. Williams, Deputy General Counsel, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4154

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 9, 2000

If any person decides to appeal any decision with respect to any matter considered at the above listed hearing, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Anyone requiring a special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (904)329-4101 or (904)329-4450 (TDD).

**DEPARTMENT OF MANAGEMENT SERVICES**

**Florida Commission on Human Relations**

RULE TITLE: Executive Director's Investigatory Determination; Notice  
RULE NO.: 60Y-5.004

PURPOSE AND EFFECT: The proposed rule amendment harmonizes the rule requirements with the statutory requirements.

SUMMARY: The proposed rule amendment will update the current rule by removing all references to Redeterminations.

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: 760.06(12), 760.11(14) FS.

LAW IMPLEMENTED: 760.11 FS.

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

TIME AND DATE: 10:00 a.m., September 15, 2000

PLACE: Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dana Baird, General Counsel, Florida Commission on Human Relations, Suite 240, Building F, 325 John Knox Road, Tallahassee, Florida 32303-4149, (850)488-7082, Extension 1035, BairdD@dms.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-5.004 Executive Director's Investigatory Determination; Notice.

(1) through (4) No change.

(5) A Notice of Determination of No Reasonable Cause, No Jurisdiction or Untimeliness shall advise the complainant of the right to file a Petition for Relief, pursuant to Rule 60Y-5.008, within 35 ~~30~~ days of service of the notice. A form, Petition for Relief, hereby incorporated by reference, in blank, shall be provided to the complainant at the time of service of the notice.

~~(6) A Notice of Determination shall further advise the parties of the right to request redetermination, pursuant to Rule 60Y-5.007, within 20 days of service of the notice. If the complainant requests redetermination, the 30-day period for filing a Petition for Relief shall be tolled until service of a Notice of Redetermination.~~

~~(6)(7)~~ After service of a Notice of Determination, the parties named in the determination may inspect the records and documents, in the custody of the Commission, which pertain to the determination. The Executive Director may direct that a particular record, document or portion thereof be withheld from inspection by a party only when necessary for the protection of a witness or third party, or for the preservation of a trade secret.

Specific Authority ~~760.06(12), 760.11(14) 760.06(13)~~ FS. Law Implemented ~~760.11 760.06, 760.10~~ FS. History—New 11-2-78, Amended 6-16-83, 8-12-85, Formerly 22T-9.04, 22T-9.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dana Baird, General Counsel, Florida Commission on Human Relations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Derick Daniel, Executive Director, Florida Commission on Human Relations

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers’**

RULE TITLES:	RULE NOS.:
Barber License	61G3-16.001
Examination for Barber Licensure	61G3-16.0010
Reexamination	61G3-16.002
Examination Review Procedure	61G3-16.003
Foreign Language Examination	61G3-16.0041
Manner of Application	61G3-16.008
Supervised Practice Exception	61G3-16.010

PURPOSE AND EFFECT: The Board proposes to update the existing rules.

SUMMARY: These rules are being amended to update language within.

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

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

SPECIFIC AUTHORITY: 476.064(4), 476.114(2),(3), 476.134, 455.217, 455.217(2),(3) 455.217(1)(b), 476.144(5), 476.184(2),(10) FS.

LAW IMPLEMENTED: 476.114(2),(3), 467.124, 476.134, 455.217(2),(3),(6), 455.217(1)(b), 476.144(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Baker, Executive Director, Barbers’ Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-16.001 Barber License Examination for Licensure.

(1) Individuals desiring to be licensed as a barber by examination in the State of Florida shall meet all required qualifications as set forth in section 476.114, F.S. The Board will prepare its examination to include the following listed subjects:

- (a) ~~Florida Law~~
- (b) ~~Sanitation and Sterilization~~
- (c) ~~Hair Cutting~~
- (d) ~~Hair Styling~~
- (e) ~~Shampooing~~
- (f) ~~Hair Structure and Chemistry~~
- (g) ~~Shaving, Mustache and Beard Trim~~
- (h) ~~Permanent Waving~~
- (i) ~~Hair Pieces~~
- (j) ~~Coloring and Bleaching~~
- (k) ~~Hair Relaxing~~
- (l) ~~Scalp Treatment~~
- (m) ~~Facials~~

(2) Individuals seeking to take the licensing examination on the basis of successful completion of the required education training specified in section 476.114(2)(c)2., F.S., shall provide satisfactory proof of their successful completion of such training, which shall consist of the school or program that administers the course certifying that the applicant has successfully completed the barber course, and that the barber course complies with the minimum requirements set forth below in subsection (3)(b). A school of barbering shall certify on a student’s examination application that said student has performed the minimum number of services specified below:

- (a) ~~300 Hair Cuts~~
- (b) ~~50 Shampoos~~
- (c) ~~25 Shaves or Mustache and Beard Trims~~
- (d) ~~50 Permanent Waves~~
- (e) ~~25 Colorings or Bleachings~~
- (f) ~~10 Hair Relaxings~~
- (g) ~~30 Scalp Treatments~~
- (h) ~~15 Facials~~
- (i) ~~200 Hair Stylings~~

(3) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall consist of a minimum of 1200 hours of training and instruction in the subjects set forth in subsection (3)(b), and the completion of the minimum number of barber services within those hours set forth in subsection (3)(c) ~~Minimal Competency by Performance of Service.~~

(a) If an applicant for licensure by examination meets all required qualifications except the required minimum hours of training, he or she shall be entitled to take the licensure examination to practice barbering if the applicant has received a minimum of 1,000 hours of training and has been certified by the school or program in which he or she is currently enrolled to have achieved the minimum competency standards of performance as prescribed below in subsection (3)(b) and (c), for the hours completed Each barbering student is required to attain minimal competency by the performance of services as described in subsection (2) above in the 1200 hours unless the prescribed minimum competency by the performance of services can be achieved and certified by the school in the time frame from 1000 to 1200 hours prescribed.

1. If the applicant fails to achieve a passing grade on either or both portions of the licensure examination, he or she shall be entitled to re-examination only upon completion of the full requirements of 1200 hours of training and instruction provided for in section 476.114(2)(c)2., F.S.

(b) All barber courses which are taught for the purpose of qualifying an individual for a license to practice barbering shall provide training and instruction in the following subjects and areas:

1. Florida Law
2. Sanitation and Sterilization
3. Hair Cutting
4. Hair Styling
5. Shampooing
6. Hair Structure and Chemistry
7. Shaving, Mustache and Beard Trim
8. Permanent Waving
9. Hair Pieces
10. Coloring and Bleaching
11. Hair Relaxing
12. Scalp Treatment
13. Facials

(c) A school of barbering shall certify on a student's examination application that said student has performed the minimum number of services specified below:

1. 300 Hair Cuts
2. 50 Shampoos
3. 25 Shaves or Mustache and Beard Trims
4. 50 Permanent Waves
5. 25 Colorings or Bleachings
6. 10 hair Relaxings
7. 30 Scalp Treatments
8. 15 Facials
9. 200 Hair Stylings

(4) An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002 will be admitted to the examination for licensure.

(5) ~~There shall be two parts to the examination, a written portion and a practical portion.~~

(6) ~~The written portion of the examination for licensure shall consist of questions on: hygiene and ethics; implements; non-surgical hair replacement and hair additions; skin (composition, layers, functions, care; etc.); hair (structure, protein, characteristics, types, services); cosmetic chemistry (atoms, molecules, emulsions, Ph); scalp and facial treatments; coloring and bleaching; permanent waving; hair straightening; state barber laws and rules.~~

(7) ~~The practical portion of the examination for licensure shall have a maximum time limit of 1 3/4 hours. Effective October 1, 1988, candidates will be required to perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and relative weights are as follows:~~

CATEGORIES	POSSIBLE POINTS
Haircut	45
Permanent Wave	10
Shampoo	10
Sanitation	25
Technique: Razor, Shears, Clippers	10

~~The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment should be drawn from the following criteria:~~

(a) ~~Haircut:~~

1. ~~Top is even and without holes, gaps or steps~~
2. ~~Top (horseshoe) blends with sides and back~~
3. ~~Front outline is even and clean shaven~~
4. ~~Haircut is proportional and sides are equal in length~~
5. ~~Sides and back are without holes, gaps or steps~~
6. ~~Sides blend with the back~~
7. ~~Sideburns and outlines are even~~
8. ~~Sideburns, outline and neckline are clean shaven~~
9. ~~Neckline is properly tapered~~

(b) ~~Permanent Wave:~~

1. ~~Blocking of the permanent wave is clean, uniform, and matches rod diameter and length~~
2. ~~Hair is wound uniformly across the rods with the proper amount of tension~~
3. ~~Rods are parallel to subsection parting, not more than one-half off base and are not over-directed~~
4. ~~Hair is evenly spread in end paper(s) and does not extend beyond edge of paper~~

(c) ~~Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo~~

(d) ~~Sanitation:~~

1. ~~The candidate used the proper linen setup for a shampoo~~
2. ~~The candidate properly stored clean and dirty linen during the shampoo~~
3. ~~The candidate washed hands before beginning haircut~~
4. ~~The candidate used the proper linen setup for haircut~~

- 5. During the haircut, the candidate replaced tools in sanitizer after each use
- 6. The candidate properly stored clean and dirty linen during the haircut
- 7. The candidate washed hands before beginning the permanent wave
- 8. The candidate used the proper linen/cotton wrap setup for the permanent wave
- 9. The candidate kept tools sanitized during the permanent wave
- 10. The candidate properly stored clean and dirty linen during the permanent wave

(c) Technique:

- 1. The candidate held and used all tools in a safe manner during the haircut
- 2. The model's skin was not cut/pinched by clippers or other tools during the haircut
- 3. Candidate used freehand technique when doing the haircut

(8) Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination, e.g., haircut, shall result in the examinee losing the possible points assigned to that area.

(9) The score necessary to achieve a passing grade shall be no less than seventy-five (75) percent out of one hundred (100) percent (based on the average of the examiners' scores) on the practical examination and seventy five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Specific Authority 476.064(4), 476.114(2), 476.134, 455.217(1)(b) FS. Law Implemented 476.114(2), 476.134, 455.217(1)(b) FS. History—New 7-16-80, Amended 7-6-81, 8-31-82, 5-29-85, Formerly 21C-16.01, Amended 9-3-86, 5-30-88, 12-31-89, 1-26-93, 3-15-93, Formerly 21C-16.001, Amended 9-15-94,\_\_\_\_\_.

61G3-16.0010 Examination for Barber Licensure.

(1) The examination for licensure to practice barbering shall consist of two parts, a written examination and a practical examination. Applicants for a license to practice barbering must achieve a passing grade on both portions of the examination to be eligible for a license to practice barbering. An applicant who has completed all requirements for examination and paid the fee specified in Rule 61G3-20.002, F.A.C., will be admitted to the examination for licensure.

(2) The following subjects will be tested on the written examination and will be weighted approximately as designated:

<u>Category</u>	<u>Weight</u>
1. <u>Ethics and Hygiene</u>	<u>8%</u>
2. <u>State Barber Laws and Rules</u>	<u>7%</u>

3. <u>Skin and Scalp (composition, diseases, function, care)</u>	<u>7%</u>
4. <u>Hair (structure, protein, characteristics, types, services, hairpieces)</u>	<u>16%</u>
5. <u>Cosmetics Chemistry (emulsions, pH, types)</u>	<u>11%</u>
6. <u>Scalp and Facial Treatments (including light therapy)</u>	<u>11%</u>
7. <u>Haircoloring and Lightening</u>	<u>12%</u>
8. <u>Permanent Waving, Hair Relaxing, and Soft Curl Permanents</u>	<u>20%</u>
9. <u>Shaving, Mustache and Beard Trim</u>	<u>4%</u>
10. <u>Implements, Tools and Equipment (including use characteristics)</u>	<u>4%</u>

(3) The practical portion of the examination for licensure shall have a maximum time limit of 1 3/4 hours. Candidates will be required to perform a taper haircut to satisfy the practical portion of the examination. The areas to be tested and relative weights are as follows:

<u>Category</u>	<u>Possible Points</u>
<u>Haircut</u>	<u>45</u>
<u>Permanent Wave</u>	<u>10</u>
<u>Shampoo</u>	<u>10</u>
<u>Sanitation</u>	<u>25</u>
<u>Technique: Razor, Shears, Clippers</u>	<u>10</u>

The grade sheet for the practical examination will contain spaces for comments by the grading examiner. The areas of comment should be drawn from the following criteria:

(a) Haircut:

- 1. Top is even and without holes, gaps or steps
- 2. Top (horseshoe) blends with sides and back
- 3. Front outline is even and clean shaven
- 4. Haircut is proportional and sides are equal in length
- 5. Sides and back are without holes, gaps or steps
- 6. Sides blend with the back
- 7. Sideburns and outlines are even
- 8. Sideburns, outline and neckline are clean shaven
- 9. Neckline is properly tapered

(b) Permanent Wave:

- 1. Blocking of the permanent wave is clean, uniform, and matches rod diameter and length
- 2. Hair is wound uniformly across the rods with the proper amount of tension
- 3. Rods are parallel to subsection parting, not more than one-half off base and are not over-directed
- 4. Hair is evenly spread in end paper(s) and does not extend beyond edge of paper

(c) Shampoo: After the shampoo, the model's hair and scalp were clean and free of shampoo.

(d) Sanitation:

- 1. The candidate used the proper linen setup for a shampoo.

- 2. The candidate properly stored clean and dirty linen during the shampoo
- 3. The candidate washed hands before beginning haircut
- 4. The candidate used the proper linen setup for haircut
- 5. During the haircut, the candidate replaced tools in sanitizer after each use
- 6. The candidate properly stored clean and dirty linen during the haircut
- 7. The candidate washed hands before beginning the permanent wave
- 8. The candidate used the proper linen/cotton wrap setup for the permanent wave
- 9. The candidate kept tools sanitized during the permanent wave
- 10. The candidate properly stored clean and dirty linen during the permanent wave

(e) Technique:

- 1. The candidate held and used all tools in a safe manner during the haircut
- 2. The model's skin was not cut/pinched by clippers or other tools during the haircut
- 3. Candidate used freehand technique when doing the haircut

(8) Failure of the examinee to complete the services required in a particular category tested in the practical portion of the examination shall result in the examinee losing the possible points assigned to that area.

(9) The score necessary to achieve a passing grade shall be no less than seventy-five (75) percent out of one hundred (100) percent (based on the average of the examiners' scores) on the practical examination and seventy five (75) percent out of one hundred (100) percent on the written examination. In rounding percentages, any percentage which is point five (.5) or above shall be rounded up to the next whole number. Percentages less than point five (.5) shall be rounded down to the next whole number.

Specific Authority 476.064(4), 476.114(2), 476.134, 455.217(1)(b) FS. Law Implemented 476.114(2), 476.134, 455.217(1)(b) FS. History—New \_\_\_\_\_.

61G3-16.002 Reexamination.

(1) An applicant who fails the state examination for licensure in whole or in part shall be required to pay the reexamination fee as set forth in Rule 61G3-20.002, F.A.C. 61G3-20.0027.

(2) An applicant shall be required to retake only the portion of the examination on which he or she failed to achieve a passing grade. However, an applicant must pass both portions of the examination within a one year period from the date of the first attempt at either part in order to qualify for licensure.

(3) An applicant who fails the practical portion of the examination in whole or in part may apply to the Department to retake the practical portion of the examination at least within 30 days prior to the next administration date, provided that the

~~applicant filed his application 30 days prior to the initial examination and that he pays the reexamination fee as set forth in Rule 61G3-20.002, F.A.C. 61G3-20.007.~~

~~(4) An applicant who fails the written portion of the examination may apply to the Department to retake the written portion of the examination by providing an application and paying the reexamination fee as set forth in Rule 61G3-20.002, F.A.C. An applicant who, after three attempts, has failed to pass the examination or any portion thereof shall return to an approved school of barbering for a minimum of 200 hours of remedial instruction prior to taking any portion of the examination.~~

~~Specific Authority 455.217(2), 476.064(4), 476.114(3) FS. Law Implemented 455.217(2), 476.114(3) FS. History—New 7-16-80, Amended 4-6-82, 4-21-83, Formerly 21C-16.02, Amended 11-12-87, Formerly 21C-16.002, Amended \_\_\_\_\_.~~

61G3-16.003 Examination Review Procedure.

~~(1) An applicant is entitled to review his or her examination questions, answers, papers, grades and grading key used in the state examination for licensure under such terms and conditions as may be prescribed by the Department of Business and Professional Regulation in accordance with Rule 61-11.017, F.A.C.~~

~~(2) If, following the review of his examination, an applicant believes that an error was made in the grading of his examination, or in the evaluation of his answers, he may request that the Department review his examination. Requests for review must be in writing, state with specificity the reasons why review is requested and pay the required fee set forth in Rule 61G3-20.0075, F.A.C. and be received by the Department within thirty (30) days after the applicant received notice that he failed the examination.~~

~~(3) Upon receipt of a request for review the Department shall review the applicant's examination. If the Department finds that an error was made the Department may adjust the grade received by the applicant to reflect the correction. The applicant shall be notified as to the decision.~~

~~Specific Authority 455.217(3) FS. Law Implemented 455.217(3) FS. History—New 7-16-80, Formerly 21C-16.03, Amended 12-23-90, Formerly 21C-16.003, Amended \_\_\_\_\_.~~

61G3-16.0041 Foreign Language Examination.

An applicant may be permitted to take the ~~written~~ Florida Barbers' examination in the applicant's native language provided the applicant pays the full cost for the Department's development, preparation, administration, grading and evaluation of any examination in a language other than English or Spanish.

~~Specific Authority 476.064(4) FS. Law Implemented 455.217(6) FS. History—New 1-26-93, Formerly 21C-16.0041, Amended \_\_\_\_\_.~~

## 61G3-16.008 Manner of Application.

Every person desiring to be examined for either full or restricted licensure as a barber shall apply to the Department in writing upon forms prepared and furnished by the Department and pay an examination fee as required by Rule 61G3-20.002, F.A.C.

(1) The applicant must present with the application two (2) 2" x 2" photographs taken within the past twelve (12) months and evidence of completion of barber training defined in Chapter 476, Florida Statutes. ~~Completed application must be received in the Board's office no later than thirty (30) days prior to the date of the next available examination.~~

(2) Completed applications ~~Applications~~ received later than thirty (30) days prior to the next available practical exam shall automatically be scheduled for the following available practical examination.

~~(3) The Department shall notify the applicant fourteen (14) days prior to the practical examination if the applicant is eligible to take the practical examination. A professional testing service shall notify applicants of their eligibility for a written examination within five (5) working days after receipt of Board notification of the applicant's eligibility.~~

~~(3)(4)~~ Applicants for an unrestricted license who have completed one thousand (1,000) actual school hours or more but less than one thousand two hundred (1,200) actual school hours are required to have the school or program attended certify on that portion of the application so designated that said applicant has completed the stated number of hours, the required services as established by Rule 61G3-16.001 and is competent to sit for the licensure examination.

Specific Authority 476.114(2), 476.064(4), 455.217 FS. Law Implemented 476.114(2), 476.124 FS. History—New 11-12-87, Formerly 21C-16.008, Amended 8-11-98,\_\_\_\_\_.

## 61G3-16.010 Supervised Practice Exception.

(1) Following the completion of the first licensing examination by an applicant for licensure as a barber by examination with the results that the applicant has failed to achieve a passing grade on either or both portions of the licensure examination, the applicant, and pending the results of that examination, an applicant for licensure as a barber by examination shall be eligible to practice as a barber and perform barbering services subject to the following conditions:

(a) If the applicant failed the written portion of the examination, the applicant must apply within thirty (30) days of the date on the failing grade notice to retake the written portion of the examination. The applicant must submit a complete application for reexamination and shall have paid the reexamination fees as prescribed by Rule 61G3-20.002, F.A.C. All barbering services to be performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber"

~~shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.~~

(b) If the applicant failed the practical portion of the examination, the applicant must apply to retake the next available practical examination immediately following the practical examination which the applicant failed. The applicant must submit a complete application for reexamination and shall have paid the reexamination fees as prescribed by Rule 61G3-20.002, F.A.C. All barbering services performed by the applicant under this exception shall be performed in a licensed barbershop barber shop. For all times during which the applicant is practicing in the barbershop barber shop, the license for the barbershop barber shop shall be in a current and active status.

(c) All barbering services to be performed by the applicant under this exception shall be performed under the supervision of a licensed barber. "Under the supervision of a licensed barber" shall mean that an individual who then holds a current, active Florida license as a barber shall be physically present at all times when the applicant is performing barbering services.

(d) All barbering services performed by the applicant under this exception shall be performed in a licensed barber shop. For all times during which the applicant is practicing in the barber shop, the license for the barber shop shall be in a current and active status.

~~(2) Upon receipt of the results of the first licensure examination taken by the applicant which indicate that the applicant has failed to achieve a passing grade on either or both portions of the licensure examination, the applicant shall immediately cease to practice as a barber or performing barbering services under this exception unless and until the applicant applies to retake at the next available licensure examination immediately following the licensure examination which the applicant failed those portions of the licensure examination which the applicant failed. Once the applicant shall have submitted a complete application for reexamination and shall have paid all applicable reexamination fees, the applicant shall be eligible to resume practicing as a barber subject to the same conditions as stated above.~~

(2)(3) Upon receipt of the results of either or both portions of the second licensure examination taken by the applicant which indicate that the applicant has failed to achieve a passing grade on either or both portions of the licensure examination, the applicant shall immediately cease to practice as a barber or performing barbering services under this exception; and shall not be eligible to resume practicing as a barber or perform barbering services until after the applicant shall have taken and passed both portions of the licensure examination and been issued a license to practice as a barber by the Department.

(3)(4) The holder of the license for the barbershop barber shop in which the applicant practices as a barber or performs barbering services under this exception shall retain and display



in a conspicuous place at the ~~barbershop~~ barber shop location a copy of the completed application for licensure by examination submitted to the Department by the applicant, and a copy of the completed application for reexamination submitted to the Department by the applicant if such reexamination is required under this exception by the applicant's failure to pass either or both portions of the first licensure examination taken by the applicant.

Specific Authority 476.064(4), 476.184(2),(10), ~~476.144(7), 476.124, 455.217 FS., Chapter 98-323, Laws of Florida.~~ Law Implemented 476.184(2),(10), ~~476.144(7), 455.217 FS., Chapter 98-323, Laws of Florida.~~ History--New 12-9-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers'**

RULE TITLE: Barbershop Requirements  
RULE NO.: 61G3-19.011

PURPOSE AND EFFECT: The rule will set forth the requirements for licenses and certificate of authorization holders.

SUMMARY: The rule amendment is for the purpose of updating barbershop requirements.

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

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

SPECIFIC AUTHORITY: 476.064(4) FS.

LAW IMPLEMENTED: 476.184 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G3-19.011 Barbershop Requirements.
- (1) through (17) No change.

(18) A barbershop may be located at a place of residence. Barbershop facilities must be separated from the living quarters by a permanent wall constructions. A separate entrance shall be provided to allow entry to the barbershop other than from the living quarters. Toilet and lavatory facilities shall comply with subsection ~~(14)(6)~~ above, shall have an entrance from the barbershop other than the living quarters, and shall not be the same toilet and lavatory facilities as are used by the occupants of the residence.

(19) through (22) No change.

Specific Authority 476.064(4) FS. Law Implemented 476.184 FS. History--New 4-27-86, Amended 9-24-86, 12-28-86, 5-10-88, 7-15-91, Formerly 21C-19.011, Amended 1-12-94, 10-4-94, 5-21-95, 2-14-96, 5-1-96, 3-21-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers'**

RULE TITLES: Collection and Payment of Fees  
RULE NOS.: 61G3-20.001

Application Fees for Licensure Through Examination or Endorsement and Reexamination Fees 61G3-20.002

Examination Review Fee 61G3-20.0075

PURPOSE AND EFFECT: The Board proposes to update the existing rules.

SUMMARY: The rules provide guidelines and application materials for the fees rules.

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

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

SPECIFIC AUTHORITY: 476.064(4), 476.192, 476.213(2), 455.217(2) FS.

LAW IMPLEMENTED: 455.213(2), 476.192, 476.114(3), 476.192, 455.217 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-20.001 Collection and Payment of Fees.

All fees shall be made payable to the Department of Business and Professional Regulation. When an examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, fees shall be paid to the testing service.

Specific Authority 476.064(4), 455.2171 FS. Law Implemented 455.213(2), 455.2171 FS. History--New 7-16-80, Formerly 21C-20.01, 21C-20.001, Amended.

61G3-20.002 Application Fees for Licensure Through Examination or Endorsement and Reexamination Fees.

(1) The application fee for licensure by means of ~~examination or endorsement or examination and reexamination~~ for barbers shall be as follows ~~one hundred fifty dollars (\$150.00)~~:

<u>Method of Licensure:</u>	<u>Application Fee:</u>
<u>(a) Endorsement</u>	<u>The application fee for licensure by endorsement shall be one hundred and fifty dollars (\$150.00). All fees shall be payable to the Department.</u>

<u>(b) Examination and Reexamination.</u>	
<u>1. Practical Portion</u>	<u>The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All fees shall be payable to the Department.</u>

<u>2. Written portion</u>	<u>The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Fifty-five dollars and fifty cents (\$55.50) of both the examination and reexamination application fee for the written portion of the examination shall be paid to the Department and nineteen dollars and fifty cents (\$19.50) shall be paid to the professional testing service.</u>
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(2) The application fee for licensure by means of examination and reexamination for restricted barbers shall be as follows:

<u>Method of Licensure:</u>	<u>Application Fee:</u>
<u>(a) Examination and Reexamination.</u>	

<u>1. Practical Portion</u>	<u>The application fee for both the examination and reexamination for the practical portion shall be seventy-five dollars (\$75.00). All fees shall be payable to the Department.</u>
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<u>2. Written Portion</u>	<u>The application fee for both the examination and reexamination for the written portion shall be seventy-five dollars (\$75.00). Sixty-eight dollars and fifty-cents (\$68.50) of both the examination and the reexamination application fee for the written portion of the examination shall be paid to the Department and six dollars and fifty (\$6.50) shall be paid to the professional testing service.</u>
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(3) Applicants for licensure as a barber or restricted barber shall pay both the original licensure fee set forth in 61G3-20.014 and the applicable part of the examination or reexamination application fee specified in subsections (1) and (2) above.

(a) All fees payable to the Department shall be paid at the time the applicant submits his or her application for licensure by endorsement, examination or reexamination.

(b) All parts of the examination or reexamination application fee payable to a professional testing service shall be paid to that service upon notification that the applicant's application for licensure by examination or reexamination has been approved.

(c) In the event that a professional testing service is not used for examination or reexamination, all fees shall be paid to the Department.

Specific Authority 476.064(4), 476.192, 455.2171 FS. Law Implemented 476.192, 455.2171 FS. History--New 7-16-80, Amended 6-30-83, 10-17-85, Formerly 21C-20.02, Amended 12-15-87, 5-11-88, Formerly 21C-20.002, Amended 9-21-94, \_\_\_\_\_.

61G3-20.0075 Examination Review Fee.

The fee for ~~an~~ written examination review shall be thirty dollars (\$30.00) payable to a professional testing service when the written examination is conducted by the professional testing service pursuant to Section 455.2171, Florida Statutes. The fee for obtaining copies of practical grade sheets shall be ten dollars (\$10.00) payable to the Department. In the event that a professional testing service is not used for examination or reexamination, all fees shall be paid to the Department.

Specific Authority 455.217(2), 455.2171 FS. Law Implemented 455.217, 455.2171 FS. History--New 7-4-90, Formerly 21C-20.0075, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Barbers'**

RULE TITLE: Reexamination Fee  
RULE NO.: 61G3-20.007

PURPOSE AND EFFECT: The rule is being repealed.  
SUMMARY: The rule is being repealed, which is obsolete.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 476.064(4), 476.114(3) FS.  
LAW IMPLEMENTED: 476.192 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-20.007 Reexamination Fee.

~~The reexamination fee shall be one hundred fifty dollars (\$150.00).~~

Specific Authority 476.064(4), 476.114(3) FS. Law Implemented 476.114(3), 476.192 FS. History—New 7-16-80, Amended 6-30-83, Formerly 21C-20.07, Amended 12-15-87, 5-11-88, Formerly 21C-20.007, Amended 9-21-94, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Barbers'

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: List of Approved Forms; Incorporation  
RULE NO.: 61G4-12.006

PURPOSE AND EFFECT: The proposed rule amendments are intended to address various changes in the forms and to incorporate new forms into the rule.

SUMMARY: The proposed rule amendments make changes to various forms utilized by the Board and incorporate new forms into the rule.

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

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

SPECIFIC AUTHORITY: 489.108 FS.  
LAW IMPLEMENTED: 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 FS.

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

TIME AND DATE: 10:00 a.m., September 20, 2000  
PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cathleen E. O'Dowd, Interim Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.006 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are hereby adopted and incorporated by reference, and can be obtained from the Board at the following address:

Florida Construction Industry Licensing Board  
7960 Arlington Expressway  
Suite 300  
Jacksonville, Florida 32211-7467

(1) Registrations:

(a) Application for Contractors Registration, DBPR/CILB/031-(Rev. 07/00 02/98),

(b) Registration Change of Status, DBPR/CILB/017-(Rev. 07/00 02/98),

(2) Certifications: Certification Change of Status DBPR/CILB/025-(Rev. 07/00 02/98),

(3) Examinations:

(a) Applicant Information Booklet – Construction Examinations DBPR/CILB/007-(Rev. 7/00).

(b)~~(a)~~ Application for Certification Examination, DBPR/CILB/001-(Rev. 7/00 ~~11-95~~),

(c)~~(b)~~ Application for Retake Certification Examination, DBPR/CILB/002 ~~1~~-(Rev. 7/00 ~~11-95~~),

(4) Continuing Education:

(a) Sponsor/Course Approval Application, DBPR/CILB/057/2/98,

(b) ~~F~~CILB Continuing Education for Contractors Attendance Roster, DBPR/CILB/055-(Rev. 1-95),

(c) Instructors' Qualifications Form, DBPR/CILB/058/1-94,

(d) CILB Disciplinary Hearings Attendance Sheet, DBPR/CILB/056/1-94,

(5) Licensing:

(a) Application for Qualified Business Organization (QB) License Number, DBPR/CILB/029/~~-(Rev. 02/00) ~~12-95~~,~~

(b) Qualified Business Organization (QB) Change of Status ~~or Qualifier~~ Application, DBPR/CILB/030/~~-(Rev. 02/00) ~~12-95,~~~~

(c) Financially Responsible Officer (FRO) Application, DBPR/CILB/021/~~-(Rev. 07/00) ~~12-95,~~~~

(d) Application to Qualify An Additional Business Organization Questionnaire – Qualifying Additional Business Organization, DBPR/CILB/020-(Rev. 07/00 ~~2-98~~),

(e) Limited Non-Renewable Registration Requirements and Application, DBPR/CILB/033-(Rev. 07/00).

(6) Construction Industries Recovery Fund:

Construction Industries Recovery Fund Claim Form, DBPR/CILB/022-(Rev. 06/99 ~~5-95~~).

(7) Application for Certification of Registered Contractors Form, DBPR/CILB/032/~~-(Rev. 07/00) 01/00, which is hereby incorporated by reference and will be effective February 24, 2000.~~

Specific Authority 489.108 FS. Law Implemented 120.52(15), 489.108, 489.115, 489.118, 489.119, 489.1195 FS. History–New 1-6-80, Formerly 21E-12.06, Amended 1-1-89, Formerly 21E-12.006, Amended 1-4-94, 2-24-94, 11-23-95, 2-6-96, 7-22-96, 11-25-97, 8-2-98, 2-24-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Funeral Directors and Embalmers**

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions 61G8-17.005

RULE NO.:

PURPOSE AND EFFECT: The Board recommends text be stricken from this rule due to lack of statutory provisions.

SUMMARY: The language in this rule is being amended to comply with section 455.02(2), Florida Statutes, and previous comments made by the Joint Administrative Procedures Committee.

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

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

SPECIFIC AUTHORITY: 455.02(2), 470.005 FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G8-17.005 follows. See Florida Administrative Code for present text.)

61G8-17.005 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show satisfactory proof to the Board of the absence and the spouse's military status.

Specific Authority 455.02(2), 470.005 FS. Law Implemented 455.02(2) FS. History–New 4-10-84, Formerly 21J-17.05, 21J-17.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2000  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLE: Delinquent License Status  
RULE NO.: 61G10-13.008

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule entitled "Delinquent License Status."

SUMMARY: The rule provides guidelines for delinquent licenses to conform to the requirements of chapter 455, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 481.306, 481.315, 481.325, 455.271(6), 455.271(7), 455.2177 FS.

LAW IMPLEMENTED: 481.315, 481.325, 455.271(6), 455.271(7), 455.2177 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherri Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-13.008 Delinquent License Status.

(1) The failure of a licensee to elect active or inactive status before the license expires shall cause the license to become delinquent.

(2) The delinquent status license must apply for active or inactive status during the biennium in which the license becomes delinquent. Failure to timely apply for active or inactive status before the expiration of the biennium during which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(3) The delinquent status licensee who applies for active or inactive status shall submit a complete application on a form provided by the Department and:

(a) Pay the active status fee prescribed by Rule 61G10-12.002(1), F.A.C. or the inactive status fee prescribed by Rule 61G10-12.002(7), F.A.C., the delinquent status fee

prescribed by Rule 61G10-12.002(10), F.A.C., and if applicable, the processing fee prescribed by Rule 61G10-12.002(11), F.A.C.; and

(b) Demonstrate compliance with the continuing education requirements prescribed by Rule 61G-10-13.003, F.A.C., and Section 455.2177, F.S., and the rules promulgated thereunder.

(4) Pursuant to Section 481.325(1)(i), F.S., it is unlawful to practice landscape architecture with a delinquent license.

Specific Authority 481.306, 481.315, 481.325, 455.271(6), 455.271(7), 455.2177 FS. Law Implemented 481.315, 481.325, 455.271(6), 455.271(7), 455.2177 FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLE: Approved Schools and Colleges  
RULE NO.: 61G17-1.010

PURPOSE AND EFFECT: The Board proposes to clarify sections 472.013(2)(a) and (b), and 472.013(4), Florida Statutes regarding licensure examination directives.

SUMMARY: This proposed rule amendment sets forth and elucidates certain requirements of applicants who wish to sit for the licensure examination.

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

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

SPECIFIC AUTHORITY: 120.53(1), 472.013(4) FS.

LAW IMPLEMENTED: 472.013(4) FS.

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

TIME AND DATE: 9:00 a.m., September 21, 2000

PLACE: Sheraton Suites, 4400 W. Cypress Street, Tampa, Florida, (813)873-8675

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G17-3.0021 follows. See Florida Administrative Code for present text.)

61G17-1.010 Approved Schools and Colleges.

(1) For purposes of Sections 472.013(2)(a), F.S., programs or courses of study in surveying and mapping accredited by the Accreditation Board for Engineering and Technology (ABET), or substantially equivalent to those accredited by ABET, are deemed approved by the Board.

(2) For purposes of Sections 472.013(2)(b), F.S., colleges and universities accredited by a regional association of colleges and universities recognized by the Dunited States Department of Education are deemed approved by the Board.

Specific Authority ~~472.013(4) 420.53(1)~~ FS. Law Implemented 472.013(4) FS. History--New 1-3-80, Formerly 21HH-1.10, 21HH-1.010, Amended 5-31-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19,2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Education RULE NO.: 61G17-3.0021

PURPOSE AND EFFECT: The Board proposes to amend this rule to improve clarity of the educational requirements, schools, and courses of study in accordance with section 472.013(4), Florida Statutes.

SUMMARY: The intention of this proposed rule amendment is to remove inconsistencies, and to clarify the language of approved schools and courses.

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

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

SPECIFIC AUTHORITY: 472.013 FS.

LAW IMPLEMENTED: 472.005, 472.013 FS.

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

TIME AND DATE: 9:00 a.m., September 21, 2000

PLACE: Sheraton Suites, 4400 W. Cypress Street, Tampa, Florida, (813)873-8675

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 61G17-3.0021 follows. See Florida Administrative Code for present text.)

61G17-3.0021 Education.

(1) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(a), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 61G17-1.010, F.A.C.;

(b) Completed a course of study which included at least thirty-two (32) semester hours or forty-eight (48) quarter hours in courses labeled by the program or university as courses in surveying and mapping.

(2) To determine whether an applicant for licensure has met the educational requirements of Section 472.013(2)(b), F.S., the applicant must demonstrate that he/she has:

(a) Graduated from a college or university approved by the Board pursuant to Rule 61G17-1.010, F.A.C.; and

(b) Completed a specific four (4) year course of study which included at least thirty-two (32) semester hours of study, or its academic equivalent, which included twenty-five (25) semester hours or thirty-seven (37) quarter hours in courses labeled by the college or university as courses in surveying and mapping or in any combination of courses in civil engineering, forestry, mathematics, photogrammetry, land law, and the physical sciences.

Specific Authority 472.013(4) FS. Law Implemented 472.005, 472.013 FS. History--New 9-7-93, Amended 5-30-95, 10-1-97,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 61G19-5.002

PURPOSE AND EFFECT: The Board proposes to amend this rule in order to notify interested parties of the range of penalties for multiple infractions.

SUMMARY: This rule is being amended pursuant to section 455.627(2), Florida Statutes, to set forth the penalties for specific violations.

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

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

SPECIFIC AUTHORITY: 455.227, 455.2273, 468.606 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 468.607, 468.621, 468.629 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-5.002 Disciplinary Guidelines.

(1) Purpose. Pursuant to Section 455.2273, F.S., the Board provides within this rule disciplinary guidelines which shall be imposed upon applicants or licensees whom it regulates under Chapter 468, Part XII, 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 in Rule 61G19-5.003. The ranges of penalties provided below include ~~are based upon a single count violation of each provision listed; multiple counts of the violated provisions or a combination of the violation 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) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Section 120.569 and 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATION

(a) Violating or failing to comply with any provision of this part, Chapter 455 or a valid rule or lawful order of the board or department, or subpoena of the department. (468.621(1)(a), F.S., 455.227(1)(b) and (q), F.S.)

RECOMMENDED RANGE OF PENALTY

(a)(1) Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from ~~denial to~~ licensure with an administrative fine and probation to denial; in the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(a)(2) After the first offense, a minimum of one year's probation to revocation or denial of licensure, and a fine of up to \$5,000 depending on the underlying offense and the magnitude of the violation.

(b) No change.

(c) Knowingly assisting any person to unlawfully practice building code administration, inspecting, or plans examination contrary to the provisions of this part or the building code adopted by the enforcement authority governing that person. (468.621(1)(c), 455.227(1)(j), F.S.)

(c)(1) In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to \$1,500.

(c)(2) After the first offense, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$5,000.

(d) Having been convicted of a felony. (468.621(1)(d), F.S.)

(d)(1) In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial.

In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

(d)(2) For a second offense in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and suspension of at least 30 days followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation with conditions to revocation and a fine of up to \$4,000.

(d)(3) After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

(e) Guilt or nolo plea entered to a crime directly related to building code administration or inspection. (468.621(1)(e), 455.227(1)(c), F.S.)

(e)(1) In the case of an applicant, the usual action of the Board shall be denial.

In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

(e)(2) After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(f) Knowingly making or filing a false report or failing to file a report as required. (468.621(1)(f), 455.227(1)(l), F.S.)

(f)(1) In the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and 30-day suspension followed by probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a period of suspension to be followed by probation and a fine of up to \$1,500.

(f)(2) After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be revocation and a fine of up to \$5,000.

(g) Committing willful misconduct, gross negligence, gross misconduct, repeated negligence, or negligence resulting in a significant danger to life or property (468.621(1)(g), F.S.)

1. Negligence

1.a. In the case of an applicant, the usual action of the Board shall be from denial to licensure with probation to denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension and a fine of up to \$1,500.

1.b. For a second offense in the case of an applicant, the usual action of the Board shall be from probation to denial and an administrative fine. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation and a fine of up to \$4,000.

1.c. After the second offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

2. Gross or repeated negligence, or gross misconduct.

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

2.b. After the first offense, the usual action of the Board shall be revocation and a fine of up to \$5,000.

3. Willful misconduct

3.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty of revocation and fine of up to \$1,500.

3.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(h) Making misleading, deceptive or fraudulent representations. (455.227(1)(a) and (m), F.S.)

1. Misleading or deceptive

1.a. In the case of an applicant, the usual action of the Board shall be denial or licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

1.b. After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual penalty shall be suspension to revocation and a fine of up to \$5,000.

2. Fraudulent

2.a. In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

2.b. After the first offense, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(i) Present as his or her own the certificate of another. (468.629(1)(c), 468.621(1)(a), F.S.)

In the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000.

(j) Give false or forged evidence for the purpose of obtaining a certificate.

In the case of an applicant, the usual action of the Board shall be denial. In

(468.629(1)(d), 468.621(1)(a), F.S.)

(k) Use or attempt to use a certificate that has been suspended or revoked. (468.629(1)(e), 468.621(1)(a), F.S.)

(l) Threaten, coerce, trick, persuade, or otherwise influence or to attempt to do so, any certificate holder to violate Ch. 468, Part XIII. (468.629(1)(f), 468.621(1)(a), F.S.)

(m) Offer compensation to a certificate holder to induce violation of law or local building code. (468.629(1)(g), 468.621(1)(a), F.S.)

(n) Practicing as a building code administrator or inspector without a valid active certificate. (468.607, 468.621(1)(a), F.S.)

(o) Having the authority to practice revoked or acted against, including the denial of licensure. (455.227(1)(f), F.S.)

(p) Failing to report to the department any person who the licensee knows is in violation of Chapter 468, Part XII, Chapter 455, or the rules of the Board or Department. (455.227(1)(l), F.S.)

(q) Failing to perform any statutory or legal obligations. (455.227(1)(k), F.S.)

(r) Practicing or offering to practice beyond the scope of law or

case of the licensee, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to ~~\$5,000~~ \$1,500. In the case of an applicant, the usual action of the Board shall be denial. In case of the licensee the usual action of the Board shall be to impose a penalty of revocation and a fine of up to \$5,000 ~~\$1,500~~. (D)(1) In the case of an applicant, the usual action of the Board shall be denial. In case of the licensee, the usual action of the Board shall be to impose a penalty of suspension followed by probation to revocation and a fine of up to \$1,500. (D)(2) After the first offense, the usual penalty shall be revocation and a fine of up to \$5,000.

In the case of an applicant, the usual action of the Board shall be denial. In case of the licensee, the usual action of the Board shall be to impose a penalty of revocation and a fine of up to ~~\$5,000~~ \$1,500. (n)(1) In the case of an applicant, the usual action of the Board shall be licensure with an administrative fine and probation or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500. (n)(2) After the first offense, in the case of an applicant, the usual action of the Board shall be denial. For a licensee, the penalty shall be revocation and a fine of up to \$5,000.

(o)(1) Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension or licensure with an administrative fine and probation 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 \$1,500.

(o)(2) 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 revocation or for an applicant from probation to denial of license and an administrative fine from \$1,000 to \$5,000.

(p)(1) In the case of an applicant, the usual action of the Board shall be denial or licensure with probation and an administrative fine. In the case of a licensee, the usual action of the Board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(p)(2) After the first offense, in the case of an applicant the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension followed by probation to revocation and a fine of up to \$5,000.

(q)(1) Unless otherwise specified in this rule, in the case of an applicant, the usual action of the Board shall be from licensure with an administrative fine and probation to denial to licensure with probation; in the case of a licensee, the usual action of the board shall be to impose a penalty from reprimand to probation and a fine of up to \$1,500.

(q)(2) After the first offense unless otherwise specified in this rule, the usual action of the Board shall be denial in the case of an applicant; in the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to revocation and a fine of up to \$5,000.

(r)(1) In the case of an applicant, the usual action of the Board shall be licensure



competence.  
(455.227(1)(o), F.S.)

with probation and an administrative fine or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from probation to suspension of license and a fine of up to \$1,500.

(r)(2) After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension of license followed by probation to revocation and a fine of up to \$5,000.

(s) Knowingly delegating professional responsibilities to an unqualified person.  
(455.227(1)(p), F.S.)

(s)(1) In the case of an applicant, the usual action of the Board shall be licensure with probation and an administrative fine or denial. In the case of a licensee, the usual action of the Board shall be to impose a penalty from suspension to revocation and a fine of up to \$1,500.

(s)(2) After the first offense, in the case of an applicant, the usual action of the Board shall be denial. In the case of a licensee, the usual action shall be to impose a penalty from suspension of license followed by probation to revocation and a fine of up to \$5,000.

(t) Improperly interfering with an investigation, inspection, or disciplinary proceeding.  
(455.227(1)(r), F.S.)

The usual action of the Board shall be denial or revocation of license with ability to reapply upon payment of an administrative fine of up to \$5,000 ~~\$1,000~~ to denial or revocation of license without ability to reapply.

(3) through (5) No change.

Specific Authority 455.227, 455.2273, 468.606 FS. Law Implemented 455.227, 455.2273, 468.607, 468.621, 468.629 FS. History--New 5-23-94, Amended 8-14-96, 8-3-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE TITLE RULE NO.:

Records Required to be Maintained 61G19-9.007  
by Course Sponsors

PURPOSE AND EFFECT: The Board is amending this rule to comply with new Department rules regarding Continuing Education.

SUMMARY: Specific language is being stricken from this rule as it is redundant of new rules set by the Department.

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

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

SPECIFIC AUTHORITY: 468.606 FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.007 Records Required to be Maintained by Course Sponsors.

(1) Course sponsor shall maintain the following records with respect to each course:

(a) No change.

(b) The name, address, and qualifications of each instructor who teaches any portion of the course ~~and whether each instructor has been approved by the Board;~~

(c) through (e) No change.

~~(f) Certificates of completion for each person completing a course containing the name and the license number of the person who completed the course.~~

~~(2) Course sponsors shall maintain the required records for each course at least three (3) years following the date the course is completed.~~

~~(2)(3) Upon request by the board, each course sponsor shall provide the board with copies of any required records.~~

Specific Authority 468.606 FS. Law Implemented 468.627 FS. History--New 5-23-94, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Building Code Administrators and Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: RULE NO.:

Sexual Misconduct in the Practice 64B19-16.003  
of Psychology

PURPOSE AND EFFECT: The Board has determined to amend this rule due to a recent decision by the 1st District Court of Appeals (Caddy v. State).

SUMMARY: Specific rule text referring to duration in perpetuity has been stricken from this rule, and language has been added to elucidate the existence of sexual misconduct and prohibit psychologist-client intimacies for two (2) years after the provision of services.

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

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

SPECIFIC AUTHORITY: 490.0111 FS.

LAW IMPLEMENTED: 490.009(2)(k), 490.0111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-16.003 Sexual Misconduct in the Practice of Psychology.

(1) through (4) No change.

(5) A psychologist-client relationship exists whenever a psychologist has rendered, or purports to have rendered, psychological services including, but not limited to, psychotherapy, counseling, assessment or treatment to a person. A formal contractual relationship, the scheduling of professional appointments, or payment of a fee for services are not necessary conditions for the existence of a psychologist-client relationship, though each of these may be evidence that such a relationship exists.

(a) For purposes of determining the existence of sexual misconduct, psychologists do not engage in sexual intimacies with a former patient or client for at least two years after cessation or termination of psychological services as defined herein, the psychologist-client relationship is deemed to continue in perpetuity.

(b) Because sexual intimacies with a former patient or client are so frequently harmful to the patient or client, and because such intimacies undermine public confidence in the psychology profession and thereby deter the public's use of needed services, psychologists do not engage in sexual intimacies with former patients and clients even after a two-year interval except in rare instances to be determined on a case-by-case basis. The psychologist who engages in such activity after the two years following cessation or termination of psychological services bears the burden of demonstrating

that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since the services terminated, (2) the nature and duration of the psychological services, (3) the circumstances of termination, (4) the patient or client's personal history, (5) the patient or client's current mental status, (6) the likelihood of adverse impact on the patient or client and others, and (7) any statements or actions made by the psychologist during the provision of psychological services suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the patient or client.

Specific Authority 490.0111 FS. Law Implemented 490.009(2)(k), 490.0111 FS. History—New 6-23-82, Formerly 21U-15.04, Amended 12-21-86, Formerly 21U-15.004, 61F13-15.004, Formerly 59AA-16.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2000

#### DEPARTMENT OF HEALTH

##### Board of Speech-Language Pathology and Audiology

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B20-7.001

PURPOSE AND EFFECT: The purpose of the rule amendments is to update the rule text.

SUMMARY: The Board has determined that amendments are necessary in order to update the rule text with regard to the penalty ranges for certain violations, and to add additional violations and the penalty.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 455.624, 455.567, 455.707, 468.1295, 468.1296 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

## THE FULL TEXT OF THE PROPOSED RULE IS:

## 64B20-7.001 Disciplinary Guidelines.

(1) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part I, Florida Statutes, has committed any of the acts set forth in Section 468.1295 ~~or 455.624~~, Florida Statutes, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

(a) No change.

(b) Having a license revoked, suspended, or otherwise acted against, including denial of licensure, by the licensing authority of another state, territory or country. The usual action of the Board shall be to impose a penalty equivalent to the penalty imposed if the action had taken place within this state plus costs.

(c) Being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of speech-language pathology or audiology. The usual action of the Board shall be to impose a fine of \$1,000 plus costs ~~\$500~~ up to denial or revocation of licensure. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the Board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding his plea.

(d) Making or filing a report or record which the licensee knows to be false, intentionally or negligently failing to file a report or records required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. The usual action of the Board shall be to impose a fine of \$1,000 plus costs ~~\$250~~, up to a 90 day suspension. Such report or record shall include only those reports or records which are signed in one's capacity as a licensed speech-language pathologist or audiologist.

(e) Advertising goods or services in a manner which is fraudulent, false, deceptive, or misleading in form or content. The usual action of the Board shall be to impose a fine of \$1,000 ~~\$250~~, up to a fine of \$5,000 plus costs ~~\$500~~.

(f) Proof that the licensee is guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of speech-language pathology or audiology. The usual action of the Board shall be to impose a fine of \$1,000 plus costs ~~\$250~~, up to revocation.

(g) Violating a lawful order of the Board or Agency previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the board or Agency. The usual action of the Board shall be to impose a fine of \$5,000 – \$10,000 plus costs ~~\$1,000~~, up to revocation.

(h) Practicing with a revoked, suspended, or inactive license. The usual action of the Board shall be to impose a fine of \$10,000 plus costs ~~\$1,000~~, up to revocation.

(i) Using, or causing or promoting the use of, any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful. The usual action of the Board shall be to impose a reprimand up to a \$10,000 fine plus costs ~~\$500 fine~~.

(j) Showing or demonstrating or, in the event of sale, delivery of a product unusable or impractical for the purpose represented or implied by such action. The usual action of the Board shall be to impose a reprimand, up to a \$1,000 fine plus costs ~~\$500 fine~~.

(k) Failure to maintain and have available for inspection by the Agency certification for the testing and calibration of any audiometric testing equipment designated by the Board covering the current year as well as the 3 years prior. The usual action of the Board shall be to impose a fine of \$500 ~~\$250~~, up to a fine of \$1,000 plus costs ~~\$500~~.

(l) Aiding, assisting, procuring, or advising any licensed person to practice speech-language pathology or audiology contrary to this part or to a rule of the Agency or the Board shall result in a penalty. The usual action of the Board shall be to impose a fine of \$1,000 plus costs ~~\$500~~, up to a six month suspension.

(m) Violation or repeated violation of this part of Chapter 468 or of Part II of Chapter 455, or any rules adopted pursuant thereto. The usual action of the Board shall be to impose a fine of \$1,000 up to \$10,000 plus costs, up to revocation.

(n) Misrepresentation of professional services available in the fitting, sale, adjustment, service, or repair of a hearing aid, or use of any other term or title which might connote the availability of professional services when such use is not accurate shall result in a penalty. The usual action of the Board shall be to impose a reprimand, up to a \$1,000 fine plus costs ~~\$500 fine~~.

(o) Representation, advertisement, or implication that a hearing aid or its repair is guaranteed without providing full disclosure of the identity of the guarantor; the nature, extent, and duration of the guarantee; and the existence of conditions or limitations imposed upon the guarantee. The usual action of the Board shall be to impose a fine of \$500 ~~\$250~~, up to a fine of \$1,000 plus costs ~~\$500~~.

(p) Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in many cases of hearing loss this type of instrument may not be suitable. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs ~~\$500~~.

(q) Stating or implying that the use of any hearing aid will improve or preserve hearing or prevent or retard the progression of a hearing impairment or that it will have any

similar or opposite effect. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(r) Making any statement regarding the cure of the cause of a hearing impairment by the use of a hearing aid. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(s) Representing or implying that a hearing aid is or will be "custom-made," "made to order," or "prescription-made," or in any other sense specially fabricated for an individual person, when such is not the case. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(t) Canvassing from house to house or by telephone either in person or by an agent for the purpose of selling a hearing aid, except that contacting persons who have evidenced an interest in hearing aids, or have been referred as in need of hearing aids, shall not be considered canvassing. The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(u) Failure to submit to the Board on an annual basis, or such other basis as may be provided by rule, certification of testing and calibration of audiometric testing equipment on the form approved by the Board. The usual action of the Board shall be to impose a fine of \$500 \$250, up to a fine of \$1,000 and costs \$500.

(v) Failing to provide all information as described in Section 468.1245(1). The usual action of the Board shall be to impose a reprimand, up to a fine of \$1,000 plus costs \$500.

(w) Exercising influence on a client in such a manner as to exploit the client for financial gain of the licensee or of a third party. The usual action of the Board shall be to impose a fine of \$1,000 - \$10,000 plus costs \$500, up to a 6 months' suspension.

(x) Sexual misconduct. The usual action of the Board shall be licensure denial for applicants and revocation for licensees.

(y) Impairment under 455.707, Florida Statutes. The usual action shall be referral to the Department's impaired practitioner program, up to suspension until the licensee can demonstrate ability to practice with reasonable skill and safety.

(2) When the Board finds any person guilty of any of the acts set forth in subsection (1), it may issue an order imposing one or more of the following penalties:

(a) through (b) No change.

(c) Imposition of an administrative fine not to exceed \$10,000 \$1,000 for each count or separate offense and costs of investigation and prosecution.

(d) through (f) No change.

(3) No change.

Specific Authority 468.1135(4) FS. Law Implemented 455.624, 455.567, 455.707, 468.1295, 468.1296 FS. History—New 2-7-91, Amended 11-9-92, Formerly 21LL-7.001, 61F14-7.001, 59BB-7.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 1999

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

#### DEPARTMENT OF INSURANCE

##### Division of State Fire Marshal

RULE NO.: 4A-51.005                      RULE TITLE: Definitions

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 26, No. 17, April 28, 2000, of the Florida Administrative Weekly:

4A-51.005(32) The new language proposed has been deleted and will be changed to read ["Special Inspectors" means an inspector who holds a Florida Certificate of Competency and who is regularly employed by an insurance company authorized to insure against loss from explosion of boiler and pressure vessels in this state.]

The remainder of the rule reads as previously published.

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Division of Housing and Community Development

RULE NO.: 9B-3.047                      RULE TITLE: State Building Codes Adopted

#### NOTICE OF CORRECTION

The Florida Building Commission hereby gives notice of a correction to the Notice of Change published in Vol. 26, No. 30, July 28, 2000, issue of the Florida Administrative Weekly. The section title of Section 412.10.4 as it appears on page 3495 of the Florida Administrative Weekly is revised as follows:

412.10.4, (Automatic fire sprinklers Flood—plain management)

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-91                      RULE CHAPTER TITLE: Administration of Combined Design and Construction Contracts (Design-Build)

RULE NO.: 14-91.005                      RULE TITLE: Public Announcement Procedures