

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLE: Procedures
RULE NO.: 3A-22.003

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes that have been to the direct deposit form and to provide updated telephone numbers.

SUBJECT AREA TO BE ADDRESSED: Direct deposit.

SPECIFIC AUTHORITY: 17.14, 17.075, 17.29 FS.

LAW IMPLEMENTED: 17.14, 17.075, 17.076 FS.

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

TIME AND DATE: 10:00 a.m., October 2, 2000

PLACE: Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack Peterson, EFT Administrator, Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9466

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3A-22.003 Procedures.

(1) No change.

(2) In order to enroll for participation, a beneficiary must submit or cause to be submitted, a completed Direct Deposit Authorization Form (Form No. DBF-AA-26S) revised 8/00 effective 7-30-87 or a substitute form acceptable to the Section and approved by the Department prior to its use. To be acceptable to the Section and the Department, substitute forms must contain, at a minimum, the following: (a) the information required on Form No. DBF-AA-26S; (b) substantially the same agreement terms printed on Form No. DBF-AA-26S with respect to the beneficiary and the receiving financial institution; (c) substitute forms must be factually correct and must not contain any misleading information; and (d) substitute forms must be printed on 8 1/2" x 11" paper, and must contain a blank one inch space that runs parallel with the 8 1/2" side and begins 2 3/4" from that side. This space will be used for the imprinting of the document control number and must be on the same side of the form as the information supplied by the beneficiary and the participating institution. After the Section has received and processed a completed Direct Deposit Authorization Form, all retirement benefits and

wage payments made to a participating beneficiary will be made by Direct Deposit, unless a beneficiary is disqualified pursuant to Rule 3A-22.003(4).

(3) through (8) No change.

(9) The Section will attempt to make available an adequate supply of authorization forms at all times to any agency for use by its Beneficiaries. Any Beneficiary or agency that would like additional authorization forms should contact:

EFT Section Administrator
Office of Comptroller
Room 414, Fletcher Building
Tallahassee, Florida 32399-0350

(850)410-9466 (904)488-2911

SUNCOM 210-9466 278-2922

E-Mail: DirectDeposit@mail.dbf.state.fl.us

Specific Authority 17.14, 17.075(2), 17.29 FS. Law Implemented 17.14, 17.075(2), 17.076 FS. History--New 7-30-87, Amended

DEPARTMENT OF THE LOTTERY

RULE TITLE: Final Order Indexing
RULE NO.: 53-1.0175

PURPOSE AND EFFECT: The proposed rule is being promulgated to set forth the provisions for indexing and maintaining the Department's final orders in accordance with Section 120.53, Florida Statutes, and Rule 1S-6, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Final Order Indexing.

SPECIFIC AUTHORITY: 24.105(10), 120.53 FS.

LAW IMPLEMENTED: 120.53 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: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

53-1.0175 Final Order Indexing.

(1) Procedure.

(a) Pursuant to Section 120.53, F.S., the Lottery shall make final orders accessible and available to the public by sequentially numbering and indexing all final orders. The Lottery shall make the final orders and subject matter index available to the public.

(b) The agency clerk of the Lottery shall be designated as the indexing clerk who shall assist the public in obtaining information pertaining to final orders. The clerk is located in the Office of General Counsel, Florida Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32301, (850)487-7724. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

(c) The indexing clerk shall index all final orders, receive all requests for copies of final orders, shall search the index for the location of the requested final orders, and shall retrieve and copy the final orders in accordance with the provisions of this rule.

(2) Public Inspection and Duplication. The following shall be made available for public inspection and copying, at no more than cost:

(a) All final orders.

(b) A current subject-matter index identifying all final orders which are indexed.

(3) Final Orders Required to be Indexed. All final orders issued by the Lottery pursuant to Chapter 120, F.S., shall be indexed. As used herein, final orders shall include declaratory statements, as well as final orders arising from proceedings held pursuant to Chapter 120, F.S.

(4) Numbering of Final Orders.

(a) All final orders shall be sequentially numbered.

(b) The sequential number shall be a two (2) part number separated by a dash, with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with number one (1) each new calendar year (i.e. 00-1). The assigned agency designation prefix, LOT, for the Florida Department of the Lottery shall precede the two (2) part number. There shall be a suffix to the identification number which shall indicate the type of order designated, as follows:

DS – Declaratory Statement

FOI – Final Order Informal Proceeding

FOF – Final Order Formal Proceeding

S – Settlement

(5) System for Indexing Final Orders.

(a) The index shall be arranged alphabetically by main subject headings taken from the Florida Statutes index, when applicable. The applicable titles of citations of the Florida Statutes construed within the final order may determine the main subject headings and subheadings in the index. Main subject headings shall be all capital letters and shall be flush left on the page followed by relevant subheadings which shall be initial caps and lower case letters indented. Subheadings and sub-subheadings may be taken from the text of the Florida Statutes being construed. Subheadings and sub-subheadings at equal indentations shall be alphabetized. The numbers of the final orders shall be listed sequentially in an indentation immediately below the applicable subheading.

Cross-references shall be used to direct the user to subject headings which contain the relevant information. Related key words (specific words, terms, and phrases) and common and colloquial words shall be listed and cross-referenced to the appropriate main subject headings.

(b) The main subject headings shall be referred to by the agency's indexer and subsequent similar entries shall be indexed under the existing appropriate heading. The index shall be cumulative and shall be updated and made accessible to the public at least every one hundred twenty (120) days. New main subject headings will be added when necessary. The index shall be cumulative for each calendar year.

(6) Maintenance of Records. Final orders pursuant to this chapter shall be permanently maintained by the Lottery pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority 24.105(10), 120.53 FS. Law Implemented 120.53 FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:

RULE NO.:

Outpatient Hospital Services

59G-4.160

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospital Coverage and Limitations Handbook, May 2000. The handbook revision incorporates Florida Legislature's July 1, 2000 increase of the outpatient hospital cap from \$1000 to \$1500 for adult Medicaid recipients. It includes narrative revisions of existing policy in Chapters 1, 2, and 3, deleting unnecessary and duplicative language, realignment of topics, and rewording policy items for greater clarity. Appendices B through J in the handbook contain codes for different billing circumstances and all have been updated with current year 2000 code revisions effective January 1, 2000. Portions of Appendix K have been deleted and certain narrative sections have been reworded for greater clarity. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hospital Coverage and Limitations Handbook. The rule development is also for the purpose of repealing portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hospital Coverage and Limitations Handbook and to eliminate duplication.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., October 2, 2000
 PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of 59G-4.160 follows. See Florida Administrative Code for present text.)

59G-4.160 Outpatient Hospital Services.

(1) This rule applies to all hospital providers enrolled in the Medicaid program.

(2) All hospital providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospital Coverage and Limitations Handbook, May 2000, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, October 1998, both incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.

Specific Authority 409.919 FS. Law Implemented 409.905, ~~409.907(8)(a)~~, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medical Foster Care
 RULE NO.: 59G-4.197

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Medical Foster Care Coverage and Limitations Handbook, September 2000. The effect will be to incorporate by reference the current Florida Medicaid Medical Foster Care Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medical Foster Care.
 SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905(2), 409.908 FS.

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

TIME AND DATE: 9:30 a.m., October 3, 2000

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenn Jones, Registered Nursing Consultant, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, Telephone (850)922-7310, Suncom 292-7310

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.197 Medical Foster Care.

(1) This rule applies to all Medical Foster Care (MFC) providers enrolled in the Medicaid program.

(2) All Medicaid-enrolled Medical Foster Care (MFC) providers must be in compliance with the Florida Medicaid Medical Foster Care Coverage and Limitations Handbook, September 2000 ~~December 1997~~, incorporated by reference, and the Florida Medicaid Reimbursement Handbook HCFA-1500 ~~HCFA-1500~~, and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905(2), 409.908 FS. History—New 2-22-00, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE CHAPTER TITLE: Continuing Education
 RULE CHAPTER NO.: 61G17-5

PURPOSE AND EFFECT: The Board proposes to review the rules in this chapter to determine if there is necessity for amendments.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for reactivation of inactive licenses; Continuing education credit for biennial renewal; Proof of continuing education credit earned; Board approval of continuing education providers; Obligations of continuing education providers; Evaluations of providers; Duration of provider status.

SPECIFIC AUTHORITY: 455.219, 472.008, 472.011, 472.018, 472.019(2), 472.033 FS.

LAW IMPLEMENTED: 455.219, 455.271(9), 472.011, 472.018, 472.019(2), 472.033 FS.

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

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

PLACE: Sheraton Suites, 4400 W. Cypress Street, Tampa, FL 33607

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLES:	RULE NOS.:
Equivalency Education	61J1-4.002
Continuing Education	61J1-4.003
Notice of Satisfactory Course Completion	61J1-4.005
Distance Education Courses for Hardship Cases	61J1-4.006
Continuing Education for School Instructors	61J1-4.008

PURPOSE AND EFFECT: The Board will consider new requirements for continuing education and distance education providers regarding course objectives, materials, approval, grading, modifications, testing and end of course examinations. The rule also expands the types of educators that may provide continuing education to appraisers.

SUBJECT AREA TO BE ADDRESSED: To modify requirements for the continuing education and distance education of registered, licensed and certified real estate appraisers and school instructors.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.615(2), 475.617, 475.618 FS.

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

TIME AND DATE: 9:00 a.m., October 3, 2000

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, pre-licensure, pre-certification, or appraiser continuing education shall be that the course or courses covered substantially the same

subject matter, ~~required classroom hours of attendance~~, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rules 61J1-4.001, 4.003 or 4.007, Florida Administrative Code. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. ~~If the requested information is found lacking to show course equivalency,~~ The ~~the~~ board may request supportive documentation to determine course equivalency.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.002, Amended 4-6-98,

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 classroom hours of 50 minutes each of continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code. Of the 30 hours, a minimum of ~~4~~ 7 hours with a maximum of 15 hours, without duplication of material, shall include an update of the Uniform Standards of Professional Appraisal Practice as defined in s. 475.611(1)(m), Florida Statutes, and a minimum of 3 hours shall ~~with~~ review and update the Florida Real Estate Appraisal License Law and provide an introduction to other state and federal laws affecting real estate appraisals. The list of approved courses may be obtained from the board at 400 West Robinson Street, Orlando, Florida 32801. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months.

(2) The board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by a nationally or state recognized appraisal organization, area technical center, accredited community college, college or university, state or federal agency or commission or proprietary real estate school that holds a permit pursuant to s. 475.451, Florida Statutes ~~public or private school, firm, association, organization, person, corporation or society for appraisal continuing education credit~~. The criteria for approval shall be as set out in paragraph (3) below.

(3) Satisfactory completion of the board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses cover real estate appraisal related topics such as ad valorem taxation, arbitration, business

courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of board prescribed course instruction.

(4) The Florida institution, organization, ~~permitted licensee~~ real estate school or board approved ~~sponsor entity~~ offering these board prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the board, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, ~~in the Florida Administrative Code.~~

(5) These board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area ~~vocational~~ technical centers, accredited ~~university universities~~, colleges ~~or and~~ community colleges, state or federal ~~agency agencies~~ or commissions, or ~~proprietary~~ by real estate schools that holds a ~~permit licensee~~ pursuant to s. 475.451, Florida Statutes, or at a place approved by the board. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(6) Credit toward the classroom hour requirement may only be granted where the length of the educational offering is at least 3 hours in length.

(7) Of the required 30 classroom hours, 5 hours may be earned by attending a meeting of the board wherein disciplinary cases are considered. Attendance must be for the entire day that the board is in session. At least 7 days advance notice of the intent to attend the board meeting must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice will result in no credit hours. A maximum of 10 hours will be allowed during a renewal cycle. Credit hours may not be earned when the registrant, licensee or certificate holder attends a disciplinary case session as a party to a disciplinary action.

(8) Any current member of the Florida Real Estate Appraisal Board who attends at least 8 meetings of the board in a renewal period where disciplinary cases involving violations of the USPAP, amendments to the USPAP and revisions to Chapter 475, Part II, Florida Statutes, are discussed shall receive 30 hours of continuing education.

(9) Credit towards the ~~continuing education classroom hour~~ requirements of this rule may also be satisfied by teaching board approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

(10)(a) The continuing education requirements of this rule may be taught by a board approved equivalent distance education course. Distance education is education that takes place when the learner is separated from the source of instruction by time and/or distance. Such distance education course subject matter, assignment work, scholastic standards and other related requirements shall be substantially the same as the course offered by classroom instruction, having due regard however, to the different method of presentation.

(b) Satisfactory completion of the board prescribed continuing education course or courses through distance education is demonstrated by achieving a grade of 80% or higher on the board approved course final examination prepared and administered by the Florida institution, organization or permitted real estate school offering such distance education course. Students failing the board prescribed course examination must repeat the board prescribed distance education course of study prior to being eligible to again take the course examination, which must be a different examination from the one the student previously failed. No examination shall contain more than 20% duplication of questions contained in other approved final examinations administered by the Florida institution, organization or permitted real estate school offering the distance education course.

(c) A copy of the distance education course materials and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the board for evaluation and approval at least 60 days prior to use. A minimum of five end of course examinations for each course shall be submitted for approval. The board will issue a status report to the course provider within 30 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, organization or school offering the distance education course in accordance with the board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, organization or school offering the board approved distance education courses to keep the course material current and accurate, and notify the board at least 60 days before implementing any significant changes to the course during its approval period.

(d) The objective of the distance education course of study end of course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. This examination shall consist of a minimum of 30 questions. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The answer key must be unique for each form of the examination. Any Florida institution, organization or permitted real estate school offering the board prescribed continuing education course of study by distance education must maintain a sufficient bank of questions to assure examination validity when administered to licensees from a common source such as a specific business, firm or family.

Application level is defined as the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information.

Knowledge level is defined as recalling specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that must be committed to memory.

(e) In all board approved continuing education courses by distance education, the real estate school and school permitholder shall provide to students an address and telephone number of a permitted instructor registered with such school to answer inquiries. The instructor shall be available during normal working hours each business day. Normal working hours are defined as being 9:00 A.M. to 5:00 P.M., in the appropriate time zone, Monday through Friday excluding legal holidays.

(f) Continuing education courses by distance education will be approved for 24 months. Courses may not be offered, distributed or graded after the expiration date. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98,_____.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure or certification, a grade report as proof to the department that they have satisfactorily completed the applicable course(s) prescribed in Rule ~~rule~~ 61J1-4.001 or 4.002, Florida Administrative Code.

(2) An application for renewal of an existing designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). The department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education requirements as prescribed in Rules 61J1-4.003, 4.007 and 4.008, Florida Administrative Code, or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) The grade report must be typed or printed in ink and must be completely filled out by the institution, school or entity certifying successful course completion. The grade report must also include the authorized signature of the school permitholder ~~permit holder~~, chief administrative person or entity.

(4) The grade reports shall contain the following information for the type of course being completed:

(a) Preregistration, Prelicensing or Precertification Course For Appraiser

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date
- Examination ~~Exam~~ Date
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

- (b) Appraisers Continuing Education
- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date
- Registration, License or Certificate Number
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

- (c) Instructor Continuing Education
- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date
- Permit Number
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

(5) Each grade report shall state:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Appraisal Board.

(6) The original grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.618 FS. History—New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98,_____.

61J1-4.006 Distance Education Correspondence Courses For Hardship Cases.

(1) Distance education Correspondence courses containing the same subject matter and requiring substantially the same work assignment will be prescribed by the Florida Real Estate Appraisal Board for any person who by reason of hardship cannot attend the place for classroom instruction prescribed in Rules rules 61J1-4.001, ~~4.003~~, 4.007 and 4.008, Florida Administrative Code. These scholastic standards and other related requirements will be substantially the same as the courses offered by classroom instruction, having due regard, however, to the different method of presentation. A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The approval or denial of the course will be based on the extent to which the course complies with the requirements set forth in Rules 61J1-4.001, ~~4.003~~, 4.007 or 4.008, Florida Administrative Code. Examination, if required, must test the course material. If course approval is denied, the course may be resubmitted with the mandated changes.

Enforcement of said standards and requirements shall be the responsibility of the Florida Real Estate Appraisal Board and the Department of Business and Professional Regulation.

(2) A hardship case is defined to include any case wherein a person desiring to take the Florida Real Estate Appraisal Board prescribed courses cannot, by reason of a physical disability, attend the place where the classes are conducted.

(3) Any person desiring to complete the education course by means of distance education correspondence shall make a request ~~therefor~~ to the Florida Real Estate Appraisal Board, in writing, setting forth the basis of the alleged hardship. The Florida Real Estate Appraisal Board will require said request to be supported by statement of doctors and other persons having knowledge of the facts.

Specific Authority 475.614 FS. Law Implemented 475.615(2) FS. History—New 10-15-91, Formerly 21VV-4.006, Amended 4-14-98,_____.

61J1-4.008 Continuing Education for School Instructors.

(1) All persons holding "school instructor" permits shall recertify their competency during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code, by satisfactorily completing a minimum of 21 ~~classroom~~ hours of instruction in real estate appraisal subjects and instructional techniques as prescribed by the board. A school instructor is not required to complete the 21 hours of recertification education as a condition for initial permit renewal if the time between the effective date ~~of~~ ~~on~~ the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months. Of the required 21 ~~classroom~~ hours, up to 14 hours may be applied toward the continuing education requirement for registration, licensure, or certification pursuant to Rule 61J1-4.003, Florida Administrative Code.

(2) The board prescribed 21 ~~classroom~~ hours of instruction shall consist of one 7-hour ~~7-classroom-hour~~ seminar conducted by the board and a minimum of ~~7-classroom~~ hours of board approved instruction in real estate appraisal subjects and a minimum of ~~7-classroom~~ hours of board approved instruction in Uniform Standards of Professional Appraisal Practice (USPAP). The ~~14-classroom~~ hours ~~courses~~ of instruction may be offered by accredited universities, colleges, ~~and~~ community colleges and area technical centers in this state, by real estate schools permitted registered pursuant to s. 475.451, Florida Statutes, and sponsors entities approved by the board. The standards for board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. Requests for approval to offer the ~~7-classroom~~ hours of instruction in real estate appraisal subjects and the ~~7-classroom~~ hours of USPAP course(s) shall be made to the board for evaluation within ~~at least~~ 60 days prior to offering the course. The requests shall include a detailed course description, all

Section II
Proposed Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Acquisition of Controlling Stock
RULE NO.: 4-143.056

PURPOSE AND EFFECT: The proposed amendment deletes a form for which the Department lacks sufficient legislative authority.

SUMMARY: Deletion of Form DI4-414 rev. 6/1/89, Paid Representative Registration.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308, 628.461(13) FS.

LAW IMPLEMENTED: 624.307(1),(3), 624.317, 624.321, 624.34, 624.404, 624.413, 624.424(6), 624.501, 624.5091, 628.051, 628.061, 628.461 FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., October 17, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wayne Johnson, Bureau of Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5232.

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 at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-143.056 Acquisition of Controlling Stock.

(1) through (3) No change.

(4) The acquiring person shall comply with the instructions contained on Form DI4-918, "Acquisition of Controlling Interest of a Domestic Insurer," rev. 8/92, and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.

(a) through (c) No change.

~~(d) Form DI4-414, "Paid Representative Registration," rev. 6/01/89;~~

(e) through (q) renumbered (d) through (p) No change.

(5) No change.

Specific Authority 624.308, 628.461(13) FS. Law Implemented 624.307(1),(3), 624.317, 624.321, 624.34, 624.404, 624.413, 624.424(6), 624.501, 624.5091, 628.051, 628.061, 628.461 FS. History—New 6-7-90, Formerly 4-109.002, Amended 5-12-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Johnson, Bureau Chief, Property and Casualty Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Director, Division of Insurer Services, Department of Insurance

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

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

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES: Intent of Rules
RULE NOS.: 4A-3.001

Application of Rules 4A-3.002

PURPOSE AND EFFECT: This rule is duplicative of the statute and should be repealed.

SUMMARY: To repeal Rule 4A-3.001 and 4A-3.002.

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: 633.01(1), 633.022 FS.

LAW IMPLEMENTED: 633.01, 633.022, 633.081 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., October 12, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gabe Mazzeo, Senior Attorney, State Fire Marshal, Department of Insurance, Tallahassee, FL 32399-0300, phone number (850)413-3604

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 at (850)922-3100, Ext. 4214.