

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

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: RULE NO.:

Disapproval of Directors or Executive Officers 3C-100.03852

PURPOSE AND EFFECT: This rule will be revised so that more Florida-chartered financial institutions will not need to provide the Department of Banking and Finance 60 days prior notices of election of new directors and executive officers, thereby reducing the regulatory burden on Florida-chartered financial institutions.

SUBJECT AREA TO BE ADDRESSED: Disapproval of directors and executive officers.

SPECIFIC AUTHORITY: 655.012(3), 655.0385 FS.

LAW IMPLEMENTED: 655.0385, 658.21, 658.33, 665.013 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 30, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.03852 Disapproval of Directors or Executive Officers.

(1) through (5) No change.

(6) Pursuant to Section 655.0385(1)(b), Florida Statutes, the Department may exempt from the 60 day notice requirement a financial institution which has undergone a change of control or conversion within the preceding two years and which operates in a safe and sound manner.

(a) A financial institution with a composite rating of "1", "2" or "3", and with a management rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a state or federal regulatory action shall be automatically exempted from the 60 day notice requirement. For purposes of this section

"regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, ~~documents of resolution~~, letters of understanding and agreement, ~~resolutions adopted at the request of financial institution regulators~~, and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

(b) Other financial institutions may request an exemption by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner and why an exemption is appropriate. Any such request must include supporting documentation of improvements in the institution and its operations. The request for exemption shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1", "2" or "3", with a management rating of "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request for waiver from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy.

Specific Authority 655.012(3), 655.0385(4) FS. Law Implemented 655.0385, 658.21, 658.33, 665.013 FS. History--New 12-14-93, Amended 3-20-00.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

RULE TITLE: RULE NO.:

Reporting of Significant Events or Conditions 3C-100.948

PURPOSE AND EFFECT: The rule will be revised to automatically exempt more Florida-chartered financial institutions from the requirement to report significant events or conditions to the Division of Banking.

SUBJECT AREA TO BE ADDRESSED: Reporting of significant events or conditions to the Division of Banking.

SPECIFIC AUTHORITY: 655.012 FS.

LAW IMPLEMENTED: 655.948 FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief,

Bureau of Financial Institutions, District I, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-100.948 Reporting of Significant Events or Conditions.

(1) No change.

(2)(a) "Operating in a safe and sound manner" shall mean any state financial institution operating with a composite rating of "1", "2" or "3" and with a management rating of "1" or "2" in its most recent safety and soundness report of examination or, in the case of a trust company, its most recent trust report of examination, and which is not subject to a State or Federal regulatory action. For purposes of this section "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, ~~documents of resolution~~, letters of understanding and agreement, ~~resolutions adopted at the request of financial institution regulators~~, and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Council's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

(b) Other financial institutions may request a determination that they are operating in a safe and sound manner by writing to the Director of the Division of Banking detailing why the institution believes it is operating in a safe and sound manner. Any such request must include supporting documentation of improvements in the institution and its operations. The request shall be approved only when the Director of the Division of Banking concludes that, because of the documented improvements, the institution would be rated "1", "2" or "3", with a management rating of "1" or "2" were a safety and soundness examination conducted on the date of the institution's request. For example, the Director of the Division of Banking may approve a request from an institution that was poorly rated in its last safety and soundness examination because of inadequate capital if the institution documents that it increased capital sufficiently to address the inadequacy.

(3) through (6) No change.

Specific Authority 655.012 FS. Law Implemented 655.948 FS. History--New 11-2-92, Amended 6-20-00,\_\_\_\_\_.

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE:

Application

RULE NO.:

3C-105.402

PURPOSE AND EFFECT: The rule is being revised to allow more Florida-chartered financial institutions to establish branch offices by 30 days prior written notice to the Department of Banking and Finance. Conversely, the change will require fewer financial institutions to file written applications with and to receive approvals from the Department of Banking and Finance for new branch offices.

SUBJECT AREA TO BE ADDRESSED: Applications for new branches and 30-day notices to establish branches.

SPECIFIC AUTHORITY: 655.012(3), 658.26(2)(c) FS.

LAW IMPLEMENTED: 658.26(2)(c), 665.013 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 30, 2000

PLACE: Division of Banking Conference Room, 6th Floor, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Linda Charity, Chief, Bureau of Financial Institutions, District I, Division of Banking, Room 614, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9111

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-105.402 Application.

Forms and Filing. A state financial institution operating in a safe and sound manner may submit a notice to the Department to establish a branch office at least 30 days before opening such branch. For the purpose of this section, a safe and sound financial institution is an institution that has been in operation for at least 24 months, is well-capitalized, ~~has adequate management~~, has received an aggregate rating at the institution's most recent state or federal safety and soundness examination of "1", ~~no less than "2,"~~ or "3", with a management rating of "1" or "2", and is not the object of any ~~regulatory enforcement~~ action. Other financial institutions shall apply for approval to establish a branch office through filing Form DBF-C-16. For purposes of this section, "regulatory action" shall include cease and desist orders, written agreements, memoranda of understanding, letters of understanding and agreement and any other equivalent action initiated by a financial institution regulator. (Examination ratings are based on the Federal Financial Institutions Examinations Counsel's Uniform Interagency Trust Rating System and Uniform Financial Institutions Rating System, often called the CAMELS rating system.)

Specific Authority 655.012(3), 658.26(2)(c) FS. Law Implemented 658.26(2), 665.013 FS. History--New 3-22-76, Amended 5-24-78, 7-27-81, 8-12-82, Formerly 3C-13.02, Amended 3-24-86, Formerly 3C-13.002, Amended 8-14-94, 4-15-98, 9-27-99,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLES: RULE NOS.:

Motor Vehicle Retail Installment Seller and  
 Motor Vehicle Retail Installment Seller  
 Branch Office License Renewal  
 and Reactivation 3D-50.070  
 Prepaid Finance Charge 3D-50.075

PURPOSE AND EFFECT: Section 520.994(5), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by Chapter 520, F.S.

SUBJECT AREA TO BE ADDRESSED: Renewal of motor vehicle retail installment seller and motor vehicle retail installment seller branch office licenses on the Department’s website.

SPECIFIC AUTHORITY: 520.03(2),(3), 520.994(5) FS.

LAW IMPLEMENTED: 520.03(2),(3), 520.994(5) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, 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: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-50.070 Motor Vehicle Retail Installment Seller and Motor Vehicle Retail Installment Seller Branch Office License Renewal and Reactivation.

(1) Each active motor vehicle retail installment seller and motor vehicle retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.03, F.S., and the renewal/reactivation notice, Form DBF-MV-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department’s website (www.dbf.state.fl.us) on the Internet.

~~(7)~~(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.03(2),(3), 520.994(5) FS. Law Implemented 520.03(2),(3), ~~520.994(5)~~ FS. History–New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99,\_\_\_\_\_.

3D-50.075 Prepaid Finance Charge.

Any fee designated as a loan processing fee, not to exceed \$200.00, on a motor vehicle retail installment contract shall be treated as a prepaid finance charge and disclosed as such pursuant to Section 520.07(2)(a)3., F.S. The loan processing fee together with other finance charges assessed on a motor vehicle retail installment contract shall not exceed the finance charge limitation in Section 520.08, F.S. In the event that the buyer prepays the motor vehicle retail installment contract, the buyer shall receive a prorated refund of the loan processing fee as required by Section 520.09, F.S.; provided, however, in accordance with Section 520.085(1)(c)~~(3)~~, F.S., if the motor vehicle retail installment contract is a simple interest contract, no prorated refund is required.

Specific Authority 520.994(5) FS. Law Implemented 520.07, 520.08, 520.085, 520.09 FS. History–New 10-17-94, Amended 7-10-96,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLE: RULE NO.:

Retail Installment Seller and Retail Installment  
 Seller Branch Office License Renewal  
 and Reactivation 3D-60.070

PURPOSE AND EFFECT: Section 520.994(5), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by Chapter 520, F.S.

SUBJECT AREA TO BE ADDRESSED: Renewal of retail installment seller and retail installment seller branch office licenses on the Department’s website.

SPECIFIC AUTHORITY: 520.32(2),(3), 520.994(5) FS.

LAW IMPLEMENTED: 520.32(2),(3), 520.994(5) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, 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: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-60.070 Retail Installment Seller and Retail Installment Seller Branch Office License Renewal and Reactivation.

(1) Each active retail installment seller and retail installment seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 520.32, F.S., and the renewal/reactivation notice, Form DBF-RS-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

(7)(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.32(2),(3), 520.994(5) FS. Law Implemented 520.32(2),(3), 520.994(5) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation RULE NO.: 3D-70.060

PURPOSE AND EFFECT: Section 520.994(5), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by Chapter 520, F.S.

SUBJECT AREA TO BE ADDRESSED: Renewal of sales finance company and sales finance company branch office licenses on the Department's website.

SPECIFIC AUTHORITY: 520.52(2),(3), 520.994(5) FS.

LAW IMPLEMENTED: 520.52(2),(3), 520.994(5) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, 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: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-70.060 Sales Finance Company and Sales Finance Company Branch Office License Renewal and Reactivation.

(1) Each active sales finance company and sales finance company branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year, upon receipt of the statutory renewal fee required by Section 510.52, F.S., and the renewal/reactivation notice, Form DBF-SF-3, revised 10/99, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

(7)(6) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.52(2),(3), 520.994(5) FS. Law Implemented 520.52(2),(3), 520.994(5) FS. History--New 11-5-87, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLE: Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation RULE NO.: 3D-80.050

PURPOSE AND EFFECT: Section 520.994(5), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by Chapter 520, F.S.

SUBJECT AREA TO BE ADDRESSED: Home improvement finance seller and home improvement finance seller branch office license renewal on the Department's website.

SPECIFIC AUTHORITY: 520.63(2),(3), 520.994(5) FS.

LAW IMPLEMENTED: 520.63(2),(3), 520.994(5) FS.

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

TIME AND DATE: 10:00 a.m., October 30, 2000

PLACE: Room 550, 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: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-80.050 Home Improvement Finance Seller and Home Improvement Finance Seller Branch Office License Renewal and Reactivation.

(1) Each active home improvement finance seller and home improvement finance seller branch office license shall be renewed for the biennial period beginning January 1 of each odd-numbered year upon receipt of the statutory renewal fee required by Section 520.63, F.S., and the renewal/reactivation notice, Form DBF-HI-3, revised 10/99, and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) through (5) No change.

(6) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

~~(7)(6)~~ If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 520.63(2),(3), 520.994(5) FS. Law Implemented 520.63(2),(3), 520.994(5) FS. History--New 4-13-88, Amended 11-11-90, 12-18-93, 9-29-96, 12-8-99,\_\_\_\_\_.

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Finance**

RULE TITLE: Consumer Finance License Renewal and Reactivation

RULE NO.: 3D-160.031

PURPOSE AND EFFECT: Section 516.03(1), F.S., allows the Department to adopt rules to allow electronic submission of any form, document or fee required by the Florida Consumer Finance Act.

SUBJECT AREA TO BE ADDRESSED: Renewal of consumer finance licenses on the Department's website.

SPECIFIC AUTHORITY: 516.03(1), 516.22(1), 516.23(3) FS.

LAW IMPLEMENTED: 516.03(1), 516.05(1),(2) 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 30, 2000

PLACE: Room 550, 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: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-160.031 Consumer Finance License Renewal and Reactivation.

(1) Each active consumer finance license will be renewed for the biennial period beginning January 1 of every odd-numbered year, upon submission of the statutory renewal fee and renewal notice to the Department. Form DBF-CF-3 (effective 10/99), Consumer Finance License Renewal, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(2) Failure to return the renewal notice and fee prior to January 1 of the renewal year shall automatically result in the license becoming inactive. The inactive license may be reactivated within six (6) months after becoming inactive upon payment of the biennial license fee; and payment of the reactivation fee which is a fee equal to the biennial license fee; and return of the reactivation notice.

(3) Renewal via the Internet. In lieu of filing the paper version of the renewal form, a licensee may renew its license electronically by following the applicable instructions on the Department's website (www.dbf.state.fl.us) on the Internet.

(4) If December 31 of the year is on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., then the renewals received on the next business day will be considered timely received.

Specific Authority 516.03(1), 516.22(1), 516.23(3) FS. Law Implemented 516.03(1), 516.05(1),(2) FS. History--New 12-13-88, Amended 1-5-00, \_\_\_\_\_.

**DEPARTMENT OF INSURANCE**

RULE CHAPTER TITLE: Viatical Settlements

RULE CHAPTER NO.: 4-204

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: This rule development workshop notice is a replacement of the Notice published in Vol. 26, No. 38, on September 22, 2000, of the Florida Administrative Weekly. The only change is the date and time. The rule contains, among other things, definition of terms used in the act, disclosures for purchasers of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies.

SPECIFIC AUTHORITY: 624.308, 626.9925, 626.9935 FS.

LAW IMPLEMENTED: Part X, Chapter 626 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: 10:30 a.m., November 13, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ted Straughn, Financial Examiner/Analyst Supervisor, Division of Insurer Services, Bureau of Specialty Insurers, Department of Insurance

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 Ted Straughn at (850)922-3110, Ext. 2474.

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

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

<b>RULE TITLES:</b>	<b>RULE NOS:</b>
Index to Forms	12D-16.002
Definitions and Scope of the Rules	12D-16.010
Communication of Return Information in Electronic Format	12D-16.030
Taxpayer Information and Identity	12D-16.040
Acknowledgment to Taxpayer	12D-16.050
Uniform Format for All Counties	12D-16.060
Procedures for Transfer	12D-16.080
Due Date; General Provisions	12D-16.090

**PURPOSE AND EFFECT:** The proposed amendment to Rule 12D-16.002, F.A.C., and proposed creations of Rules 12D-16.010, 12D-16.030, 12D-16.040, 12D-16.050, 12D-16.060, 12D-16.080, and 12D-16.090, F.A.C., implement the provisions of section 193.052, Florida Statutes, which require the Department of Revenue to provide, by rule, formats and instructions for filing tangible personal property tax returns through electronic data interchange (EDI) method.

**SUBJECT AREA TO BE ADDRESSED:** Electronic data interchange method and formats for filing tangible personal property tax returns.

**SPECIFIC AUTHORITY:** 193.052, 195.027(1), 213.06(1) FS.  
**LAW IMPLEMENTED:** 92.525, 95.18, 136.03, 192.001(18), 193.047, 193.052, 193.062, 193.072, 193.073, 193.074, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193,

196.1983, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS.

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

TIME AND DATE: 10:45 a.m., October 27, 2000

PLACE: Holiday Inn Cocoa Beach Oceanfront Resort, 1300 N. Atlantic Avenue, Cocoa Beach, Florida

Copies of the agenda for the rule development workshop may be obtained from Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathy Henley, Revenue Program Administrator II, Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)922-7952

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) through (61)	No change.	
(62) <u>DR-594</u>	<u>Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return (n. 12/00)</u>	<u>2/01</u>
(63) <u>DR-599</u>	<u>Electronic Data Interchange Transfer Authorization and Agreement Form (n. 12/00)</u>	<u>2/01</u>

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.114, 193.122, 193.461, 193.625, 194.011, 194.032, 194.034, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.198, 196.1995, 197.222, 197.253, 197.3632, 197.3635, 197.414, 197.432, 197.512, 197.552, 200.065, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00.

#### 12D-16.010 Definitions and Scope of the Rules.

These rules address the electronic data interchange (EDI) of tangible personal property return information. The scope of these rules is to provide for the format and instructions necessary for the return of information to the property appraiser by the taxpayer; to ensure that all property subject to ad valorem tax is properly listed by the taxpayer; to require a uniform format for the electronic transfer of return information used by any county which elects to accept the electronic returns; to require that the format of the electronic return replicate Form DR-405, Tangible Personal Property Tax Return (incorporated by reference in Rule 12D-16.002, F.A.C.), as it is currently prescribed by the Department; to ensure that adequate safeguards for verification of taxpayers' identities are part of the EDI system; and to provide a standard of data transfer which ensures the confidentiality of information which is proprietary to the taxpayer. For the purposes of this rule chapter, the terms and phrases used in these rules shall have the meanings prescribed in this section, unless a different meaning is clearly indicated by the context in which the term or phrase is used.

(1) "Acknowledgment" when used in reference to EDI means the verification code or receipt number generated by the EDI system, which may include or be a trace number, which confirms the successful received communication of return information or extension request.

(2) "Call-in period" means the specified time interval in each day during which EDI return information or extension request received by the data collection center will be date stamped as being received. The call-in period must be specified by the property appraiser; if the property appraiser does not specify otherwise on Form DR-599, Electronic Data Interchange Transfer Authorization and Agreement Form (incorporated by reference in Rule 12D-16.002, F.A.C.), the call-in period shall be a default of "24/7," meaning 24 hours each day, seven days a week, with allowance for necessary outages.

(3) "Data collection center" means any computer facility operated by the property appraiser or a third party vendor designated by the property appraiser that, under contract with the property appraiser, collects and processes electronic return information or extension requests from taxpayers.

(4) "Due date" means the latest date on which a return is required to be made by a taxpayer, including any extensions under section 193.062, F.S., unless the context of the rule indicates otherwise.

(5) "Electronic data interchange" or "EDI" means any transfer of taxpayer records in approved digital format, using suitable encryption technology to maintain confidentiality.

(6) "Electronic return filing" means the electronic transfer of return data or extension request generated by the taxpayer and transmitted to a data collection center.

(7) "Electronic return" or "electronic format" means a digital transfer of all information required by the Form DR-405, Tangible Personal Property Tax Return, as currently prescribed by the Department, or substitute forms of the Form DR-405 which have been approved by the Department.

(8) "Receipt number" means the verification code generated by the EDI system, which acknowledges the received communication of return information or extension request.

(9) "Taxpayer security code" means a confidential authorization code, or password, assigned to each taxpayer, which uniquely identifies the taxpayer and allows only the taxpayer, the taxpayer's fiduciary, or the authorized agent of the taxpayer to communicate return information or extension request to the data collection center. Taxpayer security codes assigned are part of the return, are confidential, and shall not be the same as the parcel or account identification number assigned by the property appraiser, which is part of the public records.

(10) "Trace number" means the verification code generated by the EDI system, which uniquely identifies the received communication of return information or extension request and can be used for later retrieval.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

#### 12D-16.030 Communication of Return Information in Electronic Format.

(1) Except as otherwise provided by this rule, any notice, return of information, application form, or completed application form that is required or permitted under this rule to be exchanged between a property appraiser and the taxpayer or between a property appraiser and an agent or fiduciary designated by the taxpayer may be delivered in an electronic format if the property appraiser and taxpayer agree to the terms specified under this rule.

(2) Taxpayers who participate in an EDI program implemented by the property appraiser shall use one of the following means of communicating return information or extension requests to the property appraiser.

(a) Computer-to-computer communication of information over a direct link to a data collection center maintained by the property appraiser.

(b) Communication of information indirectly through a third party data collection center having the ability to guarantee the confidentiality of taxpayer data and subject to the same confidentiality requirements as the property appraiser.

(3) This rule is not intended to prohibit the use of any direct method of electronic transfer of information which ensures that all tangible personal property required to be identified by the taxpayer is properly listed.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

#### 12D-16.040 Taxpayer Information and Identity.

(1) The property appraiser's EDI system may be a service provider identified by the property appraiser as the appropriate data collection center and must be used by taxpayers who elect to submit electronic returns.

(2) The property appraiser will make available a notice to taxpayers and an Electronic Data Interchange Transfer Authorization and Agreement Form (DR-599, an official form incorporated by reference in Rule 12D-16.002, F.A.C.) to be used to remit electronic returns. When completed and filed, this form shall constitute part of the EDI return.

(3) The taxpayer must complete and sign the Form DR-599 and it must be received by the property appraiser by the date the property appraiser specifies using such form.

(a) The information required to be provided by the taxpayer on this form includes:

1. Business name;
2. Business mailing address;
3. Taxpayer's Federal Employer Identification Number or Social Security Number, whichever is most appropriate;
4. Contact person (title and telephone number);
5. Name and signature of person authorized to sign returns;

6. Name of any agent or fiduciary who returns property information on behalf of the taxpayer and the capacity under which the agent or fiduciary is acting.

(b) The form must specify the medium of communication to be used by the EDI system; the type of communication covered; and the means for protecting the security of any electronically submitted information. The form may address other matters relevant to the method of communication between the property appraiser and the taxpayer. The form, together with EDI filings, shall constitute the return information of the taxpayer and shall be confidential.

(4) The property appraiser shall assign a confidential taxpayer security code directly to the taxpayer, to be used by the taxpayer when communicating return information or extension requests to the data collection center. This number shall be provided to the taxpayer upon receipt of the Form DR-599, at the latest.

(5) Use of the EDI return method by a taxpayer will be conditioned upon the taxpayer's written agreement to provide return information to the data collection center as provided in these rules.

(6) The Form DR-599 will be in effect from year to year except as follows. The taxpayer may revoke the form where the taxpayer desires to discontinue EDI. The property appraiser may reserve the right to revoke the EDI return filing privilege of any taxpayer who: does not consistently transmit error-free information; substantially varies from the requirements and specifications of these rules; repeatedly fails to make timely return transfers; or, repeatedly fails to provide required data records with the EDI transfer. Additionally, the property appraiser shall have the right to revoke the EDI privilege for any reason he or she deems sufficient that jeopardizes the integrity of the system.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

#### 12D-16.050 Acknowledgment to Taxpayer.

Methods by which the taxpayer will be provided with an acknowledgment may include, but are not limited to:

(1) Acknowledgment may be made at the time EDI is received by the property appraiser, such that the property appraiser's EDI system sends an electronic confirmation number or trace number to the taxpayer after receipt of a successful transmission by the data collection center.

(2) The property appraiser may mail a paper acknowledgment to the taxpayer.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History--New

#### 12D-16.060 Uniform Format for All Counties.

(1) The acceptable file structure of the return shall be as described in Electronic Data Interchange TPP Return File Structure Form Tangible Personal Property Tax Return (DR-594, an official form incorporated by reference in Rule 12D-16.002, F.A.C.), which is an electronic facsimile of Form DR-405. The property appraiser may accept data sent in another file structure approved by the department pursuant to s. 195.022, F.S., which may include a file structure specified in a format described in subsection (2) of this rule.

(2)(a) The property appraiser must accept data sent in flat file ASCII delimited format.

(b) The property appraiser may accept data sent in other formats agreed to by the property appraiser including, but not limited to, the transaction set for the return data described in the American Standards Committee x12 Group Transaction Set, Number 813, Electronic Filing of Tax Return Data, Version 4010, or later.

(3)(a) If the taxpayer has timely filed Form DR-599, the taxpayer may request an extension of the April 1 return due date by EDI. Any such request must be made by EDI to the data collection center by the date specified by the property appraiser. The request shall include the following information, in the following file structure, blanks delimited, in a format stated in subsection (2):



Data Element:	Number of Characters
TIP number,	15
Tax ID number,	15
FEI Number,	15
Name,	40
Reason for any extension beyond 30 days,	400

(b) The property appraiser shall provide confirmation on granting any extension from April 1 that exceeds 30 days.  
Cross reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

12D-16.080 Procedures for Transfer.

(1) An acknowledgment will be issued at the conclusion of the successful transfer of EDI return information or extension request for each return or extension request filed. This number provides a means of verifying receipt of the successful transmission and serves as receipt for the delivery of the return or extension request. The property appraiser shall maintain either this number or a trace number as a record of the transfer, for later retrieval.

(2) Electronic transfers which are not received by the property appraiser on or before the due date of the return will constitute late returns and the applicable late filing penalties shall apply.

(3) If a taxpayer does not receive an acknowledgment, the return information or extension request shall not be considered filed.

Cross Reference: Rule 12D-8.005, F.A.C.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

12D-16.090 Due Date: General Provisions.

(1) To be considered timely, taxpayers who remit return information through an EDI system must initiate the transfer so that the information is received on or before the due date of the return as specified under section 193.062, F.S. If the due date on which the taxpayer is required to complete an EDI return falls on a Saturday, Sunday, or official Federal or State holiday, the taxpayer must complete the transfer no later than the following business day in order for the return to be considered timely filed, or alternatively file a standard paper return.

(2) The EDI method of transfer does not change any current filing requirements for tax returns. If the EDI transfer is not timely made or the tax return required is not filed by the due date, the provisions for late filing penalties under section 196.062, F.S., shall apply, except as provided in these rules.

(3) The provisions of Rule 12D-8.005, F.A.C., shall govern the compromise and settlement of any penalty assessed due to the late filing of an electronically filed return after the due date.

Specific Authority 193.052, 213.06(1) FS. Law Implemented 193.047, 193.052, 193.062, 193.072, 193.073, 193.074 FS. History—New

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

RULE CHAPTER TITLE: Sovereignty Submerged Lands Management

RULE CHAPTER NO.:

18-21

RULE TITLES:

RULE NOS.:

Intent	18-21.001
Scope and Effective Date	18-21.002
Definitions	18-21.003
Management Policies, Standards, and Criteria	18-21.004
Procedures-Forms of Consent	18-21.005
Delegation of Authority	18-21.0051
Applications for Consent of Use	18-21.007
Applications for Use Agreements	18-21.0077
Applications for Lease	18-21.008
Payments and Fees	18-21.011
Conducting Aquacultural Activities on Sovereign Submerged Lands and Water Columns Pursuant to Chapters to ss. 253.67-253.75 and s. 597.010	18-21.020
Applications for Using Sovereign Submerged Lands and water Columns for Aquacultural Activities	18-21.021
Payments and Fees for Aquacultural Activities on Sovereign Submerged Lands and Water Columns	18-21.022

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to implement statutory changes in Chapters 253 and 597, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments provide for the Board of Trustees of the Internal Improvement Trust Fund to manage, administer, and perform staff functions related to the use of sovereign submerged lands for aquacultural purposes.

SPECIFIC AUTHORITY: 253.002, 570.07(23) FS.

LAW IMPLEMENTED: 253.002(2), 597.003(1)(k), 597.010 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: Mark Berrigan, Division of Aquaculture, 1203 Governor's Square Boulevard, 5th Floor, Tallahassee, Florida 32301, Phone (850)488-5471

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

**STATE BOARD OF ADMINISTRATION**

RULE TITLE: Asset Transfer Procedures  
RULE NO.: 19-9.005

PURPOSE AND EFFECT: To discuss proposed asset transfer procedures required to transfer assets from the defined benefit program of the Florida Retirement System to the defined contribution program called the Public Employee Optional Retirement Program.

SUBJECT AREA TO BE ADDRESSED: Roles of the defined benefit program and the defined contribution program; the State Board of Administration; the Division of Retirement; the third-party administrator; investment product providers; and employers regarding how the transfers will be implemented.

SPECIFIC AUTHORITY: 121.4501(3)(c)4. FS.

LAW IMPLEMENTED: 121.4501 FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 4:00 p.m., Tuesday, November 14, 2000

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Cindy Gokel, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308, (850)413-1199

Copies of the preliminary text of the proposed rule development may be obtained from: Joan Lazar, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, telephone (850)413-1492 or e-mail: lazar\_joan@fsba.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is requested to contact Ms. Lazar at least 5 calendar days before the workshop.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE FOR DISTRIBUTION ON NOVEMBER 3, 2000.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE TITLE: Application  
RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Application form and the Master Covenant to reflect the current year and to change the effective date of these documents.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Application form and Master Covenant and effective dates of these documents.

SPECIFIC AUTHORITY: 240.551(7)(a) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., October 30, 2000

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board’s direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchases pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser’s application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP ~~99-1~~ 2000-1, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is ~~October 18, 1999~~ October 16, 2000. The Florida Prepaid College Program Master Covenant, Form No. FFCP ~~99-2~~ 2000-2, is hereby incorporated by reference with an effective date of ~~October 18, 1999~~ October 16, 2000.

Specific Authority 240.551(7)(a) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00,\_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE TITLE: Contract Exclusions  
RULE NO.: 19B-5.005

PURPOSE AND EFFECT: This rule change is being made to conform with recent legislative changes dealing with exclusions in the Prepaid program. The effect of the change is to allow Prepaid benefits to be used at postsecondary adult vocational programs.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Program and the addition of certain programs allowed to utilize its benefits.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., October 30, 2000

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-5.005 Contract Exclusions.

No graduate program, adult basic, or adult secondary ~~or postsecondary adult vocational~~ program is available under this plan.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Formerly 4G-5.005, Amended 6-20-96, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

RULE TITLES:	RULE NOS.:
Transfer to Out-of-State Schools	19B-9.003
Transfer to In-State Vocational-Technical Schools	19B-9.005

PURPOSE AND EFFECT: To revise the Board’s rules to add out-of-state community colleges as institutions where Prepaid benefits may be used; and to propose a rule which specifies the conversion methods for the transfer of benefits from a community college plan or a university plan to an in-state vocational-technical program.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Program, the addition of institutions where its benefits may be used and the inclusion of a specific conversion method for the transfer of benefits to an in-state vocational-technical program.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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:

TIME AND DATE: 2:00 p.m., October 30, 2000

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-9.003 Transfer to Out-of-State-Schools.

A qualified beneficiary may transfer the benefits of an advance payment contract to an eligible out-of-state community college, college or university. The amount transferred shall not exceed the redemption value of the advance payment contract, or the original purchase price plus 5 percent compounded interest, whichever is less, after assessment of a reasonable transfer fee. For purposes of the tuition and local fee plans, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. For purposes of the dormitory plan, the redemption value shall be the average of the state university dormitory fees charges at the time of matriculation for the number of semesters reflected in each purchaser’s contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Formerly 4G-9.003, Amended 12-5-93, 6-20-96, 2-18-99, \_\_\_\_\_.

19B-9.005 Transfer to In-State Vocational-Technical Schools.

A qualified beneficiary of the Florida Prepaid College Program may transfer the benefits of an advance payment contract to an applied technology diploma program or a vocational certificate program conducted by a community college listed in 240.3031, F.S., or an area technical center operated by a district school board. The amount of such benefits that may be transferred shall not exceed the redemption value. For purposes of a transfer to an applied technology diploma program or vocational certificate program conducted by a community college, the redemption value shall be the amount of tuition and local fees, respectively, charged by the community college at the time of matriculation. For purposes of a transfer to an area technical center operated by a district school board, the redemption value shall be the average amount of tuition and local fees, respectively, charged by the state universities or community colleges at the time of matriculation. If the cost of the fees charged by the community college or area technical center is less than the corresponding fees charged by a state postsecondary education institution, the amount transferred shall not exceed the cost of the fees charged by the community college or area technical center. The amount transferred may only cover the number of semester credit hours stipulated in the original contract.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Care of Inmates  
 RULE NO.: 33-602.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that personal clothing may be provided to inmates prior to their discharge from the Department to be worn upon their release.

SUBJECT AREA TO BE ADDRESSED: Care of Inmates.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Giselle Lysten Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

(1) through (9)(b) No change.

(c) A transferring inmate may, when transferred, take one issue of state clothing and all personal clothing. Transfers to contract work release facilities, contract drug facilities, and female community correctional centers via public transportation shall be made with personal clothing. An inmate's personal clothing, for purposes of transfer or upon release, may be supplied by the inmate, the inmate's family, or from available surplus clothing.

(d) No change.

(e) Civilian clothing, when available from family members or from surplus clothes closets, may be used by the inmate for court appearances, furloughs, funerals, and other circumstances, including release, as authorized by the warden.

(f) through (17) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Environmental Resource Permits  
 RULE CHAPTER NO.: 40E-4

RULE TITLE: Publications, Rules and Interagency Agreements  
 RULE NO.: 40E-4.091

Incorporated by Reference

PURPOSE AND EFFECT: The South Florida Water Management District (SFWMD) proposes to adopt by reference a "Delegation Agreement among the Florida

Department of Environmental Protection, the South Florida Water Management District, and Broward County" (Delegation Agreement) which the SFWMD and the Department of Environmental Protection (Department) are developing with Broward County's Department of Planning and Environmental Protection (DPEP) regarding delegating the authority to Broward County to implement certain environmental resource, wetland resource, and surface water management permitting, compliance and enforcement responsibilities under Part IV, Chapter 373, Fla. Stat., and the rules promulgated thereto. This delegation will be in accordance with Sections 373.441 and 403.182, Fla. Stat., and Chapter 62-344, Fla. Admin. Code. The intent of the Delegation Agreement is to provide streamlined environmental resource, wetland resource, and surface water management permit processing for proposed development activities within the geographical extent of Broward County excluding the geographical areas in Broward County that are subject to the jurisdiction of special taxing districts, independent drainage districts, water control districts, community development districts, the Everglades Buffer Strip, and the Water Conservation Areas. The Delegation Agreement provides that Broward County will be responsible for certain permitting, compliance and enforcement activities under the environmental resource, wetland resource, and surface water management permitting programs; perform formal determinations of wetlands and other surface waters under Section 373.421, Fla. Stat.; process and issue or deny requests for variances for mixing zones for turbidity and dissolved oxygen under Sections 373.414(17) and 403.201, Fla. Stat., when such variances are required as part of an environmental resource, wetland resource, or surface water management permit; and compliance and enforcement of the environmental resource, wetland resource, and surface water management permits issued by the Department or the SFWMD. The Delegation Agreement will exclude the authority for permitting, compliance, or enforcement of certain activities that will be reserved to the Department and the SFWMD, including the processing of authorizations to use sovereign submerged lands as well as the authority to grant or deny petitions for variances and waivers under Section 120.542, Fla. Stat.

As publications, rules, and interagency agreements are incorporated by reference in Rule 40E-4.091, F.A.C., the SFWMD is initiating rulemaking for the purpose of amending Rule 40E-4.091, F.A.C. to incorporate by reference the subject Delegation Agreement. Rule 40E-4.091, F.A.C., also specifies where the public may obtain a copy of the referenced materials. The rule development workshop set forth below is being conducted for the purposes of explaining SFWMD's proposal regarding the Delegation Agreement and to respond to questions or comments regarding the Delegation Agreement.

Florida Department of Environmental Protection and Broward County staff will also be present to respond to questions or comments regarding the Delegation Agreement.

**SUBJECT AREA TO BE ADDRESSED:** The rulemaking is required to adopt and incorporate by reference the Delegation Agreement among the Florida Department of Environmental Protection, South Florida Water Management District and Broward County regarding the delegation to Broward County, and the implementation by Broward County's Department of Planning and Environmental Protection, of certain environmental resource, wetland resource, and surface water management permitting, compliance and enforcement responsibilities pursuant to Part IV, Chapter 373, Fla. Stat.

**SPECIFIC AUTHORITY:** 373.441 FS.

**LAW IMPLEMENTED:** 373.441 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE JOINTLY CONDUCTED BY THE SFWMD, THE DEPARTMENT, AND BROWARD COUNTY AND HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, November 7, 2000

**PLACE:** Broward County Department of Planning and Environmental Protection, 218 S. W. 1st Avenue (Second Floor, Cypress Room), Ft. Lauderdale, FL 33301

**THE PERSON TO BE CONTACTED AT THE SFWMD REGARDING THE PROPOSED RULE DEVELOPMENT, TO REQUEST A COPY OF THE DRAFT DELEGATION AGREEMENT, AND TO PROVIDE WRITTEN COMMENTS TO IS:** Penelope Bell, South Florida Water Management District, Office of Counsel, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6320, Suncom 229-6320 or (561)682-6320 or via email at pbell@sfwmd.gov.

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

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41, and 40E-400, F.A.C.:

(a) through (j) No change.

(k) Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County, effective [insert date].

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.416, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

**RULE TITLE:** Continuing Education Requirements for

**RULE NO.:**

Certificateholders and Registrants 61G4-18.001

**PURPOSE AND EFFECT:** The Board proposes the development of a rule amendment to allow up to 4 hours of CE credit for licensees who attend meetings as a member of the Florida Building Code Commission.

**SUBJECT AREA TO BE ADDRESSED:** The Board proposes changes to its Continuing Education rules to allow up to 4 hours of CE credit for licensees who attend meetings as a member of the Florida Building Code Commission.

**SPECIFIC AUTHORITY:** 455.213(7), 489.108 FS.

**LAW IMPLEMENTED:** 455.271(10), 489.115, 489.116, 455.2123 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Cathleen O'Dowd, Interim Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

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

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) through (3) No change.

(4) The Board shall grant a maximum of four (4) hours of continuing education credit, on an hour for hour basis, to any licensee who participates as a member of ~~any technical advisory committee~~ to the Florida Building Code Commission within the Department of Community Affairs, or any technical advisory committee of that commission.

(5) through (8) No change.

Specific Authority 455.213(7), 489.108 FS. Law Implemented 455.271(10), 489.115, 489.116, 455.2123 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

**RULE TITLE:** Euthanasia of Dogs and Cats; Technician

**RULE NO.:**

Certification Course 61G18-16.005

PURPOSE AND EFFECT: The Board for purposes of this rule proposes to amend the rule text to further clarify a certified veterinary technician and the required qualifications.

SUBJECT AREA TO BE ADDRESSED: Certified veterinary technician.

SPECIFIC AUTHORITY: 474.206, 828.058 FS.

LAW IMPLEMENTED: 828.058 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-16.005 Euthanasia of Dogs and Cats; Technician Certification Course.

(1) through (3) No change.

(4) A certified veterinary technician who is an employee or agent of a licensed veterinarian and who is acting under the immediate supervision of a veterinarian as defined by subsection 474.202(5), F.S., may perform euthanasia without completion of the certification course. For purposes of this rule, a certified veterinary technician is an individual who has graduated from a veterinary technology training program that is accredited by the American Veterinary Medical Association Committee on Veterinary Technicians Education and Activities (CVTEA) and has successfully completed the examinations required by the Florida Veterinary Medical Association's Technician Committee.

(5) No change.

Specific Authority 474.206, 828.058 FS. Law Implemented 828.058 FS. History—New 4-18-94, Amended \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 00-47R

RULE CHAPTER TITLE: Noticed General Environmental

RULE CHAPTER NO.:

Resource Permits 62-341

RULE TITLE: General Permit for Private Single-Family

RULE NO.:

Residences 62-341.476

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: A new environmental resource Noticed General Permit (NGP) is being proposed to provide a more streamlined and less costly way of authorizing construction and mitigation of individual, single-family residences (not residential developments) and associated residential

improvements in wetlands, within limits to be specified in the NGP. The adverse impacts to wetlands under this NGP is proposed to be offset prior to construction of the residence by the purchase of equivalent mitigation equivalents from a Regional Offsite Mitigation Area (ROMA) or a mitigation bank, where such purchase offsets the loss of wetland functions caused by the construction of the residence and associated residential improvements.

SPECIFIC AUTHORITY: 373.026, 373.043, 373.118(1), 373.414(9) FS.

LAW IMPLEMENTED 373.118(1), 373.413, 373.414(9), 373.416, 373.418 FS.

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

TIME AND DATE: 1:30 p.m., Wednesday, October 25, 2000

PLACE: Bill Storch Room, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida

TIME AND DATE: 2:00 p.m., Thursday, October 26, 2000

PLACE: Executive Conference Room, Florida Department of Transportation, 11201 North McKinley Drive (north 40th Street), Tampa, Florida

TIME AND DATE: 9:30 a.m., Wednesday, November 1, 2000

PLACE: Conference Room 609, Twin Towers Building, Florida Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alice Heathcock, Rules Coordinator, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9890, or e-mail: Alice.Heathcock@dep.state.fl.us.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLES: Remediable Tasks Delegable to

RULE NOS.:

Dental Assistants 64B5-16.005

Levels of Supervision for Dental Hygienists 64B5-16.007

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B5-16.005 to update the rule text with regard to the remediable tasks dental assistants are authorized to perform. The Board proposes to amend 64B5-16.007 to update the rule text with regard to the remediable tasks dental hygienists are authorized to perform.

SUBJECT AREA TO BE ADDRESSED: Remediable tasks delegable to dental hygienists and dental assistants; levels of supervision for dental hygienists.

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) through (3) No change.

(4) The following remediable tasks may be performed by a dental assistant who has received on-the-job training and who performs the tasks under indirect supervision:

(a) through (d) No change.

(e) Removing excess cement from orthodontic appliances with non-mechanical hand instruments only.

(5) The following remediable tasks may be performed by a dental assistant who has received on-the-job training and who performs the tasks under general supervision:

(a) through (c) No change.

~~(d) Removing excess cement from orthodontic appliances with non-mechanical hand instruments only.~~

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended \_\_\_\_\_.

64B5-16.007 Levels of Supervision for Dental Hygienists.

By virtue of their training and licensure, dental hygienists are authorized to perform the following remediable tasks without additional training as defined in Chapter 64B5-16, F.A.C., under the following levels of supervision:

(1) Direct Supervision: Gingival curettage.;

~~(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic scalers;~~

(2) Indirect supervision:

(a) Root planing.;

(b) Removal of excess remaining bonding adhesive or cement following orthodontic appliance removal with slow-speed rotary instrument, hand instrument or ultrasonic scalers.

(3) through (4) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024(3) FS. History—New 1-18-89, Formerly 21G-16.007, 61F5-16.007, Amended 9-27-95, 6-12-97, Formerly 59Q-16.007, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Eligibility and Fee Assessment for Services

RULE CHAPTER NO.: 64F-16

Offered By County Public Health Units

64F-16

RULE TITLE: Definitions

RULE NO.: 64F-16.001

PURPOSE AND EFFECT: To incorporate by reference specific poverty guidelines referenced in the rule.

SUBJECT AREA TO BE ADDRESSED: Federal poverty guidelines used to determine eligibility.

SPECIFIC AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 14 DAYS OF THIS NOTICE 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., November 1, 2000

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, telephone (850)245-4444, Ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) through (6) No change.

(7) "Poverty guidelines" means the non-farm family poverty income scale adopted published by the United States Department of Health and Human Services (HHS) Federal Office of Management and Budget, as published in the Federal Register; February 15, 2000 edition (Volume 65, Number 31) pages 7555-7557.

(8) through (12) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Amended 4-29-96, Formerly 10D-121.002, Amended \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Developmental Services Program**

RULE TITLE: Use of General Revenue Funds  
RULE NO.: 65B-4.010

PURPOSE AND EFFECT: This rule prioritizes the items and services that the Department considers appropriate for the use of general revenue funds.

SUBJECT AREA TO BE ADDRESSED: The use of general revenue funds.

SPECIFIC AUTHORITY: 393.066(9), 393.501(1) FS.

LAW IMPLEMENTED: 393.066(1)(5), 393.068(2) 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., Wednesday, November 15, 2000

PLACE: Department of Children and Family Services, General Counsel's Conference Room, 1317 Winewood Blvd., Bldg. 2, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Faye Jones, Department of Children and Families, 1317 Winewood Blvd., Bldg. 2, Room 204X, Tallahassee, FL 32399-0700, (850)921-8132

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

**Section II  
Proposed Rules**

**DEPARTMENT OF BANKING AND FINANCE**

**Board of Funeral and Cemetery Services**

RULE TITLES: Application for Certificate of Authority  
RULE NOS.: 3F-5.002

Application for Certificate of Authority  
Branch Office License 3F-5.0021

Remittances to the Regulatory Trust Fund 3F-5.0024

PURPOSE AND EFFECT: Rules 3F-5.002 and 3F-5.0021 are being amended to change the date of the annual fee period from June 1 to July 1 to coincide with the fiscal year beginning July 1 and ending on June 30. Rule 3F-5.0024 is being amended because certificateholders are no longer entitled to credit against future remittances when a contract is cancelled thirty days after execution.

SUMMARY: Rules 3F-5.002 and 3F-5.0021 set forth the criteria for obtaining a certificate of authority for existing offices and branch offices. Rule 3F-5.0024 sets forth amounts to be remitted by certificate of authority holders to the Regulatory Trust Fund.

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, 497.407(1) FS.

LAW IMPLEMENTED: 497.405, 497.407 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

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

THE FULL TEXT OF THE PROPOSED RULES IS:

3F-5.002 Application for Certificate of Authority.

(1) Each entity desiring to obtain a certificate of authority shall apply to the Board by submitting the following:

(a) No change.

(b) An application fee of \$500 which shall be the fee for the annual period beginning ~~July~~ ~~June~~ 1 of each year or any part thereof.

(2) through (5) No change.

Specific Authority 497.103, 497.407(1) FS. Law Implemented 497.405, 497.407 FS. History--New 4-25-94, Amended 2-7-95, \_\_\_\_\_.

3F-5.0021 Application for Certificate of Authority Branch Office License.

(1) Every Certificate of Authority holder that is part of a common business enterprise and elects to operate under a different name shall apply to the Board for a license to operate a branch office by submitting the following:

(a) A completed Application for Certificate of Authority Branch Office Registration, Form DBF-COAB, effective 6-5-97, which is hereby incorporated by reference and available from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, ~~Suite 550~~, Tallahassee, Florida 32399-0350. The application must be completed and signed within thirty (30) days of receipt by the Board; and

(b) An application fee of \$150 ~~\$100~~ which shall be the fee for the annual period beginning ~~July~~ ~~June~~ 1 of each year or any part thereof.

(2) through (7) No change.

(8) Upon approval of the application, a certificate of authority branch office license will be issued for the remainder of the annual license period ending ~~June 30~~ ~~May 31~~ of each year.