

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:	RULE NOS.:
Mortgage Broker License Renewal and Reactivation	3D-40.043
Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation	3D-40.053
Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation	3D-40.205
Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation	3D-40.225

PURPOSE AND EFFECT: The proposed amendments provide that if August 31 of the renewal year falls on a Saturday, Sunday, or legal holiday, the renewals received on the next business day will be considered timely received.

SUBJECT AREA TO BE ADDRESSED: Renewals of licenses under Chapter 494, F.S.

SPECIFIC AUTHORITY: 494.0011(2), 494.0034(2), 494.0036(2), 494.0064(2) FS.

LAW IMPLEMENTED: 494.0011(2), 494.0032, 494.0034, 494.0036, 494.0064 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., December 4, 2000

PLACE: Room 550, Fletcher Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Morgan, Financial Control Analyst, 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-40.043 Mortgage Broker License Renewal and Reactivation.

(1) No change.

(2) A mortgage broker license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be reactivated within two (2) years after becoming

inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0034, F.S., and submission of a completed reactivation form. If August 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.

(3) No change.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.0034 FS. History--New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, _____.

3D-40.053 Mortgage Brokerage Business License and Branch Office License Renewal and Reactivation.

(1) No change.

(2) A mortgage brokerage business license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., and submission of a completed reactivation form. If August 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.

(3) No change.

(4) A mortgage brokerage business branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert from active to inactive status. An inactive branch office license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0032, F.S., and submission of a completed reactivation form. If August 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.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0032(2),(3), 494.0036(2) FS. Law Implemented 494.0011(2), 494.0032, 494.0036 FS. History--New 11-2-86, Amended 2-8-90, 10-1-91, 12-12-99, 11-1-00, _____.

3D-40.205 Mortgage Lender License, Mortgage Lender License Pursuant to Saving Clause, and Branch Office License Renewal and Reactivation.

(1) No change.

(2) A license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 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.

(3) No change.

(4) A mortgage lender branch office license that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed license reactivation form. If August 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.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History—New 10-1-91, Amended 9-3-95, 8-5-96, 12-12-99, 11-1-00, _____.

3D-40.225 Correspondent Mortgage Lender License and Branch Office License Renewal and Reactivation.

(1) No change.

(2) A correspondent mortgage lender license that is not renewed as required in subsection (1) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be reactivated within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 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.

(3) No change.

(4) A correspondent mortgage lender branch office that is not renewed as required in subsection (3) prior to September 1 of the renewal year shall revert to inactive status. An inactive license may be renewed within six (6) months after becoming inactive upon payment of the statutory renewal and reactivation fees required by Section 494.0064, F.S., and submission of a completed reactivation form. If August 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.

(5) through (6) No change.

Specific Authority 494.0011(2), 494.0064(2) FS. Law Implemented 494.0011(2), 494.0064 FS. History—New 10-1-91, Amended 9-5-95, 7-25-96, 12-12-99, 11-1-00, _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES:

Consumer Collection Agency Registration Renewal Form and Procedures	RULE NOS.:	
Commercial Collection Agency Registration Renewal Form and Procedures		3D-180.050 3D-180.060

PURPOSE AND EFFECT: The proposed amendment will provide that if December 31 of the renewal year falls on a Saturday, Sunday, or legal holiday, the renewals received on the next business day will be considered timely received.

SUBJECT AREA TO BE ADDRESSED: Consumer collection agency and commercial collection agency renewals.

SPECIFIC AUTHORITY: 17.29 FS.

LAW IMPLEMENTED: 559.444, 559.545, 559.553, 559.555 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., December 4, 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: Rick Morgan, Financial Control Analyst, 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-180.050 Consumer Collection Agency Registration Renewal Form and Procedures.

(1) Each active consumer collection agency registration shall be renewed for the annual period beginning January 1 of each year, upon submission of the renewal fee of \$200 and the renewal form. Form DBF-CCA-104, Consumer Collection Agency Registration Renewal Form, effective 1-1-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 E. Gaines Street, Tallahassee, Florida 32399-0350. 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.

(2) No change.

Specific Authority 17.29 FS. Law Implemented 559.553(2), 559.555(3) FS. History—New 1-1-95, Amended _____.

3D-180.060 Commercial Collection Agency Registration Renewal Form and Procedures.

(1) Each active commercial collection Agency registration shall be renewed for the annual period beginning January 1 of each year, upon submission of the renewal fee of \$500 and the renewal form. Form DBF-COM-105, Commercial Collection Agency Registration Renewal Form, effective 1-1-95, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Securities and Finance, 101 E. Gaines Street, Tallahassee, Florida

32399-0350. 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.

(2) No change.

Specific Authority 17.29 FS. Law Implemented 559.544(2), 559.545 FS. History—New 1-1-95, Amended _____.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Investor Protection

RULE TITLE: Registration Renewals RULE NO.: 3E-600.009

PURPOSE AND EFFECT: The purpose of the proposed rule change is to address registration expirations that occur on a Saturday, Sunday or legal holiday. The proposed rule allows renewals received on the following business day to be considered timely received.

SUBJECT AREA TO BE ADDRESSED: Registration expirations that occur on a Saturday, Sunday or legal holiday.

SPECIFIC AUTHORITY: 517.03(1), 517.12(15) FS.

LAW IMPLEMENTED: 517.12(1),(11),(15) 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., December 4, 2000

PLACE: Room 664, 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: Rick White, Financial Administrator, Division of Securities and Finance, Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3E-600.009 Registration Renewals.

(1) Every dealer and investment adviser, including issuer/dealers registered pursuant to Section 517.12, F.S. Florida Statutes, desiring to renew their registration shall annually verify with the Department prior to the date of expiration of registration, registration with the Department of the dealer or investment adviser, all associated persons of the dealer or investment adviser and all branch offices of the dealer or investment adviser in Florida, which the Department shows as being currently registered with such dealer or investment adviser subject to renewal, and which the dealer or investment adviser seeks to renew.

(2) In addition to verifying registration with the Department as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer and investment adviser shall pay all

renewal fees as required by Section 517.12(11), F.S. Florida Statutes. Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices shall be sent directly to the Department. The Department shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Department of Banking and Finance. All renewal fees for NASD member firms and for associated persons of NASD member firms shall be submitted through the CRD. All renewal fees must be received by the Department or the CRD by the last business day prior to January 1 of the year following the year the registration expires.

(3) Failure to submit the requisite amount of fees to the Department or to the NASD as appropriate and as provided for in subsection ~~Section~~ (2) of this Rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S. Florida Statutes, provided that all requisite information and fees are filed with the Department on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), Florida Statutes, and shall not be returnable.

Specific Authority 517.03(1), 517.12(15) FS. Law Implemented 517.12(10),(11),(15) FS. History—New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: Nursing Services RULE NO.: 59A-4.108

PURPOSE AND EFFECT: The Agency proposes to amend rule 59A-4.108 consistent with provisions of s. 400.23(3)(a), Florida Statutes, and s. 400.23(3)(b), Florida Statutes that became effective July 1, 1999. The legislation provides for minimum staffing requirements for nursing homes and also provides for properly trained staff of a nursing facility to assist residents with eating.

SUBJECT AREA TO BE ADDRESSED: Provide minimum staffing standards for nursing homes and establish training requirements in order for staff to assist residents with eating.

SPECIFIC AUTHORITY: 400.23 FS.

LAW IMPLEMENTED: 400.11, 400.022, 400.141, 400.23 FS.

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

TIME AND DATE: 10:00 a.m., December 5, 2000
PLACE: Agency for Health Care Administration, 8355 N. W. 53rd Street, 2nd Floor, Miami, FL 33166
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Richard Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida or call (850)488-5861

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Design of Structure Utilizing Prefabricated Wood Components
RULE NO.: 61G15-31.003
PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to truss fabrication drawings.
SUBJECT AREA TO BE ADDRESSED: Design of structure utilizing prefabricated wood components.
SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.
LAW IMPLEMENTED: 471.033(1)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allison Deison, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Physical Plant Standards for Office Surgical Facilities
RULE NO.: 64B8-9.0093
PURPOSE AND EFFECT: The Board proposes the development of a rule to address the physical plant standards recommended by the ad hoc work group for office surgery physical plant standards.
SUBJECT AREA TO BE ADDRESSED: Physical plant standards.
SPECIFIC AUTHORITY: 458.309(3), 458.331(1)(v) FS.
LAW IMPLEMENTED: 458.309(3), 458.331(1)(t),(v) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Inactive Status License
RULE NO.: 64B15-12.007
PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to update the rule text with regard to inactive status license of a licensee, and to delete rule text that is no longer desired by the Board.
SUBJECT AREA TO BE ADDRESSED: Inactive status license.
SPECIFIC AUTHORITY: 456.036 FS.
LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE PUBLISHED 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 Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B15-12.007 Inactive Status License.
- (1) No change.
- (2) An inactive status licensee may change to active status at any time provided the licensee meets the continuing education requirements of rule 64B15-13.001, pays the reactivation fee and the active status renewal fee. ~~and if~~ If the request to change licensure status is made at any time other than at the beginning of a licensure cycle, the licensee shall only pay the difference between the inactive status renewal fee and the active status renewal fee and ~~pays~~ the additional processing fee. However, a licensee whose license has been in inactive status for more than two consecutive biennial licensure cycles shall be required to appear before the board

before the license can be placed into active status. The board at the time of the appearance shall impose upon the licensee reasonable conditions necessary to insure that the licensee can practice with the care and skill sufficient to protect the health, safety and welfare of the public.

~~(3) Any inactive licensee who elects active status is not eligible to elect to return to inactive status until the next licensure renewal period.~~

Specific Authority ~~456.036 455.711~~ FS. Law Implemented ~~456.036 455.711~~ FS. History—New 11-28-94, Amended 3-28-95, Formerly 59W-12.007, Amended _____.

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLE: Violations and Penalties
RULE NO.: 64B15-19.002

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text with regard to violations and penalties to be imposed by the Board.

SUBJECT AREA TO BE ADDRESSED: Violations and penalties.

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Osteopathic Medicine/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

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

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Division of Law Enforcement

RULE TITLE: Derelict Vessels
RULE NO.: 68D-16

PURPOSE AND EFFECT: To consider improvements to the Derelict Vessel Removal Grant Program administered by the Fish and Wildlife Conservation Commission.

SUBJECT AREA TO BE ADDRESSED: Improvements to the Derelict Vessel Removal Grant Program administered by the Commission. This program, funded from the Coastal Protection Trust Fund, provides grants to coastal local governments for the removal of derelict vessels from the public waters of the state.

SPECIFIC AUTHORITY: 376.15 FS.

LAW IMPLEMENTED: 327.15, 823.11 FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, December 5, 2000

PLACE: FWC, Bureau of Marine Enforcement, District 2 Field Office, 3200 Northeast 151 Street, North Miami, Florida 33181

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Captain Alan S. Richard, Boating Law and Waterway Management Coordinator, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600

A copy of the agenda may be obtained by contacting: Ms. Wendy Huszagh, Derelict Vessel Removal Grant Specialist, Boating Law and Waterway Management Section, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 5 calendar days prior to the workshop by contacting Ms. Wendy Huszagh, Derelict Vessel Removal Grant Specialist, Boating Law and Waterway Management Section, Office of Enforcement Planning and Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

**Section II
Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Applicability	3A-5.001
Definitions	3A-5.002
Format of Schedule	3A-5.003

PURPOSE AND EFFECT: Chapter 2000-371, Laws of Florida, enacted the "Florida Single Audit Act" effective July 1, 2000. Section 215.97, F.S., requires the Comptroller to enact rules to provide guidance to state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance relating to the format of the Schedule of State Financial Assistance.

SUMMARY: The proposed rules set forth the format of the Schedule of State Financial Assistance to be used by state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance.

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