

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 6-27-95, Formerly 62N-24.108, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Captain Alan S. Richard, Coordinator, Office of Boating
Safety and Waterway Management, Division of Law
Enforcement, Fish and Wildlife Conservation Commission,
620 South Meridian Street, Tallahassee, Florida 32399-1600
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Colonel Robert Edwards, Director,
Division of Law Enforcement, Fish and Wildlife Conservation
Commission, Tallahassee, Florida 32399-1600
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: March 2, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.028 State Write-in Ballot

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.028, published in the Florida Administrative Weekly, Pages 5207-5208, Vol. 27, No. 45, on November 9, 2001, has been changed to reflect comments received from the Joint Administrative Procedures Committee.

Paragraph (4) has been added to Section 1S-2.028 so that it now reads:

(4) Additional local races, for which the voter may otherwise be entitled to vote, may be inserted at the end of the form.

Specific Authority 101.6951 FS. Law Implemented 101.6951 FS. History—New _____.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.029 Eligibility for Late Registration by
Overseas Voters

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, published in the Florida Administrative Weekly, Vol. 27, No. 45, on November 9, 2001, has been withdrawn.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
1S-2.030 Electronic Transmission of
Absentee Ballots

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, published in the Florida Administrative Weekly, Vol. 27, No. 45, on November 9, 2001, has been withdrawn.

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE NO.: RULE TITLE:
3C-560.906 Consumer Credit Counseling
Services

NOTICE OF CHANGE

Notice is hereby given that the Department has made the following changes to the above referenced rule, which was originally published in the September 28, 2001, Vol. 27, No. 39, issue of the Florida Administrative Weekly.

3C-560.906 Consumer Credit Counseling Services.

(1) The Department shall publish a list of consumer credit counseling agencies by October 1 of each calendar year via the Department's website (www.dbf.state.fl.us). The Department will accept requests from consumer credit counseling agencies to be included on the list on an ongoing basis and may periodically republish the list at its discretion. If the Department makes a decision to publish the list more often, a notice of such change will be posted on the Department's website. The provider will then be responsible for making and distributing such additional copies of the list to all branch locations engaging in deferred presentment transactions.

(2) Every deferred presentment provider shall maintain a copy of the Department's list of approved consumer credit counseling agencies and shall provide a copy of the list, free of charge, to any drawer who requests the grace period in accordance with the provisions of Section 560.404(22), F.S.

(3) The list shall consist of nonprofit agencies that provide consumer credit counseling services to Florida residents in person, by telephone, or through the internet and may be used by drawers to satisfy the requirements for obtaining a sixty (60) day grace period.

(4) In order to verify that a drawer has made an appointment with a consumer credit counseling agency, the provider may require the drawer to provide it with the name and telephone number of the agency with which the drawer has made the appointment.

(5)(a) If the drawer completes consumer credit counseling within sixty (60) days and chooses to enter into a contractual repayment plan, the drawer shall have until the end of the

repayment plan to pay the deferred presentment provider the total amount owed in accordance with the terms of the repayment plan.

(b) A repayment plan should be based upon each drawer's individual financial needs as assessed by the consumer credit counseling agency. The counseling agency shall exercise its discretion in arriving at the terms of a repayment plan and is not required to negotiate or obtain the approval of the deferred presentment provider regarding the terms of such repayment plan. A consumer credit counseling agency shall not reduce the amount owing on a deferred presentment agreement without the consent of the deferred presentment provider.

(c) Payments on such repayment plans may be made directly to the deferred presentment provider or to the consumer credit counseling agency depending upon the normal business practice of the counseling agency. Any payment in full by a drawer to a consumer credit counseling agency, made in accordance with the terms of the repayment agreement, shall be considered paid to the deferred presentment provider as of that date. The consumer credit counseling agency shall forward all such payments to the deferred presentment provider within thirty (30) days. Under no circumstances shall a consumer credit counseling agency hold or aggregate any such payments unless they have obtained the consent of the deferred presentment provider.

(6) In situations where a drawer has chosen to enter into a repayment plan, the drawer shall submit a copy of the repayment proposal affecting the provider to such provider not later than the 60th day after the end of the deferment period. A provider who has not received such a proposal may deposit or present the drawer's check for payment in accordance with the provisions of subsection (8) of this rule.

(7) Upon the drawer's completion of the debt repayment plan, the deferred presentment provider shall pay one-half of the drawer's fee for the deferred presentment transaction to the consumer credit counseling agency as its contribution to the agency.

(8)(a) A provider may deposit or present the drawer's check for payment or seek collection through any civil remedy allowed by Part IV of Chapter 560, F.S., at any time after the expiration of the sixty (60) day grace period if:

1. the drawer has failed to enter into a debt repayment plan within the sixty (60) day grace period; or
2. the drawer entered into and subsequently withdrew or defaulted on the debt repayment plan.

(b) A provider shall be limited to collecting only the face amount of the drawer's check. The provider shall refund to the drawer any amount received by the provider in excess of the face amount of the drawer's check. The calculation of this excess amount shall include all payments made by the drawer on the repayment plan and the total amount collected on the check.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Forms Related Thereto
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Business Records in General
4-204.025	Department forms

NOTICE OF ADDITIONAL HEARING

PROPOSED RULE DEVELOPMENT PUBLICATION: Vol. 26, No. 41, October 13, 2001

PROPOSED RULE HEARING PUBLICATION: Vol. 27, No. 45, November 9, 2001

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

SUMMARY: This rule is mandated by the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule contains, among other things, definitions of terms used in the act, disclosure for purchases 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. There have been two (2) previous workshops on this matter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 626.9921, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925 FS.

LAW IMPLEMENTED: 626.9911, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925, 626.9927 FS.

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

TIME AND DATE: 9:00 a.m., April 1, 2002

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

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 the contact person above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ted Straughn, Specialty Insurers, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2474

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.001	General Requirements and Intent
5L-1.002	Definitions
5L-1.004	Production and Market Standards
5L-1.005	Shellfish Processing Plant
	Certification License and Fees
5L-1.006	Compliance and Penalties
5L-1.007	Container Identification, Terminal
	Sale Date; Prohibitions
5L-1.008	Shellfish Handling
5L-1.009	Shellfish Relaying
5L-1.010	Buildings and Facilities
5L-1.012	Sanitary Operations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 39, September 28, 2001, issue of the Florida Administrative Weekly:

5L-1.001(3)(a)(c) "Aquacultured" shellfish were added.

5L-1.001(3) "Local" agencies were added.

5L-1.001(6)(a)1.-7. The revised date of April 1, 2000 was added.

5L-1.002(5) It was clarified that the certified shellfish dealer shall be held accountable for compliance with all laws, rules and permits which are applicable to the shellfish business operation.

5L-1.002(17) Adds "as described in Chapter XV of the National Shellfish Sanitation Program Guide For the Control of Molluscan Shellfish Model Ordinance 1999 as incorporated herein under paragraph 5L-1.001(6)(b), F.A.C." to describe the approved controlled purification process.

5L-1.002(18) Applicability clarified "The designated representative shall be held accountable for compliance with all laws, rules and permits applicable to 'the shellfish' business operation."

5L-1.002(21) Defines shellfish in the shell as food.

5L-1.002(25) Adds clam meat.

5L-1.002(41) Adds dogs and cats.

5L-1.002(42) Applicability clarified "The plant supervisor shall be held accountable for compliance with all laws, rules and permits applicable to 'the shellfish' business operation."

5L-1.002(45) Adds "revised as of July 1, 2000."

5L-1.004(1) Adds the term adulterated and refers to sections that define it for use in this section, and further directs the Department to reject or seize product that meets the definition of adulterated.

5L-1.004 Authority – Florida Statutes 500.10 and 500.172 were added as Law Implemented and 500.09 as Specific Authority.

5L-1.005(1) Emphasizes that the completed application form is required for certification or re-certification.

5L-1.005(3) States that after a water supply has been repaired or disinfected, a water sample be immediately submitted for testing and approval.

5L-1.005(6) Making sure that people understand that the application is the Shellfish Processing Plant Certification License form.

5L-1.006(1)(c) This verbiage clarifies that sanctions will be imposed on certified shellfish dealers when there are repeat "Critical" deficiencies after the initial inspection after certification.

This verbiage makes certain that it is the certified shellfish dealer who is sanctioned for a repeat "Key" deficiency.

This verbiage makes certain that it is the certified shellfish dealer who is sanctioned when repeat "Other" deficiencies are found after an initial inspection that leads to certification.

5L-1.006(1)(d) Changes terminology to "Notice of Rights" and informs the regulated industry that they can contest a warning letter by requesting an administrative hearing to be conducted in accordance with Sections 120.569 and 120.57, Florida Statutes.

5L-1.006(6) Delete verbiage that states fine money will be used to educate people in the shellfish industry.

5L-1.006 Authority – Florida Statutes 500.172 and 500.121(1) were added to Specific Authority and Law Implemented.

5L-1.007(3) Added indelible to help describe commercial harvester's tags.

5L-1.007(5) Semantics change, proper verbiage. Added "during" depuration and wet "storing".

5L-1.007(6) Added "waterproof" to describe dealer's tags.

5L-1.008(2) Added "or pets" to describe to the regulated industry that pets shall not be allowed on vessels or vehicles used to harvest or transport shellfish.

5L-1.008(5) Added "it is the harvesters responsibility that" and "the harvester shall assure that" shellfish shall be "delivered to a certified dealer". This verbiage clarifies the responsibility of the harvester and the responsibility of the certified shellfish dealer.

5L-1.008(6) Added "cumulative" to help describe the amount of time shellstock could remain outside of temperature control.

5L-1.008(6) Added “within the processing plant” to help describe where the points of transfer are located.

5L-1.008(7) This subsection was added “Shellfish leaving a certified shellfish dealer must be transported in an enclosed, refrigerated conveyance with doors closed securely. The refrigeration unit must be capable of maintaining an ambient temperature of 45°F or less at all times” because industry wants to make certain that product is transported in an acceptable manner.

5L-1.009(4)(e) Added “of the Florida Fish and Wildlife Conservation Commission” to clarify who the local Marine Enforcement District Office people are.

5L-1.009(4)(n)1. Added “of the Florida Fish and Wildlife Conservation Commission” to clarify who the local Marine Enforcement District Office people are.

5L-1.009(6)(a) Taken out at JAPC request. FDACS does not enforce 370.021, F.S.

5L-1.010(1) Added “At a minimum for shellstock, depuration and on shore wet storage operations, the structure shall have a sealed roof and screened walls. At a minimum, shucker packer and repacker operations shall have a sealed roof, solid walls, and sealed flooring.” because industry wanted more strict rules to adequately protect the product and reputation of the industry.

5L-1.012(3) The revision date of “April 1, 2000” was added.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-72	Product Approval
RULE NOS.:	RULE TITLES:
9B-72.010	Definitions
9B-72.030	Local Product Approval Generally
9B-72.040	Product Evaluation for Local Approval
9B-72.050	Approval by Local Jurisdiction
9B-72.060	Statewide Product Approval Generally
9B-72.070	Product Evaluation for Statewide Approval
9B-72.080	Validation of Evaluation for Statewide Approval
9B-72.090	Statewide Approval by Building Commission
9B-72.100	Approval of Entities to Perform Evaluation, Validation Testing, Certification and Quality Assurance
9B-72.110	Criteria for Certification of Independence

9B-72.120	List of Approved Entities
9B-72.130	Forms
9B-72.160	Revocation or Modification of Product Approval and Approval of Entities
9B-72.170	Investigation
9B-72.180	Equivalence of Standards
9B-72.190	Reference Standards

NOTICE OF ADDITIONAL PUBLIC

HEARING AND RULEMAKING PROCEEDINGS

The Florida Building Commission hereby gives notice that additional public hearings on the above-referenced rule will be held on January 8, 2002, 9:15 a.m. and February 12, 2002, 9:00 a.m., Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida. The hearing in January is being held to consider public comments regarding the proposed rule including the Product Approval Ad Hoc Committee’s recommendations in response to public comments at the rule hearings of October 2, 2001 and December 4, 2001. The Commission had previously recommended changes in the proposed rule based upon comments made at the rule hearing on October 2, 2001, but has not finalized those recommendations to permit additional public input. On January 8, 2002, the Commission shall review its previous actions as well as additional comments received since October and approve proposed changes to the proposed rule. The text of the changes within the proposed rule will be considered at the Commission meeting on February 12, 2002. The rule was originally published in Vol. 27, No. 31, of the August 3, 2001 issue of the Florida Administrative Weekly.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

ADMINISTRATION COMMISSION

RULE NO.:	RULE TITLE:
28-20.100	Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County

Section III - Notices of Changes, Corrections and Withdrawals 6047

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH**Board of Physical Therapy Practice**

RULE NO.: 64B17-2.004 RULE TITLE: Initial Licensure Fee for Physical Therapists Assistants

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH**Board of Physical Therapy Practice**

RULE NO.: 64B17-3.002 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH**Board of Physical Therapy Practice**

RULE NO.: 64B17-4.002 RULE TITLE: Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH**Board of Physical Therapy Practice**

RULE NO.: 64B17-9.001 RULE TITLE: Continuing Education

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 42, October 19, 2001, Florida Administrative Weekly has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Electronic Funds Transfer Delinquencies RULE NO.: 53ER01-77

SUMMARY OF THE RULE: This emergency rule replaces Emergency Rule 53ER94-62 and sets forth the procedures that the Florida Lottery shall apply to retailers with Electronic Funds Transfer (EFT) delinquencies.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-77 Electronic Funds Transfer Delinquencies.

(1) The following procedures apply to Electronic Funds Transfer (EFT) delinquencies:

(a) For all delinquencies that occur in a twelve-month period, the retailer's ability to sell on-line lottery tickets and order instant tickets shall be suspended.

(b) For a first or second delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges prior to reactivation of its ability to sell on-line lottery tickets and order instant tickets.

(c) For a third delinquency in a twelve-month period, the retailer shall be required to pay the delinquency in full plus applicable service charges and post a certificate of deposit or performance bond with the Florida Lottery prior to reactivation of its ability to sell on-line lottery tickets and order instant