

(9) Payments for the purchase of goods or services will only be approved when there is reasonable assurance that the commodity or service has been delivered as specified on the client service authorization form and received in an acceptable condition by the eligible client for whom it was intended.

(10) Each district reviewing or approving invoices for payment is responsible for developing and implementing procedures to provide for the timely processing of vendor invoices.

(11) CFOP 140-8 establishes the acceptable guidelines for payment procedures for CCDA voucher invoices. These guidelines include that:

(a) District vouchering procedures must begin with the stages of vendor selection, and delineate all accounting processes from district voucher review and approval through submitting vouchers to the State Comptroller who in return disperses state warrants (cash) to the vendor.

(b) Invoices created by the district must include, minimally, all informational fields as contained on the departmentally provided invoice form.

(12) The District Program Office may approve for payment only those invoices that show, through verification of an approved method, that the vendor and unit of service was priory authorized, the goods/service has been delivered and that an eligible client has received the goods/services.

(13) The case manager must validate that the services being billed for are the services listed on the client service authorization form and that the vendor billing for those services has received prior authorization to bill for the services. The case manager will review:

(a) The client service authorization form – The case manager must verify that the units of service delivered are only the units identified in the client service authorization form and are designed to meet the care plan needs of the client.

(b) Supporting documentation – The case manager must review the reference file of vendors for supporting documentation of: selected vendor's original bid (showing service/good being purchased and the cost per unit) and related correspondence validating selection of said vendor; an objective record of past vendor experiences with the selected vendor; all vendors contacted for estimates for this service/goods and their quotations; any controversial bid awards and justification for selection of said vendor; and examples of prior vendor approvals for comparable goods/services.

(14) The following district authority levels shall review all CCDA invoices prior to authorization of payment:

(a) Human Service Counselor III (case manager); and

(b) Program Operations Administrator and/or Program Administrator; and, if applicable,

(c) Regional Processing Center in Tallahassee.

(15) The reviewing authorities must sign a review sheet attesting that:

(a) Each unit of service delivered by the vendor was delivered according to departmental standards of service delivery; and.

(b) The client accepted and received the good(s) or service(s) being billed for.

(16) Authorization for payment may not be made based exclusively on a vendor's monthly statement or other summary of amounts.

(17) The district office will distribute and retain on file, copies of the signed and approved CCDA voucher for vendor payment at the:

(a) Office of Accounting;

(b) State Comptroller's Office;

(c) Vendor facility; and,

(d) District Unit Office.

(18) All CCDA vouchers for payment must meet departmental voucher specifications per CFOP 75-2.

Specific Authority 410.606 FS. Law Implemented 410.601-606 FS. History–New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE TITLE:

RULE NO.:

Comprehensive Management  
Information System

6A-1.0014

PURPOSE AND EFFECT: The purpose of this rule amendment is to revise existing requirements of the statewide management information system in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems components. The statewide comprehensive management information system provides the data on which the measurement of school improvement and accountability is based.

SUMMARY: This rule is amended to address changes in requirements for the statewide comprehensive management information system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 120.53(1)(b), 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1002.22(3)(d)3., 1008.385(2), 1010.305(3), 1001.23 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., April 15, 2003

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lavan Dukes, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400, (850)487-2280

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0014 Comprehensive Management Information System.

(1) No change.

(2) The data elements, procedures and timelines for state reporting, local recordkeeping and statewide records transfer to be implemented by each school district and the Department within its automated information system component as prescribed in the publications entitled "DOE Information Data Base Requirements: Volume I—Automated Student Information System, 2002 2000" "DOE Information Data Base Requirements: Volume II—Automated Staff Information System, 2002 2000," and "DOE Information Data Base Requirements: Volume III—Automated Finance Information System, 1995." These publications which include the Department procedures for the security, privacy, and retention of school district student and staff records collected and maintained at the state level are hereby incorporated by reference and made a part of this rule. Copies of these publications may be obtained from the Education Information and Accountability Services Section, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399, at a cost to be established by the Commissioner not to exceed actual cost.

Specific Authority 120.53(1)(b), 1001.02(1), 1008.385(3) ~~229.053(4)~~ FS. Law Implemented 1001.23, 1002.22(3)(d)3., 1008.385(2), 1010.305(3) ~~228.093(3)(d)3., 229.555(2), 229.565(3), 229.781~~ FS. History—New 2-19-87, Amended 12-21-87, 12-13-88, 3-25-90, 3-24-91, 3-17-92, 12-23-92, 2-16-94, 3-21-95, 7-4-96, 5-19-97, 10-13-98, 10-17-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lavan Dukes, Information Accountability, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jay Pfeiffer, Education Information and Accountability, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2002

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: August 23, 2002

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Alternative Standardized Reading Assessment

RULE NO.: 6A-1.094221

PURPOSE AND EFFECT: The purpose of this new rule is to provide an alternative standardized reading assessment for the good cause exemption for student promotion under Section 1008.25(6)(b), Florida Statutes. The effect of the rule will be that students who fail to pass the grade three Reading FCAT may still be promoted to grade four if they are able achieve a certain score on a specified portion of the FCAT or on the SAT-9.

SUMMARY: This rule provides an alternative standardized reading assessment for the good cause exemption for student promotion under Section 1008.25(6)(b), Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1008.25(8)(b) FS.

LAW IMPLEMENTED: 1008.25(6)(b)3. FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., April 15, 2003

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Hovanetz, Just Read, Florida!, Department of Education, 325 West Gaines Street, Suite 1402, Tallahassee, Florida 32399, (850)921-9969

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.094221 Alternative Standardized Reading Assessment.

(1) Pursuant to Section 1008.25(6), Florida Statutes, relating to the statewide public school student progression law eliminating social promotion, students who score at Level 1 on the grade three reading FCAT may be promoted to grade four if the student demonstrates an acceptable level of performance on the Norm Referenced Test (NRT) portion of the FCAT or the SAT-9 alternative assessment.

(2) The acceptable levels of performance on the alternative assessments for grade three for the 2002-2003 school year are as follows:

(a) To promote a student using the grade three reading NRT portion of the FCAT as an alternative assessment good cause exemption, the grade three student scoring at Level 1 Reading FCAT must score at or above the 51st percentile on the grade three reading NRT portion of the FCAT.

(b) To promote a student using the SAT-9 as an alternative assessment good cause exemption, the grade three student scoring at Level 1 Reading FCAT must score at or above the 51st percentile on a parallel form of the SAT-9. The SAT-9 may only be administered one (1) time.

(3) The earliest the alternative assessment may be administered for student promotion purposes is following the receipt of the grade three student reading FCAT scores or during the last two (2) weeks of school, whichever occurs first.

Specific Authority 1008.25(8)(b) FS. Law implemented 1008.25(6)(b)3. FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christy Hovanetz, Just Read, Florida!, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Laura Openshaw, Director, Just Read, Florida!, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 20, 2002

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Financial Records and Reports RULE NO.: 6A-14.072

PURPOSE AND EFFECT: The purpose is to prescribe the data and procedures to be used to maintain financial records in a consistent manner at the 28 community colleges. The effect is to ensure the financial records at the 28 community colleges and data shown on financial reports will be comparable throughout the Community College System.

SUMMARY: The current rule requires each community college to keep financial records in accordance with the 2001 Accounting Manual for Florida's Public Community Colleges. The proposed rule amendment would require the records to be kept in accordance with the 2002 Manual.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02(1),(9), 1001.03(9) FS.

LAW IMPLEMENTED: 1001.02(9), 1001.03(9) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., April 15, 2003

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399-0400

Requests for information regarding the proposed rule amendment should be addressed to: Wayne V. Pierson, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1214, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: J. David Armstrong, Jr., Chancellor, Division of Community Colleges, 325 West Gaines Street, Room 1314, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.072 Financial Records and Reports.

(1) Each community college shall keep financial records according to the Department of Education publication, "Accounting Manual for Florida's Public Community Colleges, 2002 2001," incorporated herein by reference. Copies may be obtained from the Division of Community Colleges, Department of Education, Tallahassee, Florida 32399-0400.

(2) Enrollment related financial records shall be kept for all instruction so as to facilitate verification, confirmation, and comparison.

(3) If financial reports are not received from a community college when due, the State Board of Education Community Colleges may withhold apportionments of state funds to the college until the reports are received.

Specific Authority 1001.02(1),(9) 229.053(4), 1001.03(9) 240.325 FS. Law Implemented 1001.02(9), 1001.03(9) 240.325 FS. History--Formerly 6A-8.11, Repromulgated 12-19-74, Amended 12-26-77, 7-2-79, 5-14-85, Formerly 6A-14.72, Amended 11-12-91, 7-7-92, 2-16-94, 12-18-94, 11-27-95, 11-13-96, 12-9-97, 5-18-99, 2-29-00, 7-30-01, \_\_\_\_\_. Cf. Accounting Manual for Florida's Public Community Colleges

NAME OF PERSON ORIGINATING PROPOSED RULE: Edward L. Cisek, Vice Chancellor for Financial Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: J. David Armstrong Jr., Chancellor

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Product Approval RULE CHAPTER NO.: 9B-72

RULE TITLES: Definitions RULE NOS.: 9B-72.010

Local Product Approval Generally 9B-72.030

Product Evaluation and Quality Assurance for Local Approval 9B-72.040

Validation of Evaluation for Local Approval 9B-72.045

Product Approval by Local Jurisdiction 9B-72.050

Optional Statewide Approval Generally 9B-72.060

Product Evaluation and Quality Assurance for Optional Statewide Approval	9B-72.070
Product Approval by the Commission	9B-72.090
Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies	9B-72.100
Forms	9B-72.130

PURPOSE, EFFECT AND SUMMARY: This series of amendments to Rule Chapter 9B-72, F.A.C., reflect the culmination of the Florida Building Commission’s effort to reach consensus on a statewide system of product approval to govern the evaluation of construction products, methods and techniques in relation to the standards of the Florida Building Code. The amendments attempt to reconcile concerns for cost and delay imposed by the system and public safety issues inherent in product approval; specifically, the amendments provide additional definitions for clarity of the rule, limit the procedure prescribed within the rule to approval of identified products at the state and local level, enable bulk submittals of applications for product approval, require a maintenance fee for product approvals and allow groupings of products defined as “subcategories” to be the basis for each product approval and fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1), (5), (6), (8) FS.

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

TIME AND DATE: 9:30 a.m., April 8, 2003

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodations at the workshop 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 workshop. 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)922-6091

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-72.010 Definitions.

The following terms have the meanings indicated.

(1) through (7) No change.

(8) Category of products means the type of products identified in Rule 9B-72.060, F.A.C.

(8) through (17) renumbered (9) through (18) No change.

(19)(18) Labeled means devices, equipment or materials to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and by whose label the manufacturer attests to compliance with applicable nationally recognized standards. ~~Products to which a label, seal or symbol cannot be directly affixed shall be labeled by affixing the label, seal or symbol to both its primary and aggregate packaging.~~

(20)(19) No change.

(21) Material means the elements, constituents, or substances of which something is composed or can be made.

(20) through (26) renumbered (22) through (28) No change.

(29) Sub-category of product means a specific functionality:

(a) For exterior doors: roll-up, sectional, sliding, swinging, automatic, or other;

(b) For windows: awning, casement, dual action, double hung, single hung, fixed, horizontal slider, projected, pass through, mullions, wind breaker or other;

(c) For panel walls: siding, soffits, exterior insulation finish system (EIFS), storefronts, curtain walls, wall louver, glass block, membrane, greenhouse, or other;

(d) For roofing products: built up roofing, modified bitumen roof system, single ply roof systems, spray applied polyurethane roof system, roofing fasteners, roofing insulation, asphalt shingles, wood shingles and shakes, roofing slate, roof tile adhesives, cements-adhesives-coatings, liquid applied roof systems, underlayments, non-structural metal roofing, roofing tiles, waterproofing, or other;

(e) For shutters: accordion, Bahama, storm panels, colonial, roll-up, equipments, or other;

(f) For skylights: skylight or other;

(g) For structural components: truss plates, wood connectors, anchors, coolers-freezers, sheds, concrete admixtures, insulation forms, engineered lumber, material, plastics, wall, deck-roof, railing, or other; and

(h) For other products as applicable.

(27) through (33) renumbered (30) through (33) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended \_\_\_\_\_.

9B-72.030 Local Product Approval Generally.

All products are subject to approval by the authority having jurisdiction or building official. Products listed in subsections 9B-72.060(1)-(8), F.A.C., and revisions to an existing product approval shall be approved according to the provisions of this rule. Approval requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.040, F.A.C., and validation of the evaluation as required by Rule 9B-72.045, F.A.C. Validation shall be by the authority having jurisdiction.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History--New 5-5-02, Amended \_\_\_\_\_.

9B-72.040 Product Evaluation and Quality Assurance for Local Approval.

(1) ~~Compliance can be demonstrated through one of the methods established in subsections 9B-72.040(2)-(4), F.A.C. Local approval of products listed in subsections 9B-72.060(1)-(8), F.A.C., shall be demonstrated through the appropriate method of subsections 9B-72.040(2) or (3), must be evaluated by the methods in subsections 9B-72.040(3)-(4), F.A.C., except:~~

(a) through (b) No change.

~~(2) Method 1. Products, except as provided in subsection 9B-72.040(1), F.A.C., which are specifically addressed in the code through prescriptive provisions, may be approved for use in accordance with the building plan review and inspection process.~~

~~(2)(3) Method 1 2. Products specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods, which cannot be approved through subsection 9B-72.040(2), F.A.C., shall demonstrate compliance with the Code through one of the following:~~

(a) No change.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product tested complies with the standards referenced in the Code ~~and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.~~

(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based upon testing or comparative or rational analysis, or a combination thereof, indicates that the product was evaluated

to be in compliance with the intent of the Code ~~and the product is manufactured under a quality assurance program audited by an approved quality assurance entity~~ and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof which provides verifiable documentation indicating the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code ~~and is manufactured under a quality assurance program audited by an approved quality assurance entity.~~

~~(3)(4) Method 2 3. Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:~~

(a) An evaluation report from an approved product evaluation entity that covers the subject product based on testing or comparative or rational analysis, or combination thereof, which provides verifiable documentation indicating the product was evaluated to be in compliance with the intent of the Code and the product is, for the purpose intended, at least equivalent to that required by the Code ~~and is manufactured under a quality assurance program audited by an approved quality assurance entity.~~

(b) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or combination thereof which provides verifiable documentation indicating the product was evaluated to be in compliance with the Code and that the product is, for the purpose intended, at least equivalent to that required by the Code ~~and is manufactured under a quality assurance program audited by an approved quality assurance entity.~~

~~(4) Products listed in subsections 9B-72.060(1)-(8), F.A.C., shall be manufactured under a quality assurance program audited by an approved quality assurance entity:~~

~~(5) Evaluation Report and Test Report Documentation Requirements.~~

All evaluation reports required in subsections 9B-72.040~~(2)(3)(c) and (d) and (3)(4)(a) and (b)~~, F.A.C., shall contain the information listed below. Design drawings submitted for permitting purposes are not an evaluation report and do not require this information.

(a) Name ~~and~~, address ~~and phone number~~ of the manufacturer, and the approved evaluation entity or approved testing laboratory.

(b) through (h) No change.

(6) The following information documents shall be provided in a listing or on a label for products submitted for approval from certification agencies of listed products or products bearing a certification mark or an approved certification agency as complying with the standards established by the Code.

(a) Name and, address and phone number of manufacturer and certification agency.

(b) through (d) No change.

(c) Indication of the standard the product was tested to.

(d) Performance level of the product and conditions or limitations of use.

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History—New 5-5-02, Amended.

#### 9B-72.045 Validation of Evaluation for Local Approval.

Validation of compliance with the Code for products subject to subsections 9B-72.040(2) and (3), F.A.C., shall be performed by the authority having jurisdiction or building official approved validation entities through the following steps:

(1) through (2) No change.

~~(3) Certification of the building official that the documentation submitted for the product indicates the product complies with the Code.~~

Specific Authority 553.842(1) FS. Law Implemented 553.842(5), (6), (8) FS. History—New 5-5-02, Amended.

#### 9B-72.050 Product Approval By Local Jurisdiction.

Approval of a product for local use shall be performed by the building code official or his/her designee by verifying that the product complies with the Code in accordance with Rule 9B-72.040, F.A.C.

(1) The authority having jurisdiction or building official shall validate the method of compliance pursuant to section Rule 9B-72.040 ~~9B-72.030~~, F.A.C.

(2) Upon acceptance of required documentation pursuant to subsection 9B-72.040(5), F.A.C., the authority having jurisdiction or building official may deem the product approved for use in accordance with its approval and limitation of use.

(3) Approval shall be valid until such time as the product changes, decreasing the product's performance significantly or the standards of the Code change or the approval is otherwise suspended or revoked. Changes to the Code shall not be construed as voiding the approval of products previously installed in existing buildings provided such products met building code requirements at the time the product was installed.

(4) Manufacturer shall notify the authority having jurisdiction or the building official when the quality assurance requirements of subsection 9B-72.040(4), F.A.C., are no longer in place.

Specific Authority 553.842(1) FS. Law Implemented 553.842(8) FS. History—New 5-5-02, Amended.

#### 9B-72.060 Optional Statewide Approval Generally.

Statewide approval of products or revisions to existing statewide product approvals requires evaluation of product compliance with the Code by a method listed in Rule 9B-72.070, F.A.C., validation of the evaluation as required by Rule 9B-72.080, F.A.C., and approval per Rule 9B-72.090, F.A.C. Validation of compliance with the Code shall be performed by approved Validation Entities. Approval shall be performed by the Commission. All products used in construction covered by the Code shall comply with the provisions or standards contained therein or with the intent of the Code. Approval by the Commission for statewide use shall be limited to the following categories of products:

(1) through (7) No change.

(8) Products comprising a building's envelope introduced as a result of new technology ~~or those of a type that have not previously been used in the State of Florida.~~

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History—New 5-5-02, Amended.

#### 9B-72.070 Product Evaluation and Quality Assurance for Optional Statewide Approval.

(1) Method 1. Products specifically addressed in the code through performance criteria and standardized testing or comparative or rational analysis methods, which cannot be approved through the plan review and inspection process, shall demonstrate compliance with the Code through one of the following:

(a) No change.

(b) A test report from an approved testing laboratory, which identifies which products are covered by the test report and provides verifiable documentation indicating the product tested complies with the Code ~~and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.~~

(c) An evaluation report from an approved product evaluation entity that covers the subject product and, based upon testing or comparative or rational analysis, or a combination thereof, indicates that the product was evaluated to be in compliance with the intent of the Code ~~and the product is manufactured under a quality assurance program audited by an approved quality assurance entity~~ and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(d) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer developed and signed and sealed, based upon testing or comparative or rational analysis, or a combination thereof and indicates that the product was evaluated to be in compliance with the intent of the Code ~~and the product is manufactured under a quality assurance program audited by an approved quality assurance entity~~ and that the product is, for the purpose intended, at least equivalent to that required by the Code.

(2) Method 2. Products for which there are no specific standardized tests or comparative or rational analysis methods of evaluation established as required by the Code shall demonstrate compliance with the intent of the Code through one of the following:

(a) An evaluation report from an approved product evaluation entity and provides verifiable documentation indicating the product complies with the Code ~~and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.~~

(b) An evaluation report from a Florida Registered Architect or a Florida Professional Engineer based on testing or comparative or rational analysis or combination thereof, which provides verifiable documentation indicating the product complies with the Code ~~and the product is manufactured under a quality assurance program audited by an approved quality assurance entity.~~

(3) Products listed in subsections 9B-72.060(1)-(8), F.A.C., shall be manufactured under a quality assurance program audited by an approved quality assurance entity:

~~(4)(3)~~ No change.

(a) Name ~~and~~; address ~~and phone number~~ of the manufacturer, evaluation entity, engineer or architect or testing laboratory.

(b) through (f) No change.

(g) Certification of independence in conformance with Rule 9B-72.110, F.A.C.

(h) No change.

~~(5)(4)~~ The following documents shall be submitted for approval of listed products or products bearing a certification mark or an approved certification agency as complying with the standards established by the Code:

(a) Name ~~and~~; address ~~and phone number~~ of manufacturer and certification agency;

(b) through (d) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(6) FS. History--New 5-5-02, Amended.

9B-72.090 Product Approval by the Commission.

(1) Approval of a product for statewide use shall be performed by the Commission through the following steps:

(a) through (c) No change.

(d) Approval shall be valid until such time as the product changes, decreasing the product's performance significantly or the standards or provisions of the Code affecting the product change or the approval is otherwise suspended or revoked. Changes to the Code shall not be construed as voiding the approval of products previously installed in existing buildings provided such products met building code requirements at the time the product was installed.

(e) Product approval is void if the manufacturer fails to renew as required in paragraph 9B-72.090(2)(a), F.A.C.

(f) Manufacturer or the manufacturer's designee shall notify the Commission if it makes changes to the product which decrease the product's performance.

(g) Manufacturer shall notify the Commission when the quality assurance requirements of subsection 9B-72.070(3), F.A.C., are no longer in place.

(2) Fees for optional statewide approval of products.

(a) Fee for approval, Three Hundred Dollars (\$300.00) per sub category of product with renewal every two years. Renewal fee shall be \$50.00. The Commission shall review annually and adjust fees accordingly;

(b) through (c) No change.

(3) No change.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended.

9B-72.100 Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies.

(1) through (2)(a) No change.

(b) An entity may be approved as a validation entity after applying to the Commission for approval. Applications must be submitted in accordance with subsection 9B-72.130(1), F.A.C., and subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and fees submitted pursuant to subsection 9B-72.090(2), F.A.C. Application shall be made through the Building Codes Information System on the Internet and payment shall be by credit card. Validation by an approved testing laboratory acting as a validation entity shall be limited to the scope for which they are accredited.

(c) No change.

(3) Approved Testing Laboratory Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) through (b) No change.

(c) Approvals shall be valid until such time as Commission approval requirements change, the testing laboratory no longer qualifies under current requirements, the accreditation expires or is removed or is both expired and removed or the approval is suspended or revoked.

(4) Approved Certification Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) through 4. No change.

(b) Certification Agencies shall apply to the Commission for approval by filing an application as provided by subsection Rule 9B-72.130(1), F.A.C., and Rule subsection 9B-72.090(3), F.A.C., including a Certificate of Independence in accordance with Rule 9B-72.110, F.A.C., and submitting fees pursuant to subsection 9B-72.090(2), F.A.C.

(c) Approvals shall be valid until such time as Commission approval requirements change, the certification agency no longer qualifies under current requirements, the accreditation expires or is removed or is both expired and removed or the approval is suspended or revoked.

(5) Approved Quality Assurance Agency Criteria. Approval by the Commission is limited to the scope of accreditation established by approved accreditation entities.

(a) An entity shall be approved by the Commission as a quality assurance agency if it complies with one of the following. Approval shall be limited to those procedures listed on the certificate of accreditation issued by the accreditation body. Architects and engineers licensed in this state are exempt from the requirements for independent audits of financial accounts and records required by ISO/IEC Guide TR 17020.

1. through (b) No change.

(c) Approvals shall be valid until such time as Commission approval requirements change, the quality assurance agency no longer qualifies under current requirements, the accreditation expires or is removed or is both expired and removed or the approval is suspended or revoked.

(d) Quality assurance agencies shall audit the quality assurance program of manufacturers and audit production quality of products. Auditing of a quality assurance programs shall be by one or more of the following methods: visits to manufacturing facilities, inspection of products at construction sites, inspection of products at a state distribution facilities or testing of regular production items. Such auditing shall be preformed at intervals not to exceed 12 months.

(6) Approved Accreditation Body Criteria.

(a) through (d) No change.

Specific Authority 553.842(9) FS. Law Implemented 553.842(9) FS. History--New 5-5-02, Amended \_\_\_\_\_.

9B-72.130 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

(1) Florida Building Commission, Application for Entity Approval, electronic version.

(2) Florida Building Commission, Application for Statewide Producty Approvals, electronic version.

(3) Validation Checklist for Optional Statewide Approval, electronic version.

(4) Florida Building Commission, Application for Local Product Approval, updated.

(5) Florida Building Commission, Validation Checklist for Local Product Approval, updated.

Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shirley Collins, Director, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2002

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Rules of Procedure – Decisions

RULE CHAPTER NO.:

Affecting Substantial Interests 14-6

RULE TITLE: Final Orders

RULE NO.:

14-6.0011

PURPOSE AND EFFECT: Section 14-6.0011(2)(d), F.A.C., is amended to include a website address for reviewing Final Orders issued by the Department of Transportation.

SUMMARY: This is an editorial amendment to provide a website address where the Department of Transportation Final Orders can be viewed on the Internet.

SPECIFIC AUTHORITY: 120.53(1), 334.044(2) FS.

LAW IMPLEMENTED: 120.53(2) FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-6.0011 Final Orders.

(1) No change.

(2) Public Inspection and Duplication.

(a) through (c) No change.

(d) Final orders required to be indexed under Section 120.53(1)(a)2.c., Florida Statutes, which are entered on or after July 1, 1998, will also be maintained, stored, and indexed on an



electronic database. Pursuant to Section 120.53(2)(a), Florida Statutes, the Department hereby designates the Municipal Code Corporation as its official reporter for creating the electronic database and indexing and preserving final orders therein. The electronic database will allow users to research and retrieve the full texts of agency final orders by using commonly used search terms and descriptive information about the orders, including major subject headings. The indexing system for the electronic database shall have fixed fields to ensure common usage of such terms by anyone who uses the system. The Department will maintain the electronic database and make it available for public use. The following website is available to view Final Orders issued by the Department: <http://www.mccimaging.com>. The public may utilize the electronic database by contacting the Clerk of Agency Proceedings at the address provided in Subsection (c).

(3) through (6) No change.

Specific Authority 120.53(1), 334.044(2) FS. Law Implemented 120.53(2) FS. History—New 4-6-93, Amended 2-20-96, 11-16-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela S. Leslie, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2002

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements

RULE NO.: 33-208.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for the wearing of department identification badges and the wearing and maintenance of uniforms by specified security staff, and to correct staff titles responsible for evaluating requests for medical shaving exemptions.

SUMMARY: The proposed rule clarifies requirements for the wearing of department identification badges and the wearing and maintenance of uniforms by specified security staff, and corrects staff titles responsible for evaluating requests for medical shaving exemptions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) The following grooming standards shall apply to all Department of Corrections employees:

(a) through (k) No change.

(l) Identification cards.

1. Except as provided below, all employees shall wear the department issued ID card in a visible manner that will identify the individual at all times while on duty.

2. For security purposes when interacting with offenders, probation and parole field staff, including administrative and clerical support, are not required to wear the department issued ID card in a visible manner; however, they must be in possession of the department issued ID card for identification purposes while on duty.

(2) In addition to the standards set forth in (1), all male employees shall comply with the following grooming standards:

(a) through (d) No change.

(e) The only exception to the shaving policy shall be based on medical need. Any employee who cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a physician stating the medical condition, describing proposed treatment, and stating whether it is a temporary or permanent condition. If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate director, Chief of Staff Assistant Secretary or Deputy Secretary. The Deputy Secretary, Chief of Staff or director Assistant Secretary may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent exemption will be approved by the regional director, director of institutions assistant secretary, or deputy secretary. Facial hair in cases of exemption shall be neatly trimmed to 1/4 inch.

(3) The following are conditions and requirements for wearing department uniforms:

(a) through (c) No change.

(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. Unless specified otherwise, the laundering and cleaning of clothing items issued to employees is the responsibility of the employee. The laundering and cleaning of correctional officer class A, B, C, D, F, and G uniforms is the responsibility of the employee. The department shall be responsible for ~~the cleaning of the class E (battle dress utility) uniforms issued for deployment to correctional emergency response teams, confrontation control force, shotgun and chemical agent teams, and rapid response teams.~~ This but the cleaning shall not be performed at the institution. The other class E uniform issued for training purposes shall be maintained by the employee. Any items of department issued clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled "Contaminated Linen" and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

(e) through (k) No change.

(l) The following uniform accessories shall be provided by the correctional officer:

1. No change.

2. Boots (except for C.E.R.T. and Rapid Response Teams, Canine, Boot Camp staff, and extended day staff.

3. through 5. No change.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) through (b) No change.

(c) Class C Uniform.

1. No change.

2. BDU trousers will be ~~bloused~~ military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes regardless of the class of uniform being worn.

3. No change.

(d) Class D Uniform.

1. through 3. No change.

4. BDU trousers will be ~~bloused~~ military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

5. No change.

(e) Class E Uniform.

1. The correctional officer class E uniform shall be issued only to C.E.R.T and Rapid Response Team (baton squads, ~~shotgun and munitions squads chemical agent teams~~) members.

2. through 4. No change.

(f) Class F Uniform.

1. The Class F uniform shall be issued to tracking canine officers and shall consist of:

a. through k. No change.

l. ~~Black Snakebite boots will be provided to K-9 program officers by the department. The Brown snakebite boots will be provided only when black, khaki, or woodland camouflage design is not available.~~

2. through 4. No change.

(g) No change.

(h) The following items may be worn with the correctional officer uniform as defined below:

1. through 5. No change.

6. Correctional officer badges.

a. through h. No change.

i. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost, ~~or stolen,~~ or damaged outside the performance of duty.

j. through k. No change.

l. Correctional officers of any rank who are promoted, transferred, or otherwise relocated into a non-security position shall return their badges to the warden of the institution the staff member is departing. If an officer who is being promoted requests to keep the badge, he or she shall be allowed to do so upon reimbursement of the department of the cost of a replacement badge.

m. through n. No change.

7. Rank Insignias.

a. Sergeant pin for correctional officer sergeants shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

b. Gold colored lieutenant's bar for correctional officer lieutenants shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

c. Gold colored captain's bar for correctional officer captains shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

d. Gold colored major's insignia for correctional officer major shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

e. Gold colored colonel's insignia for correctional officer colonel shall be worn on the collar military style with Class A, B, C, F, and G uniforms only.

f. Rank insignia will not be worn on the polo type shirt.

8. Nameplate – gold or silver to match rank insignia, shall contain the employee's last name and first two initials (no rank abbreviation ~~optional~~) shall be worn above the right pocket with Class A, B, and C uniforms only. Replacement nameplates for name change, loss, normal wear and tear, or other damage outside the performance of normal duty will be the employee's responsibility.

9. Brown skirt for females can be substituted for trousers upon written authorization of the regional director of institutions following review of the officer's written request. The skirts will be the same fabric as the trousers with no stripe.

10. No change.

11. Service Pin. The department service pin is authorized to be worn above the nameplate with Class A, B, and C uniforms only.

12. No change.

13. Meritorious Service Pin.

a. The meritorious service pin (quality award) is worn over the right shirt pocket, one half inch above the nameplate, centered on the military crease (vertical fashion seam) with Class A, B, and C uniforms only.

b. through c. No change.

14. Emergency Response Team (E.R.T.) Pin.

a. No change.

b. The E.R.T. pin shall be worn evenly spaced between the bottom of the badge and one half inch above the top of the left shirt pocket, ~~and~~ centered on the military crease.

15. No change.

16. American Flag and Certified Public Manager (CPM) pins.

a. A small American flag pin is authorized to be worn with class A, B or C uniforms.

b. Graduates of the CPM course are authorized to wear the pin with class A, B or C uniforms.

c. These pins shall be displayed utilizing the formula outlined in sub-subparagraph (4)(h)13.c. above.

d. No other non-department issued pins are authorized for wear.

16. through 22. renumbered 17. through 23. No change.

24.23. Windbreakers. The brown department windbreaker with department emblem on the left chest is authorized to be worn with the class B, C, D, E, F, or G uniform. No other color

windbreaker is authorized for uniformed staff. Additionally, non-uniformed staff are authorized to wear a brown or black department windbreaker.

(i) No change.

(5) through (10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History-- New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Use of Committed Name

RULE NO.: 33-603.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for determining the name that will be used as an inmate's official identification throughout his or her incarceration.

SUMMARY: The proposed rule clarifies that the name that will be used as an inmate's official identification throughout his or her incarceration is obtained from the information or indictment page of the commitment package, not from the uniform commitment to custody cover sheet.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-603.101 Use of Committed Name.

(1)(a) In order to avoid conflicts in mailing and visiting privileges, as well as to assist inmates in making bank and canteen transactions and ensure timely delivery of legal documents, and to provide staff with a consistent means of

inmate identification for security and daily institutional operation purposes, each inmate shall be recognized by the department under the name on the initial commitment under which the inmate was received. The committed name shall be obtained from the information or indictment page of the commitment package, not from the uniform commitment to custody cover sheet. For multiple cases imposed on the same date, the committed name is the name listed on the earliest chronological case. This name shall be the inmate's official identification throughout the continuous incarceration of the inmate on that sentence or combined sentences and must be included on any official document sent or received by the inmate except as provided in (3) below.

(b) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 9-30-93, Formerly 33-6.012, Amended 4-29-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: C. George Denman

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 7, 2003

**LAND AND WATER ADJUDICATORY COMMISSION**

**Tuscany Community Development District**

RULE CHAPTER TITLE: Tuscany Community Development District  
RULE CHAPTER NO.: 42GG-1

RULE TITLES: Establishment  
Boundary  
Supervisors  
RULE NOS.: 42GG-1.001  
42GG-1.002  
42GG-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), the Tuscany Community Development District ("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Beverly Hills Development Corporation, requests that the Commission establish by rule the Tuscany CDD. The land to be served by the District consists of two parcels of unimproved property in Citrus County. One parcel consists of approximately 951.14 acres located in the existing Beverly Hills Development of Regional Impact (DRI) and the other parcel consists of 560 acres located outside the Beverly Hills DRI for a total of 1,511.14 acres. The Petitioner has written consent to establish the District from the owner of 100% of the real property located within the proposed District. The proposed District is designed to provide community infrastructure, services, and facilities along with

certain ongoing operations and maintenance. The development plan for the proposed lands within the District includes the construction of approximately 3,000 single family units within the DRI portion of the property, 1,120 low density residential units in the non-DRI portion of the property, 1,250 low density multi-family units, a life care center and approximately 307 acres of right-of-way, open space and other acreage.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.006(1) FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Petitioner has prepared a Statement of Estimated Regulatory Costs ("SERC"). The complete text of the SERC is contained as Exhibit E to the petition to establish the proposed District. The establishment of the proposed District will result in modest costs to State governmental entities to implement and enforce the proposed formation. Certain costs to the Florida Department of Community Affairs will be offset by an annual fee required by Section 189.412, F.S. The costs of rule adoption to Citrus County (the "County") and its citizens are minimal and any costs are offset by the required filing fee. Adoption of the proposed rule will have no negative impact on State and local revenues. Storm drainage and certain roadways will be funded by the proposed District in addition to funding the water distribution and wastewater collection system. The underground electrical service will be owned and operated by Florida Power Corporation. The proposed District may issue special assessment or other revenue bonds to fund the development of capital facilities. The bonds would be repaid through non-ad valorem assessments levied on all properties in the proposed District. Prospective future landowners in the proposed District may be required to pay non-ad valorem assessments levied by the District to secure the debt incurred through bond issuance. In addition, the proposed District may also impose a non-ad valorem assessment to fund the operations and maintenance of the District and its facilities and services. New residents voluntarily chose to locate within the proposed District and accept the assessments as a tradeoff for the numerous benefits and facilities that the proposed District will provide. There will be little impact on small businesses from the establishment of the proposed District. In fact, the impact may be positive in that the District must competitively bid all of its contracts. Establishment of the proposed District will not have any impact on small counties as Citrus County is not a small county as defined. The analysis provided is based on a straightforward application of administrative, legal and economic theory with input received from the professionals associated with the petitioner.

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.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Monday, April 14, 2003

PLACE: Room 1802M, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least 2 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Daren L. Shippy, Esquire, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, (850)877-6555 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS.

42GG-1 TUSCANY COMMUNITY DEVELOPMENT DISTRICT

42GG-1.001 Establishment.

The Tuscany Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.005 FS. History—New

42GG-1.002 Boundary.

The boundaries of the district are as follows:

Commence at the most Northerly Corner of BEVERLY HILLS, UNIT 3A, according to the map or plat thereof recorded in Plat Book 5, page 1, public records of Citrus County, Florida, said point being on the Southeasterly right-of-way line of County Road No. 491 and being 50 feet from measured at right angles to, the centerline of said County Road No. 491, thence S. 51E 02' 53" E. along the Northeasterly line of said BEVERLY HILLS, UNIT 3A, a distance of 400 feet to the POINT OF BEGINNING, thence N. 38E 56' 39" E. parallel to and 400 feet from, said Southeasterly right-of-way line, a distance of 4347.25 feet to the P.C. of a curve, concaved Northwesterly, having a central angle of 13E 52' 45" and a radius of 6167.33 feet, thence Northeasterly along the arc of said curve, a distance of 1493.96 feet to the P.T. of said curve, thence N. 25E 03' 54" E. parallel to and 400 feet from, said Southeasterly right-of-way line a distance of 1734.33 feet to a point on the boundary of lands described in Deed recorded in Official Record, Book 385, page 466, public records of Citrus County, Florida, thence S. 1E 39' 30" E. along said boundary a distance of 836.98 feet to the SW Corner of said lands, thence

N. 88E 20' 30" E. along the South line of said lands, a distance of 1377.72 feet to the SE Corner of said lands, thence N. 1E 39' 30" W. along the East line of said lands, a distance of 1200 feet to the NE Corner of said lands, thence S. 88E 20' 30" W. along the North line of said lands, a distance of 1306.83 feet to the SE Corner of lands described in Deed recorded in Official Record, Book 538, page 632, of said records, thence N. 25E 03' 54" E. along the East line of said lands, a distance of 190.26 feet to the NE Corner of said lands, said point being on the South line of lands described in Deed recorded in Official Record, Book 423, page 128, of said records, thence N. 88E 20' 30" E. along said South line a distance of 346.97 feet to the SE Corner of said lands, thence N. 1E 39' 30" W. along the East line of said lands a distance of 330.02 feet to the NE Corner of said lands, said point also being on the North line of Section 1, TOWNSHIP 18 SOUTH, RANGE 18 EAST, thence N. 88E 20' 30" E. along said North line a distance of 1869.43 feet to the NE Corner of said Section 1, said point also being the NW Corner of Section 6, TOWNSHIP 18 SOUTH, RANGE 19 EAST, thence N. 89E 28' 20" E. along the North line of said Section 6, a distance of 2636.38 feet to the NW Corner of the NE 1/4 of said Section 6, thence N. 89E 53' 45" E. along the North line of said Section 6, a distance of 2645.54 feet to the NE Corner of said Section 6, thence S. 0E 12' 24" E. along the East line of said Section 6, a distance of 1328.53 feet to the SE Corner of the N 1/2 of NE 1/4 of said Section 6, thence S. 89E 53' 40" W. along the South line of said N 1/2 of NE 1/4, a distance of 2646.85 feet to the SW Corner of said N 1/2 of the NE 1/4, thence S. 0E 09' E. along the East line of the NW 1/4 of said Section 6, a distance of 1328.59 feet to the NE Corner of the SW 1/4 of said Section 6, thence S. 0E 03' 50" E. along the East line of said SW 1/4 a distance of 2648.43 feet to the SE Corner of said SW 1/4, said point also being the NE Corner of the NW 1/4 of Section 7, TOWNSHIP 18 SOUTH, RANGE 19 EAST, thence S. 0E 07' 56" E. along the East line of said NW 1/4 a distance of 2648.76 feet to the SE Corner of said NW 1/4, thence N. 89E 42' 40" W. along the South line of said NW 1/4, a distance of 2641.84 feet to the SW Corner of said NW 1/4, said point also being the SE Corner of the NE 1/4 of Section 12, TOWNSHIP 18 SOUTH, RANGE 18 EAST, thence S. 89E 23' 89" W. along the South line of said NE 1/4 a distance of 1315.58 feet to the NE Corner of the W 1/2 of SE 1/4 of said Section 12, thence S. 0E 09' 37" W. along the East line of said W 1/2 of SE 1/4, a distance of 2636.62 feet to the SE Corner of said W 1/2 of SE 1/4, thence S. 89E 28' 48" W. along the South line of said Section 12, a distance of 1302.33 feet, thence N. 2E 06' 48" W. a distance of 170 feet, thence S. 89E 28' 48" W. parallel to said South line, a distance of 690.91 feet to a point on a curve, concaved Westerly, having a central angle of 90E and a radius of 280 feet, thence Northwesterly along the arc of said curve a distance of 246.92 feet to the P.T. of said curve (chord bearing and distance between said points being N. 25E 46' 44" W. 238.99 feet), thence N. 51E 02' 31" W. a distance of 2102.26 feet, thence N. 59E 40' 08" W. a

distance of 200 feet to the most Easterly Corner of lands described in Deed recorded in Official Record, Book 196, page 218, of said records, thence N. 51E 02' 31" W. along the Northeasterly line of said lands, a distance of 449.63 feet to the most Northerly corner of said lands, said point being on the Southeasterly line of BEVERLY HILLS, UNIT NO. 3, according to the map or plat thereof recorded in Plat Book 4, page 123, public records of Citrus County, Florida, thence N. 38E 58' 52" E. along the Southeasterly line of said BEVERLY HILLS, UNIT NO. 3, and along the Southeasterly line of BEVERLY HILLS, UNIT 3A, according to the map or plat thereof recorded in Plat Book 5, page 1, public records of Citrus County, Florida, a distance of 399.96 feet to the most Easterly corner of said BEVERLY HILLS, UNIT 3A, thence N. 51E 02' 53" W. along the Northeasterly line of said BEVERLY HILLS, UNIT 3A, a distance of 1649.50 feet to the Point of Beginning.

AND,

Begin at the most Northerly Corner of BEVERLY HILLS, UNIT 3A, according to the map or plat thereof recorded in Plat Book 5, page 1, public records of Citrus County, Florida, said point being on the Southeasterly right-of-way line of County Road No. 491, and being 50 feet from, measured at right angles to, the centerline of said County Road No. 491, thence N. 38E 56' 39" E. along said Southeasterly right-of-way line a distance of 4347.20 feet to the P.C. of a curve, concaved Northwesterly, having a central angle of 13E 52' 45" and a radius of 5767.33 feet, thence Northeasterly along the arc of said curve a distance of 1397.06 feet to the P.T. of said curve, thence N. 25E 03' 54" E. along said right-of-way line a distance of 1639.31 feet to the most Westerly Corner of lands described in Deed recorded in Official Record, Book 385, page 466, public records of Citrus County, Florida, thence N. 88E 20' 30" E. along the boundary of said lands a distance of 400 feet, thence S. 1E 39' 30" E. along the boundary of said lands a distance of 95.00 feet to a point that is 400 feet from, measured at right angles to, the Southeasterly right-of-way line of said County Road No. 491, thence S. 25E 03' 54" W., parallel to said right-of-way line, a distance of 1734.33 feet to the P.C. of a curve, concaved Northwesterly, having a central angle of 13E 52' 45" and a radius of 6167.33 feet, thence Southwesterly along the arc of said curve a distance of 1493.96 feet to the P.T. of said curve, thence S. 38E 56' 39" W., parallel to and 400 feet from, said right-of-way line, a distance of 4347.25 feet to a point on the Northeasterly line of said BEVERLY HILLS, UNIT 3A, thence N. 51E 02' 53" W. along said Northeasterly line a distance of 400 feet to the Point of Beginning.

AND

The Northeast 1/4 of Section 7, TOWNSHIP 18 SOUTH, RANGE 19 EAST, Citrus County, Florida.

AND

The Northwest 1/4 of Section 8, TOWNSHIP 18 SOUTH, RANGE 19 EAST, Citrus County, Florida.

AND

The East 1/2 of the Southeast 1/4 of Section 12, TOWNSHIP 18 SOUTH, RANGE 18 EAST, Citrus County, Florida, LESS AND EXCEPT land in Warranty Deed from Beverly Hills Development Corporation, to Rolling Oaks Utilities, Inc., dated June 6, 1986, filed August 18, 1986, and recorded in Official Record, Book 710, page 849, public records of Citrus County, Florida, being more particularly described as follows: Commence at the most Easterly Corner of BEVERLY HILLS, UNIT 3A, according to the map or plat thereof recorded in Plat Book 5, page 1, public records of Citrus County, Florida, thence N. 51E 02' 53" W. along the Northeasterly line of said BEVERLY HILLS, UNIT 3A, a distance of 289.49 feet, thence N. 38E 56' 39" E. a distance of 593.12 feet to the POINT OF BEGINNING, thence N. 75E 59' 21" W. a distance of 62.48 feet, thence North 155.26 feet, thence N. 13E 10' 38" E. a distance of 155.26 feet, thence N. 11E 58' 12" W. a distance of 405.23 feet, thence N. 24E E. a distance of 244.86 feet, thence N. 60E E. a distance of 268.59 feet, thence S. 66E E. a distance of 336.93 feet, thence N. 72E E. a distance of 126.01 feet, thence S. 78E 42' 12" E. a distance of 313.71 feet, thence S. 33E E. a distance of 317.81 feet, thence S. 11E 13' 17" E. a distance of 237.44 feet, thence S. 46E 05' 58" W. a distance of 238.07 feet, thence S. 67E 37' 34" W. a distance of 481.20 feet, thence S. 55E W. a distance of 268.27 feet, thence N. 75E 59' 21" W. a distance of 351.69 feet to the Point of Beginning.

AND, LESS AND EXCEPT NORTH FOREST RIDGE BOULEVARD, according to the map or plat thereof recorded in Plat Book 14, pages 29, 30 and 31, public records of Citrus County, Florida.

AND, LESS AND EXCEPT OAKWOOD VILLAGE OF BEVERLY HILLS PHASE ONE, according to the map or plat thereof recorded in Plat Book 14, pages 10 to 14 inclusive, public records of Citrus County, Florida.

AND, LESS AND EXCEPT OAKWOOD VILLAGE OF BEVERLY HILLS, PHASE 2, according to the map or plat thereof recorded in Plat Book 14, pages 15 to 18 inclusive, public records of Citrus County, Florida.

AND, LESS AND EXCEPT that portion of Section 1, TOWNSHIP 18 SOUTH, RANGE 18 EAST, that lies North of the North boundary and West of a Northerly projection of the Easterly boundary of lands described in Official Record, Book 385, pages 466 and 467, public records of Citrus County, Florida.

AND, LESS AND EXCEPT the Legal Description of the Clubhouse Parcel, as follows:

Commence at the East 1/4 Corner of Section 12, TOWNSHIP 18 SOUTH, RANGE 18 EAST, Citrus County, Florida, thence N. 00E 02' 39" E. along the East line of said Section 12, a distance of 2638.72 feet to the NE Corner of said Section 12, thence South a distance of 811.51 feet, thence West 3400.82 feet to the POINT OF BEGINNING, thence S. 48E 04' 48" W.

a distance of 523.35 feet to the Northerly right-of-way line of Forest Ridge Boulevard, as recorded in Plat Book 14, pages 29-31 inclusive, public records of Citrus County, Florida, said point being on the arc of a curve concaved Southwesterly having a central angle of 13E 36' 50" and a radius of 1335.00 feet, thence Northwesterly along the arc of said curve and along said right-of-way line a distance of 317.21 feet (chord bearing and distance between said points being N. 62E 00' 58" W. 316.46 feet) thence N. 21E 10' 37" E. a distance of 431.33 feet, thence S. 68E 36' 06" E. a distance of 551.04 feet to the Point of Beginning.

CONTAINS 4.47 ACRES.

AND, LESS AND EXCEPT BEVERLY HILLS DEVELOPMENT CORPORATION of holes 7, 10, 11, 12, 14, 15 16 and 18 of a golf course, as follows:

Commence at the East 1/4 Corner of Section 12, TOWNSHIP 18 SOUTH, RANGE 18 EAST, Citrus County, Florida; thence N. 00E 02' 39" E. along the East line of said Section 12, a distance of 2638.72 feet to the NE Corner of said Section 12, thence South a distance of 310.65 feet, thence West a distance of 792.03 feet to the POINT OF BEGINNING, thence S. 61E 11' 25" W. a distance of 565.54 feet, thence S. 83E 43' 59" W. a distance of 71.24 feet, thence S. 87E 50' 28" W. a distance of 41.99 feet, thence N. 41E 21' 17" W. a distance of 106.65 feet, thence N. 33E 54' 28" E. a distance of 110.89 feet, thence N. 58E 32' 03 E. a distance of 390.59 feet, thence N. 35E 46' 56" E. a distance of 644.88 feet, thence N. 40E 40' 40" W. a distance of 230.45 feet, thence S. 87E 47' 27" W. a distance of 384.52 feet, thence S. 14E 53' 57" W. a distance of 300.41 feet, thence N. 63E 53' 57" W. a distance of 574.81 feet, thence N. 80E 47' 51" W. a distance of 256.25 feet, thence S. 87E 28' 03" W. a distance of 301.13 feet, thence S. 79E 48' 51" W. a distance of 137.30 feet, thence S. 42E 29' 19" W. a distance of 1523.30 feet, thence N. 68E 36' 06" W. a distance of 570.85 feet, thence N. 21E 23' 54" E. a distance of 222.57 feet, thence N. 01E 08' 02" E. a distance of 172.22 feet to the P.C. of a curve concaved Southeasterly having a central angle of 26E 29' 46" and a radius of 170.00 feet, thence Northeasterly along the arc of said curve a distance of 78.62 feet to the P.T. (chord bearing and distance between said points being N. 14E 22' 55" E. 77.92 feet) thence N. 27E 37' 48" E. a distance of 467.17 feet to the P.C. of a curve concaved Southeasterly having a central angle of 33E 26' 40" and a radius of 170.00 feet, thence Northeasterly along the arc of said curve a distance of 99.23 feet to the P.T. (chord bearing and distance between said point being N. 44E 21' 08" E. 97.83 feet) thence N. 61E 04' 28" E. a distance of 798.84 feet, thence S. 27E 36' 37" E. a distance of 111.17 feet to a point on the arc of a non-tangent curve concaved Southeasterly having a central angle of 12E 57' 57" and a radius of 1250.00 feet, thence Southeasterly along the arc of said curve a distance of 282.87 feet to the P.T. (chord bearing the distance between said points being S. 52E 32' 55" W. 282.27 feet) thence S. 46E 03' 57" W. a distance of 364.80

feet to the P.C. of a curve concaved Southeasterly having a central angle of 17E 19' 56" and a radius of 750.00 feet, thence Southwesterly along the arc of said curve a distance of 226.88 feet to the P.T. (chord bearing and distance between said points being S. 37E 23' 58" W. 226.02 feet) thence S. 28E 44' 00" W. a distance of 287.57 feet to the P.C. of a curve concaved Northeasterly having a central angle of 188E 58' 16" and a radius of 170.00 feet, thence Southeasterly along the arc of said curve a distance of 560.09 feet to a point (chord bearing and distance between said points being S. 65E 45' 08" E. 338.96 feet) thence N. 22E 37' 44" E. a distance of 262.55 feet to a point on the arc of a non-tangent curve concaved Southeasterly having a central angle of 17E 19' 56" and a radius of 440.00 feet, thence Northeasterly along the arc of said curve a distance of 133.10 feet to the P.T. (chord bearing and distance between said points being N. 37E 23' 58" E. 132.60 feet) thence N. 46E 03' 57" E. 364.80 feet to the P.C. of a curve concaved Southeasterly having a central angle of 22E 25' 13" and a radius of 940.00 feet, thence Northeasterly along the arc of said curve a distance of 367.83 feet to the P.T. (chord bearing and distance between said points being N. 57E 16' 33" E. 365.49 feet) thence N. 68E 29' 10" E. a distance of 491.96 feet, to the P.C. of a curve concaved Northwesterly having a central angle of 149E 52' 33" and a radius of 170.00 feet, thence Northeasterly along the arc of said curve a distance of 444.69 feet, to the P.T. (chord bearing and distance between said points being N. 35E 41' 05" E. 328.32 feet) thence N. 05E 58' 14" W. a distance of 280.07 feet to the P.C. of a curve concaved Southeasterly having a central angle of 13E 50' 21" and a radius of 890.00 feet, thence Northeasterly along the arc of said curve a distance of 214.97 feet to the P.T. (chord bearing and distance between said points being N. 00E 56' 56" E. 214.45 feet) thence N. 07E 52' 07" E. a distance of 55.20 feet, thence N. 87E 02' 36" E. a distance of 109.59 feet, thence S. 57E 26' 16" E. a distance of 151.86 feet, thence S. 04E 39' 02" W. a distance of 453.10 feet, thence S. 55E 50' 25" E. a distance of 79.92 feet, thence N. 71E 50' 06" E. a distance of 350.07 feet, thence S. 88E 40' 48" E. a distance of 365.17 feet, thence S. 46E 57' 42" E. a distance of 308.03 feet, thence S. 66E 54' 36" E. a distance of 139.76 feet, thence N. 49E 25' 06" E. a distance of 572.04 feet, thence S. 89E 22' 12" E. a distance of 420.67 feet, thence S. 86E 08' 42" E. a distance of 289.17 feet, thence S. 88E 40' 00" E. a distance of 117.50 feet, thence S. 46E 32' 46" E. a distance of 56.26 feet, thence S. 35E 11' 02" W. a distance of 48.75 feet, thence S. 65E 17' 42" W. a distance of 122.60 feet, thence S. 82E 21' 18" W. a distance of 332.02 feet, thence S. 67E 37' 41" W. a distance of 249.73 feet, thence S. 71E 48' 20" W. a distance of 186.88 feet, thence S. 53E 42' 38" W. a distance of 286.90 feet, thence S. 38E 25' 15" W. a distance of 101.84 feet, thence S. 06E 35' 05" E. a distance of 88.86 feet, thence S. 19E 36' 08" W. a distance of 213.10 feet, to the P.C. of a curve concaved Southeasterly having a central angle of 04E 03' 14" and a radius of 2825.59 feet, thence Southwesterly along the arc of said curve a distance of 199.92

feet, to the P.T. (chord bearing and distance between said points being S. 17E 34' 31" W. 199.87 feet) thence S. 15E 32' 54" W. a distance of 419.45 feet, to the Point of Beginning.  
CONTAINS 56.26 ACRES.

AND LESS AND EXCEPT THE DRIVING RANGE and holes 1, 8 and 9 of a golf course, as follows:

Commence at the East 1/4 Corner of Section 12, TOWNSHIP 18 S., RANGE 18 E., Citrus County, Florida, thence N. 00E 02' 39" E. along the East line of said Section 12, a distance of 2638.72 feet to the NE Corner of said Section 12, thence South 651.37 feet, thence West 1575.04 feet to the POINT OF BEGINNING, thence S. 35E 09' 50" W. a distance of 616.66 feet, thence S. 74E 14' 24" W. a distance of 92.59 feet, thence S. 39E 41' 28" W. a distance of 139.47 feet, thence N. 85E 55' 16" W. a distance of 632.63 feet, thence S. 14E 11' 41" W. a distance of 71.83 feet, thence S. 27E 10' 55" W. a distance of 119.68 feet, thence S. 40E 54' 33" W. a distance of 101.83 feet, thence S. 55E 12' 05" W. a distance of 201.30 feet, thence S. 18E 28' 50" E. a distance of 212.30 feet, thence S. 07E 18' 21" E. a distance of 270.31 feet, thence S. 10E 42' 35" E. a distance of 187.63 feet, thence S. 42E 56' 35" E. a distance of 265.65 feet, thence S. 19E 42' 48" E. a distance of 112.13 feet, thence S. 34E 31' 47" W. a distance of 77.08 feet, thence S. 72E 48' 49" W. a distance of 110.16 feet, thence N. 48E 12' 17" W. a distance of 169.19 feet, thence N. 58E 28' 57" W. a distance of 227.80 feet, thence S. 54E 08' 03" W. a distance of 87.56 feet to a point on the Easterly right-of-way line of Forest Ridge Boulevard as recorded in Plat Book 14, pages 29-31 inclusive, public records of Citrus County, Florida, thence N. 03E 41' 02" E. along said Easterly right-of-way line a distance of 137.26 feet to the P.C. of a curve concaved Southwesterly having a central angle of 58E 53' 35" and a radius of 1335.00 feet, thence Northwesterly along the arc of said curve and along said right-of-way line a distance of 1372.21 feet to a point (chord bearing and distance between said points being N. 25E 45' 45" W. 1312.60 feet) thence N. 48E 04' 48" E. a distance of 704.58 feet, thence S. 66E 49' 03" E. a distance of 97.25 feet, thence S. 50E 33' 59" E. a distance of 157.53 feet, thence S. 56E 51' 15" E. a distance of 278.73 feet, thence S. 67E 01' 20" E. a distance of 142.36 feet, thence S. 76E 53' 45" E. a distance of 567.49 feet, thence N. 06E 49' 50" E. a distance of 200.33 feet, thence N. 53E 40' 16" E. a distance of 615.10 feet, thence S. 41E 21' 17" E. a distance of 65.62 feet to the Point of Beginning.  
CONTAINS 26.87 ACRES "

SUBJECT TO EASEMENT "E" AS DESCRIBED ON THE PLAT OF NORTH FOREST RIDGE BOULEVARD, AS RECORDED IN PLAT BOOK 14, PAGES 29-31 INCLUSIVE, PUBLIC RECORDS OF CITRUS COUNTY, FLORIDA.

AND, LESS AND EXCEPT A LEGAL DESCRIPTION of holes 2 and 3 of a golf course, as follows:

Commence at the East 1/4 Corner of Section 12, TOWNSHIP 18 S., RANGE 18 E., Citrus County, Florida; thence N. 00E 02' 39" E. along the East line of said Section 12, a distance of 2638.72 feet to the NE corner of said Section 12, thence South a distance of 2026.28 feet, thence West a distance of 1046.56 feet to the POINT OF BEGINNING, thence S. 30E 49' 53" W. a distance of 295.91 feet, thence S. 31E 01' 05" W. a distance of 214.62 feet, thence S. 43E 28' 01" W. a distance of 444.65 feet, thence S. 40E 11' 30" W. a distance of 189.26 feet, thence S. 33E 59' 03" W. a distance of 177.11 feet, thence S. 15E 09' 32" E. a distance of 81.80 feet, thence S. 06E 16' 52" E. a distance of 138.89 feet, thence S. 56E 27' 36" W. a distance of 98.38 feet, thence N. 61E 46' 28" W. a distance of 100.75 feet, thence N. 30E 11' 18" W. a distance of 269.13 feet, thence N. 35E 15' 36" W. a distance of 747.44 feet, thence N. 34E 53' 16" W. a distance of 127.32 feet, thence N. 45E 02' 13" E. a distance of 63.28 feet, thence S. 48E 27' 15" E. a distance of 322.22 feet, thence S. 46E 42' 05" E. a distance of 595.22 feet, thence N. 30E 52' 58" E. a distance of 497.48 feet, thence N. 28E 55' 19" E. a distance of 554.41 feet, thence N. 42E 30' 30" E. a distance of 183.19 feet, thence N. 77E 56' 29" E. a distance 113.63 feet, thence S. 27E 22' 57" E. a distance of 186.15 feet to the Point of Beginning.

CONTAINS 11.58 ACRES.

AND, LESS AND EXCEPT A LEGAL DESCRIPTION of holes 4, 5, 6 and 13 of a golf course, as follows:

Commence at the East 1/4 Corner of Section 12, TOWNSHIP 18 S., RANGE 18 E., Citrus County, Florida; thence N. 00E 02' 39" E. along the East line of said Section 12 a distance of 2638.72 feet to the NE Corner of said Section 12, thence South a distance of 190.00 feet, thence West a distance of 158.17 feet to the POINT OF BEGINNING, thence S. 30E 29' 42" E. a distance of 217.25 feet, thence S. 41E 50' 28" E. a distance of 120.54 feet, thence S. 66E 54' 39" E. a distance of 671.07 feet, thence N. 77E 38' 51" E. a distance of 280.07 feet, thence S. 67E 07' 14" E. a distance of 109.97 feet, thence S. 16E 14' 47" E. a distance of 57.49 feet, thence S. 24E 52' 07" W. a distance of 122.00 feet, thence S. 73E 28' 47" W. a distance of 294.01 feet, thence S. 70E 11' 48" W. a distance of 685.32 feet, thence S. 62E 16' 49" W. a distance of 268.34 feet, thence S. 27E 09' 05" E. a distance of 112.23 feet, thence S. 08E 54' 06" E. a distance of 132.76 feet, thence S. 43E 14' 33" W. a distance of 108.13 feet, thence S. 72E 29' 54" W. a distance 332.94 feet, thence S. 65E 51' 13" W. a distance of 336.54 feet, thence N. 28E 35' 53" W. a distance of 83.18 feet, thence N. 51E 20' 40" E. a distance of 719.02 feet, thence N. 36E 45' 04" W. a distance of 65.82 feet, thence N. 53E 58' 45" E. a distance of 545.00 feet, thence N. 02E 28' 19" W. a distance of 278.48 feet, thence N. 81E 47' 25" W. a distance of 342.91 feet, thence N. 16E 38' 38" W. a distance of 601.60 feet, thence N. 67E 20' 38" W. a distance of 160.29 feet, thence N. 33E 10' 47" W. a distance of 94.29 feet, thence N. 19E 26' 37" E. a distance of 157.91 feet, thence N. 21E 28' 46" E. a distance of 175.28 feet,



thence S. 37E 53' 13" E. a distance of 64.80 feet, thence S. 80E 37' 29" E. a distance of 176.79 feet, thence S. 88E 44' 08" E. a distance of 296.88 feet, thence S. 85E 38' 28" E. a distance of 362.74 feet, thence N. 49E 43' 31" E. a distance of 371.54 feet, thence N. 26E 11' 35" E. a distance of 140.70 feet, thence N. 03E 38' 39" E. a distance of 307.34 feet, thence N. 34E 11' 58" E. a distance of 53.15 feet, thence S. 88E 50' 33" E. a distance of 206.30 feet, thence S. 03E 10' 58" E. a distance of 205.27 feet, thence S. 10E 49' 38" E. a distance of 287.64 feet, thence S. 53E 32' 16" W. a distance of 322.50 feet, thence S. 47E 10' 10" W. a distance of 402.40 feet, thence S. 83E 36' 46" W. a distance of 233.47 feet, thence N. 80E 01' 56" W. a distance of 252.20 feet, thence S. 59E 11' 22" W. a distance of 91.12 feet, thence S. 59E 01' 28" W. a distance of 119.30 feet, thence S. 01E 17' 27" E. a distance of 130.40 feet to the Point of Beginning.

CONTAINS 29.88 ACRES "

AND, LESS AND EXCEPT, A LEGAL DESCRIPTION FOR BEVERLY HILLS DEVELOPMENT CORPORATION of hole 17 of a golf course, as follows:

Commence at the East 1/4 Corner of Section 12, TOWNSHIP 18 S., RANGE 18 E., Citrus County, Florida; thence N. 00E 02' 39" E. along the East line of said Section 12, a distance of 2638.72 feet to the NE Corner of said Section 12, thence North a distance of 1240.16 feet, thence West a distance of 2325.97 feet to the POINT OF BEGINNING, thence S. 05E 58' 14" E. a distance of 118.96 feet to the P.C. of a curve concaved Northwesterly having a central angle of 74E 27' 24" and a radius of 145.00 feet, thence Southwesterly along the arc of said curve a distance of 188.43 feet to the P.T. (chord bearing and distance between said point being S. 31E 15' 28" W. of 175.45 feet) thence S. 68E 29' 10" W. a distance of 372.74 feet to the P.C. of a curve concaved Southeasterly having a central angle of 06E 42' 09" and a radius of 1250.00 feet, thence Southwesterly along the arc of said curve a distance of 146.22 feet to a point (chord bearing and distance between said points being S. 65E 08' 06" W. 146.14 feet) thence N. 27E 36' 37" W. a distance of 207.18 feet, thence N. 02E 32' 06" W. a distance of 38.44 feet, thence N. 64E 58' 32" E. a distance of 232.08 feet to the P.C. of a curve concaved Northwesterly having a central angle of 44E 24' 49" and a radius of 370.00 feet, thence Northeasterly along the arc of said curve a distance of 286.81 feet to the P.T. (chord bearing and distance between said points being N. 43E 04' 16" E. 279.68 feet), thence N. 20E 51' 52" E. a distance of 489.41 feet, thence N. 14E 12' 06" E. a distance of 72.00 feet, thence S. 79E 38' 03" E. a distance of 107.27 feet, thence S. 07E 52' 07" W. a distance of 279.37 feet to the P.C. of a curve concaved Southeasterly having a central angle of 13E 50' 21" and a radius of 1200.00, thence Southwesterly along the arc of said curve a distance of 289.85 feet to the P.T. (chord bearing and distance between said points being S. 00E 56' 56" W. 289.14 feet) said point also being the Point of Beginning.

CONTAINS 6.38 ACRES.

AND, LESS AND EXCEPT GREENSIDE, according to the map or plat thereof recorded in Plat Book 16, pages 22 and 23, public records of Citrus County, Florida,

AND, LESS AND EXCEPT LAUREL RIDGE NUMBER ONE, according to the map or plat thereof recorded in Plat Book 15, pages 13 to 23 inclusive, public records of Citrus County, Florida,

AND, LESS AND EXCEPT LAUREL RIDGE NUMBER TWO, according to the map or plat thereof recorded in Plat Book 15, pages 113 to 120 inclusive, public records of Citrus County, Florida,

AND, LESS AND EXCEPT OAKWOOD VILLAGE, according to the map or plat thereof recorded in Plat Book 13, page 96, public records of Citrus County, Florida,

AND, LESS AND EXCEPT,

Parcel "A"

A LEGAL DESCRIPTION FOR GEORGE WIMPEY OF FLORIDA, INC., OF BEVERLY HILLS UNIT NO. 11, PARCEL "A", LYING WITHIN SECTIONS 1 AND 12, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, as follows:

Commence at the most Westerly Corner of Lot 1, Block 12, of Laurel Ridge Number Two, as shown on the map or plat thereof, as recorded in Plat Book 15, pages 113-120 inclusive, of the public records of Citrus County, Florida, thence N. 41E 21' 17" W. along the Easterly right-of-way line of W. Rexford Drive as shown on map or plat, a distance of 25.39 feet, to the POINT OF BEGINNING, said point being a point on the Northwesterly boundary of said LAUREL RIDGE NUMBER TWO, thence continue N. 41E 21' 17" W. along said right-of-way line, a distance of 8.90 feet, to the P.C. of a curve concaved Easterly, having a radius of 25.00 feet and a central angle of 48E 11' 23", thence Northwesterly along the arc of said curve, and along said right-of-way line, a distance of 21.03 feet, to the P.T. of said curve (chord bearing and distance between said points being N. 17E 15' 36" W. 20.41 feet), to a point of reverse curvature with a curve concaved Southeasterly, having a radius of 50.00 feet and a central angle of 276E 22' 46", thence Northerly, Westerly and Southerly, along the arc of said curve and along said right-of-way line, a distance of 241.19 feet, to the P.T. of said curve (chord bearing and distance between said points being S. 48E 38' 43" W. 66.67 feet), to a point of reverse curvature with a curve concaved Southwesterly, having a radius of 25.00 feet and a central angle of 48E 11' 23", thence Southeasterly along the arc of said curve and along said right-of-way line a distance of 21.03 feet, to the P.T. of said curve (chord bearing and distance between said points being S. 65E 26' 59" E. 20.41 feet), to the point of intersection with a non-tangent line, said point being on the boundary of an existing golf course as described in Official Records Book 852, page 111, of the public records of Citrus County, Florida, thence along said boundary the

following courses and distances S. 53E 40' 16" W. a distance of 615.10 feet, S. 06E 49' 50" W. a distance of 200.33 feet, N. 76E 53' 45" W. a distance of 567.49 feet, N. 67E 01' 20" W. a distance of 142.36 feet, N. 56E 51' 15" W. a distance of 278.73 feet, N. 50E 33' 59" W. a distance of 157.53 feet, N. 66E 49' 03" W. a distance of 97.25 feet, S. 48E 04' 48" W. a distance of 181.23 feet, to a point on the Northeasterly boundary of lands as described in Official Records Book 920, page 1950 of the public records of Citrus County, Florida, thence N. 68E 36' 06" W. along said lands, a distance of 551.04 feet, thence N. 21E 10' 37" E. leaving said lands, a distance of 60.00 feet, to the aforementioned boundary of said golf course, thence along said boundary the following courses and distances, S. 68E 36' 06" E. a distance of 373.54 feet, N. 42E 29' 19" E. a distance of 1523.30 feet, N. 79E 48' 51" E. a distance of 137.30 feet, N. 87E 28' 03" E. a distance of 301.13 feet, S. 80E 47' 51" E. a distance of 256.25 feet, S. 63E 53' 57" E. a distance of 574.81 feet, thence N. 14E 53' 57" E. a distance of 300.41 feet, N. 87E 47' 27" E. a distance of 384.52 feet, S. 40E 40' 40" E. a distance of 230.45 feet, S. 35E 46' 56" W. a distance of 644.88 feet, thence S. 58E 32' 03" W. a distance of 390.59 feet, thence S. 33E 54' 28" W. a distance of 110.89 feet, to a point on the boundary of said LAUREL RIDGE NUMBER TWO, thence S. 58E 44' 02" W. along said boundary a distance of 121.88 feet, to the Point of Beginning.

CONTAINS 58.67 ACRES.

AND, LESS AND EXCEPT

Parcel "B"

A LEGAL DESCRIPTION FOR GEORGE WIMPEY OF FLORIDA, INC., OF PARCEL "B", LYING WITHIN SECTIONS 1 AND 12, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, as follows:

Commence at the most Westerly Corner of Lot 1, Block 12, of LAUREL RIDGE NUMBER TWO, as shown on the map or plat thereof as recorded in Plat Book 15, pages 113-120 inclusive, of the Public Records of Citrus County, Florida, thence N. 41E 21' 17" W. along the Easterly right-of-way line of W. Rexford Drive, as shown on said map or plat, a distance of 25.39 feet, to a point on the boundary of said LAUREL RIDGE NUMBER TWO, thence N. 41E 21' 17" W. along said right-of-way line a distance of 8.90 feet, to the P.C. of a curve concaved Easterly, having a radius of 25.00 feet and a central angle of 48E 11' 23", thence Northwesterly along the arc of said curve and along said right-of-way line a distance of 21.03 feet, to the P.T. of said curve (chord bearing and distance between said points being N. 17E 15' 36" W. 20.41 feet), to a point of reverse curvature with a curve concaved Southeasterly, having a radius of 50.00 feet and a central angle of 276E 22' 46", thence Northerly, Westerly and Southerly, along the arc of said curve and along said right-of-way line, a distance of 241.19 feet, to the P.T. of said curve (chord bearing and distance between said points being S. 48E 38' 43" W. 66.67 feet), to a point of reverse curvature with a curve,

concave Southwesterly, having a radius of 25.00 feet and a central angle of 48E 11' 23", thence Easterly along the arc of said curve and along said right-of-way line, a distance of 21.03 feet, to the P.T. of said curve (chord bearing and distance between said points being S. 65E 25' 59" E. 20.41 feet), to the point of intersection with a non-tangent line, said point being on the boundary of an existing golf course as described in Official Records Book 852, page 111, of the public records of Citrus County, Florida, thence along said boundary the following courses and distances, S. 53E 40' 16" W. a distance of 615.10 feet, S. 06E 49' 50" W. a distance of 200.33 feet, N. 76E 53' 45" W. a distance of 567.49 feet, N. 67E 01' 20" W. a distance of 142.36 feet, N. 56E 51' 15" W. a distance of 278.73 feet, N. 50E 33' 59" W. a distance of 157.53 feet, N. 66E 49' 03" W. a distance of 97.25 feet, thence S. 48E 04' 48" W. a distance of 181.23 feet, to a point on the Northerly line of lands described in Official Records Book 920, page 1950, of the public records of Citrus County, Florida, thence N. 68E 36' 06" W. along said lands a distance of 551.04 feet, to the POINT OF BEGINNING, thence continue N. 68E 36' 06" W., leaving said lands, a distance of 197.55 feet, to the P.C. of a curve concave Southerly, having a radius of 310.00 feet and a central angle of 33E 15' 03", thence Westerly along the arc of said curve, a distance of 179.90 feet, to the P.T. of said curve (chord bearing and distance between said points being N. 85E 13' 38" W. 177.39 feet), thence S. 78E 08' 50" W. a distance of 24.78 feet, to the P.C. of a curve concave Southeasterly, having a radius of 25.00 feet and a central angle of 98E 28' 15", thence Westerly along the arc of said curve a distance of 42.97 feet to the P.T. of said curve (chord bearing and distance between said points being S. 28E 54' 43" W. 37.87 feet), to a point of reverse curvature with a curve concave Westerly, having a radius of 640.00 feet and a central angle of 32E 25' 24", thence Southerly along the arc of said curve a distance of 362.17 feet to the P.T. of said curve (chord bearing and distance between said points being S. 04E 06' 42" E. 357.36 feet), to a point of reverse curvature with a curve concave Northeasterly, having a radius of 25.00 feet and a central angle of 85E 37' 45", thence Southerly along the arc of said curve, a distance of 37.36 feet to the P.T. of said curve (chord bearing and distance between said points being S. 30E 42' 53" E. 33.98 feet) thence N. 73E 31' 45" W. a distance of 217.41 feet to the P.C. of a curve concave Northwesterly, having a radius of 25.00 feet and a central angle of 96E 29' 17", thence Easterly along the arc of said curve, a distance of 42.10 feet to the P.T. of said curve (chord bearing and distance between said points being N. 58E 13' 37" E. 37.30 feet) to a point of compound curvature with a curve concave Westerly, having a radius of 473.53 feet and a central angle of 34E 10' 35", thence Northerly along the arc of said curve a distance of 282.46 feet, to the P.T. of said curve (chord bearing and distance between said points being N. 07E 06' 20" W. 278.29 feet) to a point of reverse curvature with a curve concave Easterly, having a radius of 726.47 feet and a central angle of 06E 31' 58", thence Northwesterly along the

arc of said curve, a distance of 82.83 feet, to the P.T. of said curve (chord bearing and distance between said points being N. 20E 55' 38" W. 82.79 feet), to the point of intersection with a non-tangent line, thence N. 78E 08' 50" E. a distance of 232.99 feet, to the P.C. of a curve concave Southerly, having a radius of 370.00 feet and a central angle of 33E 15' 03", thence Easterly along the arc of said curve, a distance of 214.73 feet to the P.T. of said curve (chord bearing and distance between said points being S. 85E 13' 38" E. 211.72 feet) thence S. 68E 36' 06" E. a distance of 197.32 feet, thence S. 21E 10' 37" W. a distance of 60.00 feet, to the Point of Beginning.

CONTAINING 2.30 ACRES.

AND, LESS AND EXCEPT.

Parcel "C"

A LEGAL DESCRIPTION FOR GEORGE WIMPEY OF FLORIDA, INC., OF A PORTION OF SECTION 12, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA, IN THE VICINITY OF LOT 1, BLOCK 11, LAUREL RIDGE NUMBER TWO, TO BE ACQUIRED FROM BEVERLY HILLS DEVELOPMENT CORP, as follows:

Commence at the most Southerly Corner of Lot 2, Block 11, of LAUREL RIDGE NUMBER TWO, as recorded in Plat Book 15, pages 113-120 inclusive, of the public records of Citrus County, Florida, thence S. 28E 35' 53" E. along the boundary of said LAUREL RIDGE NUMBER TWO, a Southeasterly projection thereof, and along the boundary of lands described in Official Records Book 852 page 111 of the public records of Citrus County, Florida, a distance of 30.47 feet to the POINT OF BEGINNING, thence continue S. 28E 35' 53" E. a distance of 52.71 feet, thence S. 62E 37' 03" W. a distance of 120.34 feet to the Northeasterly right-of-way line of North Jademoor Drive as shown on said plat, thence N. 27E 22' 57" W. along said right-of-way line a distance of 28.93 feet to the Southerly boundary line of said LAUREL RIDGE NUMBER TWO, thence N. 51E 20' 40" E. along said boundary a distance of 121.57 feet to the Point of Beginning.

CONTAINS 4895.51 SQ. FT. "

AND, LESS AND EXCEPT.

A LEGAL DESCRIPTION FOR MORRISON HOMES OF FLORIDA, INC. OF A PARCEL OF LAND LYING WITHIN SECTION 12, TOWNSHIP 18 SOUTH, RANGE 18 EAST, CITRUS COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commence at the most Westerly Corner of Lot 1, Block 12, of LAUREL RIDGE NUMBER TWO, as shown on the map or plat thereof, as recorded in Plat Book 15, pages 113-120 inclusive, of the public records of Citrus County, Florida, thence N. 41E 21' 17" W. along the Easterly right-of-way line of W. Rexford Drive as shown on said map or plat, a distance of 34.29 feet, to the P.C. of a curve concave Easterly, having a radius of 25.00 feet and a central angle of 48E 11' 23", thence Northwesterly along the arc of said curve, a distance of 21.03

feet to the P.T. of said curve (chord bearing and distance between said points being N. 17E 15' 36" W. 20.41 feet) to a point of reverse curvature with a curve concave Southeasterly, having a radius of 50.00 feet and a central angle of 276E 22' 46", thence Northerly along the arc of said curve, a distance of 241.19 feet, to the P.T. of said curve (chord bearing and distance between said points being S. 48E 38' 43" W. 66.67 feet), to a point of reverse curvature with a curve concave Southwesterly, having a radius of 25.00 feet and a central angle of 48E 11' 23", thence Easterly along the arc of said curve a distance of 21.03 feet, to the P.T. of said curve (chord bearing and distance between said points being S. 65E 26' 59" E. 20.41 feet), to the point of intersection with a non-tangent line, thence S. 53E 40' 16" W. a distance of 615.10 feet, thence S. 06E 49' 50" W. a distance of 200.33 feet, thence N. 76E 53' 45" W. a distance of 567.49 feet, thence N. 67E 01' 20" W. a distance of 142.36 feet, thence N. 56E 51' 15" W. a distance of 278.73 feet, thence N. 50E 33' 59" W. a distance of 157.53 feet, thence N. 66E 49' 03" W. a distance of 97.25 feet, thence S. 48E 04' 48" W. a distance of 181.23 feet, thence N. 68E 36' 06" W. a distance of 551.04 feet, thence N. 21E 10' 37" E. a distance of 60.00 feet, thence N. 68E 36' 06" W. a distance of 197.32 feet, to the POINT OF BEGINNING, said point being the P.C. of a curve concave Southerly, having a radius of 370.00 feet and a central angle of 33E 15' 03", thence Westerly along the arc of said curve a distance of 214.73 feet, to the P.T. of said curve (chord bearing and distance between said points being N. 85E 13' 38" W. 211.72 feet), thence S. 78E 08' 50" W. a distance of 43.05 feet, to the P.C. of a curve concave Northeasterly having a radius of 25.00 feet and a central angle of 84E 47' 48", thence Westerly along the arc of said curve, a distance of 37.00 feet, to the P.T. of said curve (chord bearing and distance between said points being N. 59E 27' 15" W. 33.71 feet), to a point of compound curvature with a curve concave Easterly, having a radius of 560.00 feet and a central angle of 28E 32' 49", thence Northerly along the arc of said curve, a distance of 279.01 feet, to the P.T. of said curve (chord bearing and distance between said points being N. 02E 46' 57" W. 276.14 feet), to the point of intersection with a non-tangent line, thence S. 88E 51' 58" E. a distance of 378.56 feet, thence S. 01E 08' 02" W. a distance of 87.02 feet, thence S. 21E 23' 54" W. a distance of 222.57 feet, to the Point of Beginning.

CONTAINING 2.295 ACRES "

AND, LESS AND EXCEPT.

The Northeast 1/4 of Section 6, TOWNSHIP 18 SOUTH, RANGE 19 EAST, Citrus County, Florida.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New \_\_\_\_\_.

42GG-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Ronald J. Collins, Dale R. Miller, Taylor Collins, Paul Buchanan, and John O'Kelley.

Specific Authority 190.005 FS. Law Implemented 190.006(1) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 18, 2002

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE TITLE: Administration RULE NO.: 58C-1.003

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to eliminate certain language from the above referenced rule relating to the administration of the Department's Community Care for the Elderly program. The removed provision sets a minimum number of core services to be provided by lead agencies. By removing this provision, more flexibility will be given to the lead agencies and the area agencies of aging in deciding which services will be provided by various organizations within the aging network.

SUMMARY: The proposed change amends subparagraph 58C-1.003(1)(b)3., F.A.C., to remove a provision setting the minimum number of core services to be provided by lead agencies.

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

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

SPECIFIC AUTHORITY: 430.08 FS.

LAW IMPLEMENTED: 430.03(6) FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., April 7, 2003

PLACE: Department of Elder Affairs, Conf. Rm. 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE FULL TEXT OF THE PROPOSED RULE IS:

58C-1.003 Administration.

(1) The Department shall administer directly or through an Area Agency on Aging, at least one community care service system in each planning and service area where practical.

(a) No change.

(b) Lead Agency responsibilities include:

1. Coordinate services for functionally impaired elderly;
2. Provide case management;
- ~~3. Provide or sub-contract for at least four core services;~~
4. through 17. renumbered 3. through 16. No change.

Specific Authority ~~410.021-029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla.~~ Law Implemented ~~410.024, 410.0241, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla.~~ History--New 3-11-81, Formerly 10A-10.03, 10A-10.003, Amended 3-28-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Macdonald

NAME SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry White, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE CHAPTER TITLE: Athlete Agents RULE CHAPTER NO.: 61-24

RULE TITLES: Collection and Payment of Fees Application Process RULE NOS.: 61-24.004 61-24.012

PURPOSE, EFFECT AND SUMMARY: The rule chapter is being amended following the 2002 legislative changes made to Section 468.453, Florida Statutes, which eliminated the examination and surety bond requirements for athlete agent licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 215.405, 468.457 FS.

LAW IMPLEMENTED: 215.405, 455.203, 455.2281, 455.271, 468.453, 468.4536 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULES IS:

61-24.004 Collection and Payment of Fees.

(1) The following fee schedule is adopted by the Department of Business and Professional Regulation for the licensure of persons desiring to practice as an athlete agent pursuant to Section 468.453, Florida Statutes:

- (a) Application Fee – \$500.00
- ~~(b) Examination Fee (All Parts) – \$300.00~~
- ~~(c) Examination fee (Excluding State Laws & Rules Component) – \$150.00~~
- ~~(b)(d)~~ Licensure Fee – \$750.00
- ~~(c)(e)~~ Unlicensed Activity – \$5.00
- ~~(d)(f)~~ Criminal Records Check Fee – \$39.00
- ~~(e)(g)~~ Biennial Renewal Fee – \$440.00
- ~~(f)(h)~~ Inactive Fee – \$200.00
- ~~(g)(i)~~ Delinquent Fee – \$100.00
- ~~(h)(j)~~ Reactivation Fee – \$50.00
- ~~(i)(k)~~ Change of Status Fee – \$25.00

~~(2) In addition to the fees listed in section (1) of this rule each applicant for initial licensure and each licensee applying for renewal shall post with the Department a \$15,000 bond on the "Athlete Agent Bond" form provided by the Department, incorporated herein by reference and effective 01/05/96, prior to issuance of a license or renewal thereof notwithstanding compliance with all other components of licensing.~~

~~(2)(3) All fees indicated by the schedule above shall be paid in the form of a check, bank draft, or money order made payable to the Department of Business and Professional Regulation. Unless specifically authorized by rule, all fees are non-refundable.~~

Specific Authority 215.405, 468.457 FS. Law Implemented 215.405, 455.203, 455.2281, 455.271, 468.453, 468.4536 FS. History—New 1-4-89, Formerly 21-24.004, Amended 3-28-96, 7-1-02, \_\_\_\_\_.

61-24.012 Application Process.

An individual seeking to become a licensed athlete agent shall submit a completed "Application for Licensure as an Athlete Agent" "~~Examination Application for Licensure as an Athlete Agent~~" form number DBPR-AA-001 and a completed "Athlete Agent Bond" form number DBPR-AA-002, provided by the Department, incorporated herein by reference and effective 01/05/96, together with all fees as set forth in Rule 61-24.004, Florida Administrative Code. The application ~~and bond~~ forms can be obtained by writing Athlete Agents, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2215, by telephoning (850)487-1395 during regular business hours or by picking them up at the aforementioned address.

Specific Authority 468.457 FS. Law Implemented 468.453 FS. History—New 7-31-96, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric R. Hurst, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums and Mobile Homes**

RULE TITLES:	RULE NOS.:
Definitions and Scope	61B-60.001
General Provisions; Forms and Fees	61B-60.002
Application for and Renewal of Broker or Salesperson License	61B-60.003
Escrow Trust Depository; Closing Transactions	61B-60.006

PURPOSE AND EFFECT: To clarify existing provisions and define statutory terms.

SUMMARY: Clarifies the definition of length, defines gross tons, offer, and negotiate, establishes a fee for reinstating a cancelled or surrendered license after a change in business location or affiliation, clarifies the effective date of the temporary license, removes duplicative adverb from renewal time, and clarifies the statutory requirements for escrowing deposits.

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

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

SPECIFIC AUTHORITY: 326.003(2) FS.

LAW IMPLEMENTED: 326.002, 326.003, 326.004, 326.005, 326.006 FS.

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

TIME AND DATE: 9:00 a.m., April 7, 2003

PLACE: Warren Building Meeting Room #B03, 201 West Bloxham Street, Tallahassee, Florida 32301

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon Elzie, Senior Management Analyst II, 1940 North

Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-60.001 Definitions and Scope.

(1) For purposes of these rules, the following definitions apply:

(a) through (b) No change.

(c) "Length" as it refers to a yacht or ship in accordance with Section 326.002(4), F.S., shall mean the measurement from end to end over the deck parallel to the centerline excluding sheer. The division shall consider the following in determining the length of a yacht or ship: (1) a U.S. Coast Guard certificate of documentation; (2) a state vessel certificate of title; or (3) a manufacturer's statement of origin.

(d) "Gross Tons" as it refers to a yacht or ship in accordance with Section 326.002(4), F.S., shall mean the standards of volume measurement calculated by the Tonnage Division of the U.S. Coast Guard in accordance with 46 C.F.R. § 69.209 (2002) "Calculation of tonnages," which rule is incorporated by reference.

(e) "Negotiate" means any communication made to a buyer, seller, or agent of a buyer or seller in furtherance of the listing, offer, sale, or exchange of a yacht. This includes communications made orally, verbally, non-verbally, or in writing through any medium at any point in a listing, offer or sale, such as during sea trials, showings of vessels, listings of vessels, preparation of transaction documents, and closings.

(f) "Offer to sell," "offer to buy," or "offer" means the solicitation, advertisement, or inducement, or any other method or attempt, to encourage any person to acquire, sell, or exchange any interest in a yacht. This includes: contacting owners to obtain listings, showing vessels to prospective buyers, presenting offers, accepting deposits, and presenting closing statements to buyers and sellers.

(g)(f) "Principal place of business" shall mean the primary location of the business of a yacht and ship broker.

(h)(e) "Prominently displayed" as it refers to a license of a broker or salesperson in accordance with Section 326.004, F.S., shall mean that the license is placed in a conspicuous location on the premises and is readily visible from the entrance of the principal place of business or branch office.

(i)(f) "Sheer" shall mean longitudinal curvature of the main deck between bow and stern with low point amidships.

(j)(g) "Foreign brokers or salespersons" shall mean those brokers or salespersons who primarily conduct business in states other than Florida or in countries other than the United States and do not maintain a valid license from the division.

(k)(h) "Temporary 90-day license" shall mean the kind of preliminary license issued by the division to an applicant for a yacht and ship salesperson or broker license in accordance with Section 326.004, F.S. Such license shall expire without further notice 90 days from the issuance of the temporary license, upon issuance of a permanent license, or upon the applicant's receipt of the division's notice of intent to deny the application, whichever is earlier.

(2) through (3) No change.

Specific Authority 326.003(2) FS. Law Implemented 326.002(1), 326.004, 326.006 FS. History—New 2-13-90, Formerly 7D-60.001, Amended 11-25-90, 10-11-92, \_\_\_\_\_.

61B-60.002 General Provisions; Forms and Fees.

(1) through (3) No change.

(4) Fees shall be \$500 for application relating to an initial license and \$500 for biennial renewal of a license. The fee for national fingerprint processing shall be \$43 and shall apply to the initial application process. The fee for each broker's branch office license and renewal thereof shall be \$100, based upon an effective period of 2 years. The fee for reinstating a license that has been suspended due to termination of the surety, surrendered due to a termination of business at a licensed office address, or cancelled due to a change in affiliation shall be \$100.

(5) through (6) No change.

Specific Authority 215.405, 326.003, 326.004 FS. Law Implemented 326.004 FS. History—New 2-13-90, Amended 11-25-90, 10-11-92, Formerly 7D-60.002, Amended 3-13-02, \_\_\_\_\_.

61B-60.003 Application for and Renewal of Broker or Ssalesperson License.

(1) through (3)(d) No change.

(e) The effective date of the permanent original license will be the date that the temporary license is actually issued by the division. The expiration date of the permanent license will be a date 2 years from date of issuance of the temporary license.

(f) through (8) No change.

(9) The holder of an expired license who fails to timely renew his license within 30 days after such expiration and who desires to perform yacht and ship broker services shall be required to make an initial application to the Division and proceed as provided in Rule 61B-60.004, Florida Administrative Code.

Specific Authority 215.405, 326.003 FS. Law Implemented 326.004, 326.006 FS. History—New 2-13-90, Amended 11-25-90, 10-11-92, Formerly 7D-60.003, Amended 2-13-97, 3-13-02, \_\_\_\_\_.

61B-60.006 Escrow Trust Depository; Closing Transactions.

(1) through (2) No change.

(3) Within 3 working days of receipt of funds pursuant to a purchase contract, all funds received by a broker or salesperson in connection with the sale, exchange, or purchase of a yacht shall be deposited in the broker's trust account and shall remain in the account until the funds are disbursed pursuant to an agreement of the parties to the transaction the provisions of the contract or controlling statute. "Escrow trust account" shall mean a segregated account as required by Section 326.005, F.S., in which only funds received pursuant to the sale, exchange, or purchase of a yacht as regulated by Chapter 326, F.S., shall be deposited. No personal or operating funds shall be deposited or intermingled with any funds held in an escrow trust account, and monies deposited into the account shall not be used to pay operating expenses.

(4) No change.

Specific Authority 326.003 FS. Law Implemented 326.004, 326.005 FS. History—New 2-13-90, Amended 11-25-90, Formerly 7D-60.006, Amended 3-13-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Badger, Supervisor, Yachts and Ship Section, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Diane Carr, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Pre-licensing Education for Broker and Salesperson Applicants

RULE NO.:

61J2-3.008

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes relating to distance education, which took effect July 1, 2002.

SUMMARY: The proposed rule change affects rule provisions relating to distance education.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, April 16, 2003

PLACE: Division of Real Estate, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.008 Pre-licensing Education for Broker and Salesperson Applicants.

(1) ~~Any persons~~ desiring to become licensed as a real estate salesperson must satisfactorily complete the ~~Commission-prescribed educational course prescribed by the Commission and~~ designated as Course I. This course will consist of a minimum of 63 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in the basic fundamentals of real estate principles and practices, and basic real estate law, and real estate license law. ~~This rule sets forth t~~The course approval criteria and procedure below are found in paragraph (6) of this rule.

(2) Any licensed salesperson desiring to become licensed as a broker must satisfactorily complete the ~~Commission-prescribed educational course prescribed by the Commission and~~ designated as Course II. This course will consist of a minimum of 72 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in the fundamentals of real estate appraising, investment, financing, and plus brokerage operations and management operations. ~~The course approval criteria and procedure are found in paragraph (6) of this rule. Each salesperson must, as a prerequisite to registering for Course II, have been licensed as an active salesperson for a period of not less than 6 months. The six month active period is not applicable to a full time degree seeking student majoring in real estate at an accredited university, college or community college.~~

(3)(a) Accredited universities, colleges, community colleges and area technical centers in this state or real estate schools registered pursuant to Section 475.451, Florida Statutes ("school"), may offer these Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or salesperson until such person has met all other requirements of law and has passed the applicable Commission-approved state examination which DBPR administers.

(b) The school permit holder, permitted administrative person, or permitted instructor shall ~~must~~ certify attendance, assure classroom control, assure necessary equipment performance, and ~~shall~~ administer and certify student and course compliance ~~prior to the end of course examination~~.

~~(4)(a) The Commission prescribed Course I for salesperson, or a Commission approved course equivalent to Course I, may be taught through the use of a video tape of instruction by a currently licensed instructor. Quality standards for the video tape and standards for classroom use of video tape instruction are detailed in Rules 61J2 3.016 and 61J2 3.017, Florida Administrative Code. The course approval criteria and procedure are found in paragraph (5) of this rule.~~

~~(b) Course content and level of instruction of a video tape course shall be the same as that contained in the Commission prescribed Course I syllabus. This Commission prescribed course is structured for sequential presentation in twenty 3-hour sessions. The first session must be conducted by "live instruction" using a permitted school instructor. In addition, whenever the video tape is not current with the latest law or real estate practice, the tape must be corrected prior to its use in the classroom or a permitted instructor must be in attendance during the affected portion of that session. The course approval criteria and procedure are found in paragraph (5) of this rule.~~

~~(c) A copy of the initial course video tape must be submitted to the Commission for review and approval at least 60 days prior to its first planned use in a classroom. After approval, subsequent changes to the course video tape must be submitted to the Commission for review and approval prior to use in a classroom.~~

~~(4)(a)(5)(a) Satisfactory course completion is demonstrated by achieving A grade of 70% ~~percent~~ or higher on the Commission-prescribed ~~Commission prescribed~~ end-of-course examination constitutes satisfactory course completion. The examination is administered by the applicable college, university, community college, area technical center or real estate school shall administer the examination upon completion of the classroom instruction, provided the student has not missed. However, notice of satisfactory course completion shall not be issued to any student having absences in excess of 8 classroom hours of instruction. If Aan applicant who does not pass the state-licensing examination within 2 years after the successful course completion date must retake and successfully complete; the course is invalid for licensure.~~

~~(b) The school must submit to the Commission two complete copies of the course materials and end-of-course examination; one submission must be blind. The school must also submit a copy of the course, or access to the course, in the format in which the student will use it. When delivered by distance education, the course and examination shall comply with the "Course Approval Criteria" as follows: A copy of the course and a copy of each form of the end of course~~

~~examinations that will be distributed to students shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course and examinations. Approval or denial must be granted before the course and examinations may be offered.~~

~~1. Distance learning necessitates a high level of self-directed and should, therefore, require students to read, conduct research, complete timed-exams and similar assignments, designed to measure the student's competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom-hour for classroom-hour basis.~~

~~2. Schools must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The schools may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Pre-licensure courses shall not be offered by correspondence methods.~~

~~a. The school must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.~~

~~b. The school must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.~~

~~c. The school must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.~~

~~d. Course submissions shall include a detailed course time-line, and the school shall make the time-line available to students prior to enrollment.~~

~~e. The school must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.~~

~~f. The school must describe in detail, the objective method used to ensure students receive only the allotted time to complete the end-of-course examinations.~~

~~g. The school must demonstrate that permitted instructors and technical staff are available during normal business hours for student assistance. Instructor and technical assistance hours must be made available to students and posted in a prominent location.~~

~~h. Pre-licensing courses must conform to the Course I and Course II syllabus. Courses must include learning objective for each session of the syllabus. The course school must describe the method of assessment of the student's performance periodically throughout the course of instruction.~~

~~i. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The school must demonstrate that there is a reasonable method in~~



place to prevent duplication of the end-of-course examination. Students shall not take the end-of-course examination without satisfactorily completing all sessions of the syllabus.

j. The school must require the student to submit a statement that includes "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination prior to the taking of the final examination."

Thereafter, it is the responsibility of the school offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period. Approval or denial of a the Commission-required pre-licensing course (Course I or Course II) will be based on the extent to which the course complies with content covers the material set forth in the appropriate Commission-developed course syllabus, incorporated herein by reference, effective January 1, 2001 (Course I), and effective September 1, 1999 (Course II), incorporated herein by reference as developed by the Commission. Examinations must test the course material. If course approval is denied, the institution or school may resubmit a denied the course, with the mandated changes for re-evaluation. Approval must be granted before the course and examinations may be offered. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate.

(c) The Commission will approve pre-licensure courses for a period of 24 months and evaluate the course for renewal, provided the school submits the renewal application no later than 90 days prior to the course expiration date. A school may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on date of expiration. Schools shall notify students of course expiration date upon enrollment. Pre-licensure course materials and examinations will be approved for a 2-year period from the date of the approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(d) The institution or school shall develop at least 2 forms of the end-of-course end-of-course examination, and submit them which must be submitted for approval as per provided in paragraph (4)(5)(b) above. Examinations must test the course material. The answer key must be unique for each form of the examination and The answer key must reference the page numbers containing the information upon on which each question and correct answer is based. At least 70% 20% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws,

theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names, or other information that should be committed to memory. A school offering the Commission-prescribed courses must maintain a sufficient bank of questions to assure examination validity. The salesperson end-of-course examinations shall contain at least 100 items, or 2 items per instruction-hour. The broker end-of-course examinations shall contain at least 95 items, of which 5 items are 2 points each, which shall cover closing statements or escrow accounts, or 2 items per instruction hour. All questions shall be multiple-choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content and the item must not refer the student to the course material. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5)(a)(6) The institution or school offering these Commission-prescribed Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall comply with be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(b) In all Commission-approved courses by distance education, the school and permitholder shall provide to students an address, e-mail address and telephone number of a permitted instructor registered with such school, who shall be available, at minimum, during normal business hours, to assist the students with instruction. Normal business hours means 9:00 A.M. to 5:00 P.M., in the appropriate time zone, Monday through Friday, excluding legal holidays.

(6)(7) Students failing the Commission-prescribed end-of-course Commission prescribed end-of-course examination must wait at least 30 days from the date of the original examination to retest again take the end-of-course examination. Within one year of the original end-of-course examination, a student may retest retake the prescribed end-of-course examination a maximum of one time. Otherwise, students failing the end-of-course Commission prescribed end-of-course examination must repeat the Commission prescribed course prior to being eligible to again take the end-of-course end-of-course examination again. Schools shall administer a different form of the end-of-course examination to a student that is retaking the exam or repeating the course. Students retaking the end-of-course examination must be administered a different form of the end-of-course examination.

(7)(8) Make-up Make-up classes and examinations to enable a student to take the end-of-course examination and make-up examinations due to student or family illness may not extend more than 30 days beyond their scheduled class examination date without Commission approval from the

~~Commission. Make-up classes must consist of the original course materials which the student missed. Make up classes must be the classes missed by the student and must consist of the original course material.~~

~~(9) These Commission prescribed courses may be offered by accredited universities, colleges, community colleges and area technical centers in this state or by real estate schools registered pursuant to s. 475.451, Florida Statutes. The course approval criteria and procedure are found in paragraph (6) of this rule. Satisfactory completion of these courses will not entitle any person to receive a license as a real estate broker or salesperson until such person has met all other requirements of law and has passed the applicable examination administered by the BPR.~~

~~(8)(10) Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the Commission-prescribed Commission prescribed prerequisite education course for licensure as a real estate salesperson. This must be noted on the application to take the salesperson's examination by affixing a copy of the applicant's current Bar card.~~

~~(9)(11) Any applicant for licensure who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the Commission-prescribed Commission prescribed prerequisite education courses for licensure.~~

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.08, Amended 7-16-86, 10-13-88, 5-20-90, 1-13-91, 7-20-93, Formerly 21V-3.008, Amended 12-13-94, 6-14-95, 8-2-95, 12-30-97, 9-1-99, 1-18-00, 11-6-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Florida Real Estate Commission  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 19, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Continuing Education for Active and Inactive  
Broker and Salesperson Licensees

RULE NO.: 61J2-3.009

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes relating to distance education, which took effect July 1, 2002.

SUMMARY: The proposed rule change affects rule provisions relating to distance education.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 455.2123, 475.01(d),(e),(2), 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, April 16, 2003

PLACE: Division of Real Estate, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.009 Continuing Education for Active and Inactive Broker and Salesperson Licensees.

(1)(a) All persons holding active or inactive licenses as brokers or salespersons must satisfactorily complete a minimum of 14 ~~classroom~~ hours of instruction of 50 minutes each, as the Commission has prescribed or approved, by the Commission during each license renewal period, excluding the first renewal period of their current license.

(b) The Commission may approve any course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or sponsor ("provider"). The Commission may also prescribe or approve "Specialty" courses on real estate practices totaling 11 hours of instruction of 50 minutes each. The Commission will approve the course for 24 months plus the remaining period of the renewal cycle following the end of the 24 month period at which point the course will expire. A provider must submit two complete sets, including one blind copy, of course materials and end-of-course examinations, if required, to the Commission for evaluation at least 60 days prior to use and receive approval before it may offer the course and examination. A copy of the course and all course materials shall be submitted to the Commission for evaluation at least 60 days prior to use. The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval must be granted before the course and examinations, if required, may be offered. Approval or denial

of a specialty course will be based on the extent to which the course content focuses on real estate issues relevant to Chapter 475, Florida Statutes. Thereafter, it is the responsibility of the provider institution or school offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(2)(a) The Commission-prescribed Commission prescribed Core Law course or courses totaling 3 classroom hours of instruction of 50 minutes each will review and update licensees on the Florida real estate license law, Commission rules, and agency law and provide an introduction to other state laws, and federal laws, and taxes affecting real estate. Approval or denial of the Commission-required Core Law course will be based on the extent to which the course content covers the above-referenced subject areas. Examinations, if required, must test the course material. Approval must be granted before the course and examinations may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes for re-evaluation. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(b) "Specialty" courses on real estate practices totaling 11 classroom hours of instruction of 50 minutes each will be prescribed or approved by the Commission. Approval or denial of a specialty course will be based on the extent to which the course content focuses on real estate issues relevant to Chapter 475, Florida Statutes. Examinations, if required, must test the course material. Approval must be granted before the course and examination may be offered. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. It is the responsibility of the institution or school offering the Commission-approved courses to keep the course materials current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period.

(b)(c) A licensee who takes the 3-hour Core Law course in each year of the renewal period shall receive be allowed a total of 6 hours toward the 14-hour requirement. In such event, the "specialty" course hours must need total at least only 8 hours. The purpose of this paragraph is to encourage licensees to keep abreast of changes in the law by taking the Core Law course in each year of the renewal period.

(3) The Commission may approve any course, seminar or conference in the real estate practice area provided by a public or private school, firm, association, organization, person, corporation or society. The course will be approved for 24 months plus the remaining period of the renewal cycle

following the end of the 24 month period at which point the course will expire. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(3)(4) Successfully meeting standards established for each Commission-prescribed course constitutes satisfactory completion of the Commission-prescribed Commission prescribed continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Commission prescribed course. Notice of satisfactory course completion shall only be issued to any licensee attending a minimum of 90% of each of the classroom hours of Commission prescribed course instruction. A provider shall issue notice of satisfactory classroom course completion only to a licensee attending a minimum of 90% of each of the classroom hours of Commission-prescribed course instruction. Notice of course completion shall be as per Rule 61J2-3.015, Florida Administrative Code.

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

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

(b)(c) A copy of the distance education course materials and a copy of each form of the end of course examinations that will be distributed to students shall be submitted to the Commission for evaluation and approval at least 60 days prior to use. The provider must submit two complete sets, including one blind copy, of course materials and a minimum of five end-of-course examinations for each course to the Commission

~~for evaluation and approval at least 60 days prior to use shall be submitted for approval. The Commission will issue an acknowledgement of receipt a status report to the course provider within 30 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution or school offering the distance education course in accordance with the Commission approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the provider institution, school or sponsor offering the Commission-approved Commission approved distance education courses to keep the course material current and accurate, and notify the Commission at least 60 days before implementing any significant changes to the course during its approval period. Examinations must test the course material. If the Commission does not approve the course, the provider may resubmit the course, with the mandated changes for re-evaluation.~~

~~(c)(d) The objective of the distance education course of study end of course examination is to test fairly and reliably whether students have learned essential facts and concepts from the course. The fourteen-hour course This examination shall consist of a minimum of 30 items or, if delivered in smaller modules, the examination shall consist of a minimum of 10 items or 2 items per instruction hour questions. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The answer key must be unique for each form of the examination. The answer key must reference the page number(s) containing the information on which each question and correct answer is based. At least 70% of the questions on each form of the examination test shall be at the application level or higher. No more than 10% of the questions on each form of the test shall be at the knowledge level. The answer key must be unique for each form of the examination. Any school Florida institution or licensed real estate school offering the distance education Commission-prescribed 14-hour Commission prescribed continuing education course of study by distance education must maintain a sufficient bank of questions to assure examination validity when administereding the examination to licensees from a common source, such as a specific business, firm or family.~~

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

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

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

~~(e)(f) A provider may grade an examination within 15 days after the expiration date of the course, provided it receives the materials prior to or on date of expiration. Providers shall notify students of course expiration date upon receipt of course materials. Continuing education courses by distance education will be approved for 24 months plus the remaining period of the license renewal cycle following the end of the 24 month period at which point the course will expire. The license renewal cycles can be found in Rule 61-6.001(4) under Real Estate (Group I, Group II, Group III or Group IV). Courses may not be offered, distributed or graded after the expiration date. However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course. Students must be notified of the course expiration date upon receipt of the course materials.~~

~~(g) When the continuing education course by distance education is in the form of a video tape, the video tape must conform to the video tape quality standards found in paragraphs (2) through (4) of Rule 61J2-3.016, Florida Administrative Code.~~

~~(6) The Florida institution, licensed real estate school or Commission approved sponsor offering these Commission prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course by providing each student a course syllabus that clearly states the course objective(s) and explains the desired learning outcomes. At least 70% of the desired learning outcomes shall be at the application level or higher. No more than 10% of the desired learning objectives shall be at the knowledge level. Notice of course completion shall be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.~~

~~(6)(7) Accredited universities, colleges and community colleges in this state, area technical centers, approved providers or real estate schools licensed pursuant to Section 475.451, Florida Statutes, may offer tThe Commission-prescribed Commission prescribed or approved specialty courses, may be offered by accredited universities, colleges and community colleges in this state, area technical centers, approved sponsors or real estate schools licensed pursuant to s. 475.451, Florida Statutes. Accredited universities, colleges and community colleges in this state, area technical centers or real estate schools licensed pursuant to~~

~~Section 475.451, Florida Statutes, may offer t~~The ~~Commission-prescribed~~ ~~Commission prescribed~~ Core Law course or courses ~~may be offered by accredited universities, colleges and community colleges in this state, area technical centers or real estate schools licensed pursuant to s. 475.451, Florida Statutes.~~ Satisfactory completion of these courses will not entitle any person to renew a license as a real estate broker or salesperson until such person has met all requirements of law.

~~(7)(8)~~ Any active member in good standing with The Florida Bar, ~~and~~ who is otherwise qualified under the real estate license law, is exempt from the continuing education requirements of this rule.

~~(8)(9)~~ Of the required 14 classroom hours, a licensee may apply a maximum of 3 hours ~~may be applied~~ toward the continuing education "specialty" course hours by attending a meeting of the Commission wherein disciplinary cases are considered during a renewal cycle. Licensees must attend the entire day of disciplinary cases to receive the continuing education "specialty" credit hours. At least 7 days of advance notice of the intent to attend the disciplinary case session must be given to the Education Section of the Division of Real Estate so attendance may be monitored. Failure to give advance notice may ~~will~~ result in no credit hours. A maximum of 3 hours will be allowed during a renewal cycle. A licensee may not earn any continuing education credit hours may not be earned when the licensee for attendings a Commission meeting disciplinary case session as a party to a disciplinary action.

~~(9)(10)~~ An instructor who teaches a Commission-approved ~~Commission approved~~ continuing education course may use the course towards the satisfactory completion of the salesperson or broker continuing education requirement. However, an instructor may not claim the course more than once in a renewal cycle.

Specific Authority 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.42(1)(c) FS. Law Implemented 455-2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 10-19-83, 9-16-84, Formerly 21V-3.09, Amended 10-13-88, 6-17-91, 12-29-91, 12-8-92, 6-28-93, Formerly 21V-3.009, Amended 2-2-94, 11-13-94, 5-13-96, 12-30-97, 10-25-98, 3-7-99, 1-18-00, 9-17-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: License Reactivation Education for Brokers and Salespersons  
RULE NO.: 61J2-3.010

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes relating to distance education, which took effect July 1, 2002.

SUMMARY: The proposed rule change affects rule provisions relating to distance education.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, April 16, 2003

PLACE: Division of Real Estate, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.010 License Reactivation Education for Brokers and Salespersons.

(1) Brokers and salespersons holding an involuntarily inactive license may only maintain this status for 2 years. The first day of this allowable ~~2 two~~-year period is the first day the broker or salesperson failed to hold a valid and current active or voluntarily inactive license. After the second year, the broker's or salesperson's right to request an active or voluntarily inactive license automatically expires, by operation of law.

(2) Brokers and salespersons wishing to reactivate an involuntary ~~their license as active or voluntarily~~ inactive license within this 2-year period must satisfactorily complete a Commission-prescribed ~~Commission prescribed~~ educational course of instruction.

(3) ~~When a licensee may reactivate a license, which has been involuntarily inactive for 12 months or less, the reactivation education requirement may be met by satisfactorily completing the continuing education requirement of Rule 61J2-3.009, F.A.C. When a licensee may reactivate a license, which has been involuntarily inactive for more than 12 months but less than 24 months, the requirement shall be met by satisfactorily completing 28 hours of a Commission-prescribed Commission prescribed classroom hours of the prerequisite education course for licensure as a salesperson (Course I). The Course I classroom hours must be based on an approved course as set forth in Rule 61J2-3.008, F.A.C. Emphasis shall be placed on the real estate law and license law portions of this course.~~

(4) ~~A licensee may demonstrate When classroom reactivation courses are required, satisfactory completion for reactivation is demonstrated by achieving a grade of 70% or higher on the Commission-prescribed Commission prescribed 25 item end-of-course examination. The School shall test only students who have completed This examination is administered by the applicable university, college, community college, area technical center or real estate school; however notice of satisfactory completion shall not be issued to any student who has not attended at least 90% of the required classroom hours of instruction.~~

(5) ~~The institution or school offering these Commission-prescribed Commission prescribed courses shall inform each student of the standards and requirements at the commencement of each course and issue a-~~ Notice of course completion shall be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code.

(6) Students failing the Commission-prescribed ~~Commission prescribed~~ course examination must wait at least 30 days from the date of the original examination to again ~~again~~ take the end-of-course ~~end of course~~ examination. Within one year of the original end-of-course ~~end of course~~ examination, a student may retake the prescribed end-of-course ~~end of course~~ examination a maximum of one time. Otherwise, students failing the Commission-prescribed ~~Commission prescribed~~ end-of-course ~~end of course~~ examination must repeat the Commission-prescribed ~~Commission prescribed~~ course prior to being eligible to again ~~again~~ take the end-of-course ~~end of course~~ examination.

(7) ~~These Commission prescribed courses may be offered by Accredited universities, colleges, community colleges in this state, area technical centers or by real estate schools registered pursuant to Sections- 475.451, Florida Statutes, may offer the Commission-prescribed courses.~~ Satisfactory completion of these courses will not entitle any person to reactivate an involuntary inactive license as a real estate broker or salesperson until such person has met all other requirements of law.

(8) Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the reactivation education requirements of this rule. ~~This must be noted on the renewal request by affixing a copy of the licensee's current Bar card.~~

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: RULE NO.:

Post-licensing Education for Active and Inactive Broker and Salesperson Licensees 61J2-3.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes relating to distance education, which took effect July 1, 2002.

SUMMARY: The proposed rule change affects rule provisions relating to distance education.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this Notice.

SPECIFIC AUTHORITY: 475.05, 475.17 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182 FS.

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

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, April 16, 2003

PLACE: Division of Real Estate, Conference Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

## THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.020 Post-licensing Education for Active and Inactive Broker and Salesperson Licensees.

(1) All applicants for licensure who pass a broker or salesperson licensure examination must satisfactorily complete a Commission-prescribed ~~Commission—prescribed~~ post-licensing educational course requirement prior to the first renewal following initial licensure. The licensee must take the ~~post-licensing course or courses must be taken~~ at an accredited college, university, community college, or area technical center in this state, ~~or at a real estate school registered, pursuant to Section s. 475.451, Florida Statutes, or Commission-approved given by a Commission approved sponsor (“provider”).~~

(a) For a licensed salesperson, the post-licensing education requirement ~~course~~ shall consist of one or more Commission-approved courses which total at least 45 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, property management, appraisal, real estate finance, or economics of real estate management. Post-licensing courses shall consist of a minimum of 15 hours of instruction of 50 minutes each.

(b) For a broker, the post-licensing education requirement ~~course~~ shall consist of one or more Commission-approved courses which total at least 60 ~~classroom~~ hours of 50 minutes each, inclusive of examination, in subjects including, but not limited to: agency law, advanced appraisal, advanced property management, real estate marketing, business law, advanced real estate investment analysis, advanced legal aspects, general accounting, real estate economics, syndications, commercial brokerage, feasibility analysis, advanced real estate finance, residential brokerage, or real estate brokerage office operations.

(2) Post-licensing education courses shall be training oriented, to the maximum extent possible, and shall build on the academic body of knowledge from ~~acquired during~~ the pre-licensing education courses. All courses shall emphasize ~~development of the skills necessary for licensees to operate effectively and to provide increased public protection to the public shall be emphasized in all courses.~~

~~(3) The course content for both broker and salesperson post-licensing education courses shall be directed toward the various real estate specialty areas, that is, brokers or salespersons specializing in residential sales shall be able to take courses directly related to improving their knowledge and skills in that area. Other specialty areas to be considered are commercial sales, property management, business opportunity and business enterprise sales, syndication and counseling. Additional specialty areas also may be considered by the Commission.~~

(3)(4)(a) The provider must submit two complete copies of the course materials and end-of-course examination; one submission must be blind. The provider must also submit a copy of the course, or access to the course, in the format in

which the student will use it. The course and examination, when delivered via distance education, shall comply with the “Course Approval Criteria” as follows: The Commission will issue a status report to the course provider within 30 days after submission of the course. Approval or denial of the course will be based on the extent to which the course content covers the material set forth in paragraph (1)(a) above for salespersons and paragraph (1)(b) above for brokers. Examinations must test the course material. If course approval is denied, the institution or school may resubmit the course, with the mandated changes. Institutions, schools and sponsors offering Commission approved post-licensing education courses are responsible for keeping the course subject matter current and accurate.

1. Distance learning necessitates a high level of self-direction and should, therefore, require students to read, conduct research, complete timed-exams and similar assignments, designed to measure the student’s competency relative to the required subject matter objectives. Distance learning study must be offered on a classroom-hour for classroom-hour basis.

2. Providers must demonstrate that the credit hours awarded for distance learning are appropriate to the course offered. The provider may accomplish this objective by demonstrating that students engaged in distance learning have acquired the knowledge, skills, and/or competencies that are at least equivalent to those acquired by students enrolled in classroom studies. Post-licensure courses shall not be offered by correspondence methods.

a. The provider must demonstrate that the technical processes used in the delivery of the course operate correctly and the instructional strategies its use supports.

b. The provider must have in place alternative plans for the provision of uninterrupted learner services and technical support in the event of primary system failure.

c. The provider must have policies and technical processes in place to verify and document student identity for enrollment, course participation and course completion.

d. Course submissions shall include a detailed course time-line, and the provider shall make the time-line available to students prior to enrollment.

e. The provider must present evidence by means of an objective study that the stated course hours are consistent with actual hours required to complete the course.

f. The provider must describe in detail, the objective method used to ensure students receive only the allotted time to complete the end-of-course examinations.

g. The provider must demonstrate that permitted instructors and technical staff are available during normal business hours for student assistance. Instructor and technical assistance hours must be made available to students and posted in a prominent location.

h. Post-licensing courses must include learning objective for each session of the syllabus. The course provider must describe the method of assessment of the student's performance periodically throughout the course of instruction.

i. End-of-course examinations shall not include aids such as, but not limited to, hint, back, or retry functionalities. The provider must demonstrate that there is a reasonable method in place to prevent duplication of the end-of-course examination. Students shall not take the end-of-course examination without satisfactorily completing all sessions of the syllabus.

j. The provider must require the student to submit a statement that includes "I certify that I personally completed all assignments and have not duplicated any portion of the end-of-course examination" prior to the taking of the final examination.

Thereafter, it is the responsibility of the provider offering the Commission-approved courses to keep the course materials current and accurate, as changing times and laws require, and obtain approval from the Commission at least 60 days before implementing any significant changes to the course during its approval period. If the Commission does not approve the course, the provider may resubmit a denied course, with the mandated changes for re-evaluation.

(b) The course syllabus and examinations will be approved for a 2 year period from the date of approval. A course may not be offered after the expiration date except for a course that is begun before the expiration date may be completed even if the completion date is after the expiration date.

(4)(5) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the Commission-prescribed end-of-course examination constitutes satisfactory course completion. The provider shall develop at least 2 unique forms of the end-of-course examinations and submit them shall be submitted for approval with a the detailed course syllabus and shall test the learning objectives contained therein. The answer key must be unique for each form of the examination and. The answer key must reference the page numbers containing the information on which each question and correct answer is based. Examinations must test the material. The Commission approved examination shall be administered by the applicable university, college, community college, area technical center, registered real estate school, or Commission approved sponsor. At least 70% of the questions on each form of the test shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific facts, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering the Commission-prescribed

courses must maintain a sufficient bank of questions to assure examination validity. End-of-course examinations shall contain at least 100 items. A course that is thirty-hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. The overall time to complete the end-of-course examination must not exceed the equivalent of 1.8 minutes per item.

(5) The Commission shall approve post-licensure courses for a period of 24 months and consider renewals only if the provider submits the renewal application no later than 90 days prior to the course expiration date. A provider may grade an examination within 15 days after the expiration of the course, provided it receives the materials prior to or on date of expiration.

(6) The provider shall administer the examination and issue a notice of satisfactory completion, as per Rule 61J2-3.015, Florida Administrative Code, provided the student has not missed in excess of 10% of the instruction and has passed the end-of-course examination with a grade of 75% or higher. Notice of satisfactory course completion shall only be issued to any student attending a minimum of 90% of the classroom hours for each course.

(7) The provider institutions, schools or sponsors offering these Commission-prescribed Commission-prescribed or approved courses shall inform each student of the standards and requirements at the commencement of each course. Notice of course completion shall comply with be made as prescribed by the Commission in Rule 61J2-3.015, Florida Administrative Code. In all Commission-approved courses offered by distance education, the provider or permitholder shall provide to students an address, e-mail address and telephone number of a Commission approved instructor registered with such provider, who shall be available, at minimum, during normal business hours to assist the students with instruction. Normal business hours means 9:00 A.M. to 5:00 P.M. in the appropriate time zone, Monday through Friday, excluding legal holidays.

(8)(a) Students failing the Commission-prescribed end-of-course Commission-prescribed post licensing education end of course examination must wait at least 30 days from the date of the original examination to retest again take the end of course examination. Within one year of the original end of course examination, a student may retest retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission-prescribed Commission-prescribed end-of-course end of course examination must repeat the Commission-prescribed course prior to being eligible to again take the end-of-course end of course examination. Providers shall administer a different form of the end-of-course examination to a student that is retaking the



~~exam or repeating the course. Students retaking the end of course examination must be administered a different form of the end of course examination.~~

(b) ~~Make-up~~ ~~Make-up~~ classes ~~and examinations~~ to enable a student to take the prescribed ~~end-of-course~~ ~~end of course~~ examination due to student or family illness may not extend more than 30 days beyond the class scheduled ~~end-of-course~~ ~~end-of-course~~ examination date without ~~Commission~~ approval. ~~Make-up classes must consist of the original course materials which the student missed be the classes missed by the student and must consist of the original Commission prescribe course material.~~

(9) The Commission may allow an additional 6-month period after the first renewal following initial licensure for brokers and salespersons that cannot, due to individual physical hardship, complete the course or courses within the required time. Individual physical hardship shall be as defined in subsection 61J2-3.013(2), Florida Administrative Code. ~~Requests under this rule shall be handled in the same manner as contained in Rule 61J2-3.013(3), Florida Administrative Code.~~

(10) Any licensee who has received a 4-year degree in real estate from an accredited institution of higher education is exempt from the post-license education requirements.

Specific Authority 475.05, 475.17 FS. Law Implemented 475.04, 475.17, 475.182 FS. History--New 1-1-89, Amended 1-4-90, 6-28-93, Formerly 21V-3.020, Amended 8-2-95, 12-30-97, 2-24-00, 7-23-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Commission  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 24, 2003

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLE: Licensure Examination  
RULE NO.: 64B2-11.003  
PURPOSE AND EFFECT: The Board proposes to delete a portion of the existing rule text.  
SUMMARY: The Board is deleting that portion of the rule, which allows certain diplomats to take only portions of the exam rather than the entire exam.  
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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.  
LAW IMPLEMENTED: 456.017(1), 460.406(1) FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.003 Licensure Examination.

(1) through (3) No change.

~~(4) An applicant who is a diplomate of the American Board of Chiropractic Roentgenology shall not be required to take the portion of the practical examination measuring X-ray interpretation of chiropractic and pathology films. An applicant who is a diplomate of the American Board of Chiropractic Orthopedics shall not be requested to take the portion of the practical examination measuring orthopedic diagnosis.~~

~~(4)(5) No change.~~

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History--New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, 5-5-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

**DEPARTMENT OF HEALTH  
Board of Occupational Therapy**

RULE TITLE: Requirements for License Renewal of an Active License  
RULE NO.: 64B11-5.001  
PURPOSE AND EFFECT: Revise and clarify continuing education requirements.  
SUMMARY: The rule increases the amount of allowed home study continuing education, clarifies licensee responsibility when audited, and imposes a "laws and rules" requirement for continuing education.  
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: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for License Renewal of an Active License.

An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) As a condition to the renewal of an active license, an occupational therapist must complete twenty-six (26) ~~twenty-four (24)~~ hours of approved continuing education per biennium.

(2) As a condition to the renewal of an active license, an occupational therapist assistant must complete twenty-six (26) ~~twenty-four (24)~~ hours of approved continuing education per biennium.

(3) A licensee may perform no more than twelve (12) ~~six (6)~~ hours of continuing education as home study education per biennium. For purposes of this paragraph, a web-based, satellite transmitted or online instruction program that allows or requires the licensee to interact or communicate back and forth with the instructor during the presentation of the program is not home study education.

(4) As part of the twenty-six (26) hours of continuing education required herein for license renewal, the licensee shall complete one (1) ~~two (2)~~ hour of HIV/AIDS education as set forth in Section 456.033, F.S., or a course in end of life care and palliative health care, so long as the licensee has completed an approved one (1) ~~two (2)~~ hour HIV/AIDS course in the immediately preceding biennium.

(5) No change.

(6) As part of the twenty-six (26) hours of continuing education required herein for licensure renewal, each licensee shall attend a two (2) hour Board approved course on laws and rules, i.e., Chapters 456 and 468, Part III, Florida Statutes, and Chapter 64B11, Florida Administrative Code.

~~(7)(6)~~ The licensee must retain such receipts, vouchers, certificates or other papers necessary to document completion of the required continuing education for a period of not less than four (4) years from the date the course was taken. The Board will audit licensees at random to assure that the continuing education requirements have been met. Upon being audited, a licensee shall provide documentation to the Board within thirty (30) days that shows proof of compliance with the continuing education requirements imposed herein.

~~(7) All continuing education programs and courses meeting the requirements of Rule 64B11-6.001, F.A.C., taken after January 31, 1995 and prior to October 30, 1995 shall be deemed approved continuing education for purposes of this rule.~~

(8) Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium, except for the two hour prevention of medical errors course requirement referenced above and required by Section 456.013, Florida Statutes, and except for the one (1) hour HIV/AIDS education or end of life care and palliative health care course referenced above as required by Section 456.033, Florida Statutes.

(9) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History—New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 27, 2002

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE TITLES:	RULE NOS.:
Laboratory Certification Standards	64E-1.0015
Records, Reports, and Contractual Agreements	64E-1.005
Fees and Certification Categories	64E-1.007
Certification Requirements	64E-1.102
Display of Certificate and Use of Certification	64E-1.105
Proficiency Testing Requirements	64E-1.106

PURPOSE AND EFFECT: The proposed rule amendments will update the criteria for laboratory certification to conform to the 2001 version of the consensus standards adopted at the National Environmental Laboratory Accreditation Conference (NELAC). The Fields of Accreditation offered for certification are realigned into the tiered combinations of sample matrix (e.g., drinking water, solid and chemical materials), analytical test method (e.g., SM9222B, EPA Method 624), and analyte (the environmental component or species being tested). The

Fields of Proficiency Testing are also aligned in this same tiered combination, for direct correspondence to the relevant Fields of Accreditation bestowed through certification to qualified environmental testing laboratories.

SUMMARY: The scope of certification offered will be organized into category groups based on sample matrix (e.g., Non-potable Water, Air and Emissions) rather than regulatory program (e.g., SDWA, RCRA, CWA). An additional category group will be established for Biological Tissues. Proficiency testing will also be test method-based, along with matrix and analyte, to provide direct correlation to the certification offered. The certification requirements will be updated to the 2001 version of the NELAC Standards adopted herein by reference. The newer version provides significant improvements over the 1999 version that is currently in effect.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no direct impact of regulatory costs imposed on environmental testing laboratories based on these proposed rule amendments. However, laboratories certified for more than one test method per analyte may incur an indirect, increased cost of purchasing and analyzing additional proficiency test samples. Regarding certification fees, the few laboratories that are currently certified for one regulatory program but analyzing multiple sample matrices will incur higher certification fees. However, other laboratories performing test methods in several regulatory programs but only on one sample type will see a decrease in their certification fees.

SPECIFIC AUTHORITY: 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS.

LAW IMPLEMENTED: 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.863(1), 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2), 403.8635(3) FS.

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

TIME AND DATE: 9:00 a.m., April 11, 2003

PLACE: Florida Department of Health, Bureau of Laboratories, Porter Auditorium, 1217 N. Pearl Street, Jacksonville, FL 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Stephen A. Arms, Program Administrator, Bureau of Laboratories, P. O. Box 210, Jacksonville, FL 32231

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-1.0015 Laboratory Certification Standards.

Any environmental testing laboratory certified or seeking certification pursuant to this rule shall comply with Section 1.8.1; Appendix A to Chapter 1 (Program Policy and

Structure); Sections 2.1.3, 2.2.3, 2.4, 2.5, 2.7.2, 2.7.3, 2.7.4, 2.7.6, 3.4.5, 3.5, 4.0, 4.1, 4.2, 4.3, 4.4, and 4.6; Chapter 5 (Quality Systems) and its Appendices; and Sections 6.2.2, and 6.8, and Appendix A to Chapter 6 (Accrediting Authority) of the standards adopted at the National Environmental Laboratory Accreditation Conference (NELAC) on May 25, 2001 July 1, 1999, which are adopted herein by reference.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History--New 4-16-00, Amended.

64E-1.005 Records, Reports, and Contractual Agreements.

(1) Laboratories shall maintain analytical performance according to Chapter 5 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C., for those analytes and test methods with which they have been certified or are seeking certification. Each certified laboratory shall maintain the documentation required in Chapter 5 of the NELAC Standards and comply with the laboratory report format and content requirements in Section 5.13 of the NELAC Standards.

(2) For compliance with the Florida Safe Drinking Water Act, the laboratory will report the information described in Rule 62-550.730(2)(a), F.A.C., revised on 11-27-2001 12-9-96, in the appropriate format approved by the Department of Environmental Protection.

(a) The laboratory may report presumptive positive microbiological results immediately without waiting for total coliform confirmation. The laboratory shall report confirmed positive total coliform results to the supplier of water no later than the end of the next business day after confirmed positive total coliform results are determined. The laboratory shall report positive fecal coliform or *E. coli* results to the supplier of water by the end of the day when the results are determined, unless the results are determined after the water supplier's office is closed, in which case the laboratory shall report the results to the water supplier before the end of the next business day. If a laboratory invalidates a sample due to heterotrophic interference as described in paragraph Rule 62-550.518(10)(b), F.A.C., revised on 11-27-2001 12-9-96, the replacement sample must be analyzed by a Department of Health certified laboratory using a method less susceptible to heterotrophic interference (e.g. MMO-MUG).

(b) Whenever a sample result, or the average of the results from an initial sample and a confirmation sample, exceeds the maximum contaminant level for nitrate, nitrite, or total nitrate-nitrite, the laboratory shall report the result to the supplier of water by the end of the day when the result was determined, unless the result was determined after the water supplier's office is closed, in which case the laboratory shall report the result to the water supplier before the end of the next business day.

(c) Whenever a sample result exceeds the maximum contaminant level for any other contaminant listed in Rules 62-550.310 or 62-550.320, F.A.C., revised on 11-27-2001 ~~12-9-96~~, the laboratory shall report the result to the supplier of water no later than the end of the next business day after the result was determined.

~~(d) Whenever an unregulated contaminant listed in Rules 62-550.405, 62-550.410, or 62-550.415, as revised on 12-9-96, is detected in a sample, the laboratory shall report the result to the supplier of water no later than four business days after the result was determined.~~

~~(d)(e)~~ For the purposes of this chapter, a result is considered determined when the laboratory director or his/her designee signs or authenticates the report with the results. The results shall be reported in such a manner that the supplier of water receives the results within the indicated timeframes in paragraphs (2)(a) through (2)(~~c~~)(~~d~~) of this section.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 4-22-79, Amended 3-7-85, Formerly 10D-41.59, Amended 12-12-89, 11-15-90, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.059, Amended 4-16-00, \_\_\_\_\_.

64E-1.007 Fees and Certification Categories.

(1) Application Fee – An applicant for certification must submit to the Department of Health a non-refundable fee of \$200 for the evaluation and processing of each application. The Department of Health shall assess an additional fee of \$200 for each subsequent application for additional Fields of Accreditation Testing, as defined in Appendix A to Chapter 1 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

(2) Certification Fee – In addition to the application processing fee, the Department of Health shall charge nonrefundable fees for the initial certification and on application for annual renewal for each category of certification in each category group in subsections Rules 64E-1.007(6) through 64E-1.007(10)(9), F.A.C., below as follows:

(a) Chemistry, Toxicity ~~Whole Effluent Toxicology~~, Microscopy, and Microbiology

- 1. One category ..... \$500
- 2. Two categories ..... \$1000
- 3. Three categories ..... \$1500
- 4. Four or more categories ..... \$2000

(b) Radiochemistry..... \$500

(3) Laboratories approved after July 1 shall have the certification fees prorated on a quarterly basis beginning with the quarter in which the department issues certification.

(4) The Department of Health shall assess the travel expenses it incurs as a result of on-site inspection to the out-of-state laboratories, in addition to the application and certification fees in this section. An in-state laboratory shall reimburse the department for on-site inspection travel expenses if the department conducts an inspection, in addition to the

inspection conducted pursuant to subsection 64E-1.104(1), F.A.C., at the laboratory’s written request. If the department does not conduct the requested inspection within 60 days of the request, the department shall not charge these expenses to the laboratory.

(5) The laboratory shall pay all fees required by subsections (2) through (4) of this section within 90 days of the date of invoice. For annual renewal of certification, the laboratory shall pay the fees required by subsection (2) of this section by July 1 of each calendar year.

(6) For the Safe Drinking Water Matrix Act (SDWA) category group, certification is available in the following categories:

- (a) Microbiology,
- (b) Primary Inorganic Contaminants,
- (c) Secondary Inorganic Contaminants,
- (d) Radiochemistry,
- (e) Synthetic Organic Contaminants,
- (f) Dioxin,
- (g) Other Regulated Contaminants (e.g., Volatile Organic Contaminants),
- (h) Group I Unregulated Contaminants,
- (i) Group II Unregulated Contaminants, and
- (j) Group III Unregulated Contaminants.

(7) For the Non-Potable Clean Water Matrix Act (CWA) category group, including ambient monitoring of surface water and groundwater, certification is available in the following categories:

- (a) Microbiology,
- (b) ~~Whole Effluent~~ Toxicity (Bioassay),
- (c) Radiochemistry,
- (d) Metals,
- (e) General Chemistry,
- (f) Volatile Organics,
- (g) Extractable Organics, and
- (h) Pesticides-Herbicides-PCB’s.

(8) For the Solid and Chemical Materials Matrix Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) category group, and all programs under the purview of the Florida Department of Environmental Protection’s Waste Management Division, certification is available in the following categories:

- (a) Microbiology,
- (b) ~~Whole Effluent~~ Toxicity (Bioassay),
- (c) Radiochemistry,
- (d) Metals,
- (e) General Chemistry,
- (f) Volatile Organics,
- (g) Extractable Organics, and
- (h) Pesticides-Herbicides-PCB’s.

(9) For the ~~Clean Air and Emissions Matrix Act (CAA)~~ category group, the categories of certification available are:

- (a) General Chemistry,
- (b) Volatile Organics,
- (c) Extractable Organics, and
- (d) Pesticides-~~Herbicides-~~ and PCB's.

(10) For the Biological Tissue Matrix category group, certification is available in the following categories:

- (a) Microbiology,
- (b) Toxicity (Bioassay),
- (c) Radiochemistry,
- (d) Metals,
- (e) General Chemistry,
- (f) Volatile Organics,
- (g) Extractable Organics, and
- (h) Pesticides-Herbicides-PCB's.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(4), 403.863(4), 403.8635(3) FS. History—New 3-7-85, Formerly 10D-41.62, Amended 12-12-89, 8-5-93, 4-19-95, 4-25-96, Formerly 10D-41.062, Amended 4-16-00,\_\_\_\_\_.

64E-1.102 Certification Requirements.

(1) An application for certification shall be made in writing to the Department of Health on Form DH 1762, accompanied by the application fee, and the laboratory's Quality Manual. ~~If the laboratory is requesting reciprocal certification pursuant to Subsection (5) of this section, the laboratory shall also submit the most recent on-site inspection report from its primary NELAP recognized accrediting authority. The report shall address all the requested analytes and test methods for which the laboratory is seeking reciprocal certification.~~ If proficiency testing is available for the requested Fields of Testing, the laboratory must arrange for these results from the latest three testing round attempts to be submitted directly to the Department of Health by the recognized approved proficiency test provider. DH 1762, "Application for Certification of Environmental Testing Laboratories," July 2003 ~~1999~~ is herein adopted by reference and is available by calling the department's Bureau of Laboratories at (904)791-1599.

(2) Separate application and certification shall be required for all laboratories maintained on separate premises even though operated under the same management; however, separate certification is not required for separate buildings on the same or adjoining grounds.

(3) An application is not completed until the laboratory has fulfilled all of the following requirements:

(a) The application reviewed by the Department of Health was found to contain all the information required in Section 4.1.7 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

(b) The submitted Quality Manual contains all the information required in Section 5.5.2 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

(c) Proficiency samples are successfully analyzed in two of the most recent three testing rounds attempted, if available from an recognized approved proficiency testing provider, as required in Rule 64E-1.106, F.A.C.

(d) An on-site laboratory inspection has been conducted for the Fields of Accreditation Testing for which the laboratory is seeking certification, as required in Rule 64E-1.104, F.A.C.

(e) All applicable fees are paid as required in Rule 64E-1.007, F.A.C.

(4) If an incomplete application is submitted, the Department of Health will retain the application for up to one year at the laboratory's request.

(5) An out-of-state laboratory shall be eligible for reciprocal certification provided:

(a) The laboratory is certified by a National Environmental Laboratory Accreditation Program (NELAP) recognized accrediting authority for those Fields of Accreditation Testing in which the laboratory is requesting certification pursuant to this rule,

(b) The laboratory submits to the Department of Health the application, fee, and Quality Manual documents required in subsection 64E-1.102(1), F.A.C., and

(c) The laboratory submits to the Department of Health a current copy of the laboratory's unexpired certification from the NELAP accrediting authority and the certifying agency's analyte sheet showing those Fields of Accreditation Testing for which the laboratory is certified.

(6) If upon review of the documents listed in subsection 64E-1.102(5), F.A.C., the Department of Health determines that the application process is complete and that the laboratory is already certified by its NELAP-recognized primary accrediting authority for the same Fields of Accreditation Testing requested on its application, the Department of Health will not require an on-site survey by its inspectors and certification will be granted after the laboratory pays the certification fees required in Rule 64E-1.007, F.A.C.

(7) If upon review of the documents listed in subsection 64E-1.102(5), F.A.C., the Department of Health is unable to determine that the out-of-state certification program is equivalent to the requirements of this rule, an on-site inspection will be performed by the Department of Health. The laboratory will be responsible for the travel expenses incurred for the on-site inspection.

Specific Authority 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 2-13-96, 4-25-96, Formerly 10D-41.103, Amended 4-16-00,\_\_\_\_\_.

64E-1.105 Display of Certificate and Use of Certification.

A current certification document shall be displayed at all times in a prominent place in each certified laboratory. ~~DH 1629, 3/98 and DH 1697, 7/03 3/98, which includes the Laboratory Scope of Accreditation and is both~~ entitled "Environmental Testing Laboratory Certificate," ~~is are~~ adopted by reference herein. The department shall issue the Certificate to the laboratory only upon completion of the requirements of this Rule. The laboratory must also comply with Sections 6.8(a)(1), (2), (3), and (4) and 6.8(b)(1) and (2) of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C.

Specific Authority 381.00591, 403.0625(3), 403.863(1), 403.863(2) FS. Law Implemented 381.00591, 403.0625(2), 403.0625(4), 403.863(4), 403.863(7), 403.8635(1) FS. History—New 8-27-86, Amended 6-29-94, Repromulgated 4-25-96, Formerly 10D-41.106, Amended 4-16-00, \_\_\_\_\_.

64E-1.106 Proficiency Testing Requirements.

(1) Applicant and certified laboratories shall participate in a proficiency testing program from a provider recognized by the Department of Health as being compliant with the procedures and criteria in Sections 2.0, 2.3, 2.6, and 2.7 and in Appendices A, B, C, ~~and D, E, F, G, and H~~ to Chapter 2 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C. Participation means that the laboratory will analyze and report to the provider the results of all proficiency test samples required by the approved program for which the laboratory desires and maintains certification.

(2) Laboratories shall bear the cost of any subscription to a proficiency testing program required by the Department of Health for compliance purposes. The Department of Health shall not be charged a fee for the analysis of any performance evaluation samples.

(3) Unless associated with the submittal of an application form as provided in subsection 64E-1.102(1), F.A.C., the laboratory must authorize the ~~recognized approved~~ provider, on or prior to the testing round closing date, to submit the proficiency testing results to the department concurrently with the submittal of these results to the laboratory.

(4) All Fields of Accreditation analytes within each category group for which a laboratory is certified or is pending certification must be satisfactorily analyzed, if available, on two of the most recent three proficiency testing rounds attempted. ~~For the Safe Drinking Water Act category group, satisfactory analysis of a proficiency test sample at least once per year is also required for each test method with which the laboratory reports test results under Rule 64E 1.005(2).~~ Proficiency test sample results shall be considered satisfactory when they are within the acceptance limits established by the ~~recognized approved~~ proficiency test sample provider.

(5) A laboratory that meets the requirements of subsection (4) of this section for a particular Field of Proficiency Testing regulatory program and analyte is eligible for obtaining and maintaining certification for the corresponding Field of Accreditation all test methods associated with that program

~~and analyte~~. Otherwise, certification shall be denied, suspended, or revoked for that Field of Accreditation all test methods associated with that program and analyte.

(6) A laboratory shall participate in at least two testing rounds from an ~~recognized approved~~ proficiency test sample provider per fiscal (July 1 – June 30) year, with no more than seven months between consecutive testing rounds, for each available Field of Proficiency Testing that corresponds to a pending or certified Field of Accreditation analyte and regulatory program.

(7) The laboratory shall comply with all requirements in Section 2.5 of the NELAC Standards, referenced in Rule 64E-1.0015, F.A.C., in analyzing proficiency test samples. Pursuant to Section 2.5.1(c) of the NELAC Standards, the laboratory shall not submit proficiency test sample results generated by another laboratory facility as its own.

(8) Proficiency test sample providers shall report laboratory results for proficiency test samples in a format approved by the Florida Department of Health.

Specific Authority 381.00591, 403.0625(3), 403.863(2) FS. Law Implemented 381.00591, 403.0625(1), 403.0625(2), 403.0625(4), 403.851, 403.863(3), 403.863(4), 403.863(7), 403.8635(1), 403.8635(2) FS. History—New 8-27-86, Amended 10-10-89, 6-29-94, 2-13-96, 4-25-96, Formerly 10D-41.107, Amended 4-16-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carl C. Kircher  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephen A. Arms  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 5, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

Section III  
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-50.005  
RULE TITLE: Registration Requirement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above as noticed in Vol. 28, No. 23, June 7, 2002, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF REVENUE

RULE NOS.: 12-17.006, 12-17.008  
RULE TITLES: Procedures, Terms of Stipulated Time Payment Agreements