

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

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Finance

RULE TITLE: RULE NO.:

Continuing Education Requirements for  
Mortgage Brokers, Loan Originators,  
and Principal Representatives 3D-40.0271

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 3D-40.0271, F.A.C., is to clarify the language in the existing Rule and to require that continuing education course completion certificates identify the number of hours completed (a current requirement) as well as subject area covered in the course (a new requirement).

SUBJECT AREA TO BE ADDRESSED: Information to set forth on continuing education course completion certificates.

SPECIFIC AUTHORITY: 494.0011(2), 494.00295(3) FS.

LAW IMPLEMENTED: 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gregory C. Oaks, Financial Examiner/Analyst Supervisor, Office of Financial Institutions and Securities Regulation, 200 East Gaines St., Rm. 553 H, Fletcher Bldg., Tallahassee, Florida 32399-0378

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.0271 Continuing Education Requirements for Mortgage Brokers, Loan Originators, and Principal Representatives.

(1) through (9) No change.

(10) The continuing education requirements for the principal representative, loan originators and associates are waived for the license renewal of the mortgage lender, correspondent mortgage lender, or mortgage lender pursuant to the savings clause, for the biennial license period in which the principal representative, loan originator or associate completes the 24 hours of classroom education in accordance with Rule 3D-40.027, F.A.C., and also passed a written test in accordance with Rule 3D-40.025, F.A.C., in order to qualify to be designated as a principal representative, or becomes licensed as a mortgage broker.

(11) through (12) No change.

(13) Within five (5) days of completion of each continuing education course, the school shall submit to the student a certificate of completion indicating successful completion of the course. The certificate shall indicate and the number of hours and the subject area covered in each hour of the course consisted of. The schools are not to submit copies of the continuing education requirement certificates to the Department. Each mortgage business school shall maintain all student course completion records for at least three (3) years from the completion dates.

Specific Authority 494.0011(2), 494.00295(3) FS. Law Implemented 494.0016, 494.0029, 494.00295, 494.0034, 494.0064, 494.0067 FS. History--New 12-9-01, Amended \_\_\_\_\_.

### DEPARTMENT OF BANKING AND FINANCE

#### Division of Finance

RULE TITLE: RULE NO.:

Mortgage Broker License Renewal  
and Reactivation 3D-40.043

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 3D-40.043, F.A.C., is to amend form DBF-MB-103 to reflect the correct mailing addresses for the Office of Financial Institutions and Securities Regulations within both the rule and the form, as well as to add a requirement that continuing education certification information must be provided and to advise licensees of the late filing penalty.

SUBJECT AREA TO BE ADDRESSED: Certification of continuing education requirement and late filing penalty.

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

LAW IMPLEMENTED: 494.00295, 494.0034 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Gregory C. Oaks, Financial Examiner/Analyst Supervisor, Office of Financial Institutions and Securities Regulation, 200 East Gaines St., Rm. 553 H, Fletcher Bldg., Tallahassee, Florida 32399-0378

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirement of Section 494.00295, F.S., and a completed renewal form. Form OFISR-MB-103, Mortgage Broker License Renewal and

Reactivation Form, revised 05/03, is hereby incorporated by reference and available by mail from the Office of Financial Institutions and Securities Regulation, Bureau of Finance Regulation, 200 East Gaines Street, Fletcher Bldg., Tallahassee, Florida 32399-0378.

(2) through (5) No change.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.00295, 494.0034 FS. History—New 6-23-91, Amended 11-12-91, 9-3-95, 12-12-99, 2-5-01, 12-9-01, \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE CHAPTER TITLE: Interim Measures for Tri-County  
 RULE CHAPTER NO.: 5M-4

PURPOSE AND EFFECT: The purpose of this rule is to adopt the Tri-County Agricultural Area Water Quality Protection Cost Share Program Applicant’s Handbook as an interim measure in order to address pollutant reduction in the Lower St. Johns River basin until such time as Best Management Practices are developed and adopted by the Department in accordance with Chapter 403.067(7), F.S.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is the adoption of the Tri-County Agricultural Area Water Quality Protection Cost Share Program Applicant’s Handbook, establishment of record keeping requirements and the procedures for landowners and leaseholders to submit a notice of intent to comply with the interim measures.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 403.067(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)488-6249, Fax (850)921-2153

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

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Fresh Fruit Maturity Tests  
 RULE CHAPTER NO.: 20-34

RULE TITLE: Requirements for Break in Color  
 RULE NO.: 20-34.005

PURPOSE AND EFFECT: Clarifying grapefruit color requirements and repealing varieties listed in rule which have been declassified and therefore not subject to the break in color rule.

SUBJECT AREA TO BE ADDRESSED: Requirements for color-break test.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.11, 601.16, 601.19, 601.21 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

**PUBLIC SERVICE COMMISSION**

DOCKET NO: 030426-EI

RULE TITLE: Definitions  
 RULE NO.: 25-6.003

PURPOSE AND EFFECT: To update definitions so that they conform with the most recent edition of the Dictionary of Electric and Electronic Terms (IEEE 100).

SUBJECT AREA TO BE ADDRESSED: Definitions of terms relevant to providing electricity.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1) FS.

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

TIME AND DATE: 9:30 a.m., June 24, 2003

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jim Breman, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0863, (850)413-6664



Spivey, Executive Director, Board of Building Code Administrators and Inspectors, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 00-40R

RULE CHAPTER TITLE: Environmental Resource Permitting  
 RULE TITLE: Rules Adopted by Reference

RULE CHAPTER NO.: 62-330  
 RULE NO.: 62-330.200

PURPOSE AND EFFECT: The rulemaking will amend Subsection 62-330.200(3) of the Florida Administrative Code, which adopts by reference certain rules of the Southwest Florida Water Management District (SWFWMD) that are used by the Department in implementing its responsibilities under the environmental resource permit (ERP) program effective October 3, 1995. This will have the effect of accomplishing two primary purposes.

First, it will remove the incorporation by reference of the now repealed Chapter 40D-45, F.A.C. Associated with that repeal, it also will adopt by reference amendments to Chapter 40D-4, F.A.C., and its associated SWFWMD "Basis of Review" related to exemptions for phosphate and non-phosphate mining, which were the subject of recent rulemaking by the SWFWMD. This first objective is planned to include associated rulemaking to add or amend noticed general permits related to mining activities in Chapter 62-341, F.A.C.

Second, it will update the versions of the SWFWMD rules used by the Department in implementing its ERP program responsibilities under Part IV of Chapter 373 of the Florida Statutes. Those rules were last incorporated by reference in Subsection 62-330.200(3), when the ERP permit program became effective on October 3, 1995. Since that time, the SWFWMD has made many amendments to those rules.

SUBJECT AREA TO BE ADDRESSED: Amendments will be proposed to subsection 62-330.200(3), F.A.C., that will adopt by reference the current ERP program rules of the SWFWMD under Part IV of Chapter 373. The affected rules are planned to include Chapters 40D-1, 40D-4, 40D-8, 40D-40 of the Florida Administrative Code, and the SWFWMD "Basis of Review."

Some of the rule amendments adopted by the SWFWMD after 1995 are not proposed to be incorporated by reference in Chapter 62-330, most notably the provisions and references to site conditions assessment permits.

In related, separate rulemaking, the Department proposes to amend Chapter 62-341, F.A.C., to add two noticed general permits related to mining activities.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

For more information call: Alice Heathcock, Florida Department of Environmental Protection, Bureau of Beaches and Wetland Resources, (850)245-8483 or e-mail: [Alice.Heathcock@dep.state.fl.us](mailto:Alice.Heathcock@dep.state.fl.us).

Further information and updates on this proposed rule also may be obtained from the Department's web site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 01-42R

RULE CHAPTER TITLE: Noticed General Environmental

RULE CHAPTER NO.:

Resource Permits 62-341

RULE TITLES: Definitions  
 RULE NOS.: 62-341.021

Noticed General Permit for Raising the Height of Existing Earthen Embankments for Impoundments at Facilities for Mining Sand and Limestone 62-341.491

Noticed General Permit for Prospecting 62-341.492

PURPOSE AND EFFECT: The purpose of the proposed amendments is to incorporate into the Department's Noticed General Permit Rule Chapter 62-341, F.A.C., two new Noticed General Permits for mining and related activities. This rulemaking is related to the repeal of Chapter 40D-45, F.A.C., by the Southwest Florida Water Management District in 2001. In related rulemaking, the Department is proposing to amend Chapter 62-330, F.A.C., to reflect that rule repeal.

The proposed Noticed General Permits establish criteria for two activities that were previously exempt from permitting under the now repealed Chapter 40D-45, F.A.C. One general permit will authorize raising the height of existing earthen embankments for impoundments at facilities for mining sand and limestone. The second Noticed General Permit will authorize certain activities associated with prospecting for limestone, sand and peat.

SUBJECT AREA TO BE ADDRESSED: The additions of the two new noticed general permits, Rules 62-341.491 and 62-341.492, F.A.C., restore an expedited review and authorization of two types of activities that were lost through the SWFWMD repeal of Chapter 40D-45, F.A.C., in 2001.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices".

For more information call: Alice Heathcock, Florida Department of Environmental Protection, Bureau of Beaches and Wetland Resources, (850)245-8483 or e-mail: [Alice.Heathcock@dep.state.fl.us](mailto:Alice.Heathcock@dep.state.fl.us).

Further information and updates on this proposed rule also may be obtained from the Department's web site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Standards for Onsite Sewage

Treatment and Disposal Systems

64E-6

PURPOSE AND EFFECT: Develop rules to address comments from the Joint Administrative Procedures Committee, incorporate necessary technical changes and incorporate modifications proposed through the Technical Review and Advisory Panel.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include: existing system evaluation and modification standards and procedures; system construction application and permit requirements; system construction standards; forms used throughout the program; treatment receptacle construction and testing standards; portable restroom and holding tank permitting, construction, inspection and operating standards; issuance and renewal of contractor registration certificates; standards of practice and disciplinary guidelines for registered septic tank contractors and master septic tank contractors; issuance and renewal of certificates of partnerships and corporations; and continuing education course requirements and approval process.

SPECIFIC AUTHORITY: 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 FS.

LAW IMPLEMENTED: 154.01, 381.001, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.00655, 381.0066, 381.0067, 386.041, 386.051, 489.552, 489.553, 489.554, 489.555, 489.556, 489.557, 489.558 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE:

RULE NO.:

Florida Teacher Certification Examination

6A-4.0021

PURPOSE AND EFFECT: The purpose of the rule amendment is to adopt a newly revised application form, to establish a test fee for the General Knowledge Test, and to establish transitional passing scores for the Middle Grades Integrated Curriculum 5-9 and Physical Education K-12 subject area tests and the Professional Education Test. The effect is that the Florida Teacher Certification Examination application form will be available for applicants and will contain current and accurate information, a fee will be established for the General Knowledge Test, and transitional passing scores will be established for the Middle Grades Integrated Curriculum 5-9 and Physical Education K-12 subject area tests and the Professional Education Test.

SUMMARY: This rule is amended to adopt a newly revised application form, to establish a test fee for the General Knowledge Test, and to establish transitional passing scores for the Middle Grades Integrated Curriculum 5-9 and Physical Education K-12 subject area tests and the Professional Education Test.

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: 1012.56(8), 1012.59 FS.

LAW IMPLEMENTED: 1012.56, 1012.59 FS.

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

TIME AND DATE: 8:30 a.m., June 17, 2003

PLACE: 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Fearon, Accountability, Research, and Measurement, Department of Education, 325 West Gaines Street, Suite 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0021 Florida Teacher Certification Examinations.

(1) through (3) No change.

(4) Registration, late registration and refunds.

(a) Registration for the examinations shall be for the initial examinations or for one (1) or more examinations not previously passed. To register to take the examinations, an applicant shall submit a completed application which shall be received by the test administration agency at least fifty (50) days preceding the examination date.

1. Before ~~October 1, 2003~~, ~~July 1, 2003~~, a complete application shall consist of the following:

a. A completed application ~~Form CG-20-03~~, ~~Form CG-20-02~~, Registration Application: Certification Examinations for Florida Educators, which includes the