

**Section II  
Proposed Rules**

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Cancellation Refunds  
**RULE NO.:** 4-200.007  
**PURPOSE, EFFECT AND SUMMARY:** To repeal a rule which is in conflict with Section 634.121(5), F.S.  
**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:** 634.021 FS.

**LAW IMPLEMENTED:** 634.041, 634.121 FS.

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

**TIME AND DATE:** 9:30 a.m., December 3, 2003

**PLACE:** Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Cheryl Jones, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, E-mail: jonesc@dfs.state.fl.us

**THE FULL TEXT OF THE PROPOSED RULE IS:**

4-200.007 Cancellation Refunds.

Specific Authority 634.021 FS. Law Implemented 634.041, 634.121(5) FS. History—New 5-26-93, Repealed \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Cheryl Jones, Bureau of Property and Casualty Forms and Rates

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Richard Koon, Bureau of Property and Casualty Forms and Rates

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** October 9, 2003

**DEPARTMENT OF INSURANCE**

**State Fire Marshal**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Uniform Minimum Firefighter Employment Standards	4A-62
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
<b>PART I: ADOPTION OF UNIFORM FIREFIGHTER EMPLOYMENT STANDARDS</b>	
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Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards	4A-62.001
Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards	4A-62.002
Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. Sections 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Relating to Fire Scenes	4A-62.003
Requirements for Recognition as a Fire Department	4A-62.006
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<b>PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS</b>	
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General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs	4A-62.021
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Criteria for Identifying Firefighter Employers With a High Frequency or Severity of Injuries	4A-62.023
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Penalties	4A-62.045

PURPOSE AND EFFECT: The purpose of these rules is to update existing rules based on statutory revisions and to implement and interpret Sections 633.801-633.821, Florida Statutes, as mandated by the Legislature in those sections. The effect of these rules is to provide for firefighter workplace safety and health programs, and to provide requirements for safety and health compliance by firefighter employers and firefighter employees.

SUMMARY: These rules provide for firefighter workplace safety, as mandated by Sections 633.801-633.821, Florida Statutes.

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

Any person who wishes to provide information regarding the statement of 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: 633.01, 633.45(1)(a), 633.804, 633.805, 633.806, 633.808, 633.809, 633.810, 633.811, 633.816, 633.821 FS.

LAW IMPLEMENTED: 633.01, 633.45(1)(a), 633.802, 633.803, 633.804, 633.805, 633.806, 633.807, 633.808, 633.809, 633.810, 633.811, 633.812, 633.813, 633.814, 633.815, 633.816, 633.817, 633.818, 633.819, 633.820, 633.821 FS.

IF REQUESTED A HEARING WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., December 8, 2003

PLACE: Agency for Healthcare Administration, Conference Room "A," Building #3, 2727 Mahan Drive, Tallahassee, Florida

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

PLACE: Three Oaks Banquet and Catering, 20991 Three Oaks Parkway, Estero, Florida

TIME AND DATE: 10:00 a.m., December 12, 2003

PLACE: The Florida State Fire College, Main Auditorium, 11655 Northwest Gainesville Road, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 N. W. Gainesville Road, Ocala, Florida, phone (352)369-2800

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the Bureau of Fire Standards and Training by mail at 11655 N. W. Gainesville Road, Ocala, Florida, or by phone at (352)369-2800, no later than 48 hours prior to the meeting or workshop.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I: ADOPTION OF UNIFORM MINIMUM FIREFIGHTER EMPLOYMENT STANDARDS

4A-62.0001 Definitions.

Unless the text or context clearly requires otherwise, the definitions in Section 633.802, Florida Statutes, are applicable to this rule chapter. In addition, for purposes of this rule chapter, the following definitions apply.

(1) "Act" means Sections 633.801-633.821, Florida Statutes.

(2) "Division" means the Division of State Fire Marshal of the Department of Financial Services of the State of Florida.

(3) "Exclusionary" zone or "hot" zone means the area immediately around the incident where serious threat of harm exists, which includes the collapse zone for a structure fire. Entry into such zone would require the use of breathing apparatus, protective clothing and specialized training required under Section 633.821(2), Florida Statutes, and this rule chapter.

(4) "Fire department" means any local fire department or fire district in the state responsible for municipal or county fire protection as recognized by the appropriate municipal or county government or the state. A fire department has the intent and purpose of carrying out the duties, functions, powers, and responsibilities normally associated with a fire department, and which is in compliance with Rule 4A-62.006, F.A.C. These duties, functions, powers, and responsibilities include but are not limited to the protection and saving of life and property against fire, explosions, and other hazards, the prevention and extinguishment of fires, and the enforcement of municipal, county, and state fire prevention codes, as well as of any law pertaining to the prevention and control of fires and hazardous materials incident mitigation.

(5) "Firefighter employee" means a firefighter employee as defined in Section 633.802, Florida Statutes, and includes a volunteer firefighter as referred to in Section 633.820, Florida Statutes.

(6) "IDLH" or "IDLH atmosphere" means an atmosphere which is immediately dangerous to life and health.

(7) "Trained commensurate to duty" means that the person must have documented training in the specific task assigned or combination of skills required to accomplish any series of tasks which may be assigned to that individual given a set of circumstances or which that individual may undertake.

(8) "Two-in, two-out rule" or "two-in, two-out" means and refers to 29 C.F.R. Section 1910.134(g)(4), Including Notes One and Two, as modified by Section 633.821(3), Florida Statutes.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(a), 633.802, 633.821 FS. History--New \_\_\_\_\_.

4A-62.001 Uniform Minimum Firefighter Employment Standards; Adoption of OSHA Standards.

No change.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History—New 11-21-01.

4A-62.002 Uniform Minimum Firefighter Employment Standards; Adoption of National Fire Protection Association Standards.

No change.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History—New 11-21-01.

4A-62.003 Uniform Minimum Firefighter Employment Standards; Adoption of 29 C.F.R. Sections 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two and Additional Requirements Applicable to Fire Scenes.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the IDLH atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident.

(a)1. Except as provided in sub-paragraphs 2., 3., and 4., no firefighter or any other person under the authority of the firefighter employer at the scene of a fire is permitted to participate in any operation involving two-in, two-out as one of the two or more persons inside the IDLH atmosphere or as one of the two or more persons outside of the IDLH atmosphere unless such firefighter or other person at the scene of a fire is certified in this state by the division as a Firefighter I or a Firefighter II, as established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 4A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters but is also applicable to any other person working under the authority of the Firefighter Employer at the scene of a fire

2. A volunteer firefighter who possesses the State Basic Volunteer certificate previously issued by the division is exempt from the Firefighter I and Firefighter II requirement in subparagraph 1. Basic volunteer in itself may not meet “trained commensurate to duty” as defined depending upon duties or tasks assigned or undertaken in the exclusionary zone.

3. United States Department of Defense firefighters responding in their capacity as U.S. Department of Defense firefighters meeting equivalent U.S. Department of Defense qualifications are exempt from the Florida Firefighter I and Firefighter II requirement in subparagraph 1.

4. Volunteer firefighters having NWCG S-130, S-190, and Standards for Survival certification by the Florida Division of Forestry are permitted to participate in wild land fire suppression without the Firefighter I certification.

(b) It is each Firefighter Employer’s responsibility to be familiar with the training standards of commonly used mutual aid agreements, automatic aid agreements, and other similar resources. Each fire department responding pursuant to a mutual aid agreement or automatic aid agreement or similar document is responsible for the training and certification of its own personnel. Unless otherwise specified, requests for assistance shall constitute requests for personnel meeting the training standard required by these rules.

(4)(a) In addition to the prohibition in subsection (3), no firefighter employer, regardless of whether such firefighter employer employs firefighters certified under Section 633.34, Florida Statutes, or utilizes volunteer firefighters, is permitted to allow any firefighter or other person at the scene of a fire to participate in any activity which is included in the standards adopted in Sections 633.801-633.821, Florida Statutes, or pursuant to this rule chapter unless such firefighter or other person at the scene of a fire is a Florida certified Firefighter I as established in subsections (1) and (2) of Rule 4A-37.055, F.A.C. Such training shall consist of the training described in subsection (6) of Rule 4A-37.055, F.A.C. This requirement specifically applies to volunteer fire departments and volunteer firefighters, but is also applicable to any other person operating in the exclusionary zone of a scene that would require the use of breathing apparatus, protective clothing, or specialized training required under Section 633.821(2), Florida Statutes.

(b) This subsection does not prohibit a person who has not met the training requirements in paragraph (a) from taking any action at all at a fire scene. It merely prohibits a person who has not met such training requirements from engaging in any activity which is governed by the standards adopted in Sections 633.801-633.821, Florida Statutes. Persons not having met the training requirements in paragraph (a), but who are “trained commensurate to duty” to perform those activities they are assigned to, are permitted to engage in certain activities outside of the exclusionary zone. Those activities include pulling hoses, opening and closing fire hydrants, moving vehicles, carrying tools, carrying or moving equipment, directing traffic, manning a resource pool, and similar activities.

Also with respect to 29 C.F.R. Section 1910.134(g)(4):

(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in paragraphs (b) and (c).

(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality,

or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.

(e) If the extension granted in paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division is still unable to implement 29 C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 F.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4), without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.

Specific Authority 633.01(1), 633.45(1)(a), 633.821 FS. Law Implemented 633.45(1)(A), 633.821 FS. History—New 11-21-01, Amended \_\_\_\_\_

#### 4A-62.006 Requirements for Recognition as a Fire Department.

(1) To be recognized as an organized fire department by the division, compliance with the following must be documented:

(a) Establishment in accordance with the provisions of the National Fire Protection Association Standard 1201, 2000 edition;

(b) Capability of providing fire protection 24 hours a day, seven days a week;

(c) Responsibility for response in an area capable of being depicted on a map; and

(d) Staffing with a sufficient number of qualified firefighters who are employed fulltime or part-time or serve as volunteers and who shall have successfully completed an approved basic firefighting course recognized by the Bureau of Fire Standards and Training.

(2)(a) A fire department shall meet the requirements of the Insurance Services Office (ISO) for Class 9 Protection which is hereby adopted and incorporated by reference.

(b) ISO measures the major elements of a community's fire-suppression system and develops a numerical grade ranging from 1 to 10. Class 1 represents the best public protection and Class 10 indicates no recognized protection.

(c) The requirements for ISO 9 may be obtained at the ISO website located at [www.iso.com](http://www.iso.com), or it may be obtained by writing to the Division of State Fire Marshal, Bureau of Fire Standards and Training, 11655 North Gainesville Road, Ocala, Florida 34482-1486.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New \_\_\_\_\_

#### 4A-62.007 Minimum Requirements for Class 9 Protection.

(1) To be considered for Class 9 protection, the following minimum facilities must be available:

(a) Organization:

1. The fire department shall be organized on a permanent basis under applicable state or local laws. The organization shall include one person responsible for operation of the department, usually with the title of chief.

2. The fire department must serve an area with definite boundaries. If a municipality is not served by a fire department solely operated by or for the governing body of that city, the fire department providing such service shall do so under a contract or resolution. When a fire department's service area involves one or more municipalities, a contract shall be executed with each municipality served.

(b) Membership: The department shall have a sufficient number of firefighters/members to assure the response of at least 4 firefighters/members to alarms. The "alarms" to which this paragraph refers are first alarms for fires in structures. The chief may be one of the 4 responding firefighters/members.

(c) Training: Training for active members shall be conducted at least 2 hours every 2 months.

(d) Alarm Notification: Alarm facilities and arrangement shall be such that there is no delay in the receipt of alarms and the dispatch of fire fighters and apparatus.

(e) Apparatus:

1. The fire department shall have at least one piece of apparatus meeting the general criteria of NFPA 1901, 1999 edition.

2. Automotive Fire Apparatus: The apparatus shall have a permanently mounted pump capable of delivering 50 gpm or more at 150 psi, and a water tank with at least 300-gallon capacity.

(f) Records: Records shall indicate date, time and location of fires, the number of responding members, meetings, training sessions, and maintenance of apparatus and equipment. A roster of fire department members must be kept up-to-date.

(g) Equipment: Each fire department shall keep and maintain the following equipment:

1. At least two 150-foot lengths of 3/4 or 1 inch fire department hose, 1 1/2 inch pre-connected hose, or the equivalent, each with a nozzle capable of discharging either a spray or a straight stream.

2. Two portable fire extinguishers suitable for use on Class A, B and C fires. The minimum size shall be 20 BC rating in dry chemical, 10 BC rating in CO<sub>2</sub>, and 2A rating in water-type extinguishers.

3. One 12-foot ladder with folding hooks.

4. One 24-foot extension ladder.

5. One pick-head axe.

6. Two electric hand lights.

7. One pike pole.

8. One bolt cutter.

9. One claw tool.

10. One crowbar.

(h) Housing: Apparatus shall be so housed as to provide protection from the weather.

(2) In addition, the fire department must have:

(a) A minimum of four (4) self-contained breathing apparatus, and

(b) A minimum issue of personal protective clothing for structural firefighting for each firefighter.

(3) Each organized fire department shall maintain sufficient insurance coverage on each member of the fire department to pay claims for injuries sustained en route to, during, and returning from fire calls or other emergencies and disasters and scheduled training sessions.

(4)(a) The chief of the fire department shall annually submit a personnel roster to the SFM of all firefighters. The roster shall include:

1. The fire department name.

2. The fire department identification number (FDID).

3. The complete fire department address.

4. The fire department contact telephone number and the fire department fax number, if any.

5. The certification level for each firefighter reported, and

6. The firefighter certification number, the issue date of the certification, and the status of the certification, i.e., volunteer or career.

(b) The personnel roster need not be in any particular form; however, a personnel roster form containing the above information is available for the fire department's convenience and may be submitted if the chief of the fire department chooses. Such convenience form may be obtained at the division's website located at <http://www.fldfs.com/SFM/> or by writing to the Division of State Fire Marshal, Bureau of Fire Standards & Training, at 11655 N. W. Gainesville Road, Ocala, Florida 33482-1486.

Specific Authority 633.01(1), 633.821 FS. Law Implemented 633.45(1)(a), 633.821 FS. History—New \_\_\_\_\_.

## PART II: WORKPLACE SAFETY AND HEALTH PROGRAMS

### 4A-62.020 Definitions.

Unless otherwise specified herein, for purposes of this rule chapter the definitions of the words and terms contained in Section 440.02, Florida Statutes, apply. For the purposes of Part II of this rule chapter, unless the context clearly requires otherwise, the following definitions also apply:

(1) "Firefighter Employee Safety and Health Remediation Plan" means a written training program developed by a carrier, individual self-insurer, self-insurance fund, or firefighter employer or a combination thereof for a firefighter employer's implementation when the firefighter employer has been identified as having a high frequency or severity of injuries or workers' compensation insurance claims that is higher than the average for firefighter employers and includes any safety and health program which has been adopted by a firefighter employer and approved by the Division. It shall serve as a guide to safe work practices for firefighter employees.

(2) "Firefighter Employer Comprehensive Safety and Health Program" means a particular written plan developed from a Workplace Safety and Health Program provided by an insurance carrier, group self-insurance fund, individual self-insurer, or by an individual firefighter employer. It is designed to ensure that the firefighter employer has a structured and integrated safety and health management program within its organization, which is specifically designed to reduce or control the hazards of the firefighter employer's workplace and the frequency of workplace injuries and occupational diseases. Said plan is permitted to be part of an overall Workplace Safety and Health Program for the municipality, county, special district, or other unit of local government.

(3) "Frequency" means the number of workplace injuries and occupational diseases reported to the Division of Workers' Compensation, occurring over a one-year period, and resulting in a lost time case as defined in subsection (5), below.

(4) "Frequency Rate" means the figure, which results after using the formula for determining the frequency rate provided in Rule 4A-62.023, F.A.C.

(5) "Lost Time Case" means an injury or illness which results in the firefighter employee requiring medical care at a medical care facility and involves a loss of time or service beyond the time required for initial treatment and his or her inability to perform firefighting duties.

(6) "OSHA" means the Occupational Safety and Health Administration as created by the Occupational Safety and Health Act of 1970, 29 U.S.C. Sections 651-678.

(7) "Safety and Health Standard" or "Standard" means any of the safety and health standards adopted by rule of the division and which applies to a specific workplace. These standards are minimum standards upon which all safety and health risk assessments can be made.

(8) "Safety and Health Inspection" means the risk assessment process by division personnel of a firefighter employer's work environment as follows:

(a) Analyzing existing conditions and operations that may create hazards;

(b) Identifying signs of ineffective safety and health policies or practices; and

(c) Identifying safety and health program deficiencies.

(9) "Severity" means the extent of the workers' compensation medical and indemnity benefits which result or will result from the workplace injuries that a firefighter employer has reported to the Division of Workers' Compensation.

(10) "Shall" means that the application or procedure that follows is mandatory and "shall" is only used in this context in these rules.

(11) "Will" means that the application or procedure that follows is to take place in the future and in this context "will" is never used to indicate any degree of requirement of an application or procedure.

(12) "Workplace Safety and Health Program" means the written program of a workers' compensation carrier, group self-insurance fund, or individual self-insurer for a government unit. It is to be used by their policyholders, members or themselves as a guide in developing a specific firefighter employer's "Firefighter Employer Comprehensive Safety and Health Program."

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History--New

4A-62.021 General Guidelines For Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by firefighter employers that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) Safety Policy. Each firefighter employer shall issue and make available to all firefighter employees a safety policy containing a clear and concise view of the firefighter employer's determination that safety and health management shall be of primary importance and that all employment and places of employment shall be free of recognizable workplace and environmental hazards. The safety policy shall delegate responsibilities with respect to implementing the safety and health program.

(2) Safety Rules. Each firefighter employer shall develop and implement a set of safety rules which shall be equivalent to or exceed applicable standards found the Act or in rules adopted pursuant to the Act.

(3) Safety And Health Training Program. Each firefighter employer shall implement a safety and health training program, which shall address or include:

(a) Training, by supervisors or trained instructors, of new firefighter employees and firefighter employees transferring to new jobs, on the operating procedures of vehicles and equipment to be utilized by the firefighter employee.

(b) Instructional training for supervisors.

(c) Specialized training as required by the rules of the division and any OSHA Standards and other applicable laws, rules or regulations.

(d) An emergency vehicle operations course for all emergency vehicle operators as recognized by the division.

(e) Goals and objectives of the safety training program(s).

(f) Person(s) responsible for safety and the person(s) responsible for the conduct of safety training.

(g) Specific method(s) of presentation.

(h) An analysis of accidents, illnesses and injuries to determine specific additional training that may be needed.

(i) A training program outline.

(j) A comprehensive training program content.

(k) A hazard identification system.

(l) A new firefighter employee indoctrination program.

(m) Training. Each firefighter employer shall provide training and education for all firefighters and supervisory personnel commensurate with those duties and functions that such firefighters and supervisory personnel are expected to perform. Such training and education shall be provided to firefighters and supervisory personnel before they perform any emergency activities or other activities requiring such training. Supervisory personnel shall be provided with training and education which is more comprehensive than that provided to the general firefighters.

(4) Each firefighter employer shall assure that training and education is conducted frequently enough to assure that each firefighter is able to perform the firefighter's assigned duties and functions satisfactorily and in a safe manner so as not to endanger such firefighter or any other firefighter. Training shall be provided on an as needed basis and must be provided at least annually. In addition, firefighters who are expected to perform interior structural firefighting shall be provided with an education session or training at least quarterly. All such training shall be documented and placed in each employee's personnel file.

(5) The quality of the training and education programs for firefighters and officers shall be similar to the courses or curriculum of the Florida State Fire College or those which use national consensus curriculums as recognized by the Division, such as the International Fire Service Training Association (IFSTA)<sup>®</sup>. The quality of the training for supervisory personnel shall generally conform to the standards enumerated in the National Fire Protection Association standards in NFPA

1021, "Fire Officer Professional Qualifications," for Fire Officer I, II, III, or IV, as applicable, or similar or equivalent standards.

(6) Each firefighter employer shall inform each firefighter about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The firefighters shall also be advised of any changes that occur in relation to the special hazards. The firefighter employer shall develop and make available for inspection by firefighters written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.

(7) Policy for enforcement of safety rules and regulations.

(a) Accident Investigation Program. Each firefighter employer shall implement an accident investigation program which shall investigate and record all accidents and near accidents involving personnel, including medical only injuries, and accidents in which equipment or motor vehicles are damaged. The investigation shall determine all obtainable facts of each accident and cite cause factors and recommend corrective action.

(b) Incident Reporting. Each firefighter employer shall implement the Firefighter Casualty Report, Form DFS-K4-1569, revised August, 2003, (which is substantially the same form as Form 902G, NFIRS-5), which is hereby adopted and incorporated by reference, revised August, 2003. Form DFS-K4-1569 may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(c) The Firefighter Casualty Report shall record all injuries, including type of accident, agencies, nature or type of injury, body location, the specific activity at the time of the injury or occurrence, cause of injury, and contributing causes of injury. Such reports shall also contain any event, injury, or occurrence enumerated in Section 112.181, Florida Statutes, to which the presumptions therein are applicable. These reports shall be submitted to the division within seven (7) days of the occurrence.

Specific Authority 633.804 FS. Law Implemented 633.804 FS. History--New

4A-62.022 Firefighter Employer Comprehensive Safety and Health Remediation Plan.

(1) All firefighter employers identified and notified by the division as having a high frequency or severity of work related injuries and illnesses shall submit their Firefighter Employer Comprehensive Safety and Health Program to the division for approval within one hundred twenty (120) days after receipt of notice. The division may approve additional time for the firefighter employer to complete specific elements of the program providing the firefighter employer is making progress on the other elements. This approval must be in writing.

(2) The Firefighter Employer Comprehensive Safety and Health Remediation Plan shall contain or address the specific components listed under the "General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs" set forth in Rule 4A-62.021, F.A.C.

(3) If a firefighter employer fails to submit a Firefighter Employer Comprehensive Safety and Health Remediation Plan to the division, the firefighter employer shall be subject to a penalty as prescribed in Section 633.811, Florida Statutes, or as otherwise provided by law.

(4) The division shall conduct a continuous evaluation of each approved plan to determine its overall effectiveness.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History--New

4A-62.023 Criteria for Identifying Firefighter Employers with a High Frequency or Severity of Injuries.

(1) Individual firefighter employers and groups of firefighter employers with a high frequency or severity of work related injuries and illnesses as identified by the division shall be subject to safety and health inspections. If a firefighter employer fails or refuses to implement or correct deficiencies identified by the division, the firefighter employer shall be subject to penalties as prescribed in Section 633.811, Florida Statutes, or as otherwise provided by law.

(2) The division will use the following procedures to determine which firefighter employers with a high frequency or severity of workers' compensation claims will be selected to have their safety and health management program audited by the division and their workplace and records inspected.

(a) A firefighter employer high frequency of injury list shall be established using the most recent year's data available. This shall be data for a year where there has been sufficient time allowed to receive and check the data for reliability. The list shall be derived by compiling lost time cases contained in the database in descending order of frequency from highest to lowest for the year.

(b) The frequency rate shall be calculated using the following formula: Rate of reported lost-time injuries by a firefighter employer in a year shall be determined by Frequency divided by Average Daily Staffing where:  
Frequency = total lost time cases reported by a firefighter employer in a year. Average Daily Staffing = the average number of personnel on duty at one given time per day multiplied by the number of days staffed.

Example 1: the average number of personnel on duty at one given time per day multiplied by 365 for a 24 hour full-time department.

[Please note this is intended for three platoon (24/48) or four platoon (10/14 or 24/72)]

Example 2: the average number of personnel on duty at one given time per day multiplied by 260 for Monday through Friday staffing.

Example 3: For volunteer firefighters it is the average staffing of all of their emergency responses times the number of responses they had in the year.

National Safety Council Frequency Computation:

# INJ. X Total Annual Man-Hours Worked=Injury Rate  
8760 (24hr svc) or 2000 (40 hr wk)

(c) The firefighter employer's frequency rate will be compared with the statewide average frequency rate for all firefighter employers.

(d) If a firefighter employer is to be audited, the following shall be required of the firefighter employer:

1. The firefighter employer shall meet with a division representative within ten days of being notified of the decision to audit or on such other date as may be mutually agreed upon.

2. The firefighter employer shall assign a contact person to work with the representative of the division.

3. The firefighter employer shall provide to the representative the most complete copy of each of the first reports of injury for the past 3 years and a copy of the corresponding accident report if available.

4. Information pertaining to the following shall be provided by, and will be collected from, the firefighter employer:

a. Safety policy.

b. Safety rules and regulations.

c. Safety inspections, including regular and periodic inspections.

d. Safety training programs.

e. First aid programs.

f. Accident investigation programs.

g. Record Keeping.

h. Respiratory protection programs as required by the adoption of 29 C.F.R. Section 1910.134 in Rule 4A-62.011, F.A.C., and

i. Any other information pertaining to safety and health program management.

5. After the audit is complete, a closing conference will be scheduled to advise the firefighter employer on the results of the audit.

6. Suggestions and assistance will be provided to the firefighter employer to help improve the safety and health program management.

7. Abatement deadlines shall be set for the firefighter employer to take corrective action in regard to any safety and health program deficiencies that are identified.

8. To measure program effectiveness following the audit, the firefighter employer shall be required to submit copies of all first reports of injury and corresponding accident investigation reports to the division on a quarterly basis (every three months) for two years or until the firefighter employer's

frequency/severity rate of lost time cases falls below the statewide average for firefighter employers, whichever occurs last.

Specific Authority 633.809 FS. Law Implemented 633.809 FS. History--New

### PART III: SAFETY AND HEALTH COMPLIANCE

#### 4A-62.030 Definitions.

Part III of this rule chapter incorporates by reference the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes, and the definitions contained in Section 440.02, Florida Statutes. Further, with respect to Part III of these rules, the division adopts the following definitions:

(1) "Abatement date" means a specific date provided by the division on the Notice of Violation on or before which the firefighter employer must correct a violation to avoid penalty. "Abatement" means and includes remediation.

(2) "Calendar year" means a given twelve month period that begins January 1 and ends December 31.

(3) "Establishment" means the single physical location of a workplace where the firefighter employer maintains records necessary to provide evidence of firefighter employer compliance with this rule chapter. Generally, an establishment is a single physical location where business is conducted. For firefighter employers engaged in activities that may be physically dispersed, the establishment shall be the Administrative Offices/Headquarters of the agency.

(4) "Fatality" means any firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease. The term includes a firefighter employee death that results from workplace injury, illness, or occupational disease.

(5) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce a harmful effect by causing injury, illness, occupational disease, or fatality.

(6) "Illness" means any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases that may be caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(7) "Investigation" means verification of firefighter employer compliance with the Act or division rule by a firefighter employer including firefighter employer requests, complaint investigations, fatality investigations, and serious incident investigations.

(8) "Multiple Injury Event:" means either a single event during an incident that three or more firefighters receive serious incident level injuries such as a vehicle crash, or firefighters injured from a falling wall, or three of the same type of serious incident level injuries sustained during an entire incident such as three smoke inhalation injuries at the same fire.



(9) “Serious incident” means any event arising out of the work and in the course of employment, as the result of which a firefighter employee is admitted into a hospital for a minimum period of twenty-four hours.

(10) “Violation” means noncompliance with the Act, a division rule, or an order of the division.

(11) “Workplace” means the physical location in Florida where firefighter employees perform their duties and includes the scene of a fire or other emergency unless the context clearly requires otherwise.

Specific Authority 633.806 FS. Law Implemented 633.806 FS. History—New

#### 4A-62.031 Right of Entry.

A firefighter employer shall allow the division, on request and presentation of official credentials, without delay to enter and to inspect any place of employment at any reasonable time for the purpose of assuring compliance with the Act and this rule chapter.

Specific Authority 633.806 FS. Law Implemented 633.806, 633.815 FS. History—New

#### 4A-62.032 Division Inspection or Investigation.

(1) Under the Act, the division is authorized to conduct inspections or investigations for the purpose of ensuring compliance with the Act and division rules. The division shall conduct an inspection or investigation to determine jurisdiction, the occurrence of a violation, or to verify abatement. The division shall conduct an inspection or investigation by means of on-site inspection or investigation, telephone, correspondence, or personal interview, which may be in private.

(2) A firefighter employer may request the division to investigate the workplace to ensure compliance with the Act and division rules.

(3) The division shall not be required to provide notice of an inspection or investigation when the Division is advised that a condition or practice that creates an “imminent danger” to the safety and health of workers.

(4) Upon entering a workplace, the division shall advise the person in charge of the work being performed at the workplace that the division intends to conduct an inspection or investigation.

(5) The division shall conduct an opening conference, explaining the purpose of the inspection or investigation, inspection or investigation procedures, and firefighter employer obligations and responsibilities.

(6) The division may but is not required to invite a representative of the firefighter employer or a firefighter employee, or both, to accompany the division during an inspection or investigation.

(7) The division shall consider evidence observed in plain view or obtained during an inspection or investigation, or otherwise obtained from a telephone or personal interview,

correspondence, firefighter employer record, maintenance record, insurance record, laboratory report, or electronic information.

(8) After the inspection or investigation, the division shall conduct a closing conference with the firefighter employer to discuss any violations noticed, answer questions, explain penalty assessments, and identify abatement verification procedures, including the potential for a subsequent inspection or investigation by the division to verify abatement.

(9) The division shall issue a Notice of Violation prescribed in Rule 4A-62.034, F.A.C., for each violation identified by the division during an inspection or investigation at the completion of the inspection or investigation.

#### (10) Complaint Investigation.

(a) The division shall consider a complaint from any person who alleges a violation of the Act or a division rule. The complainant may elect to remain anonymous. The complainant must identify the location of the workplace that gives rise to the complaint and allege known particular facts that constitute a violation. A complaint may be oral or written.

(b) The division shall conduct an investigation of any complaint that facially establishes reasonable cause to believe that a violation exists or occurred.

(11) Fatality or Multiple Injury Event Investigation or equipment failure.

(a) Each firefighter employer shall notify the division of any fatality or three (3) or more serious injuries at the same incident via the Division’s 24 hour “1 800” phone number which is 1(800)NET-FIRE (1(800)638-3473) within 4 hours of the occurrence.

(b) The division shall conduct an investigation of each fatality or multiple injury events, of which it is notified.

(c) Any injury or fatality that is reported to or appears to be the result of equipment failure shall be investigated by the division.

(12) If the division determines during an investigation that a firefighter employer’s failure to comply with the Act or a division rule directly contributed to a fatality or serious incident, the division shall issue to the firefighter employer a Notice of Violation specifying an immediate abatement date.

(13) The division shall conduct an investigation to verify abatement of a violation within six months after the issuance date of the Notice of Violation.

Specific Authority 633.45(1)(a), 633.806 FS. Law Implemented 633.801, 633.806, 633.815 FS. History—New

#### 4A-62.033 Recordkeeping Responsibilities of Firefighter Employers.

(1) Each firefighter employer shall maintain for review by the division upon request the “Fire Service Log and Summary of Occupational Injuries, Diseases, and Illnesses” DFS-K4-1568, revised August, 2003, (sometimes referred to in these rules as “log and summary”), adopted and incorporated

herein by reference and available from the division at the Bureau of Fire Standards and Training, 11655 North Gainesville Road, Ocala, Florida 33482. Each firefighter employer shall record each injury, illness, occupational disease, and fatality for that establishment on the log and summary within six working days of learning an injury, illness, occupational disease, or fatality has occurred. A firefighter employer may maintain a form equivalent to the log and summary, which shall contain the same information and shall be as readable and comprehensible to a person unfamiliar with the log and summary. The firefighter employer or person who supervises the preparation of the log and summary shall execute the certification of the log and summary with his or her signature.

(2) In addition to the log and summary required in subsection (1), each firefighter employer shall maintain and make readily available upon request to the division the following supplementary records:

(a) "First Report of Injury or Illness," Form DWC-1, Rev. 11/94, a form which was adopted and incorporated by reference by the Division of Workers' Compensation and is available from the firefighter employer's Workers' Compensation insurance carrier or fund. The form may also be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(b) The Firefighter Casualty Report, DFS Form DFS-K4-1569, (i.e., substantially the same as Form 902G, NFIRS-5), which shall be submitted for each injury, illness, occupational disease, or fatality at each establishment, within six (6) working days after a firefighter employee injury, illness, occupational disease, or fatality has occurred. The Notice of Injury shall be completed in the detail prescribed in the instructions on the Notice of Injury itself.

(c) The firefighter employee accident investigation records which were created by or submitted to the firefighter employer.

(3) Each firefighter employer shall establish and maintain records on a calendar year basis.

(4) Each firefighter employer shall maintain records required in subsections (1) and (2) in each establishment for three calendar years following the end of the calendar year during which the firefighter employee injury, illness, occupational disease, or fatality occurred.

(5) When a workplace is located apart from an establishment, the firefighter employer shall have available at the workplace the telephone number and address of the establishment where records are maintained.

Specific Authority 633.808(4) FS, Law Implemented 633.808(4) FS, History—New \_\_\_\_\_

#### 4A-62.034 Notice of Violation.

(1)(a) If the division determines that a firefighter employer is not in compliance with the Act or a division rule or order, the division shall issue to the firefighter employer a Notice of

Violation on Form DFS-K4-1566, revised August, 2003, which the division hereby adopts and incorporates herein, and which may be obtained by writing to the division at 11655 N. W. Gainesville Road, Ocala, Florida 33482-1486.

(b) The Notice of Violation shall specify the section of the statute, the rule violated, or the division order and set forth particular facts that support the division's allegation of a violation, and set an abatement date not to exceed thirty calendar days from the date of issuance on the Notice of Violation.

(c) The Notice of Violation is not final agency action; rather, it is a notice provided as a courtesy to the firefighter employer to give notice of matters the division considers to be in violation of the applicable statutes, rules, codes, standards, or other applicable requirement.

(d) If a notice assessing a penalty, as provided for in Rule 4A-62.036, F.A.C., is given to the firefighter employer, such action constitutes final agency action and is subject to Chapter 120, Florida Statutes.

(2) The division shall serve a Notice of Violation on the senior firefighter employer official at the workplace where the violation occurred, or on a firefighter employer contact or representative, and shall mail or otherwise deliver a copy to the official headquarters mailing address of record. The division shall serve a Notice of Violation personally, via United States mail, or otherwise as provided by law.

(3) Each firefighter employer shall bring into compliance any violation identified in the Notice of Violation on or before its abatement date. The division may grant an extension of the original abatement date upon written request by the firefighter employer for good cause shown, which means an incident or occurrence beyond the control of the firefighter employer, such as in the event of an identified hazard, forthcoming delivery of contracted services or materials, together with remedial action by the firefighter employer to remove firefighter employees from the hazard.

(4) A firefighter employer shall file the firefighter employer's copy of the Notice of Violation with the division, indicating the action taken by the firefighter employer to bring the noticed violation into compliance, the date action was taken, and the firefighter employer's signature certifying abatement. Filing under this subsection means receipt by the division within ten days after the abatement date.

(5) If the division determines that the firefighter employer abated the noticed violation on or before the abatement date, the division shall dismiss the notice. If the firefighter employer fails to correct the violation on or before the abatement date, the division shall assess against the firefighter employer a civil penalty commensurate with Section 633.811, Florida Statutes, unless otherwise provided by division rule.

(6) The firefighter employer who receives a Notice of Violation may request the division to withdraw the Notice of Violation. The request must be in writing and received by the

division on or before the abatement date. The division shall withdraw a Notice of Violation for good cause shown by the firefighter employer.

(7) If the division finds no violation during an investigation on-site, the division will so indicate on a Notice of Violation if requested by the firefighter employer.

(8)(a) Each firefighter employee of a firefighter employer covered under the Act shall comply with:

1. Rules adopted or orders issued by the division;
2. Reasonable workplace safety and health standards; and
3. Rules, policies, procedures, and work practices established by the firefighter employer or the workplace safety committee.

(b) A firefighter employee who knowingly fails to comply with this subsection may be disciplined or discharged by the firefighter employer.

Specific Authority 633.808 FS. Law Implemented 633.808 FS. History--New

#### 4A-62.035 Safety Training.

After a firefighter employer has abated a noticed violation that created a particular hazard, the division shall require the firefighter employer to provide to each affected firefighter employee safety training designed to prevent recurrence of the violation within the time frame specified by the Division. Safety training shall include at least recognition and avoidance of the particular hazard and knowledge of the protective measures required to prevent injury. Abatement of a safety training violation under this subsection shall include completion and documentation of the training. If a condition for abatement of a noticed violation includes safety training and the firefighter employer fails to provide the training to all affected firefighter employees, each affected firefighter employee not trained constitutes a separate violation. All training shall be documented and a copy placed in each affected employee's personnel file.

Specific Authority 633.808, 633.811 FS. Law Implemented 633.808, 633.811 FS. History--New

#### 4A-62.036 Procedures Relating to Penalties.

(1) The division shall issue a notice assessing a penalty to a firefighter employer that fails to timely abate a violation of the Act or division rule.

(2) The division shall serve the notice assessing a penalty in the manner provided for by law and shall insure that such notice is provided to the administrative officer in charge of the fire department or his or her designee.

(3)(a) If an investigation to verify abatement reveals that a previously-noticed violation exists, the division shall assess against the firefighter employer a penalty for a continuing violation, which shall accrue from the original abatement date indicated on the Notice of Violation. If the firefighter employer demonstrates conclusively to the division by documentary evidence, such as purchase order, payment receipt, or work

order, that the firefighter employer corrected the previously noticed violation on or before the abatement date, the division shall not assess a penalty for a continuing violation.

(b) Any previously noticed violation that recurs after the six-month abatement period constitutes a separate violation, which is independent of a previously noticed violation and shall be separately charged.

(4) Except as otherwise provided in this rule, the division shall assess against a firefighter employer who violates the Act, such penalty as is permitted in Section 633.011, Florida Statutes. If the division grants an extension of the abatement date and the firefighter employer fails to timely abate, the penalty shall accrue from the original abatement date on the Notice of Violation.

(5) The division shall assess against a firefighter employer a penalty for a violation that is commensurate with frequency or severity, or both.

(a) In assessing a penalty based on frequency, the division shall consider:

1. The number of safety and health violations cited against the firefighter employer as the result of a complaint or investigation; and
2. The number of identical, similar, or related safety and health violations for which the firefighter employer was prosecuted administratively, criminally, or civilly.

(b) Unless the firefighter employer violates a provision specifically enumerated in paragraph (5)(b), above, the division shall assess a penalty that considers:

1. The risk or potential risk of injury or exposure to injury that results from the violation or violations; and
2. The number of firefighter employees affected by the violation or violations.

(6) A firefighter employer that violates Rule 4A-62.031, F.A.C., (right of entry) is subject to criminal prosecution pursuant to Section 633.815, Florida Statutes, and to administrative prosecution under the act.

(7) The division has authority to seek remedies, including injunctive relief, by making appropriate filings with the Circuit Court of the Second Judicial Circuit (Leon County) to assure compliance with the Act or division rule or order.

(8) The firefighter employer may request mitigation of the penalty by filing a written request for mitigation with the division. The division shall determine whether to mitigate a penalty after considering:

- (a) The knowledge of the firefighter employer of the violation or whether the firefighter employer ought to have known of the violation with due diligence;
- (b) The remedial action taken by the firefighter employer in good faith to correct the violation or violations cited;
- (c) The promptness of the firefighter employer's remedial action to correct the violation or violations cited; and

(d) The demonstrated commitment by the firefighter employer to avert recurrence of the violation or violations and to assure future compliance with the Act and division rules.

(9) A firefighter employer shall be assessed a penalty which must be paid to the division within 30 days of the issuance date of the Notice assessing a penalty. The payment must be made by certified check or money order, which shall be made payable to the "Division of State Fire Marshal" and include the case file number and penalty number(s) specified on the Notice assessing a penalty. Penalty payments shall be addressed to: Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. The division shall deposit all penalties collected in the Florida Insurance Commissioner's Regulatory Trust Fund.

(10) The notice assessing a penalty shall be final agency action and shall be subject to Chapter 120, Florida Statutes.

Specific Authority 633.811 FS. Law Implemented 633.811 FS. History—New

**PART IV: WORKPLACE SAFETY COMMITTEES**

4A-62.040 Definitions.

Part IV of this rule chapter incorporates by reference the definitions for "accident" and "injury" contained in Section 440.02, Florida Statutes, and the definition of "occupational disease" contained in Section 440.151(2), Florida Statutes. Furthermore, with respect to Part IV, the following definitions apply:

(1) "Calendar year" means a given twelve-month period that begins on January 1 and ends on December 31.

(2) "Firefighter employee representative" means a firefighter employee chosen to serve on a safety committee, who does not normally serve in a supervisory capacity.

(3) "Fatality" means a firefighter employee death that occurs as a result of workplace injury, illness, or occupational disease, and includes a firefighter employee death that results from workplace injury, illness, or occupational disease within one year of its report to the Division of Workers' Compensation of the Department of Financial Services.

(4) "Hazard" means the risk of exposure to materials, processes, or operating procedures or practices that can produce injury, illness, occupational disease, or fatality.

(5) A firefighter employer "identified" means a firefighter employer identified by the division as having three or more compensable injuries in the period of three calendar years immediately preceding adoption of the rule chapter, or thereafter in the most recent period of three calendar years.

(6) "Incidence Rate" or "Frequency rate" shall be determined by the method described in Rule 4A-62.023, F.A.C.

(7) "Illness" or "occupational illness" means any abnormal condition or disorder, other than one resulting from an injury, caused by exposure to environmental factors associated with

employment. Illness includes acute and chronic illnesses or diseases caused by inhalation, absorption, ingestion, or direct contact with an environmental factor.

(8) "Safety committee," "workplace safety committee," or "committee" means a group of firefighter employer and firefighter employee representatives organized pursuant to this rule chapter that actively participates in accident prevention and that recommends improvements and promotes safety and health in the workplace. The committee is permitted to be part of a government wide unit (municipality, county, or special district) workplace safety committee provided that the requirements herein specified are met.

(9) "Safety-related incident" means a condition, event, or series of events that indicates the existence or occurrence of a hazard, regardless of whether the incident contributes to an injury, illness, occupational disease, or fatality.

(10) "Safety program" means a particular written safety and health program, implemented by a firefighter employer, that:

(a) Provides the means to eliminate, reduce, or control recognized hazards in the work or workplace;

(b) Provides the means to eliminate, reduce, or control the frequency or severity of workplace injuries and occupational diseases;

(c) Is specific to the work being performed;

(d) Is specific to the environment where the work is being performed; and

(e) Is easily understood by firefighter employees.

(11) "Scheduled meeting" means a convening of a safety committee after reasonable notice to its members and publication of an agenda of subjects to be addressed.

(12) "Workplace" means the physical location in Florida where firefighter employees perform their duties, and includes the scene of a fire and any other emergency incident scene.

(13) "Workplace safety coordinator" means a person designated by the firefighter employer who actively participates in accident prevention, recommends improvements, and promotes safety and health in the workplace. In the same manner as subsection (8) above, the workplace safety coordinator is permitted to be a government entity-wide position.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

4A-62.041 Scope.

Except as provided in Rule 4A-62.042, F.A.C., Part IV of this rule chapter applies only to a firefighter employer of twenty or more firefighter employees or to a firefighter employer of fewer than twenty firefighter employees that the division "identified."

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History—New

4A-62.042 Firefighter Employer Requirements.

(1) A firefighter employer shall establish, maintain, and administer a safety committee in the workplace. A firefighter employer of fewer than twenty firefighter employees may appoint a Safety Coordinator in lieu of a Safety Committee.

(a) The firefighter employer shall determine the total number of members that serve on the safety committee; determine the length of tenure for all members of the safety committee; and ensure that the number of firefighter employer representatives shall not exceed the number of firefighter employee representatives.

(b) The firefighter employer shall identify the firefighter employee representatives for the safety committee from firefighter employees who are volunteers or who are elected from their co-workers. When sufficient firefighter employee representation is not otherwise met, the firefighter employer shall select and appoint firefighter employees to the committee. If a collective bargaining agreement provides for the establishment of a safety committee, the establishment of the safety committee pursuant to this section shall be in accordance with the collective bargaining agreement.

(c) The firefighter employer shall ensure that the safety committee convenes in accordance with the following protocol:

1. The committee shall convene its first scheduled meeting not more than forty-five days after the date of its inception.

2. Thereafter, the committee shall convene its scheduled meetings at least once each quarter during the calendar year and at such other times as a majority of the committee membership agrees or the firefighter employer requires.

(d) The firefighter employer shall consider and issue a timely written response to each written recommendation of the safety committee issued.

(e) The firefighter employer shall maintain complete and accurate minutes of committee meetings and communicate the location and availability of the minutes to all firefighter employees. Safety committee records, or true copies thereof, shall be maintained by the firefighter employer for a period of not less than three calendar years.

(f) The firefighter employer shall maintain and administer a safety committee by assuring that the committee complies with these rules.

(2) If the firefighter employer operates multiple workplaces that are geographically separated, the firefighter employer is permitted to have a centralized safety committee represent the safety and health concerns of all the locations, or, alternatively, the firefighter employer is permitted to have a separate safety committee at each location.

(3) A firefighter employer of fewer than twenty firefighter employees that the division "identified" as having a high frequency rate for injuries shall establish and administer a workplace safety committee or designate a workplace safety coordinator.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History--New

4A-62.043 Duties and Functions of the Safety Committee and Workplace Safety Coordinator.

(1) The safety committee, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, reportable injuries, illnesses, diseases, and fatalities.

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed;

(d) Establish and communicate guidelines for the training of members on the requirements of this rule chapter;

(e) Post the scheduled date, time, and location of committee meetings in a conspicuous place where firefighter employees normally gather;

(f) Provide minutes of the committee meetings in a conspicuous place where firefighter employees normally gather and provide a copy thereof to individual firefighter employees upon written request; and

(g) Retain in the workplace all original written communications between the firefighter employer and the committee, or true copies thereof, for a period of not less than three calendar years.

(2) A majority of the members which shall constitute a quorum of the membership of a committee is required before official business may be transacted at a meeting.

(3) A committee organized pursuant to this rule chapter shall operate solely for the purposes required herein and may not substitute as a collective bargaining representative of firefighter employees on unrelated matters.

(4) The workplace safety coordinator, under the direction of the firefighter employer, shall:

(a) Establish and communicate procedures for conducting internal safety inspections of the workplace. When approved by the firefighter employer, these procedures shall be used to evaluate the effectiveness of engineering, administrative, and personal protective control measures provided by the firefighter employer to protect firefighter employees from recognized hazards in the work and work environment;

(b) Establish and communicate procedures approved by the firefighter employer by which the firefighter employer shall investigate all workplace accidents, safety-related incidents, injuries, illnesses, diseases, and fatalities;

(c) Evaluate the effectiveness of and recommend improvements to the firefighter employer's safety rules, policies, and procedures for accident and illness prevention programs in the workplace and, when approved by the firefighter employer, ensure that written updates and changes to rules, policies, and procedures of the safety programs are completed; and

(d) Seek the input of firefighter employees in complying with the responsibilities of this section.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History--New \_\_\_\_\_.

4A-62.044 Firefighter Employer Evaluation by the Division.

(1) The division is permitted to conduct an evaluation of a firefighter employer to assure compliance with the provisions of this rule chapter.

(2) Firefighter employers subject to an evaluation by the division shall:

(a) Meet with a representative of the division;

(b) Assign a contact person to work with the division representative; and

(c) Provide requested information pertaining to firefighter employer responsibilities specified in this rule chapter.

(3) The evaluation of a firefighter employer shall be conducted at the firefighter employer's place of business.

Specific Authority 633.810 FS. Law Implemented 633.810 FS. History--New \_\_\_\_\_.

4A-62.045 Penalties.

A firefighter employer who violates the Act, any provision of this rule chapter, or any lawful order of the division is subject to penalties authorized by the Act.

Specific Authority 633.810 FS. Law Implemented 633.810, 633.811 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 NW Gainesville Road, Ocala, Florida, phone (352)369-2800

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2003

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

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

RULE TITLES: RULE NOS.:

Reduction in Assessment for Living Quarters 12D-8.0068  
of Parents or Grandparents 12D-8.0082

Florida Uniform Market Area Guidelines 12D-8.0082

PURPOSE AND EFFECT: A) The purpose of the creation of Rule 12D-8.0068, F.A.C., is to implement the provisions of Chapter 2002-226, L.O.F., which provides for a reduction in assessment of living quarters constructed or reconstructed for parents and grandparents. B) The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to provide for adoption of Florida Uniform Market Area Guidelines that will be used by property appraisers to establish market areas and market area codes required by Section 193.114, F.S. These guidelines provide uniform regulations and guidelines for the identification of market areas and establishment of market area codes by county property appraisers for preparation of the real property assessment roll under Section 193.114, F.S. These guidelines are being developed under the procedures set forth in Section 120.54, F.S., and will be adopted as rules.

SUMMARY: A) Proposed Rule 12D-8.0068, F.A.C., provides definitions; property qualifications; requirements for qualification of property owners, parents and grandparents; procedures for obtaining the reduction; and other procedures for property appraisers in relation to the reduction in assessment of living quarters constructed or reconstructed for parents or grandparents. B) Proposed Rule 12D-8.0082, F.A.C., adopts the Florida Uniform Market Area Guidelines and provides that market areas and market area codes be established in accordance with the guidelines.

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

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

SPECIFIC AUTHORITY: 193.114(2), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 193.703, 195.032, 195.062, 196.011, 213.05 FS.

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

TIME AND DATE: 10:30 a.m., November 21, 2003

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. A person who is hearing-impaired or

speech-impaired should contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sharon Gallops, Tax Law Specialist, Property Tax Technical Unit, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108, e-mail: gallops@dor.state.fl.us

The Department's proposed rules are available on the Department's web site: [www.myflorida.com/dor/rules](http://www.myflorida.com/dor/rules)

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.0068 Reduction in Assessment for Living Quarters of Parents or Grandparents.

(1)(a) In accordance with s. 193.703, F.S., and s. 4(e), Art. VII of the State Constitution, the board of county commissioners of any county may adopt an ordinance to provide for a reduction in the assessed value of homestead property equal to any increase in assessed value of the property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive parents or grandparents of the owner of the property or of the owner's spouse if at least one of the parents or grandparents for whom the living quarters are provided is at least 62 years of age. The board of county commissioners shall deliver a copy of any ordinance adopted under Section 193.703, F.S., to the property appraiser.

(b) The reduction in assessed value resulting from an ordinance adopted pursuant to Section 193.703, F.S., shall be applicable to the property tax levies of all taxing authorities levying tax within the county.

(2) A reduction may be granted under subsection (1) only to the owner of homestead property where the construction or reconstruction is consistent with local land development regulations, including, where applicable, proper application for a building permit.

(3) In order to qualify for the assessment reduction pursuant to this section, property must meet the following requirements:

(a) The construction or reconstruction for which the assessment reduction is granted must have been substantially completed on or before the January 1 on which the assessment reduction for that property will first be applied.

(b) The property to which the assessment reduction applies must qualify for a homestead exemption at the time the construction or reconstruction is substantially complete and each year thereafter.

(c) The qualified parent or grandparent must permanently reside on the property on January 1 of the year the assessment reduction first applies and each year thereafter.

(d) The construction or reconstruction must have been substantially completed after January 7, 2003, the effective date of Section 193.703, F.S.

(4)(a) The term "qualified parent or grandparent" means the parent or grandparent residing in the living quarters, as their primary residence, constructed or reconstructed on property qualifying for assessment reduction pursuant to Section 193.703, F.S., on January 1 of the year the assessment reduction first applies and each year thereafter. Such parent or grandparent must be the natural or adoptive parent or grandparent of the owner, or the owner's spouse, of the homestead property on which the construction or reconstruction occurred.

(b) "Primary residence" shall mean that the parent or grandparent does not claim a homestead exemption elsewhere in Florida. Such parent or grandparent cannot qualify as a permanent resident for purposes of being granted a homestead exemption or tax credit on any other property, whether in Florida or in another state. If such parent or grandparent receives or claims the benefit of an ad valorem tax exemption or a tax credit elsewhere in Florida or in another state where permanent residency is required as a basis for the granting of that ad valorem tax exemption or tax credit, such parent or grandparent is not a qualified parent or grandparent under this subsection and the owner is not entitled to the reduction for living quarters provided by this section.

(c) At least one qualifying parent or grandparent must be at least 62 years of age.

(d) In determining that the parent or grandparent is the natural or adoptive parent or grandparent of the owner or the owner's spouse and that the age requirements are met, the property appraiser shall rely on an application by the property owner and such other information as the property appraiser determines is relevant.

(5) Construction or reconstruction qualifying as providing living quarters pursuant to this section is limited to additions and renovations made for the purpose of allowing qualified parents or grandparents to permanently reside on the property. Such additions or renovations may include the construction of a separate building on the same parcel or may be an addition to or renovation of the existing structure. Construction or reconstruction shall be considered as being for the purpose of providing living quarters for parents or grandparents if it is directly related to providing the amenities necessary for the parent or grandparent to reside on the same property with their child or grandchild. In making this determination, the property appraiser shall rely on an application by the property owner and such other information as the property appraiser determines is relevant.

(6)(a) On the first January 1 on which the construction or reconstruction qualifying as providing living quarters is substantially complete, the property appraiser shall determine the increase in the just value of the property due to such

construction or reconstruction. For that year and each year thereafter in which the property qualifies for the assessment reduction, the assessed value calculated pursuant to Section 193.155, F.S., shall be reduced by the amount so determined. In no year may the assessment reduction, inclusive and aggregate of all qualifying parents or grandparents, exceed twenty percent of the assessed value of the property prior to the assessment reduction being taken. If in any year the reduction as calculated pursuant to this subsection exceeds twenty percent of assessed value, the reduction shall be reduced to equal twenty percent.

(b) Construction or reconstruction can qualify under subsection (4)(a) in a later year, as long as the owner makes an application for the January 1 on which a qualifying parent or grandparent meets the requirements of subsection (4)(b). The owner must certify in such application as to the date the construction or reconstruction was substantially complete and that it was for the purpose of providing living quarters for one or more natural or adoptive parents or grandparents of the owner of the property or of the owner's spouse as described in subsection (1)(a). In such case, the property appraiser shall determine the increase in the just value of the property due to such construction or reconstruction as of the first January 1 on which it was substantially complete. However, no reduction shall be granted in any year until a qualifying parent or grandparent meets the requirements of subsection (4)(b).

(7) Further construction or reconstruction to the same property meeting the requirements of subsection (5) for the qualified parent or grandparent residing primarily on the property may also receive an assessment reduction pursuant to this section. Construction or reconstruction for another qualified parent or grandparent may also receive an assessment reduction. The assessment reduction for such construction or reconstruction shall be calculated pursuant to this section for the first January 1 after such construction or reconstruction is substantially complete. However, in no year may the total of all applicable assessment reductions exceed twenty percent of the assessed value of the property.

(8) The assessment reduction shall apply only while the qualified parent or grandparent continues to reside primarily on the property and all other requirements of this section are met. The provisions of subsections (1), (5), (6), (7), and (8) of s. 196.011, F.S., governing applications for exemption are applicable to the granting of an assessment reduction. The property owner must apply for the assessment reduction annually.

(9) The amount of the assessment reduction under Section 193.703, F.S., shall be placed on the roll after a change in ownership, when the property is no longer homestead, or when the parent or grand parent discontinues residing on the property.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.703, 196.011, 213.05 FS. History--New \_\_\_\_\_.

12D-8.0082 Florida Uniform Market Area Guidelines.

Pursuant to Section 193.114, F.S., these guidelines are adopted in conformity with the procedures set forth in Section 120.54, F.S. Market areas and market area codes shall be established in accordance with these guidelines. Property appraisers shall use these guidelines to establish market areas and market area codes as provided by Section 193.114, F.S., which shall be submitted to the Department in the format provided in paragraph 12D-8.013(6)(a), F.A.C. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following guidelines, entitled:

Florida Uniform Market Area Guidelines N. 12/03

Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

Specific Authority 193.114(2), 195.027(1), 195.032, 213.06(1) FS. Law Implemented 193.114, 195.032, 195.062, 213.05 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Tax Law Specialist, Property Tax Technical Unit, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, Tallahassee, Florida 32314, (850)414-6100

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: A) 12D-8.0068 – August 15, 2003, Vol. 29, No. 33, pp. 3197-3200. A workshop was held on August 29, 2003. No one gave testimony at the workshop regarding these rules and no written comments have been received by the Department. B) 12D-8.0082 – June 6, 2003, Vol. 29, No. 23, pp. 2282-2283; July 3, 2003, Vol. 29, No. 27, p. 2641; August 8, 2003, Vol. 29, No. 32, pp. 3127-3128. Workshops were held on June 24, 2003, June 26, 2003, July 22, 2003, July 24, 2003, and August 22, 2003. Oral testimony was presented at all workshops and written comments have been received by the Department.

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are 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."



**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

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

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form by reference and establish the effective date for the form and to update the Master Covenant for the Florida Prepaid College Plan and establish the effective date of the form.

SUMMARY: This rule change is being made to update the Florida College Investment Plan and Florida College Investment Plan New Account application and to update the Master Covenant for the Florida Prepaid College Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98 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: 2:00 p.m., November 25, 2003

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2003-1 2002-1~~, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is November 3, 2003 ~~October 21, 2002~~. The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB ~~2003-2 2002-2~~ is hereby incorporated by reference with an effective date of November 3, 2003 ~~October 21, 2002~~.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01, 10-9-01, 11-27-02, 10-1-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Contract Prices  
 RULE NO.: 19B-4.002

PURPOSE AND EFFECT: To revise the actuarial assumptions used for pricing of contracts for the Florida Prepaid College Plan.

SUMMARY: This rule changes revises the actuarial assumptions used for pricing prepaid contracts for university tuition and community college local fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98(2) 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: 2:00 p.m., November 25, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.002 Contract Prices.

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of 8.5 percent per annum for three years, then 6.8 percent per annum, community college tuition will rise at an average of 6 percent per annum, and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees will rise at an average of 6 percent per annum and community college local fees will rise at an average of 6 ~~44~~ percent per annum.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98(2) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Payment Options  
RULE NO.: 19B-4.003

PURPOSE AND EFFECT: To revise the forms of payment that may be used to make payments for advance payment contracts under the Florida Prepaid College Plan.

SUMMARY: The rule change allows payments for advance payment contracts also to be made by electronic funds transfer, automatic contribution plan or cashier's check.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.975, 1009.98(4) 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: 2:00 p.m., November 25, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.003 Payment Options.

Purchasers may make payments through a variety of means. ~~Payments may be made by checks, Checks, money orders, electronic funds transfers, automatic contribution plan, or automated clearinghouse checks, employer payroll deductions or payments via coupon books will be acceptable. State employees may elect payroll deduction from the commencement of the contract application period. Other organizations and entities may apply to the Board to establish~~

~~payroll deduction plans. Payments Payments may not be made by credit cards or other means of credit, electronic funds transfers, rollover distributions, third party checks of \$10,000.00 or more, or traveler's checks or cashier's checks.~~

(1) through (4) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.975, 1009.98(4) FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.003, Amended 6-20-96, 6-6-99, 11-27-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Maximum Account Balance Limit  
RULE NO.: 19B-4.005

PURPOSE AND EFFECT: To increase the maximum account balance limit applicable to advance payment contracts under the Florida Prepaid College Plan and accounts in the Florida College Investment Plan.

SUMMARY: This rule change updates the source of information used to calculate the maximum account balance limit for accounts in the Florida Prepaid College Plan and the Florida College Investment Plan, for individual beneficiaries and has the effect of increasing the maximum account balance limit. Section 529 of the Internal Revenue Code requires that accounts in qualified tuition programs be limited in amount based on the cost of qualified higher education expenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98, 1009.981 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: 2:00 p.m., November 25, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2004 2003, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) through (3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 11-27-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Qualified Individuals RULE NO.: 19B-8.001

PURPOSE AND EFFECT: To revise the persons that can be substitute qualified beneficiaries under the Florida Prepaid College Plan.

SUMMARY: This rule change revises the persons that can be substitute qualified beneficiaries under the Florida Prepaid College Plan to include all persons who are a "member of the family", as that term is defined in section 529 of the Internal Revenue Code. Section 529 of the Internal Revenue Code limits the persons that can be substitute as a beneficiary for an account in a qualified tuition plan to persons who are a "member of the family" of the original beneficiary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98(4) 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: 2:00 p.m., November 25, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.001 Qualified Individuals.

Except when an advance purchase contract is established by a purchaser functioning in a custodial capacity, a purchaser may change the qualified beneficiary to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the purchaser directing the Board to change the qualified beneficiary for the contract. "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code. A purchaser may request transfer of a contract to an eligible substitute beneficiary who is the brother, sister, half brother, half sister, step brother, step sister, or first cousin of the qualified beneficiary. A purchaser who is the grandparent of the qualified beneficiary may request the transfer of a contract to an eligible substitute beneficiary who is a grandchild of the purchaser. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. ~~Documentation must also be submitted with the transfer request evidencing the relationship of the transferee.~~ The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application for Participation in the Program
RULE NO.: 19B-16.002

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and to change the effective date of the form.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and to change the effective date of the form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981 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: 2:00 p.m., November 25, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2003 2002-1, is hereby incorporated by reference. The effective date of the form is November 3, 2003 October 21, 2002. The form may be obtained from the Board.

(3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Payment and Minimum Contributions
RULE NO.: 19B-16.004

PURPOSE AND EFFECT: To revise the forms of payment that may be used to make contributions to the Florida College Investment Plan.

SUMMARY: The rule change allows contributions to the Florida College Investment Plan also to be made by electronic funds transfer, automatic contribution plan or cashier's check.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981 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: 2:00 p.m., November 25, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.004 Payment and Minimum Contributions.

(1) Contributions to an account may be made by checks, money orders, rollover distributions, electronic funds transfers, automatic contribution plan or employer payroll deductions. Contributions may not be made by credit cards or other means of credit, third party checks of \$10,000.00 or more, or traveler's checks or cashier's checks.

(2) through (6) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History--New 5-30-02, Amended 11-27-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Maximum Account Balance Limit  
 RULE NO.: 19B-16.005

PURPOSE AND EFFECT: To increase the maximum account balance limit applicable to advance payment contracts under the Florida Prepaid College Plan and accounts in the Florida College Investment Plan.

SUMMARY: This rule change updates the source of information used to calculate the maximum account balance limit for accounts in the Florida Prepaid College Plan and the Florida College Investment Plan, for individual beneficiaries and has the effect of increasing the maximum account balance limit. Section 529 of the Internal Revenue Code requires that accounts in qualified tuition programs be limited in amount based on the cost of qualified higher education expenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98, 1009.981 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: 2:00 p.m., November 25, 2003

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook ~~2004~~ ~~2003~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an

advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contract shall be as provided in subsection 19B-4.005(2), F.A.C.

(2) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98, 1009.981 FS. History--New 5-30-02, Amended 11-27-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Regulation of Wells  
 RULE CHAPTER NO.: 40D-3

RULE TITLE: Rules and Publications Incorporated  
 RULE NO.: 40D-3.037

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate the effective dates of Chapters 62-524, 62-531, 62-532 and 62-555, Florida Administrative Code (F.A.C.), into Rule 40D-3.037, F.A.C.

SUMMARY: The Department of Environmental Protection amended Chapter 62-531, F.A.C., on July 17, 2003. Rule 40D-3.037, F.A.C., does not reference the date of the amendment. Chapters 62-524, 62-532 and 62-555, F.A.C., are also referenced in Rule 40D-3.037, F.A.C. However, the effective dates of these chapters are not included.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-3.037, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.309 FS.

LAW IMPLEMENTED: 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 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: David C. Ryder, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-3.037 Rules and Publications Incorporated by Reference.

(1) The regulations promulgated by the Department governing the construction of water wells as set forth in Chapter 62-532, F.A.C. (3-28-02), the construction of water wells in delineated areas as set forth in Chapter 62-524, F.A.C. (6-27-00), the licensing requirements for Water Well Contractors as set forth in Chapter 62-531, F.A.C. (7-17-03), and the construction of public supply water wells as set forth in Chapter 62-555, F.A.C. (4-10-03), are hereby incorporated by reference and made a part of this rule and shall apply to all water wells constructed, repaired, modified or abandoned in the District.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.309 FS. Law Implemented 373.046, 373.308, 373.309, 373.323, 373.324, 373.333 FS. History--New 7-1-90, Amended 12-31-92, 4-11-94, 6-27-94, 9-22-94, 7-5-95, 10-19-95, 7-15-99, 6-23-03, \_\_\_\_\_

NAME OF PERSON ORIGINATING PROPOSED RULE: David R. Ryder, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2003

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Regulation of Wells	40D-3
RULE TITLES:	RULE NOS.:
Construction Methods	40D-3.502
Casing and Liner Pipe Standards	40D-3.507

PURPOSE AND EFFECT: This purpose of this proposed rulemaking is to prohibit the drilling of a borehole using a drill bit larger than the inside diameter of the casing for wells constructed by combination method. In so doing, the proposed rulemaking will ensure that a good seal preventing water movement is obtained in wells constructed by such method.

SUMMARY: Water well construction requirements for wells constructed using a combination method of drilling a borehole and then driving the casing into the hole.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-3.502 and 40D-3.507, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.306, 373.308, 373.309 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: Jack R. Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-3.502 Construction Methods.

(1) No change.

(2) For wells constructed using the combination method of drilling a borehole and then driving the casing, the borehole shall be equal to or smaller in diameter than the inside diameter of the casing and shall be sealed by adding dry bentonite to the casing string at land surface and allowing that material to be carried down the outside of the casing as the casing is driven to completion. Dry bentonite shall be applied to maintain a grout seal around the casing. The first length of water bearing casing, excluding the attached drive shoe, shall not exceed 21 feet in length and must be driven into the ground before any additional borehole is constructed.

During construction of a well in a delineated area, as defined in Rule 62-524.200, F.A.C., or a public supply well using the combination drilling method, the minimum acceptable grout seal shall be accomplished by undercutting or underreaming the last five feet of hole before sealing the casing. A minimum of one foot of such enlarged hole must be into the consolidated formation in which the casing is seated. The entire enlarged portion of the hole shall be filled with cement grout and then the casing shall be driven through the cement grout and seated into the enlarged portion of the consolidated formation. The top 20 feet of casing shall be sealed with no less than a 2-inch nominal thickness of cement grout. No other minimum seal

shall be acceptable unless approved by the District or delegated permitting authority. Except as described above, the use of a drilling tool, such as an eccentric bit or an underreamer bit, that is capable of drilling a hole larger than the inside diameter of the casing is prohibited when constructing a well by combination method.

(2) through (7) renumbered (3) through (8) No change.

Specific Authority 373.044, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-3-91, 12-31-92,\_\_\_\_\_.

40D-3.507 Casing and Liner Pipe Standards.

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

(4) When any part of a well casing with an outside diameter of 4 inches or larger is intended to be installed in a bore hole which is larger in diameter than the inside ~~outside~~ diameter of the casing, the annular space shall be filled from bottom to top with not less than a nominal 2 inch thickness of neat cement grout. For those well casings with an outside diameter of less than 4 inches, the minimum grout thickness shall be a nominal 1 inch.

(5) No change.

Specific Authority 373.044, 373.113, 373.171, 373.309, 373.337 FS. Law Implemented 373.306, 373.308, 373.309 FS. History—New 7-1-90, Amended 9-30-91, 12-31-92,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2003

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: \_\_\_\_\_ RULE NO.:

Nursing Facility Services 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003. The handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA) and other billing information changes. The effect will be to incorporate by reference in the rule the current Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003.

SUMMARY: The Medicaid Provider Reimbursement Handbook, Institutional 021, which is being incorporated by reference in this rule is being amended to add information on

implementation of the Health Insurance Portability and Accountability Act and to clarify procedures for obtaining authorization for supplemental payments.

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: 409.919 FS.

LAW IMPLEMENTED: Chapter 400 Part II, 409.902, 409.905, 409.908 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: Monday, November 24, 2003, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Administration 2727 Mahan Drive, Building 3, Conference Rm. A, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kris Russell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-2618

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, August 2000, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, ~~September 1996~~ which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kris Russell

NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Certification of Specialty Structure Contractors      RULE NO.: 61G4-15.015

PURPOSE AND EFFECT: The proposed rule amendment sets forth the certification and scope of practice for specialty structure contractors.

SUMMARY: The proposed rule intends to provide a definition of a specialty structure contractor, set forth the scope of the work performed by a specialty structure contractor and to set forth the certification procedures for becoming a certified specialty structure contractor.

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: 489.113(6), 489.115(4), 120.53 FS.

LAW IMPLEMENTED: 489.113(6), 489.115(4), 120.53 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: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-1039

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.015 Certification of Specialty Structure Contractors.

- (1) No change.
- (2) Definition.

(a) "Specialty Structure Contractor" is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the fabrication, assembling, handling, erection, installation, replacement, dismantling, adjustment, alteration, repair, servicing, and design work when not prohibited by law, in accordance with accepted engineering data and/or according to manufacturers specifications in the aluminum, metal, canvas, vinyl and fiberglass screening, doors and windows, hurricane protection devices and allied construction materials.

(b) The scope of such work shall include and be limited to fabric coverings on metal substructures, screened porches, screened enclosures, pool enclosures, preformed panel-post and beam roofs, manufactured housing mobile home panel roof-overs ~~residential glass window and door enclosures~~, vinyl or acrylic panel window enclosures, guardrails, handrails, aluminum and vinyl fences, the installation or replacement of

windstorm protective devices, single story self-contained aluminum utility storage structures (not to exceed 720 500 sq. ft.), residential glass window and door enclosures, sunrooms, siding, soffit, fascia and gutters. The installation or replacement of window and door assemblies in Group R occupancy buildings, as defined by the Florida Building Code, up to three stories or thirty feet in height. The installation or replacement of windstorm protective devices, except for impact resistant glazing, shall be unlimited. Division I Contractors shall be permitted to subcontract with Specialty Structure Contractors for the installation or replacement of window and door assemblies in buildings of Group R occupancy, as defined by the Florida Building Code, of any height.

- (c) through (d) No change.
- (3) No change.

Specific Authority 489.113(6), 489.115(4), 120.53 FS. Law Implemented 489.113(6), 489.115(4), 120.53 FS. History--New 7-1-87, Amended 1-26-88, 5-23-89, 6-25-89, 4-16-92, Formerly 21E-15.015, Amended 10-31-96,

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 10, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Inactive Registration      RULE NO.: 61J1-2.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with the current Departmental procedures.

SUMMARY: The proposed rule change affects rule provisions relating to inactive registration.

SUMMARY OF STATEMENT OF ESTIMATE OF 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: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613(2), 475.618, 475.619 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.005 Inactive Registration.

(1) No change.

(2) At any time after obtaining registration as an appraiser, the registrant may request inactive status whenever the registrant has no primary supervising licensed or certified appraiser. ~~Forms may be obtained from the Department. The request may be made on Form 501.5, Request for Appraiser Status Change, effective July 1991 and incorporated herein by reference. The form may be obtained through the Department of Business and Professional Regulation at W. Robinson St., Orlando, FL 32801.~~

(3) through (4) No change.

(5) A registered appraiser, whose registration is designated inactive pursuant to Paragraphs 1, 2 or 3, may request an active registration in such a manner as provided by the Department on Form 501.5. If the inactive duration is less than 2 years and does not extend beyond 1 biennial renewal cycle (registration period), no additional education or fee is required.

(6) through (7) No change.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.613(2), 475.618, 475.619 FS. History--New 9-22-93, Amended 7-5-94, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Refund of Applicant and License Fees

RULE NO.: 61J1-2.007

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to the refund of applicant and license fees.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.6147 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-2.007 Refund of Applicant and License Fees.

(1) The Board shall refund to the applicant, or the applicant's beneficiary, any portion of the application fee not expended in processing the application. The applicant's application shall be considered null and void upon payment of the refunded amount.

(2) No change.

(3) In the event a registered ~~trainee assistant~~, licensee or certificate holder dies prior to the effective date of a renewal period, the full amount of the fee collected for the renewal of the registration, license or certificate shall be refunded to the beneficiary.

Specific Authority 475.614 FS. Law Implemented 475.6147 FS. History--New 10-29-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Application by Individuals

RULE NO.: 61J1-3.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with the current Departmental procedures and statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to application by individuals.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.001 Application by Individuals.

(1) An applicant for registration, ~~licensure~~ or certification as an appraiser shall submit an application in such a manner as provided by the Department on form numbers 501.1 or 501.1A, Real Estate Appraiser Application, effective July, 1991, incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.

(2) No change:

(3) The applicant shall indicate whether the applicant is seeking registration, ~~licensure~~ or certification.

(4) At the time of application, the applicant must furnish evidence of successful completion of the required education pursuant to Rules 61J1-4.001 or 61J1-4.002, F.A.C., and evidence of the required experience pursuant to Rules 61J1, F.A.C., if any.

(5) At the time of filing the application for registration, ~~licensure~~ or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(~~o~~)(~~m~~), Florida Statutes F.S., and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.

(6) The applicant must make it possible for the ~~B~~board to begin the inquiry as to whether the applicant is competent and qualified to make real estate appraisals with safety to those with whom the applicant may undertake a relationship of trust and confidence and the general public:

(a) By disclosing whether the applicant has ever been convicted or found guilty, or entered a plea of guilty or nolo contendere (no contest) to, regardless of adjudication, of a crime in any jurisdiction which directly relates to the activities of an appraiser, or which involves moral turpitude or fraudulent or dishonest conduct; and

(b) through (c) No change

(7) If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the ~~D~~epartment receiving the application, the application shall expire and a new application must be filed.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History--New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, 2-21-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Education Requirements  
RULE NO.: 61J1-4.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

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

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as ~~an~~ trainee assistant appraiser must satisfactorily complete 75 classroom hours, inclusive of examination, of ~~B~~board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. A classroom hour is defined as 50 minutes of each 60 minute segment.

(b) No change.

(c) If an initial application to become registered is not received within 2 years after the successful completion of the course as provided in paragraph (1)(a), the applicant must take the 15 classroom hour Uniform Standards of Professional Appraisal Practice course, the course will be invalid for purposes of securing registration.

~~(2)~~ Persons desiring to become licensed as an appraiser must successfully complete 90 classroom hours, inclusive of examination, of board approved academic courses in subjects related to real estate appraisal, which shall include 15 classroom hours relative to the Uniform Standards of Professional Appraisal Practice. A classroom hour is defined as 50 minutes out of each 60 minute segment.

~~(2)(3)~~ Persons desiring to become certified as a residential appraiser must successfully complete 120 classroom hours, inclusive of examination, of ~~B~~board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AOB certified USPAP instructor 15 classroom hours relative to the Uniform Standards of Professional Appraisal Practice. The 120 classroom hours may include the 75 classroom hour requirement for becoming registered or the 90 classroom hour requirement for becoming licensed as an appraiser. A classroom hour is defined as 50 minutes out of each 60 minute segment.

~~(3)(4)~~ Persons desiring to become certified as a general appraiser must successfully complete 180 classroom hours, inclusive of examination, of ~~B~~board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AOB certified USPAP instructor 15 classroom hours relative to the Uniform Standards of Professional Appraisal Practice. The 180 classroom hours may include the 75 classroom hour requirement for becoming registered, the 90 classroom hour requirement for becoming licensed as an appraiser, or the 120 classroom hour requirement for becoming certified as a residential appraiser. A classroom hour is defined as 50 minutes out of each 60 minute segment.

~~(4)(5)~~ Credit towards the classroom hour requirement shall only be granted where the length of the educational offering is at least 15 hours, and the person successfully completes an examination pertinent to that educational offering.

(5) Board approved pre-registration courses for trainee appraisers must include the following subject matter:

- (a) Real property concepts and characteristics.
- (b) Legal consideration.
- (c) Influences on real estate values.
- (d) Types of value.
- (e) Economic principles.
- (f) Overview of real estate markets and analysis.
- (g) Ethics and how they apply in appraisal theory and practice.
- (h) Overview of approaches to value.
- (i) Valuation procedures.
- (j) Property description.
- (k) Residential applications.
- (l) Coverage of the Uniform Standards of Professional Appraisal Practice.

(m) Coverage of Florida rules and regulations that pertain to the practice of appraisal.

(6) Board approved pre-certification courses for certified residential appraisers must include the following subject matter:

- (a) Residential market analysis.
- (b) Residential highest and best use.
- (c) Residential site valuation.
- (d) Residential cost approach.
- (e) Residential sales comparison approach.
- (f) Residential income approach.
- (g) Residential report writing.
- (h) Residential case studies.
- (i) Statistics.
- (j) Modeling.
- (k) Finance.
- (l) Advances residential applications.
- (m) Advanced residential case studies.
- (n) Appraisal standards and ethics.
- (o) National Uniform Standards of Professional Appraisal Practice.

~~(6)~~ The criteria for board approved courses will include, as applicable, the following subject matter:

- ~~(a) Technical terms commonly used in real estate appraisal.~~
- ~~(b) Principles of land economics, real estate appraisal processes, reliable sources of appraising data, and problems likely to be encountered in the gathering, interpreting and processing of data in carrying out appraisal disciplines.~~
- ~~(c) Standards for the development and communications of real estate appraisals.~~
- ~~(d) Types of misconduct for which disciplinary proceedings may be initiated.~~
- ~~(e) Theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal.~~

(7) Board approved pre-certification courses for certified general appraisers must include the following subject matter:

- (a) General appraiser market analysis.
- (b) General appraiser highest and best use.
- (c) General appraiser sales comparison approach.
- (d) General appraiser site valuation and coast approach.
- (e) General appraiser income approach.
- (f) General appraiser report writing and case studies.

~~(8)(7)~~ Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, and proprietary real estate schools registered pursuant to Section 475.451, F.S. A detailed course syllabus and a typical end of course examination must be submitted to the ~~B~~board by the entity desiring to offer a course

for evaluation and approval. The course and exam must be submitted at least 90 days prior to offering the course. The Board will notify the entity within 60 days whether the course and exam meet the criteria set out in subsection (6) above and subsection (9) below. Approval must be granted before the course is conducted. Institutions, entities and schools offering Board prescribed or approved appraisal educational courses are responsible for keeping the course subject matter current and accurate.

(9)(8) The Board shall also approve past appraisal courses which cover substantially the same subject matter, classroom hours of attendance, and completion standards as the Board approved courses offered by the entities as set out in subsections (5), (6), (7) and (9). If the requested information is found lacking to show course equivalency the Board may request supportive documentation to determine course equivalency.

(10)(9) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on the Board approved end of course examination. The examination is prepared and administered by a nationally or state recognized appraisal organization, accredited university, college, community college, area vocational-technical center, state or federal agency or commission, or real estate school upon completion of the classroom instruction. The end of course exam must test what the course is about and the student's knowledge of the course. Approval of satisfactory course completion shall not be issued to any student having absences in excess of 10% of the classroom hours.

(11)(10) The institution or school offering these Board prescribed or approved courses shall fully inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. Notice of course completion shall be made on the form prescribed by the Board in Rule 61J1-4.005, Florida Administrative Code.

(12)(11) Where any national or state recognized appraisal organization, accredited university, college, community college, area vocational-technical center, state or federal agency or commission, or proprietary real estate school allows the Board approved end of course examination to be retaken, students failing the Board approved end of course examination must wait at least 30 days from the date of the original examination to again take the end of course examination. Within one year of the original end of course examination, a student may retake the prescribed end of course exam a maximum of one time. Otherwise, students failing an appraisal education course examination must repeat the Board prescribed or approved course prior to being eligible to again take the end of course examination. Makeup classes to enable the student to take the end of course examination and makeup

examination, which are due to student or family illness, may not extend more than 30 days beyond the class scheduled examination without approval from the Board.

(13)(12) Credit towards the classroom hour requirement may also be satisfied by teaching appraisal courses. The appraisal courses must cover substantially the same subject matter as the Board prescribed courses. Credit shall be awarded on an hour-for-hour basis. Credit shall only be granted on a one time basis for teaching a particular appraisal course. The Board may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History--New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Equivalency Education  
RULE NO.: 61J1-4.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

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

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.002 Equivalency Education.

The criteria for approval of equivalency for courses completed by individuals seeking credit for pre-registration, ~~pre-licensure~~, pre-certification, post-licensing, or appraiser continuing education shall be that the course or courses covered substantially the same subject matter, hours of attendance, hours of instruction, and completion standards as prescribed by the Florida Real Estate Appraisal Board in Rule 61J1-4.001, 4.003 or 4.007, Florida Administrative Code. Application for past course evaluation shall be accompanied by an official transcript or other documentation showing the subjects taken together with the date completed and grade received. If the requested information is found lacking to show course equivalency, the Board shall request supportive documentation to determine course equivalency.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.002, Amended 4-6-98, 3-31-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Continuing Education  
RULE NO.: 61J1-4.003

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

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

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.618 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code. The 30-hours shall include The 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor. ~~Of the 30 hours, a minimum of 7 hours with a maximum of 18 hours, without significant duplication of material, include an update of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(o)(m), Florida Statutes F.S.~~ A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals ~~and will review and update the Florida Real Estate Appraisal License Law and board rules, and provide an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules.~~ A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 12 months.

(2) The Board shall approve for appraisal continuing education credit any course, seminar or conference in the real estate appraisal practice area provided by national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission or proprietary real estate school. The course will be approved for 24 months. 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. The criteria for approval shall be as set out in subsection (3) below.

(3) Satisfactory completion of the Board prescribed or approved continuing education course or courses of classroom instruction is demonstrated by successfully meeting standards established for each Board prescribed course. These standards for approval of continuing education courses for appraisers shall be that the course or courses contain at least 3 hours of instruction and cover real estate appraisal related topics such as

ad valorem taxation, arbitration, business courses related to real estate appraisal, construction estimating, ethics and standards of professional practice, land use planning, zoning and taxation, management, leasing, brokerage, timesharing, property development, real estate appraisal (valuations/evaluations), real estate financing and investment, real estate law, real estate litigation, real estate appraisal related computer applications, real estate securities and syndication, and real property exchange. Approval of satisfactory course completion shall not be issued to any registrant, licensee or certificate holder not attending a minimum of 90% of each of the classroom hours of Bboard prescribed course instruction.

(a) through (d) No change.

(4)(a) The continuing education courses required in this rule may be ~~satisfied taught~~ by a Board 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. The institution offering distance education courses must provide proof of certification of the delivery method by an independent certified organization approved by the AQB. The delivery of a course offered by a university or college that has already received approval for college credit by the American Council on Education through its ACE credit program or schools that have been approved by the International Distance Education Certification Center (IDECC) are deemed approved by the Board.

(b) through (e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Bboard and approved for renewal. Courses may not be offered or distributed 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.

(5) The Florida institution, organization, permitted real estate school or Bboard approved entity offering these Bboard prescribed or approved courses shall fully inform each student of the standards, requirements and criteria at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Bboard, at the commencement of each course. Notice of course completion shall be as prescribed by Rule 61J1-4.005, Florida Administrative Code.

(6) These Bboard prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, area technical centers, accredited university,

college and community college, state or federal agency or commission, or proprietary real estate school that holds a permit pursuant to Section 475.451, F.S., or at a place approved by the Bboard. Satisfactory completion of these courses will not entitle any person to renew a registration, license or certification until such person has met all requirements of law.

(7) A registrant, licensee, or certificate holder, including a Bboard member, may earn five (5) classroom hours by attending an entire meeting where the Bboard considers disciplinary cases, for a maximum of ten (10) of the required thirty (30) hours; provided that, the individual is not appearing as a party to a disciplinary action and notifies the Division of Real Estate, Education Section, of the intent to attend at least seven (7) days prior to the meeting.

(8) Credit towards the continuing education requirement of this rule may also be satisfied by teaching Bboard approved appraisal courses. Credit shall be awarded on an hour-for-hour basis. Individuals claiming such credit must teach the appraisal course during the renewal cycle in which credit is claimed and may not claim the course more than once in the renewal cycle. The Bboard may request supportive documentation to ascertain course content and to verify the date(s), time, place and hours taught.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618 FS. History--New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Notice of Satisfactory Course Completion  
RULE NO.: 61J1-4.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to the notice of satisfactory course completion.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, ~~license~~ or certification a grade report as proof to the ~~D~~epartment that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) An application for renewal of an existing designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or ~~B~~oard approved course(s). The ~~D~~epartment shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with continuing education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007 and 61J1-4.008, Florida Administrative Code, or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) through (4) No change.

(a) Pre-registration, ~~Pre-licensing~~, Pre-certification, or Postlicensing Course For Appraiser

- Name of School, Institution or Entity
- Address of School, Institution or Entity
- Course Title
- Course Hours
- Start Date
- Finish Date
- Exam Date
- Student's Name
- Student's Address
- Authorized Signature for the School, Institution or Entity

(b) through (c) No change

(5) through (6) No change.

(7) Each continuing education provider must electronically provide to the Department the list of attendees at each of its offered courses within 5 business days of the completion of the course.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.618 FS. History--New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: RULE NO.:

Renewal of Inactive Registrations, Licenses 61J1-4.007  
and Certifications

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to Renewal of Inactive Registrations, Licenses and Certifications.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.618, 475.619 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.007 Renewal of Inactive Registrations, Licenses and Certifications.

(1) through (7) No change.

(8) Any registration, license or certification which exceeds 4 years in the inactive status shall automatically expire and the person must meet all the requirements of Sections 475.615, 475.616 and 475.617, F.S., and Rules 61J1-2.001, 61J1-3.001,

61J1-4.001 or 61J1-4.002, 61J1-5.001 and 61J1-6.001, Florida Administrative Code, in order to be registered, ~~licensed~~ or certified again as an appraiser.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.618, 475.619 FS. History—New 8-8-93, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Continuing Education for School Instructors  
RULE NO.: 61J1-4.008

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to continuing education for school instructors.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.618 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.008 Continuing Education for School Instructors.

(1) All persons holding “school instructor” permits shall re-certify their competency during each renewal period as defined in Rule 61J1-2.002, Florida Administrative Code, by satisfactorily completing a minimum of 21 hours of instruction in real estate appraisal subjects and instructional techniques as prescribed by the Board. A school instructor is not required to complete the 21 hours of re-certification education as a condition for initial permit renewal if the time between the effective date on the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months.

Of the required 21 hours, up to 14 hours may be applied toward the continuing education requirement for registration, licensure, or certification pursuant to Rule 61J1-4.003, Florida Administrative Code.

(2) All Board prescribed 21 hours of instruction shall consist of 7 hour seminar conducted by the Board and a minimum of 7 hours of board approved instruction in real estate appraisal subjects and a minimum of 7 hours of Board approved instruction consisting of an update of the Uniform Standards of Professional Appraisal Practice (USPAP) as defined in Section 475.611(1)(~~o~~)(~~m~~), Florida Statutes F.S., ~~a review and update of the Florida Real Estate Appraisal License Law and Board rules, and an introduction to other state and federal laws affecting real estate appraisals. A minimum of 3 hours of the 7-classroom hour seminar conducted by the Board may be applied toward the continuing education of the Florida Real Estate Appraisal License Law and Board Rules requirement for certification pursuant to Rule 61J1-4.003, Florida Administrative Code. A minimum of 3 of the 7 update hours shall be dedicated to an update of the Florida Real Estate Appraisal License Law and board rules.~~ The 14 hours of instruction may be offered by accredited universities, colleges, and community colleges in the state, by real estate schools registered pursuant to Section 475.451, Florida Statutes F.S., and entities approved by the Board. Requests for approval to offer the 7 hours of instruction in real estate appraisal subjects and the 7 hours of instruction in USPAP shall be made to the Board at least 90 days prior to offering the course. The requests shall include a detailed course description and the criteria for satisfactory course completion. The Board will issue a status report to the course provider at least 60 days after submission of the course. Approval must be granted before the course may be offered. The criteria for approval shall be as set in paragraph (4) below.

(3) Satisfactory completion of the Board conducted 7-classroom hour seminar is demonstrated by attending all 7-classroom hours of instruction. Satisfactory completion of the remaining hours of instruction is demonstrated by completing the Board approved course(s) in accordance with the standards established by the Board in Rule 61J1-4.003, Florida Administrative Code.

(4) The institution, school or approved entity offering the Board approved 7 hours of instruction in real estate appraisal subjects and the 7 hours of instruction in USPAP, the Florida Real Estate Appraisal License Law and Board rules, and other state and federal laws affecting real estate appraisals shall inform each student of the standards and requirements at the commencement of each course. Each student shall receive a copy of the most current course approval letter, issued by the Board, at the commencement of each course. The enforcement thereof shall be the responsibility of the Board and the DBPR and their decision on any such matters shall be final. The institution, school or approved entity will be



responsible for issuing a grade report. The information required in the grade report can be located in Rule 61J1-4.005, Florida Administrative Code.

(a) The Board shall approve any course, seminar, or conference in the real estate appraisal practice area provided by a national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school for appraisal continuing education credit for school instructors. The standards for Board approval of appraisal continuing education courses for school instructors shall be that the course or courses cover real estate appraisal related topics, be designed to be training oriented to teach school instructors how to present the courses, and to provide updates on statutes and rules relevant to the appraisal industry. The course will be approved for 24 months. 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.

(b) Satisfactory completion of the Board prescribed or approved continuing education course or courses is demonstrated by successfully meeting standards established for each Board prescribed course.

(c) No change.

(d) The national or state recognized appraisal organization, accredited university, college, community college, area technical center, state or federal agency or commission, or proprietary real estate school offering these Board prescribed or approved courses shall fully 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 Board in Rule 61J1-4.005, Florida Administrative Code.

(5)(a) through (f) No change.

Specific Authority 475.614 FS. Law Implemented 475.618 FS. History—New 10-1-95, Amended 9-6-98, 11-15-99, 3-31-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Post Licensing Education for Registered Trainee Appraisers  
RULE NO.: 61J1-4.009

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to post licensing education for registered trainee appraisers.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.6175 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.009 Post Licensing Education for Registered Trainee Appraisers.

(1) All post licensing education for registered trainee appraisers shall, unless otherwise provided for in this subsection, conform to the standards for continuing education provided in Rules 61J1-4.003 and 61J1-4.005, F.A.C. Board prescribed or approved courses shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, and proprietary real estate schools registered pursuant to Section 475.451, Florida Statutes.

(a) All registered trainee appraisers must satisfactorily complete one or more Board approved courses which must total at least 45 classroom hours, without duplication of material, inclusive of examination in subjects including but not limited to: influences on real estate value, legal considerations in appraisal, types of value, economic principles, real estate markets and analysis, valuation process, property description, highest and best use analysis, appraisal statistical concepts, sales comparison approach, site value, cost approach, income approach, valuation of partial interests, and appraisal standards and ethics. All post licensing courses shall consist of a

minimum of 15 classroom hours. A classroom hour is defined as 50 minutes of each 60-minute segment. The examination may not be open book, and it must be administered by a permitted instructor.

(b) 15 classroom hours of the 45-hour post-licensing requirement must be the 15-hour National USPAP course or its equivalent, and must be taught by an AOB certified instructor.

(2) In addition to the 45-hour requirement all registered trainee appraisers must satisfactorily complete a minimum of 3 hours strictly dedicated to an update of the Florida Real Estate Appraisal license law and Board rules.

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

(4)(a) A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials and end-of-course examination; one submission must be a blind copy. The provider must also submit a copy of the course in the format in which the student will use it. The course and examination, shall comply with "course approval criteria" as follows:

1. A grade of 75% or higher on the Board prescribed end of course examination constitutes satisfactory course completion. The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus. The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. Examinations must test the material. At least 70% of the questions on each examination form 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 fact, patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering 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 30 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.

2. The Board 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.

3. The provider shall issue a notice of satisfactory completion only to those achieving a grade of 75% or higher on the end-of-course examination and attended at least 90% of the classroom hours for each section of the course.

4. Students failing a Board prescribed post-licensing education end of course examination must wait at least 30 days from the date of the original examination to take the end of course examination. Within one year of the end of original end of course examination, a student may retake the prescribed end of course examination a maximum of one time. Otherwise, students failing the Board prescribed end of course examination must repeat the Board prescribed course prior to being eligible to again take the end of course examination. Students retaking the end of course examination must be administered a different form of the end of course examination.

5. Make-up classes to enable a student to take the prescribed end-of-course examination due to student or family illness may not extend more than 30 days beyond the class scheduled end of course examination without the approval of the Board. Make-up classes must be the classes missed by the student and must consist of the original Board prescribed course material.

6. All courses taken for purpose of post licensing credit must be taken completely within a classroom and may not be taken through distance education unless the licensee cannot, due to hardship, as defined by subparagraph 5. of this section, complete the course within a classroom. Any person desiring to complete the education course by means of distance education shall make a request to the Board in writing, setting forth the basis of the alleged hardship. The Board shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

7. The Board may allow an additional 6-month period after the second renewal following initial licensure for registered trainees who cannot, due to hardship, as defined by subparagraph 5. of this section, complete the course or courses within the required time. Any person desiring to complete the education course by means of distance education shall make a request to the Board in writing, setting forth the basis of the alleged hardship. The Board shall require said request to be supported by statements of doctors and other persons having knowledge of the facts.

(5) Hardship for purposes of Rule 61J1-4, Florida Administrative Code, shall be defined as an inability, due to the licensee's own physical disability, to attend the place where classes are conducted.

(6) Distance Education courses, containing the same subject matter and requiring substantially the same assignment work, will be prescribed by the Board for any person who by

reason of hardship cannot attend the place for classroom instruction for continuing education or post licensing education. The scholastic standards and other related requirements will be substantially the same as the courses offered by classroom instruction, having due regard, however, to the different method of presentation.

(7) Appraisal trainees that are licensed after July 1, 2003, and complete (1) the 45 hour post licensure education and (2) the 3 hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following the trainee's most recent licensure as a trainee, shall be exempt from the continuing education of that renewal period.

(8) Appraisal trainees that are licensed before July 1, 2003, and complete (1) the 45 hour post licensure education and (2) the 3 hour review and update of the Florida Real Estate Appraisal License Law and Board Rules before the second renewal period following July 1, 2003, shall be exempt from the continuing education requirements of that renewal period.

(9) The registration of any registered trainee who does not complete these Board prescribed post-licensure educational requirements prior to the second renewal following initial registration is void without further administrative action. Such person may qualify to practice as a registered trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser. Any registered trainee appraiser registered prior to July 1, 2003, shall comply with the Board prescribed post-licensure educational requirements within the next two biennial renewal cycles following July 1, 2003.

(10) Registered trainee appraisers may not satisfy any requirement of this Rule with any course they have instructed.

Specific Authority 475.614 FS. Law Implemented 475.6175 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Supervision of Registered Trainee Appraisers  
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.  
SUMMARY: The proposed rule change affects rule provisions relating to the supervision of registered trainee appraisers.

RULE NO.: 61J1-4.010

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.010 Supervision of Registered Trainee Appraisers.

(1) All registered trainee appraisers shall be subject to direct supervision by a supervising appraiser who shall be state licensed or certified in good standing.

(2) The supervising appraiser shall be responsible for the training and direct supervision of the appraiser trainee by:

(a) Accepting responsibility for the appraisal report by signing and certifying the report is in compliance with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), Florida Statutes.

(b) Reviewing the appraiser trainee appraisal reports and

(c) Personally inspecting each appraised property with the appraiser trainee until the trainee is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), Florida Statutes.

(3) A registered trainee appraiser is permitted to have more than one supervising appraiser.

(4) Any supervising appraiser, whether acting as primary or secondary supervisor, may not supervise more than 4 registered trainee appraisers at one time.

(5) When supervising any aspect of the appraisal process, a supervising appraiser shall train or supervise appraisers located in:

(a) The county where the supervising appraiser's office is registered with the Department and

(b) Any county contiguous to the county where the supervising appraiser's office is registered with the Department.

(6) An appraisal log shall be maintained by the registered trainee appraiser and shall, at a minimum, include the following for each appraisal:

(a) Type of property.

(b) Date of report.

- (c) Client name and address.
- (d) Address of appraised property.
- (e) Description of work performed.
- (f) Number of work hours.
- (g) Signature and state license/certification number of the supervising appraiser.

(7) Separate appraisal logs shall be maintained for each supervising appraiser.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Appraisal Examination Areas of Competency

RULE NO.: 61J1-5.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to appraisal examination areas of competency.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 455.217, 475.614 FS.

LAW IMPLEMENTED: 455.617, 475.616 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-5.001 Appraisal Examination Areas of Competency.

(1) To be licensed or certified as an appraiser, the applicant must demonstrate by passing an examination that is appropriate for the classification applied for, that he or she possesses:

(a) through (e) No change.

(2) The answers to the ~~license~~ and certification examinations shall be graded on the basis of 100 points for a perfect examination. An applicant who receives a grade of 75 points or higher shall be deemed to have successfully completed the examination.

(3) No change.

Specific Authority 455.217, 475.614 FS. Law Implemented 455.217, 475.616 FS. History--New 10-15-91, Formerly 21VV-5.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 26, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Experience Requirements

RULE NO.: 61J1-6.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to experience requirements.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.17 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

(1) All applicants for ~~license~~ or certification must present evidence satisfactory to the ~~B~~board that the applicant has the experience required in Section s- 475.617, Florida Statutes, in real property appraisal activity. Acceptable appraisal experience includes fee and staff appraisals, ad

valorem tax appraisals, condemnation appraisals, technical review appraisals, appraisal analysis, real estate counseling, highest and best use analysis, and feasibility analysis/study.

(2) Experience is described as follows:

~~1. For the licensed appraiser — two (2) years of experience which shall consist of two thousand (2000) hours of real property appraisal experience.~~

~~1.2. For the certified residential appraiser — two thousand five hundred (2500) hours of real property appraisal experience obtained over a 24-month period.~~

~~2.3. For the certified general appraiser — three thousand (3000) hours of real property appraisal experience obtained over a 30-month period.~~

(b) through (c) No change.

(3) No change.

(4) Each applicant shall verify the required his experience by certifying in such a manner as provided by the Department on form 501.3 the experience as required below. Any proportional combination of required reports or hours, as required below, will be acceptable as long as the experience for the certified general appraiser is at least 50% nonresidential appraisal work as stated in paragraph (3) above. ~~Form 501.3, Appraisal Experience Log, effective July 1991, is incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.~~

(5) Experience as defined in paragraph (2) above shall be accounted for on an appraisal experience log, which shall include the following minimum information: type of property, date of report, client name and address, address of appraised property, description of work performed, number of work hours, and signature and license number of supervising appraiser (if applicable). The log and supporting documents shall be retained for a minimum of 5 years after licensure or certification. All work submitted for experience shall comply with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), Florida Statutes. form 501.4, Appraisal Experience Log, effective July, 1991, incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801 Types of acceptable experience are as follows:

(a) Fee and staff appraisers:

~~1. Licensed residential: Experience shall consist of a minimum of 120 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.~~

~~1.2. Certified residential: Experience shall consist of a minimum of 150 supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.~~

~~2.3. Certified general: Experience shall consist of a minimum of 23 Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform~~

Standards of Professional Appraisal Practice; or 12 nonresidential Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(o)(m), Florida Statutes, and 135 non-narrative supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.

(b) Ad valorem tax appraisals:

1. through 2.c. No change.

All other components of the mass appraisal process are not eligible for experience credit.

3. Mass appraisals must be as set forth in Standard Rule 6 of the Uniform Standards of Professional Appraisal Practice as defined in Section s: 475.611(1)(o)(m), Florida Statutes.

4. No change.

5. Experience will be verified by affidavit from the county property appraiser for whom the applicant works. In the case of the county property appraiser making application for ~~licensure~~ or certification, an affidavit as to experience from the applicant will suffice.

(c) Review Appraiser:

~~1. Licensed residential: Experience shall consist of a minimum of 240 appraisal review reports.~~

~~1.2. Certified residential: Experience shall consist of a minimum of 300 appraisal review reports.~~

~~2.3. Certified general: Experience shall consist of a minimum of 150 appraisal review reports of narrative appraisal reports. At least 50% (1500 hours) of the experience must be in nonresidential appraisal work as defined in paragraph (3) above.~~

~~3-a. Review appraisal experience shall be granted only when he applicant has performed review(s) of appraisals prepared either by employees, associates, or others, provided the appraisal report was not signed by the review appraiser.~~

b. Review appraisal experience may be claimed only when reviews are as set forth in Standard Rule 3 of the Uniform Standards of Professional Appraisal Practice as defined in Section s: 475.611(1)(o)(m), Florida Statutes.

(d) No change.

1. No change.

2. Experience may be claimed only when performed as set forth in Standard Rules 4 and 5 of the Uniform Standards of Professional Appraisal Practice as defined in Section s: 475.611(1)(o)(m), Florida Statutes, as applicable.

(e) Feasibility analysis/study:

1. No change.

2. Experience may be claimed only when the analysis/study is prepared as set forth in Standard Rules 1 and 2 of the Uniform Standards of Professional Appraisal Practice as defined in Section s: 475.611(1)(o)(m), Florida Statutes, and

the applicant can demonstrate that he is using similar techniques as appraisers to value properties and effectively utilize the appraisal process.

(6) The Board may require an applicant to document experience by producing appraisal reports, file memoranda, or other documentation to support the experience claimed.

(7) An applicant for ~~license or~~ certification who is employed by state or local government in Florida or by the federal government may have the experience requirement verified by an official statement when the applicant, due to statutory restrictions on the release of appraisal related work product, is unable to verify experience in such a manner as provided by the Department on forms 501.3 and 501.4. The experience for such an applicant must be verified by an official statement from a licensed or certified real estate appraiser who is in an appraisal supervisory capacity to the applicant. The filing of an official statement is enforceable pursuant to Section 837.06, Florida Statutes.

Specific Authority 475.614 FS. Law Implemented 475.617 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Display and Disclosure of Registration, License or Certification Designation  
RULE NO.: 61J1-7.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to the display and disclosure of registration, license, or certification designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.622 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.001 Display and Disclosure of Registration, License or Certification Designation.

(1) through (2) No change.

(a) “State-registered ~~trainee assistant~~ real estate appraiser”, “registered ~~trainee assistant~~”, “trainee”

(b) through (d) No change.

(3) No change.

Specific Authority 475.614 FS. Law Implemented 475.622 FS. History—New 10-15-91, Formerly 21VV-7.001, Amended 10-29-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Office  
RULE NO.: 61J1-7.004

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with current Departmental procedures.

SUMMARY: The proposed rule change affects rule provisions relating to the office.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.623 FS.

IF REQUESTED IN WRITING, 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: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ashley Dashnaw, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.004 Office.

61J1-7.005 Temporary Practice.

(1) No change.

(1) Pursuant to the provisions of Section 475.630, Florida Statutes, the Board shall recognize, on a temporary basis, the license or certification of an appraiser issued by another state, if:

(2) Each such appraiser must notify the Department of any change of address within 10 days of the change of address in such a manner as determined by the Department on form 501.5, Request For Appraiser Status Change, effective July, 1991, and incorporated herein by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.

(a) The property to be appraised is part of a federally related transaction, as that term is defined in Section 475.611(1)(k)(j), Florida Statutes.

Specific Authority 475.614 FS. Law Implemented 475.623 FS. History--New 10-15-91, Formerly 21VV-7.004, Amended \_\_\_\_\_.

(b) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

(c) The appraiser registers with the Board. Registration shall be in such a manner as determined by the Department on form 501.6, Application For Non-Resident Temporary Practice Permit, effective August, 1991, and incorporated by reference, which may be obtained through the department at 400 West Robinson Street, Orlando, Florida 32801.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Temporary Practice  
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with current Departmental procedures.

RULE NO.: 61J1-7.005

SUMMARY: The proposed rule change affects rule provisions relating to the temporary practice.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.614 FS.

LAW IMPLEMENTED: 475.630 FS.

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

(d) No change.

(2) In order to register with the Board, the appraiser must:

(a) through (d) No change.

(3) The Department shall issue a numbered temporary permit and the number shall be used in the appraisal report performed under the permit.

Specific Authority 475.614 FS. Law Implemented 475.630 FS. History--New 10-15-91, Formerly 21VV-7.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 4, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 25, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Examination Areas of Competency  
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

RULE NO.: 61J2-2.029

SUMMARY: The proposed rule change affects licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.029 Examination Areas of Competency.

(1) The answers to the Broker, Sales Associate ~~Salesperson~~, and Instructor examination shall be graded on the basis of 100 points for a perfect examination. An applicant who receives a grade of 75 points or higher shall be deemed to have successfully completed the licensure examination. The sales associate ~~salesperson~~ examination shall be based upon a knowledge, understanding and application of real estate principles and practices, real estate law and real estate mathematics as contained in the Commission prescribed prerequisite education course syllabus for licensure as a real estate sales associate ~~salesperson~~. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 45 points on principles and practices and 10 points on real estate mathematics. The broker and instructor examinations shall be based upon a knowledge, understanding and application of real estate law, real estate principles and practices including appraising, finance, investment and brokerage management and real estate mathematics. To the extent these subject areas can reasonably be separated, 45 points shall be based on law, 40 points on principles and practices and 15 points on real estate mathematics.

(2) A successful applicant may lawfully practice the services of real estate provided employment information is on file with the DBPR.

Specific Authority 475.05 FS. Law Implemented 455.217(1)(b) FS. History—New 1-1-80, Amended 4-13-81, Formerly 21V-2.29, Amended 6-28-93, Formerly 21V-2.029, Amended 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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Informal Hearings

RULE NO.: 61J2-2.032

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.17, 475.25 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-2.032 Informal Hearings.

When an applicant for licensure as a real estate sales associate ~~salesperson~~ or broker requests a s. 120.57(2), F.S., informal hearing before the Commission, in addition to other requirements of law, before the applicant shall be considered for approval to sit for the real estate examination, the applicant must submit at least 3 letters of reference from persons who know of the applicant's honesty, truthfulness, trustworthiness,



good character and good reputation for fair dealing as required in s. 475.17(1)(a), F.S. At least 2 of the letters must be from individuals not related to the applicant.

Specific Authority 475.05 FS. Law Implemented 475.17, 475.25 FS. History--New 5-7-95, Amended \_\_\_\_\_.

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: September 17, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Continuing Education for School Instructors  
RULE NO.: 61J2-3.011

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects continuing education requirements for school instructors.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.451(2)(c) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.011 Continuing Education for School Instructors.

(1) All persons holding "school instructor" permits shall recertify their competency during each permit period by satisfactorily completing ~~7~~ a minimum of 15 classroom hours of instruction ~~in real estate subjects~~ and/or instructional techniques as prescribed ~~and conducted~~ by the Commission. A school instructor is not required to complete the ~~7~~ 15 hours of recertification education as a condition for initial permit renewal if the time between the effective date on the initial permit as an instructor and the beginning of the initial renewal permit is less than 12 months. Of the required ~~7~~ 15 classroom hours, up to 3 hours may be applied toward the continuing education core law requirement for licensure pursuant to Rule 61J2-3.009, Florida Administrative Code.

~~(2) The Commission prescribed 15 classroom hours of instruction shall consist of one 7 classroom hour seminar conducted by the Commission and a minimum of 8 classroom hours of Commission approved instruction in real estate subjects and/or instructional techniques. The 8 classroom hour course of instruction may be offered by accredited universities, colleges, and community colleges in this state, by real estate schools registered pursuant to s. 475.451, Florida Statutes, and sponsors approved by the Commission. Requests for approval to offer the 8 classroom hour instructor course shall be made to the Commission. This request shall include a detailed course description and the criteria for satisfactory course completion. 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 or denial of the 8 classroom hour course will be based on the extent to which the course content focuses on issues relevant to real estate and/or instructional techniques. Approval must be granted before the course and examination, if required, 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.~~

~~(2)(3) Satisfactory completion of the 7-classroom hour seminar is demonstrated by attending all 7-classroom hours of instruction. Satisfactory completion of these courses will not entitle any person to renew a permit as a school instructor until such person has met all other requirements of law. Satisfactory completion of the remaining classroom hours of instruction is demonstrated by attending the Commission approved course in accordance with the standards established by the individual institution, school or Commission approved entity offering said course.~~

~~(4) The institution, school or approved sponsor offering the Commission approved 8 classroom hour course shall inform each student of the standards and requirements at the commencement of each course. Satisfactory completion of these courses will not entitle any person to renew a permit as a school instructor until such person has met all other requirements of law.~~

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.451(2)(c) FS. History--New 7-28-80, Amended 8-24-80, 1-3-84, Formerly 21V-3.11, Amended 7-25-90, 7-20-93, 7-1-03, Formerly 21V-3.011, Amended 12-30-97, 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: September 17, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Equivalency for Prelicensing Education  
RULE NO.: 61J2-3.012

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects prelicensing education.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.012 Equivalency for Prelicensing Education.

Any person who has attended an accredited college, university, community college, area technical center or a real estate school licensed in Florida pursuant to s. 475.451, Florida Statutes, and who, while attending said institutions or real estate school, satisfactorily completed ~~within the past 24 months~~ real estate courses covering substantially the same subject matter, classroom hours of attendance, and completion standards as prescribed by the Commission in Rule 61J2-3.008, F.A.C. Any person who has obtained a degree with a major in real estate which substantially covers the Commission prescribed course subject matter at such college or university shall also be deemed to have satisfactorily completed the course. Application for equivalency evaluation shall be accompanied by an official transcript from the college or university or by appropriate certificate issued by a real estate school registered in Florida pursuant to s. 475.451, Florida Statutes, showing the real estate subjects taken together with date completed and grade attained. The Commission may request supportive documentation to determine course equivalency.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History--New 1-1-80, Amended 9-16-84, Formerly 21V-3.12, Amended 6-28-93, Formerly 21V-3.012, Amended 12-30-97, 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: September 17, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Registration Requirements  
RULE NO.: 61J2-4.007

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects registration requirements.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-4.007 Registration Requirements.

Every partnership shall be registered and at least one of its partners licensed or registered as an active broker. Each partner who expects to deal with the public in the partnership's practice or business as a broker shall hold a valid and current active broker's license or registration. ~~If the partnership is a limited partnership, only the general partners must be licensed as active brokers or registered as brokerage corporations.~~

Specific Authority 475.05 FS. Law Implemented 475.01, 475.15 FS. History--New 1-1-80, Formerly 21V-4.07, Amended 10-13-88, 6-28-93, Formerly 21V-4.007, Amended 3-8-95, \_\_\_\_\_.

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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Successor Partnerships

RULE NO.: 61J2-4.010

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.15, 475.01 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-4.010 Successor Partnerships.

Ordinarily when a partner dies or withdraws, or a new partner is added, that partnership is dissolved and a new one is created. For Commission purposes, if the business is continued by two or more persons, one of whom is an active broker with the partnership, the partnership will be deemed to be continued. In this latter case, it ~~is shall be~~ only necessary to cancel, issue, or reissue registration and licenses, perfecting the changes in organization, including change of name of the partnership, if any, and including a reissue of licenses to each ~~sales associate salesperson~~ if there is a change of name or address. If there ~~is shall be~~ a dispute between two former partners, or groups thereof, as to the right to use a trade name or firm name, no registration or licenses shall be issued to either until the dispute ~~is shall be~~ settled by agreement or judicially and the registration and licenses of all, as well as the ~~sales associate(s) salesperson(s)~~, shall be involuntary inactive cancelled until the dispute is so settled, or a request shall be filed for the issuance of registration and licenses under another name.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.01 FS. History--New 1-1-80, Formerly 21V-4.10, Amended 7-20-93, Formerly 21V-4.010, Amended \_\_\_\_\_.

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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Vacancies of Office  
RULE NO.: 61J2-5.018

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.15, 475.42, 475.01(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.018 Vacancies of Office.

(1) No change.

(2) Failure to appoint another active broker within 14 calendar days will result in the automatic cancellation of the corporate registration, and the licenses of all its officer(s), director(s) and sales associate(s) ~~salesperson(s)~~ will become involuntarily inactive.

(3) If a corporation has more than one active broker and one such broker dies, resigns, or is otherwise removed from the position as an active broker, neither the corporate registration nor licenses of any of its officer(s), director(s) or sales associate(s) ~~salesperson(s)~~ is affected by this vacancy.

(4) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.42, 475.01(3) FS. History—New 1-1-80, Formerly 21V-5.18, Amended 6-28-93, Formerly 21V-5.018, Amended.

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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Responsibility for Registration Status  
RULE NO.: 61J2-5.019

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.15, 475.42, 475.01 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.019 Responsibility for Registration Status.

(1) It shall be the duty of every active corporate officer and director to see that the corporation and each of its officers, directors and sales associates ~~salespersons~~ are holders of current registration and licenses. It shall be the duty of every active broker partner of a partnership to see that each partner of a partnership required to hold registration and license does in fact hold registration and license.

(2) No corporate registration or license of any of its officers, directors, and ~~sales associates salespersons~~ shall be valid unless and until such corporation has an active broker other than as provided in Rule 61J2-5.018, F.A.C.

(3) No change.

Specific Authority 475.05 FS. Law Implemented 475.15, 475.42, 475.01 FS. History--New 1-1-80, Formerly 21V-5.19, Amended 6-28-93, Formerly 21V-5.019, Amended.

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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Execution of Papers by Corporation

RULE NO.: 61J2-5.020

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.01, 475.15 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-5.020 Execution of Papers by Corporation.

All applications, requests, changes of address and employment for ~~sales associates salespersons~~, or other papers and documents required of corporations, shall be signed in the name of the corporation, by an active broker officer or director. Whenever multiple licenses are requested by a broker and one or more of the licenses are under partnerships or corporations, a statement of disclosure shall be signed by a partner of the partnership, or officer of the corporation, other than the applicant for the license. If more than one person connected with a partnership or corporation requests multiple licenses in other capacities, the statement of disclosure may not be signed by one for the other, but by a majority of the remaining directors or partners.

Specific Authority 475.05 FS. Law Implemented 475.01, 475.15 FS. History--New 1-1-80, Formerly 21V-5.20, Amended 7-20-93, Formerly 21V-5.020, Amended.

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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Employment by More Than One Entity

RULE NO.: 61J2-6.006

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes and clarify the employment status of the licensee.

SUMMARY: The proposed rule change affects employment status of a sales associate or broker associate.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.01(1)(d), 475.451 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-6.006 Employment by More Than One Entity.

(1) A sales associate or broker associate ~~salesperson or broker-salesperson~~ may only be employed as a real estate licensee by one broker or by one owner-developer. Owner-developers shall be defined as any of those unlicensed entities enumerated in s. 475.011(2), F.S.

(2) One owner-developer may produce proof that various properties are owned in the name of various entities, but all such entities are so connected, subsidiary, interlocking or affiliated, so that such ownership or control, for practical purposes, is substantially in the same individual or individuals, in which case a sales associate or broker associate ~~salesperson or broker-salesperson~~ may have a group license. Each entity shall execute the certificate attached to the request for a group license.

Specific Authority 475.05 FS. Law Implemented 475.01(1)(d) FS. History--New 1-1-80, Amended 9-17-81, Formerly 21V-6.06, Amended 6-28-93, Formerly 21V-6.006, Amended \_\_\_\_\_.

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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Office  
RULE NO.: 61J2-10.022

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 455.217, 475.04, 475.125, 475.15, 475.182, 475.24, 475.451, 68.065(2) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.022 Office.

The required office, pursuant to Section 475.22(1), Florida Statutes, may be in a residential location, if not contrary to local zoning ordinances, provided the minimum office requirements are met and the required broker's sign is properly displayed, pursuant to Section 475.22(1), Florida Statutes, and Rule 61J2-10.024, Florida Administrative Code. Sales associates ~~Salespersons~~ must be registered from and work out of an office maintained and registered in the name of the employer.

Specific Authority 475.05 FS. Law Implemented 475.22 FS. History--New 1-1-80, Formerly 21V-10.22, Amended 7-20-93, Formerly 21V-10.022, Amended 12-30-97, \_\_\_\_\_.

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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Advance Fee Accounting and Reporting Procedures  
RULE NO.: 61J2-10.029

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.452(1),(2),(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.029 Advance Fee Accounting and Reporting Procedures.

(1) Any broker who claims, demands, charges, receives, collects or contracts for an advance fee in a listing to sell or lease real property or any interest therein for the purpose of promoting the sale or lease of real estate or for the referral of real estate brokers or sales associates salespersons, or both, in advance of the transaction actually closing, shall deposit not less than 75 percent of the advance fee so collected into a special trust or escrow account entitled "advance fee trust account" or "advance fee escrow account" in a trust or escrow bank account maintained by said broker with a bank or other recognized depository located and doing business in Florida. The advance fee trust or escrow account shall not be commingled with any other funds, trust, escrow or otherwise, of the broker.

(2) The broker must maintain separate and distinct accounting records and files for the advance fee operations and periodically report all such activity to the DBPR including but not limited to, all fees collected, all funds expended or withdrawn from said escrow or trust account, and all monies or funds returned to the principal during the period of the report. For the purpose of this rule the broker may withdraw amounts from the advance fee trust or escrow account when expended for the benefit of the principal which benefit shall be for direct or special advertising the principal's interest only or as provided by statute. Expenses such as telephone calls, office

supplies, rental, automobiles, commissions, controlled publications, etc., are considered overhead of the broker and shall not be paid from the broker's advance fee trust or escrow account or other recognized depository. All unexpended funds shall be returned to the principal at the end of the contract period or as provided by law, whichever period is shorter unless a sale of the property is consummated, and in such event said advance fee funds shall be disbursed in accordance with the listing contract. The provisions of Section 475.452, Florida Statutes, may not be waived.

(3) The broker must reconcile the advance fee account(s) monthly and produce the accounting records upon demand to the DBPR with prior notice.

(4) No change.

(a) The report should be arranged in six columns showing the following for each deposit received:

- Column 1 Date of Transaction
- Column 2 Name, address, telephone of principal
- Column 3 Registered name of sales associate salesperson and/or broker involved together with License Number
- Column 4 Reason for deposit
- Column 5 Amount of deposit

(b) Below this information; and on the same sheet, every expenditure made from the advance fee will be shown as follows:

- Column 1 Date
- Column 2 Reason for expenditure
- Column 6 Amount of expenditure

(c) through (d) No change.

(5) through (7) No change.

Specific Authority 475.05 FS. Law Implemented 475.452(1),(2),(3) FS. History--New 1-1-80, Formerly 21V-10.29, Amended 10-28-90, 7-20-93, Formerly 21V-10.029, Amended 11-10-97, 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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Real Estate Sales Associate RULE NO.: 61J2-14.009

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.25(1)(k) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-14.009 Real Estate ~~Salesperson~~ Sales Associate.

Every ~~salesperson~~ sales associate who receives any deposit, as defined in Rule 61J2-14.008, Florida Administrative Code, shall deliver the same to the broker or employer no later than the end of the next business day following receipt of the item to be deposited. Saturday, Sundays and legal holidays shall not be construed as business days. Receipt by a ~~salesperson~~ sales associate or any other representative of the brokerage firm constitutes receipt by the broker for purposes of 61J2-14.008(1)(d), Florida Administrative Code.

Specific Authority 475.05 FS. Law Implemented 475.25(1)(k) FS. History--New 1-1-80, Formerly 21V-14.09, Amended 7-20-93, Formerly 21V-14.009, Amended 7-5-95, 11-10-97, \_\_\_\_\_.

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: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Rights of Broker in Deposits

RULE NO.: 61J2-14.011

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects rule provisions relating to licensure designation, escrow accounts and deposits.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.25(1)(d)1.,(k) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-14.011 Rights of Broker in Deposits.

A broker who receives a deposit shall not have any right to or lien upon said deposit, except upon the written agreement or order of the depositor so long as the depositor or depositor's legal representative has sole control of said deposit, until the transaction involved has been closed, and no person has any claim except the party ultimately to receive the same, in which case the broker may deduct the agreed commission unless the amount or time of payment is disputed. In case of a dispute as to the amount of the commission, or the time of payment, the broker may retain only the amount of the claim in said account and in trust, until the dispute is settled by agreement, arbitration, mediation or court proceedings, as provided in s. 475.25(1)(d)1., Florida Statutes. A depositor has the right to demand return of a deposit until such time as another party has acquired some interest or equity, subject to the right to make an express agreement to compensate the broker for time and



expense incurred prior to a demand for the return of the deposit; and such right to demand return of the deposit shall again accrue upon a breach by the other party to the contract or agreement under which it is held, or the expiration of the time fixed or a reasonable time, for performance of the things necessary to establish the exclusive right of such other party to said deposit. A broker shall not deliver the deposit to the other party to the transaction until such transaction is closed, except as otherwise directed or agreed to specifically by the depositor. The interested parties involved, other than the broker, may by express agreement, alter the disposal of the deposit, but the burden shall be on the broker to establish good faith in the matter if such agreement is to the broker's advantage. The broker shall recognize and comply with the joint directions of said parties in such cases, except where the parties act in bad faith with intent to deprive the broker of a commission, in which case the broker shall proceed as provided in s. 475.25(1)(d)1., Florida Statutes.

Specific Authority 475.05 FS. Law Implemented 475.25(1)(d)1.,(k) FS. History--New 1-1-80, Formerly 21V-14.11, Amended 6-28-93, Formerly 21V-14.011, Amended \_\_\_\_\_.

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: September 17, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Broker's Records  
PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.  
SUMMARY: The proposed rule change affects rule provisions relating to licensure designation, escrow accounts and deposits.  
SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: 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: 475.25(1)(d)1., (k) FS.  
A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND NOTICED IN THE FAW):

TIME AND DATE: 8:30 a.m., or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission 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 N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-14.012 Broker's Records.

(1) A broker who receives a deposit as previously defined shall preserve and make available to the DBPR, or its authorized representative, all deposit slips and statements of account rendered by the depository in which said deposit is placed, together with all agreements between the parties to the transaction. In addition, the broker shall keep an accurate account of each deposit transaction and each separate bank account wherein such funds have been deposited. All such books and accounts shall be subject to inspection by the DBPR or its authorized representatives at all reasonable times during regular business hours.

(2) No change.

(3) Whenever the trust liability and the bank balances do not agree, the reconciliation shall contain a description or explanation for the difference(s) and any corrective action taken in reference to shortages or overages of funds in the account(s). Whenever a trust bank account record reflects a service charge or fee for a non-sufficient check being returned or whenever an account has a negative balance, the reconciliation shall disclose the cause(s) of the returned check or negative balance and the corrective action taken. Digital reconciliation statements that comply with these Rules and all applicable Florida Statutes are acceptable provided that the broker can produce a signed copy of the reconciliation immediately upon demand.

(4) Whenever the trust liability and the bank balances do not agree, the broker shall take immediate corrective action to reconcile the trust liability and bank balances.

Specific Authority 475.05 FS. Law Implemented 475.25(1)(d)1.,(k) FS. History--New 1-1-80, Formerly 21V-14.12, Amended 10-13-88, 7-19-89, 1-13-91, 6-28-93, Formerly 21V-14.012, Amended 11-10-97, \_\_\_\_\_.

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: September 17, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: September 5, 2003

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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.”

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLES:	RULE NOS.:
Physician Assistant Licensure Renewal and Reactivation	64B15-6.0035
Physician Assistance Performance	64B15-6.010
Citation Authority	64B15-6.01051

PURPOSE AND EFFECT: The proposed rule amendments are intended to bring the physician assistant rules into conformity with the Board of Medicine physician assistant rules.

SUMMARY: The proposed rule amendments clarify reactivation requirements for inactive licensure; set forth the appropriate review of medical charts of physician assistants by supervising physicians; and clarify citation violations with regard to continuing medical 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.077, 459.005, 459.022(7)(f),(12) FS.

LAW IMPLEMENTED: 456.077, 459.015, 459.022(7)(f),(12) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) A Physician Assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

(2) No change.

~~(3) Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth above.~~

~~(3)(4) Renewal of Licensure as a Prescribing Physician Assistant. In addition to the requirements of paragraph (2) above, a prescribing physician assistant shall attest to having completed a minimum of 10 hours of continuing education in the specialty area(s) of the supervising physician(s), during the previous 2 years. These hours may be utilized to meet the general continuing education requirement.~~

(4) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as a physician assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must:

1. Successfully complete the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council; and

2. Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;

3. In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA;

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with Rule 64B15-6.0035(2)(c), (d), (e), (f) and (g) for each biennium in which the license was inactive;

(f) Pay the appropriate fees.

(5) Licensure Renewal or Reactivation Applications.

(a) Application for renewal as a licensed Physician Assistant and as a Prescribing Physician Assistant or for reactivation must be made upon forms supplied by the Council.

(b) Renewal or reactivation application forms submitted to the Council must be complete in every detail and must be typed or legibly printed in black ink.

(6) The renewal and reactivation fees are found in Rule 64B8-30.019 or 64B15-6.013, F.A.C.

(7) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be renewed or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license renewal or inactive status shall:

1. File with the Department the completed application for either license renewal as required by Section 459.022, F.S., or inactive status as required by Section 456.036, F.S.;

2. Pay to the Board either the license renewal fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If renewal is elected, demonstrate compliance with the continuing education requirements found in Rule 64B15-6.0035, F.A.C.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b),(c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, \_\_\_\_\_.

64B15-6.010 Physician Assistance Performance.

(1) through (2) No change.

(3) All tasks and procedures performed by the physician assistant must be documented in the appropriate medical record. During the initial six months of supervision of each physician assistant all documentation by the physician assistant in a medical chart must be reviewed, signed and dated by a supervising physician within seven days. Subsequent thereto, a supervising physician must review, sign and date all documentation by a physician assistant in medical charts within 30 days. The supervising physician must review, sign and date the physician assistant record within seven (7) days.

(4) No change.

Specific Authority 459.005, 459.022(4)(a),(13) FS. Law Implemented 459.022(2),(3),(4),(13) FS. History—New 10-28-87, Amended 4-18-89, 9-26-90, Formerly 21R-6.010, 61F9-6.010, Amended 3-13-96, Formerly 59W-6.010, Amended 10-13-98, 3-17-99, \_\_\_\_\_.

64B15-6.01051 Citation Authority.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS

(a) CME violations.  
(459.022(7)(b), 459.015(1)(g), (bb), 456.072(1)(e), (s), F.S.)

PENALTY

Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND pay a \$250 fine \$250 fine

1. Failure to document required HIV/AIDS CME.

(456.033, F.S.)

\$250 fine

2. Failure to document required domestic violence or end-of-life and palliative health care CME.

(456.031, F.S.)

\$250 fine

3. Failure to document required prevention of medical errors CME

4. Failure to document both the required HIV/AIDS and domestic violence, or end-of-life and palliative health care CME.

\$500 fine

5. Failure to document required prevention of medical errors CME (456.013(7), F.S.)

\$250 fine

6. Documentation of some, but not all, 100 hours of required CME for license renewal.

\$25 fine for each hour not documented

(b) Obtaining license renewal by negligent fraud or misrepresentation

\$2500 fine

(459.022(7)(f) and 459.015(1)(a), F.S.).

(c) through (f) No change.

(4) through (7) No change.

Specific Authority 456.077, 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.077, 459.015, 459.022(7)(f),(12) FS. History—New 3-10-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2003

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:

RULE NOS.:

Active License Renewal

64B16-26.1001

Inactive License Renewal

64B16-26.1011

Delinquent License Reinstatement

64B16-26.1021

PURPOSE AND EFFECT: The Board proposes new rules to update the requirements and the fees for licensure renewal.

SUMMARY: The proposed rules set forth the requirements and the fees for renewal of license from an active, an inactive or a delinquent status.

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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 465.005, 465.012 FS.

LAW IMPLEMENTED: 456.036(3),(4),(7),(8), 456.065(3), 465.008, 465.012 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: Lucy Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-26.1001 Active License Renewal.

The biennial license renewal fee for an active pharmacist license shall be \$250.00, which includes an additional \$5.00 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 465.005 FS. Law Implemented 465.008, 456.036(3), 456.065(3) FS. History--New \_\_\_\_\_.

64B16-26.1011 Inactive License Renewal.

(1) A licensee may elect at the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$250.00, which includes an additional unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) A licensee on inactive status may elect at the time of renewal to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of \$250.00, which includes an additional unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) A licensee on inactive status may elect at the time of renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, submits the reactivation fee of \$70.00, and the current active renewal fee set forth in Rule 64B16-26.1001, F.A.C.

(4) A licensee on inactive status may elect to change the inactive status license to active status at any time other than at the beginning of a licensure renewal cycle, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on

inactive status, submits the reactivation fee of \$70.00, the current renewal fee set forth in Rule 64B16-26.1001, F.A.C., and a change of status fee of \$25.00.

Specific Authority 465.005, 465.012 FS. Law Implemented 465.012, 456.036(3),(4),(8), 456.065(3) FS. History--New \_\_\_\_\_.

64B16-26.1021 Delinquent License Reinstatement.

(1) An active or inactive license that is not renewed by midnight of the expiration date of the license shall automatically revert to delinquent status.

(2) A licensee may request that a delinquent license be reinstated to active or inactive status by submitting the delinquent fee of \$245.00 plus the current fee for an active status or inactive status license set forth in Rule 64B16-26.1001, F.A.C., or Rule 64B16-26.1011, F.A.C.

(3) A license in delinquent status that is not renewed prior to midnight of the expiration date of the current licensure cycle shall render the license null without any further action by the board or the Department.

Specific Authority 465.005, 465.012 FS. Law Implemented 465.012, 456.036(3),(4),(7) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Family-Related Medicaid Eligibility

RULE NO.:

Determination Process

65A-1.704

PURPOSE AND EFFECT: This proposed rule amendment updates the edition of form CF-ES 2700, Health Insurance Application for Pregnant Women, incorporated by reference in this rule.

SUMMARY: The revised form is changed to: clarify on the first page that only the pregnant woman must provide an SSN and an INS ID number; add information to the certification and authorization section on the first page to show that the applicant is agreeing that MomCare, the Healthy Start Coordinator, WIC, and DCF may contact the applicant about their participation in prenatal care and delivery programs; add citizenship status to the SSN on page 2 as information that must be provided and clarify that SSNs are not provided to the INS; revise the monthly income guidelines; and, add information about the WIC program below the monthly income guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.919 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., November 24, 2003

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nathan Lewis, Program Administrator, Economic Self-Sufficiency Services, Program Policy Bureau, 1317 Winewood Boulevard, Building 3, Room 450-A, Tallahassee, Florida 32399-0700, (850)414-5927

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.704 Family-Related Medicaid Eligibility Determination Process.

- (1) No change.
- (2) Simplified Eligibility for Pregnant Women.

(a) The application form for a pregnant woman applying only for Medicaid and only for herself based on pregnancy is CF-ES Form 2700, Health Insurance Application for Pregnant Women, July 2003 ~~June 2002~~ (incorporated by reference). This form and attached information/rights and responsibilities (pages 3 & 4) may be used as a mail-in application form or it may be provided directly to a local Children and Family Services office, health department or other Qualified Designated Provider (QDP). Copies of the mail-in application forms may be ~~offered made available~~ to pregnant women by mail or picked up by them in health departments and other QDP sites as well as selected doctors' offices designated by each district/regional Economic Self-Sufficiency Program Office.

- (b) through (d) No change.
- (3) through (5) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 2-7-01, 10-22-01, 4-1-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Bailey, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis, Program Administrator, Program Policy Bureau – Family-Related Medicaid Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 23, 2003

**DEPARTMENT OF FINANCIAL SERVICES**

**Board of Funeral and Cemetery Services**

RULE TITLES: RECORDS  
 Records 69K-6.005  
 Criteria for Burial; Disinterment; Reinterment 69K-6.007

PURPOSE AND EFFECT: The Board proposes to amend these rules to update or delete obsolete language in accordance with statutes.

SUMMARY: Rule 69K-5.006, F.A.C., relates to records that are made available to the Department for purposes of examination and inspection; and Rule 69K-6.007, F.A.C., sets forth requirements for burial, disinterment and reinterment, including authorizations, fees that can be charged, and requirements if documentation is not available.

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

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

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.305(1)(b), 497.309, 497.313(1), 497.317, 497.515(7), 497.431 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

69K-6.005 Records.

The following records shall be made available to the Department for the purposes of examinations or inspections:

- (1) through (2) No change.
- (3) Advertising file as in Rule 69K-9.001, F.A.C.;
- (4) through (13) No change.
- ~~(14) List of current preneed sales agents;~~
- (15) through (17) renumbered (14) through (16) No change.

These records will be available for review at the licensed facility or an alternative site of the cemetery company if approved by the Board pursuant to Section 497.309(2), F.S. Certificate of Authority holders will send written notification to the Board Office if records are available for review at an alternative site.

Specific Authority 497.103 FS. Law Implemented 497.309, 497.431 FS. History--New 3-21-95, Amended 5-27-98, 4-16-00, Formerly 3F-6.005, Amended \_\_\_\_\_.

69K-6.007 Criteria for Burial; Disinterment; Reinterment.

(1) A cemetery shall not ~~be required to~~ perform a burial, interment, entombment, or inurnment, until it has received proper authorization. Such authorization shall consist of the following:

- (a) an original completed burial transit permit;
- (b) an authorization, ~~either orally or~~ in writing, on forms prescribed by the cemetery, according to either cemetery by laws or written operating procedures of the cemetery, from the individual(s) who own the burial rights for the burial space in which the burial is to take place; and

(c) through (3) No change.

(4) A cemetery shall not be required to perform a disinterment until it has received proper authorization. Such authorization shall consist of the following:

(a) All required permits; ~~An original disinterment permit and burial transit permit, unless the reinterment is to be made in the same cemetery;~~

(b) through (c) No change.

(5) Unless the cemetery is provided with all of the documentation, the cemetery shall need ~~shall~~ not perform the disinterment unless and until it receives a court order instructing it to do so.

(6) through (7) No change.

Specific Authority 497.103 FS. Law Implemented 497.305(1)(b), 497.309(1), 497.313(1), 497.317, 497.515(7) FS. History--New 3-21-95, Amended 2-25-98, Formerly 3F-6.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2002

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

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-149.203	Group Conversion Premium
4-149.204	Outline of Coverage
4-149.207	Health Maintenance Organization Standard Risk Rates

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules as noticed in Vol. 29, No. 36, September 5, 2003, of the Florida Administrative Weekly, has been withdrawn.

#### DEPARTMENT OF COMMUNITY AFFAIRS

##### Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-70	Florida Building Commission – Building Code Training Program

RULE NO.:	RULE TITLE:
9B-70.001	Building Code Training Program

#### NOTICE OF ADDITIONAL RULE WORKSHOP

The Florida Building Commission hereby gives notice that an additional workshop on the above-referenced rule will be held on November 17, 2003, at 1:00 p.m. at the Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida 32819-8114.

The purpose and effect of this rule development is to delete obsolete core courses from the rule and make provision for the core curriculum in the future accommodating courses created by or at the direction of staff to the Florida Building Commission and those offered from private sources and discussion of voluntary accreditation of advanced courses pertaining to the Florida Building Code. The rule will also incorporate voluntary accreditation of advanced continuing education courses regarding the Florida Building Code.

Any person requiring special accommodations at the workshop because of a disability of 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 prior to the date of the workshop 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 WORKSHOP IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824