

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: PEST OF HONEYBEES AND UNWANTED RACES OF HONEYBEES RULE CHAPTER NO.: 5B-54

RULE TITLES: Regulated Honeybee Pests and Certificates RULE NOS.: 5B-54.003

ISSUANCE OF COMPLIANCE AGREEMENTS AND CERTIFICATES 5B-54.014

DESTRUCTION OR TREATMENT OF INFESTED OR INFECTED HIVES 5B-54.017

PURPOSE AND EFFECT: The purpose of the rule amendment is to remove specific reference to the Varroa mite, Varroa spp., as a regulated honeybee pest since the Varroa mite has now become widely distributed throughout the state, and to remove the requirement that as a condition of movement all hives must meet a post treatment tolerance level of no more than two Varroa mites in an ether roll of 200 honeybees.

SUBJECT AREA TO BE ADDRESSED: The list of regulated honeybee pests in Florida requiring quarantine action is being amended to remove the Varroa mite, Varroa spp., since this mite has now become widely distributed throughout the state, and to remove the requirement to issue inspection certificates based on treatments achieving a tolerance level of no more than two Varroa mites in an ether role of 200 honeybees.

SPECIFIC AUTHORITY: 586.10 FS. LAW IMPLEMENTED: 586.10, 586.11, 586.13 FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Wednesday, March 9, 2005

PLACE: 1911 S. W. 34th Street, Doyle Conner Building, Gainesville, Florida 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Connie Riherd, Assistant Director, Department of Agriculture and Consumer Services, Division of Plant Industry, Room A116, 1911 S. W. 34th Street, Gainesville, Florida 32608, (352)372-3505

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-54.003 Regulated Honeybee Pests.

Each of the following honeybee pests is found to be capable of damaging or causing abnormalities in honeybees, colonies of honeybees or beeswax and is declared to constitute a nuisance:

(1) American foulbrood. The disease organism known as Paenibacillus larvae.

(2) The mite Tropilaelaps clareae.

~~(3) Varroa mite, Varroa spp.~~

~~(3)(4)~~ Any other honeybee pest determined by the department to be a threat to the state.

Specific Authority 586.10(2) FS. Law Implemented 586.10(5) FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, 3-11-04, _____.

5B-54.014 Issuance of Compliance Agreements and Certificates.

(1) Compliance Agreements. The department may issue a compliance agreement for the movement of regulated articles, as listed under Rule 5B-54.005, F.A.C., from another state for entrance into Florida under any of the following conditions:

(a) When movement of non-certified regulated articles to specified destinations for limited handling, utilization, or processing is requested.

(b) Each compliance agreement will prescribe the conditions under which the regulated articles are allowed to move. Form Compliance Agreement, DACS-08031, Revised 5/99, is hereby incorporated in this rule by reference. A copy of DACS-08031 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Certificates of Inspection.

(a) A certificate is required on each sale or movement of honeybees and other regulated articles within the state unless such regulated articles are identified as specified in Rule 5B-54.013, F.A.C. Forms DACS-08061, revised 8/99 Certificate of Inspection for Out of State Shipments and Re-entry Into Florida, and incorporated herein by reference, or a Queen Certificate, DACS-08057, revised 10/99, and incorporated herein by reference, ~~or a Varroa Mite Certificate, DACS-08165, revised 10/99, and incorporated herein by reference, and DACS-08165~~ may be used for this purpose. A copy of forms DACS-08061, and DACS-08057 ~~and DACS-08165~~ may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(b) A certificate, DACS-08061 or DACS-08057, is required on shipments of honeybees or other regulated articles going from the state showing that certification requirements have been met.

Specific Authority 586.10(2) FS. Law Implemented 586.10(7), 586.11 FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, 6-20-00, _____.

5B-54.017 Destruction or Treatment of Infested or Infected Hives.

(1) American foulbrood. All hives found infested or infested with American foulbrood shall be destroyed by burning or shall be decontaminated by other methods prescribed or approved by the department. This action must be accomplished within 30 days of diagnosis and honeybee

colonies and related equipment must be stored or maintained in such a manner that exposure to other honeybees is prevented. All colonies found in the same apiary where American foulbrood is detected shall be quarantined for a minimum of 30 days by issuing a Notice of Quarantine For American Foulbrood to determine apparent freedom from American foulbrood disease. Notice of Quarantine for American Foulbrood, DACS-08063, Revised 12/99, is hereby incorporated in this rule by reference. A copy of DACS-08063 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.

(2) Other honeybee pests and unwanted races of honeybees. Discovery of other honeybee pests or unwanted races of honeybees in the state shall initiate the quarantine of all colonies located within a distance prescribed by the department of the infested apiary. All honeybees within the quarantine area shall be inspected. A recommended eradication or control method shall be determined and prescribed by the department.

~~(3) Varroa mite. All hives found infested with Varroa mite shall be treated prior to movement with an acaricide approved by the Department and will have more than two (2) Varroa mites in an ether roll of 200 bees in the post treatment survey. A Varroa Mite Certificate, DACS-08165, Revised 10/99, is to be issued following an acceptable survey. A copy of DACS-08165 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.~~

Specific Authority 586.10(2) FS. Law Implemented 586.10(4), 586.13 FS. History—New 11-22-88, Amended 11-4-92, 7-9-95, 6-20-00, _____.

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.”

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Trust Fund
 RULE NO.: 33-203.201
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to shorten the time period in inmate requests for special withdrawals will be processed.
 SUBJECT AREA TO BE ADDRESSED: Inmate trust fund.
 SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.
 LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Trust Fund.

(1) through (2) No change.

(3)(a) Inmates with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to spend an amount set by the Secretary not to exceed \$100 a week at the institution’s canteen for personal use. Inmates on work release with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to request a weekly draw set by the Secretary not to exceed \$100 to be expended for personal use. In order to request an expenditure of funds in excess of the authorized canteen limit or weekly draw, the inmate shall complete Form DC2-304, Inmate Trust Fund Special Withdrawal. Form DC2-304 is hereby incorporated by reference. This form may be obtained from any institution or facility or from the Bureau of Finance and Accounting, Inmate Trust Fund Section, 1711 Mahan Drive, Tallahassee, Florida 32308 or from the Forms Control Administrator, Office of Planning, Research and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 13, 2003. ~~If the inmate’s identity is verified by designated institution or facility staff, these funds shall be paid to the inmate or his designated payee within 30 days after receipt of the written request for withdrawal. This maximum time limitation shall not delay the weekly canteen limit or draw process which is usually accomplished in a shorter period of time.~~ If the withdrawal is for the purpose of making a deposit to a savings or similar interest bearing account in the inmate’s name, the check drawn upon the inmate trust fund shall be made payable to the savings institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the savings institution. If an inmate requests a copy of a cancelled check or requests to stop payment on a check, the inmate shall be responsible for the fees charged to process these transactions. Requests for special withdrawals submitted without the required signatures or on other than the approved form will be returned to the inmate without processing. Inmates wishing to send funds to inmates at other institutions must obtain approval from the wardens at both institutions.

(b) With regard to the transfer or payment of funds from inmate trust accounts as identified in paragraphs (2)(d) and (3)(a), the Department will make every reasonable effort to transfer said funds within 10 days of the Department's receipt of an inmate's written request via Form DC2-304, Inmate Trust Fund Special Withdrawal.

(4) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting Schedule
RULE NO.: 33-601.722

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the scheduling of visits on state holidays.

SUBJECT AREA TO BE ADDRESSED: Visiting schedule.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.722 Visiting Schedule.

(1) Regular visitors shall be allowed to visit between 9:00 a.m. and 3:00 p.m. Eastern Standard Time (EST) – 8:00 a.m. and 2:00 p.m. Central Standard Time CST each Saturday and Sunday.

(a) through (b) No change.

(c) Regular visiting shall occur on the following holidays: when the holidays of July Fourth, Thanksgiving Day, and Christmas Day fall on a weekday.

1. New Year's Day;

2. Birthday of Martin Luther King, Jr., third Monday in January;

3. Memorial Day;

4. Independence Day;

5. Labor Day;

6. Veteran's Day, November 11;

7. Thanksgiving Day;

8. Friday after Thanksgiving; and

9. Christmas Day.

(d) If any of the holidays listed in paragraph (c) above falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.708, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLES: Departments and Services
RULE NO.: 59A-3.2085

PURPOSE AND EFFECT: The Agency proposes to revise Rule 59A-3.2085, Florida Administrative Code, consistent with provisions of Section 3 of Chapter 2004-325, Laws of Florida. That law provides for adoption of rules to establish primary and comprehensive stroke centers criteria that are substantially similar to the certification standards of the Joint Commission on Accreditation of Healthcare Organizations for those centers.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision establishes criteria for designation of hospital services as primary and comprehensive stroke centers.

SPECIFIC AUTHORITY: 395.1055 FS.

LAW IMPLEMENTED: 395.001, 395.1011, 395.1055 FS.

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

TIME AND DATE: 10:00 a.m., February 28, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room E, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)487-0641

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

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 Psychology

RULE TITLE: Examination
 RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: The Board proposes to delete subsection (4)(c).

SUBJECT AREA TO BE ADDRESSED: The time limit for passing both parts of the examination and submitting evidence of completed post-doctoral work experience will be deleted from the rule.

SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.
 LAW IMPLEMENTED: 456.017(1)(b),(c),(d),(6), 490.005 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B19-11.001 Examination.
- (1) through (4)(b) No change.

~~(c) The Board shall close the application file of any applicant who fails to pass both parts of the examination within twenty four (24) months of the Board's letter advising that the applicant has been approved for the examination. The Board shall close the application file of any applicant who fails to submit evidence of completion of the post doctoral supervised experience within twenty four (24) months of the Board's letter advising that the applicant has been approved for examination.~~

Specific Authority 456.017(1)(b),(c), 490.004(4) FS. Law Implemented 456.017(1)(b),(c),(d),(6), 490.005 FS. History—New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-17-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, 1-10-01, 8-5-01, 4-26-04, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: Overpayment and Benefit Recovery
 RULE NO.: 65A-1.900

PURPOSE AND EFFECT: The proposed amendment provides criteria for when the department will consider a compromise of a food stamp program claim or any portion of a food stamp claim.

SUBJECT AREA TO BE ADDRESSED: This rule amendment provides that the department reserves the right to approve or not approve a compromise of a food stamp program claim or any portion of a food stamp claim. It also provides that a compromise will be considered only to resolve (1) pending litigation; (2) bankruptcy proceedings.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.41 FS.

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

TIME AND DATE: 10:30 a.m., March 3, 2005

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Bowman, Program Administrator, Building 3, Room 417, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)921-5549

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Rules Relating to Game
 RULE CHAPTER NO.: 68A-12

RULE TITLE: Game Farms
 RULE NO.: 68A-12.011

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to promulgate a new rule pertaining to the establishment and operation of game farms in Florida. The proposed rule will replace the substantive portions of existing statute, Section 372.16, Florida Statutes. That statute is expected to be repealed by the Legislature after this replacement rule is adopted. The proposed rule also clarifies the requirements for lawful operation of game farms in Florida.

SUBJECT AREA TO BE ADDRESSED: Establishment and operation of game farms in Florida.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

TIME AND DATE: 6:00 p.m. – 8:00 p.m., March 9, 2005

PLACE: Agriculture Extension Service Livestock Pavilion, 2232 N.E. Jacksonville Road, Ocala, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68A-12.011 Game Farms.

(1) Any person who establishes, maintains, or operates a game farm within this state for the possession, protection, propagation, rearing, or production of native or non-native game for private or commercial purposes shall be licensed pursuant to Section 372.16, F.S., and comply with the provisions of this rule. Game reared or produced on game farms shall be considered personal property and may be sold or disposed of as such. In the event that the facility location is under lease to the applicant, said lease shall be for a term sufficient to cover the term of the license and such lease is subject to review and approval by commission personnel as a condition to the granting of the license. Game farms shall be subject at any time to inspection by commission personnel, for compliance with Commission rules and other applicable laws. No game farm license shall be issued for the possession of game mammals until the premises of such game farm has been inspected and approved by commission personnel. It shall be unlawful to buy, sell or transfer any live game to or from any unlicensed entity within Florida.

(2) All game farms established under the provisions of this section shall comply with Chapter 68A-6, F.A.C. and, if applicable, Rules 68A-4.005, 68A-4.0051 and 68A-4.0052, F.A.C., in regard to providing food, humane treatment, sanitary conditions, housing, importation, movement and transportation requirements.

(3) Game reared or produced on game farms may be purchased, sold, shipped, and transported for possession, propagation, restocking or food purposes. Recipients of any live game received from a game farm must be licensed pursuant to Section 372.16, 372.661 or 372.921, F.S., except for quail to be used solely for dog training purposes as provided in Rule 68A-12.008, F.A.C.

(4) The licensee of a game farm shall maintain a record of all changes in inventory to include each acquisition, birth and death, animal harvested for personal consumption and sale or transfer of game, live or dead. Such records shall be open to inspection upon request by commission personnel:

(a) Records of acquisition shall include the date of acquisition; quantity and species of game acquired; name and complete address of supplier; and license identification number of supplier.

(b) Records of sale or transfer shall include the date of sale or transfer; quantity and species of game sold or transferred; name and complete address of the entity to which game is sold or transferred; and license identification number of the recipient, where applicable.

(c) The licensee of a game farm importing or conducting intrastate movement of deer, elk, or other members of the Family Cervidae shall keep and maintain a copy of all records of compliance with Rule 68A-4.0051 and Chapter 5C-26, F.A.C., regarding the importation or intrastate movement of such deer, elk, or other members of the Family Cervidae.

(5) All game reared or produced that is sold, transferred, or used for food or consumptive purposes must be killed on the premises of the game farm by the licensee or under the direct supervision of the licensee. Game for which there is an open season may not be killed by shooting, except during the open season. The hunting or pursuing of game for sport purposes on the premises of any facility licensed pursuant to Section 372.921 or 372.16, F.S., and the provisions of this rule is prohibited.

(6) Game sold or transferred for food or consumptive purposes shall comply with the following provisions:

(a) The sale of deer (venison) from species of deer native to the state is prohibited.

(b) The carcasses of each game bird and the sealed container in which placed shall be clearly marked with the species; and name, complete address and license identification number of the game farm producing the game.

(c) Deer (venison) from species of deer not native to the state may only be sold when packaged in a tamper-proof container clearly marked with a label stating "NON-NATIVE VENISON (species identified) PRODUCED ON A LICENSED GAME FARM." In addition, each container shall be clearly marked to indicate the name, complete address and license identification number of the game farm producing the game.

(d) Game stored on the premises of the game farm shall be clearly marked or tagged to reflect the name and complete address of the recipient, and the date of sale or transfer.

(e) This section shall not supersede any rules of any state or Federal agency or any laws regarding quality control, inspections, transportation, sale, or regulation of foodstuff and meat products.

(7) No person or common carrier shall knowingly transport or receive for transportation any game originating from a game farm without a bill of sale or transfer clearly indicating the quantity and species of game; name, complete address and license identification number of the game farm producing the game; date of sale or transfer; and name, complete address and where applicable license identification number of the recipient. Any package or container containing game shall be clearly marked as follows:

(a) Any package or container containing game for food or consumptive purposes shall be clearly marked as provided in this rule for the marking of game for food or consumptive purposes.

(b) Any container containing live game shall be clearly marked to indicate the quantity and species of game contained there in; name complete address and license identification number of the game farm producing the game; date of sale or transfer; and name, complete address and license identification number of the recipient.

(8) Rule 68A-5.004, F.A.C., shall apply to licenses issued pursuant to Section 372.16, F.S. and the provisions of this rule. In addition, the game farm license of any person convicted of a second or subsequent violation of this rule shall be revoked; and no person so convicted shall be eligible for a license for a period of one year following the date of the revocation.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New _____.

DEPARTMENT OF FINANCIAL SERVICES

Office of Financial Regulation

RULE TITLE: Application Procedure for Mortgage Broker License
RULE NO.: 69V-40.031

PURPOSE AND EFFECT: The rule is being amended to update reference to a newly revised Mortgage Broker application and instructions, revision date of 03/2005. The revised Mortgage Broker application, attached for reference, is being revised as to form only. There is no change to the information required to be completed by applicants.

SUBJECT AREA TO BE ADDRESSED: Revision to the Mortgage Broker application.

SPECIFIC AUTHORITY: 215.405, 494.0011(2) FS.

LAW IMPLEMENTED: 120.60(1), 494.0033 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., February 28, 2005

PLACE: Office of Financial Regulation, The Fletcher Building, 101 E. Gaines Street, Room 547, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Epting, Bureau Chief, Bureau of Regulatory Review, 200 East Gaines Street, Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Licensure as a Mortgage Broker, Form OFR-MB-101, revised 03/2005 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. The application must be completed and signed within thirty (30) days prior to receipt by the Office;

(b) The statutory nonrefundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

(c) A completed fingerprint card accompanied by a \$23 nonrefundable processing fee; and

(d) Evidence that the applicant has completed the mortgage broker education requirements of subsection 494.0033(3), F.S.

(2) through (7) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History--New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, 12-11-03, Formerly 3D-40.031, Amended _____.